

REPUBLIC OF KENYA
PUBLIC PROCUREMENT ADMINISTRATIVE REVIEW BOARD

REVIEW NO. 18/2013 OF 6TH MAY, 2013

BETWEEN

BROOMS LIMITED.....APPLICANT

AND

KENYA PORTS AUTHORITY.....PROCURING ENTITY

Review against the decision of the Tender Committee of Kenya Ports Authority dated 19th April, 2013 in the matter of Tender No. KPA/088/2012-13/HSE for Provision of Portable/Mobile Toilets services.

BOARD MEMBERS PRESENT

Mr. P.M. Gachoka	- Chairman
Eng. Christine Ogut	- Member
Mr. Joshua Wambua	- Member
Mrs. Loise Ruhui	- Member
Amb. Charles Amira	- Member

IN ATTENDANCE

Nathan Soita	-Secretariat
Judy Maina	-Secretariat

PRESENT BY INVITATION

Applicant- Brooms Limited

Ms. Mary Muriuki - Managing Director

Mr. Martin Nguru - Head of Operations

Procuring Entity -Kenya Ports Authority

Mr. Stephen Kyandih - Legal Officer

Mr. Johnson Gachanja - Procurement Officer

Interested Parties -

Mr. S. Kamau - Director, Alphatec International

Mr. G. Kamau - General Manager, Alphatec International

Ms. Minch Thige - General Manager, Excloosive Ltd

Ms. Jane Maina - Sales Executive, Excloosive Ltd

Mr. Simon Muturi - Director

Mr. Maina Muturi - Managing Director

BOARD'S DECISION

Upon hearing the representations of the parties and interested candidates and upon considering the information in all documents before it, the Board decides as follows: -

BACKGROUND

Invitation to tender

The Procuring Entity advertised Tender No.KPA/088/2012-13/HSE for provision of portable mobile toilets services in the newspapers of

Monday and Tuesday 11th and 12th February, 2013 and closed on 8th March, 2013.

Closing/Opening:

At the time of tender closing/opening conducted on 8th March, 2013, the following four firms responded:

- a) Excloosive
- b) Blue Sea Services Ltd
- c) Brooms Ltd
- d) Alphatec International Ltd

EVALUATION

Evaluation of the bids was carried out by an Evaluation Committee of five members under the Chairmanship of Mr. Peter Odera. The evaluation was carried out in three stages namely; Preliminary, Technical and Financial evaluation stages.

Preliminary Evaluation

To determine the bidder's responsiveness, the four (4 No.) bidders were subjected to a Preliminary Evaluation in accordance with section 14 (ITT Clause 12.1) of the tender document and the technical evaluation guidelines provided to the evaluation committee vide the letter from the Head of Procurement and Supplies Ref: PSM/CTC/2/01 (088) VOL.1 (9) of 28th February, 2013

The results of the Preliminary evaluation were as enumerated in table 1 below:-

Table 1: Results of Preliminary evaluation

Mandatory requirements in accordance with clause 12.1(g) of the information to tenderers & Tender data sheet.	FIRMS			
	M/s Exclusive	M/s. Blue Sea Ltd	M/s Brooms Ltd	M/s Alphatec International Ltd
Particulars of Tendering Company to include (MANDATORY).				
Company background	√	√	√	√
Firm's Organization Structure	√	√	√	√
Taxation Registration Certificate	√	√	√	√
Current/Valid Tax Compliance Certificate from KRA	√	√	√	√
Evidence of Purchase of Tender Document (MANDATORY).	√	√	√	√
Tender Security (MANDATORY)	√	√	√	√
Duly filled, signed and stamped Confidential Business Questionnaire (MANDATORY).	x	√	√	√
Duly filled, signed and stamped Declaration Form (MANDATORY).	x	√	√	√
Duly filled, signed and stamped Integrity Declaration and Anti - Corruption Declaration Commitment Pledge (MANDATORY).	x	√	x	√
Workman's Compensation and Group Personal Accident Insurance, Third Party of Public Liability Insurance (MANDATORY)	√	√	√	√
Letter of Compliance issued by Ministry of Labour and showing compliance to labour requirements and in particular compliance to payment of minimum wage (MANDATORY).	x	√	√	√
Letter of compliance with necessary NEMA license(s) to carry out assignments of similar nature: (MANDATORY).	√	√	√	√
Remarks	Non-Responsive	Responsive	Non-Responsive	Responsive

In view of the above, the committee found M/s Excloosive Ltd and M/s Brooms Ltd Non responsive while, M/s Blue Sea Ltd and M/s Alphatech International were responsive to proceed to Technical Evaluation stage. M/s Excloosive Ltd provided a declaration form that was signed but not dated and stamped as required, there was no evidence of business questionnaire provided which was a mandatory requirement and the firm did not provide the Anti - Corruption declaration Commitment/Pledge as per the mandatory requirement. M/s Brooms Ltd on its part did not provide Anti - Corruption declaration Commitment/Pledge which is a mandatory requirement.

Technical Evaluation

The committee conducted the Technical Evaluation in accordance with Clause E 30 (28.2) of the tender document as indicated in table 2 below:

Table 2: Technical Evaluation criteria

	Technical Evaluation Criteria:	Marks
1.	Financial strength: Certified copies of Audited Financial reports for the last two years 2009 and 2010 or 2010 and 2011 (Financial strength shall be pegged on the following ratios: liquidity, gearing, return on capital employed and turnover.	15 Marks
2.	Company's Experience in works of a similar nature and size for each of the last three years (2010, 2011 and 2012), and details of work under way or contractually committed with documentary proof and names and addresses of clients who may be contacted for further information on these contracts (attach extract copies of contracts, etc) (30 marks) Note: bidders Must submit reference letters signed by current service providers addressed to KPA by CEOs or Heads of Procurement Department.	
	<ul style="list-style-type: none"> • works of a similar nature and size for each of the last three years (2009, 2010 and 2011/12). 	10 Marks
	<ul style="list-style-type: none"> • and details of work under way or contractually committed with documentary proof for each of the last three years (2009, 2010 and 2011/12). 	7 Marks
	<ul style="list-style-type: none"> • names and addresses of clients who may be contacted for further information on these contracts (attach extract copies of contracts, etc) 	8 Marks
3.	Personnel Capability(15 marks): List of personnel including: Qualifications and experience of one (1) management personnel (minimum degree holder in respective field), supervisor and technical/support personnel (minimum diploma holder in respective field) proposed for the Contract and an undertaking that they shall be available for the Contract; attach detailed CVs and copies academic/professional certification	15 Marks
4.	Method of work Statement (30 marks)- Method of work Statement- should include but not limited to:	
	<ul style="list-style-type: none"> • Schedule of Work - assignment of manpower 	5 Marks
	<ul style="list-style-type: none"> • Methodology - Method of work Statement- - should explain the intended waste management practice, include staff skills and deployment. - 	15 Marks
	<ul style="list-style-type: none"> • Health & Safety Precautions (attach Health, Safety & Environment policy) 	10 Marks
5.	List of equipment proposed to execute the contract, their location and proof of ownership/lease/contractual/hire arrangements. All equipment /facilities and transport vehicles must have been inspected for conformity by all relevant Authorities (certified copies of the current inspection certificates to be provided as proof	10 Marks
	TOTAL 100%	

The bidders were required to attain at least 75% at Technical Evaluation before proceeding to Financial Evaluation

The two bidders M/s Blue Sea Services Ltd and M/s Alphatech International Ltd were required to attain at least 75% under the technical evaluation as enumerated below.

1. M/s Blue Sea Ltd

Table 3: Technical Evaluation results for Blue Sea Services Ltd

	Individual Technical Evaluation Score Sheet: Appendix ii Name:	Average Score%
1.	Financial strength: Certified copies of Audited Financial reports for the last two years 2009 and 2010 or 2010 and 2011 (Financial strength shall be pegged on the following ratios: liquidity, gearing, return on capital employed and turnover. (15 marks)	6.0
2.	Company's Experience in works of a similar nature and size for each of the last three years (2010, 2011 and 2012), and details of work under way or contractually committed with documentary proof and names and addresses of clients who may be contacted for further information on these contracts (attach extract copies of contracts, etc) (30 marks) Note: bidders Must submit reference letters signed by current service providers addressed to KPA by CEOs or Heads of Procurement Department.	
	<ul style="list-style-type: none"> works of a similar nature and size for each of the last three years (2009, 2010 and 2011/12) - 10 marks 	3.75
	<ul style="list-style-type: none"> and details of work under way or contractually committed with documentary proof for each of the last three years (2009, 2010 and 2011/12) - 7 marks 	4.05
	<ul style="list-style-type: none"> names and addresses of clients who may be contacted for further information on these contracts (attach extract copies of contracts, etc) - 8 marks 	4.0
	<ul style="list-style-type: none"> 2 References letters from the clients 	5.0
3.	Personnel Capability(15 marks): List of personnel including: Qualifications and experience of one (1) management personnel (minimum degree holder in respective field), supervisor and technical/support personnel (minimum diploma holder in respective field) proposed for the Contract and an undertaking that they shall be available for the Contract; attach detailed CVs and copies academic/professional certification	6.0
4.	Method of work Statement (30 marks)- Method of work Statement- should include but not limited to:	
	<ul style="list-style-type: none"> Schedule of Work - assignment of manpower 	4.0
	<ul style="list-style-type: none"> Methodology - Method of work Statement- - should explain the intended waste management practice, include staff skills and deployment. - 	10.0
	<ul style="list-style-type: none"> Health & Safety Precautions (attach Health, Safety & Environment policy) 	10
5.	List of equipment proposed to execute the contract, their location and proof of ownership/lease/contractual/hire arrangements. All equipment /facilities and transport vehicles must have been inspected for conformity by all relevant Authorities (certified copies of the current inspection certificates to be provided as proof (10 marks).	3.0
	TOTAL 100%	55.8%

2. M/s Alphatec International Ltd

Table 4: Technical evaluation results for Alphatec International Ltd

	Individual Technical Evaluation Score Sheet: Name:	Average Score
1.	Financial strength: Certified copies of Audited Financial reports for the last two years 2009 and 2010 or 2010 and 2011 (Financial strength shall be pegged on the following ratios: liquidity, gearing, return on capital employed and turnover. (15 marks)	15.0
2.	Company's Experience in works of a similar nature and size for each of the last three years (2010, 2011 and 2012), and details of work under way or contractually committed with documentary proof and names and addresses of clients who may be contacted for further information on these contracts (attach extract copies of contracts, etc) (30 marks) Note: bidders Must submit reference letters signed by current service providers addressed to KPA by CEOs or Heads of Procurement Department.	
	<ul style="list-style-type: none"> works of a similar nature and size for each of the last three years (2009, 2010 and 2011/12) – 10 marks 	10.0
	<ul style="list-style-type: none"> and details of work under way or contractually committed with documentary proof for each of the last three years (2009, 2010 and 2011/12) – 7 marks 	7.0
	<ul style="list-style-type: none"> names and addresses of clients who may be contacted for further information on these contracts (attach extract copies of contracts, etc) – 8 marks 	8.0
	<ul style="list-style-type: none"> 2 References letters from the clients (5 Marks) 	5.0
3.	Personnel Capability(15 marks): List of personnel including: Qualifications and experience of one (1) management personnel (minimum degree holder in respective field)- (8Marks) supervisor and technical/support personnel (minimum diploma holder in respective field)- (4 Marks) proposed for the Contract and an undertaking that they shall be available for the Contract - (2 marks)attach detailed CVs and copies academic/ professional certification (1 Mark)	12.0
4.	Method of work Statement (30 marks)- Method of work Statement-should include but not limited to:	
	<ul style="list-style-type: none"> Schedule of Work - assignment of manpower (5 Marks) 	5.0
	<ul style="list-style-type: none"> Methodology – Method of work Statement- - should explain the intended waste management practice, include staff skills and deployment. – (15 Marks) 	13.0
	<ul style="list-style-type: none"> Health & Safety Precautions (attach Health, Safety & Environment policy)- (10 Marks) 	10.0
5.	List of equipment proposed to execute the contract, their location (3 Marks). Proof of ownership/lease/contractual/hire arrangements (4 Marks)All equipment /facilities and transport vehicles must have been inspected for conformity by all relevant Authorities (certified copies of the current inspection certificates to be provided as proof (3 marks).	7.0
	TOTAL 100.0%	92.0%

Pass Mark \geq 75.0%

One Bidder namely M/s Blue Sea Services Ltd failed to score the required passmark of 75% and thus was disqualified from further evaluation.

Recommendation

In view of the above, the committee recommends M/s Alphatech Ltd to proceed to the next stage of opening of **Envelope B (Financial)** for having scored above the pass mark of 75.0% by scoring 92.0% at technical evaluation stage.

Opening of the financial bids:

The opening of the financial bids for the captioned tender was carried out on 9th April, 2013 at the Marketing Conference Room from 1430 Hrs.

M/s Alphatec International Ltd's financial bid was opened having qualified for the financial opening. The firm's total bid as announced by the chairman was **Kshs. 787,002.00 (VAT Inc.) per month.**

Financial Evaluation:

The committee analyzed the prices quoted by M/s Alphatec International Ltd and found no arithmetic error or alterations in the firm's bid. The breakdown of the rates quoted by the firm are as tabulated in table 5 below;

Table 5: Breakdown of rates quoted by Alphatec International Ltd

Product Description	Qty	Unit Price Per Day (Kshs.)	Total Price Per Month (Kshs)	Total Price Per Month (Kshs) VAT Inc.
Mobile Toilet	13	950.00	370,500.00	429,780.00
Urinals	3	1,035.00	93,150.00	108,054.00
Special People Unit	1	960.00	28,800.00	33,408.00
Service Charge/ Attendance Charge	1	6,200.00	186,000.00	215,760.00
TOTAL		9,145.00	678,450.00	787,002.00

RECOMMENDATION

The Committee recommends award of the captioned tender to M/s. Alphatec International Ltd at their total quoted price of Kshs. 787,002.00 (VAT Inc.) subject to liaising with user department to ensure that the bidder uses the right equipment as evidenced in his list of equipment in the tender document.

TENDER COMMITTEE DECISION

The Kenya Ports Authority Tender Committee adopted the recommendations of the Evaluation Committee and approved award of the contract for Provision of Portable Mobile Toilets Services to M/s. Alphatec International Ltd at a monthly rate of Ksh.787,002 for a period of two years.

THE REVIEW

The Request for Review was lodged by M/s Brooms Limited on 6th May, 2013 in the matter of Tender No: KPA/088/2012-13/HSE for Provision of Portable/Mobile Toilets.

The Applicant was represented by Ms. Mary Muriuki, Managing Director, while the Procuring Entity was represented by Mr. Stephen Kyandih, Legal Officer. The interested candidates present were M/s Alphatec International Ltd represented by Mr. G. K. Njoroge, General Manager, M/s Excloosive Ltd represented by Ms. Minch Thige, General Manager and M/s Blue Sea Services Ltd represented by Mr. Simon Muturi, Director.

The Applicant requested the Board for the following orders:

- 1. The particular tender is reviewed*
- 2. Our tender is looked at again*
- 3. We are declared the rightful winners as we met all the requirements.*

The Applicant raised three(3) grounds of appeal and the Board deals with them as follows:-

GROUND 1 and 2.

Allegation that the Applicant did not provide a duly filled signed and stamped integrity declaration and anti-corruption declaration commitment form.

The Applicant submits as follows:-

1. That the Procuring Entity's claim that it did not provide a duly filled, signed and stamped Integrity Declaration and a duly filled, signed and stamped Anti-Corruption Declaration Commitment Pledge is not correct.
2. That during the tender opening, tenders were opened with all companies representatives present.
3. That they scrutinized if all submissions had all the mandatory requirements which was done with witnesses.
4. That the outcome at the tender opening was that three firms namely Alphatech International; Blue Sea Services Ltd and Brooms Limited met all requirements while Excloosive Limited's tender document had Confidential Business Questionnaire missing.
5. That the Applicant's Table of Contents had indicated that the said documents were present and copies were attached to the Request for Review.
6. That it seeks to understand what changed from the time of opening the tender to that of Evaluation of its Tender that the documents verified for elimination in the first round was missing yet only four companies were present and thus it did not take a lot of time.

In response, the Procuring Entity submitted the following.

- 1) That the Applicant did not submit a duly filled, signed and stamped Integrity Declaration and Anti-Corruption Declaration Commitment Pledge as required under section (iii) Tender Data Sheet clause (12.1) (vi). The extract of the Integrity Declaration and

Anti-Corruption Declaration Commitment Pledge Form is found at pages 70 and 71 of the Tender documents.

- 2) That during the Tender opening, the Procuring Entity scrutinized the Bids submitted to confirm some of the Mandatory requirements. The Mandatory items checked were; tender security; evidence of purchase of tender; duly filled Declaration Form and duly filled Confidential Business Questionnaire.
- 3) That it was at the Preliminary evaluation stage when it discovered that the Applicant's bid did not contain the Integrity Declaration and Anti-Corruption Declaration Commitment Pledge.
- 4) It stated that the Table of Contents as alleged by the Applicant is not an indicator that the Integrity Declaration and Anti-Corruption Declaration Commitment Form is attached to the bid document.

On its part, the Successful Bidder submitted that it would be harsh to them if they are asked to provide their toilets as proof that they actually met the qualification requirement. It stated that if it meant providing the sample toilets then all bidders should be subjected to the same. It stated that it submitted all the required documents and that they do not share all information or documents with their competitors. On the issue that they are not known by the Applicant and thus lacked the necessary experience, the Successful Bidder stated that there's need for competition and not monopoly. It further stated that this was an open tender and whoever met the requirements was to get the tender. It added that if the Applicant wanted to know them then it is upto it to find out.

The other Interested Party, M/s Excloosive Ltd stated that it is the current provider of the service to the Procuring Entity since 2011 and have been asked to extend its contract till June, 2013. It stated that there were three firms represented during the tender opening where the Successful Bidder was not represented and their bid set aside, which left them wondering how it came to win the tender.

M/s Blue Sea Services Ltd submitted that during the tender opening, four bids were opened and checked for three items namely; tender security, declaration Form and Confidential Business Questionnaire. It stated that three firms met the requirements at the opening except M/s Excloosive Ltd whose document lacked the Confidential Business Questionnaire.

The Board has carefully considered the documents presented before it and the submissions of the parties and notes the following:-

That the Applicant's Request for Review did not cite the breaches of the Act or the Regulations which the Procuring Entity breached.

The Board also notes as follows:-

1. The Procuring Entity advertised Tender No. KPA/088/2012-13/HSE for provision of Portable/Mobile Toilets Services in the daily newspapers of 11th and 12th February, 2013 and closed/opened the tender on the 8th March, 2013.

2. The tender attracted four firms that submitted their tenders, namely; Excloosive Ltd, Blue Sea Services Ltd, Brooms Ltd and Alphatec International Ltd.
3. The received tenders were subjected to three stages of evaluation namely; Preliminary evaluation, Technical evaluation and Financial evaluation stages. A bidder needed to score a minimum of 75% at the Technical evaluation stage for it to proceed to Financial evaluation.
4. Two bidders namely; Excloosive Ltd and Brooms Ltd (Applicant) were disqualified at the Preliminary evaluation stage for being Non-responsive, while the third bidder M/s Blue Sea Services Ltd was disqualified at the Technical evaluation stage for scoring a total of 55.8% which fell below the set passmark of 75%. This left only one bidder M/s Alphatec International Ltd that proceeded to Financial evaluation stage and its Financial proposal opened on 10th April, 2013.
5. The tender was awarded to M/s Alphatec International Ltd and notification of the tender outcome issued to both the successful and unsuccessful bidders through letters dated 19th April, 2013.

The Board also notes that:

1. Both the Applicant and M/s Excloosive Ltd were disqualified at the Preliminary evaluation stage for failure to provide a duly filled, signed and stamped Integrity Declaration and Anti-Corruption Declaration Commitment Pledge which is a Mandatory requirement.

2. That this requirement is stated in the Tender document under Amendments of, and Supplements to clauses in the ITT Clause No. 12.1 (3) (vi) at page 35 which states as follows:-

“Shall contain the following documents, clearly marked and arranged in the following order:-

i.

ii.

iii.

iv.

v.

vi. Duly filled, signed and stamped Integrity Declaration and Anti-Corruption Declaration Commitment Pledge (MANDATORY)”

The said Integrity Declaration and Anti-Corruption Declaration Commitment Pledge were set out at pages 70 and 71 of the Tender Document for bidders to fill in.

The Board has further perused and noted the results of the Preliminary evaluation report which was carried out by the Evaluation Committee of four members in accordance with Mandatory checklist (Preliminary Evaluation) in ITT clause 12.1 (g) of the Information to ITT data sheet as enumerated in Table 1 on page 4 of this decision.

Based on the Evaluation of the Mandatory Checklist, it would appear that the Applicant did not provide the said Mandatory requirement.

In its defense, the Applicant attached a copy of the Anti-Corruption Declaration Commitment Pledge duly filled and stamped to its Request

for Review but the same was not provided in its original bid document submitted to the Board. In its submission to the Board, the Applicant stated that the documents were indicated in the table of contents for Mandatory requirements on page 27 of the Applicant's bid document.

The Board has carefully scrutinized the Applicant's bid document and notes that the Integrity Declaration Form was provided at page 32, but the Anti-Corruption Declaration Commitment Pledge Form that it was to fill, sign and stamp was missing at page 33. Instead the Applicant's page 33 was the Public Liability Insurance Policy document.

The Board also notes that copy of the Form attached to the Applicant's Request for Review did not have serialized pagination in its original bid document as required on page 35 ITT Clause Number 12.1. (2) of the Tender document, Which requires that the Tender documents "*Shall have pages in the whole document numbered in the correct sequence*" and shall contain the following documents;

The Board observes that had the Applicant numbered its bid document in the correct sequence as required in the Tender document; it would have been obvious as to whether it had provided the Anti-Corruption Declaration Commitment Pledge as required in ITT clause Number 12.1 (3) (vi) at page 35 of the Tender document.

In the absence of proper pagination of the Tender document, it is difficult for the Board to determine whether the Applicant actually provided the required Mandatory requirement.

Based on the Evaluation of the Mandatory checklist by the four Evaluation members and the above evidence adduced at the hearing, it is clear that the Applicant was properly disqualified.

GROUND 3.

The company that was awarded the tender (Alphatec) has no previous experience in the nature of work, as stipulated in the tender requirements.

The Applicant alleged that the company awarded the Tender (Alphatec International Ltd) has no previous experience in the nature of work, as stipulated in the requirements. It stated that it has never heard of Alphatec as a supplier of Portable Toilets until during the tender opening. It therefore seeks to see evidence of work done by Alphatec in mobile toilets, their references be called to ascertain their credibility in toilets, see their toilets and also see their NEMA license.

In response, the Procuring Entity stated that it could not avail the information regarding previous experience or lack of it to the Applicant or to any other bidder because that would amount to de briefing which is contrary to regulation 66(1); (2) and (3) of the Public Procurement and Disposal Regulations. It further stated that it is under no legal obligation to provide the information regarding previous experience to the Applicant. The Procuring Entity further stated that the Applicant can obtain the confirmation from NEMA organization.

The Board has carefully perused the documents presented before it and considered the submissions of the parties and notes as follows:-

That previous Company experience in work of a similar nature and size was one of the requirements on page 39 in Tender document under ITT clause No. 28.2 criteria for Tender Evaluation as shown below;

<i>BDS Clause Number</i>	<i>ITT Clause Number</i>	<i>Amendments of, and Supplements to, Clauses in the Instruction to Tenderers</i>
30.	28.2	<p><i>Criteria for Tender evaluation shall be</i></p> <p><i>a) Financial strength: Certified copies of Audited Financial reports for the last two years 2009 and 2010 or 2010 and 2011 (Financial strength shall be pegged on the following ratios: Liquidity, gearing, return on capital employed and turnover. (15 marks)</i></p> <p><i>b) Company's Experience in works of a similar nature and size for each of the last three years (2010, 2011 and 2012, and details of work under way or contractually committed with documentary proof and names and addresses of clients who may be contacted for further information on these contracts (attach extract copies of contracts, etc.) (30 marks)</i></p> <p><i>Note: bidders Must submit reference letters signed by current service providers addressed to KPA by CEOs or Heads of Procurement Department.</i></p> <p><i>i. Works of a similar nature and size for each of the last three years (2009, 2010 and 2011/12) – 10 marks</i></p> <p><i>ii. And details of work under way or contractually committed with documentary proof for each of the last three years (2009, 2010 and 2011/12) – 7 marks</i></p> <p><i>iii. Names and addresses of clients who may be contacted for further information on these contracts (attach extract copies of contracts, etc.) – 8 marks</i></p> <p><i>iv. 2 reference letters from the clients – 5 marks</i></p> <p><i>c) Personnel Capability (15 marks): List of personnel including: Qualifications and experience of one (1) management personnel (minimum degree holder in respective field), supervisor and technical/support personnel (minimum diploma holder in respective field) proposed for the Contract and an undertaking that they shall be available for the Contract; attach detailed CVs and copies academic/professional certification.</i></p>

The Board has perused the documents presented by the Successful Bidder (Alphatec International Ltd) in its bid document, and notes that it attached a list of previous completed and ongoing works of similar nature with KICC; Kenya Airports Authority; Rugby Safari Seven (Kenya Rugby Union); Ministry of Defense (Kenya Navy) and Kenya Wild Life Service. It also attached to its tender document various copies of Local Service Orders placed by the above organizations for portable toilets services.


In view of the above, it would be logical to determine that the Successful Bidder (Alphatec International Ltd) was correctly evaluated as qualified.

Taking all the above into account, the Request for Review fails and is hereby dismissed.

The Board orders pursuant to Section 98 (b) of the Act that the procurement process continues.

The Board makes no orders as to costs.

Dated at Nairobi on this 3rd day of June, 2013


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CHAIRMAN
PPARB


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Ag. SECRETARY
PPARB

