

REPUBLIC OF KENYA
PUBLIC PROCUREMENT ADMINISTRATIVE REVIEW BOARD

REVIEW NO 15/2014 OF 28TH APRIL, 2014

BETWEEN

GUARDFORCE GROUP LIMITEDAPPLICANT

AND

CHEMILIL SUGAR COMPANY LTD..... PROCURING ENTITY

Review against the decision of Chemilil Sugar Company Limited in the matter of Tender No CSL/T/2014-2015/47 for Provision of Security Services.

BOARD MEMBERS PRESENT

- | | |
|---------------------------|------------|
| 1. Mr. Paul Gicheru | - Chairman |
| 2. Mr. Hussein Were | - Member |
| 3. Mr. Peter Bitu Ondieki | - Member |
| 4. Eng. Weche Okubo | - Member |
| 5. Mr. Nelson Orgut | - Member |

IN ATTENDANCE

1. Pauline Opiyo - Board Secretary
2. Philemon Kiprop - Secretariat
3. Stanley Miheso - Secretariat
4. David Ipaat - Secretariat
5. Judith Maina - Secretariat

PRESENT BY INVITATION

Applicant – Guardforce Group Limited

1. Charles Njuguna - Advocate
2. Ochola Polycap - Executive Chairman
3. George Odera - Branch Manager, Kisumu

Procuring Entity – Chemilil Sugar Company Limited

1. Eric Ojuro - Advocate
2. Patrick Otieno - Advocate
3. Elizabeth Ngala - Legal Services Manager
4. Robert Nyakundi - Procurement Manager
5. Joel Kiplagat - H & T Manager

Interested Parties -

1. Mwamu J. A. - Advocate, Bedrock Holdings Ltd
2. Stephen Ayugi - Director, Bedrock Holdings Ltd
3. William Olol - Director, Bedrock Holdings Ltd
4. Bobastles Owino - Marketing Manager, Bedrock Holdings
5. Daniel Opar - Operations Manager, Bedrock Holdings
6. Nebert Odanga - Operations Officer, Cobra Security
7. James K. Sambu - Chief Op. Manager, Brinks Security.

BOARD'S DECISION

Upon hearing the representations of the parties and the interested candidates who appeared before the Board and upon considering the argument by the parties to this Review and the information contained in all the documents before it, the Board decides as follows:

BACKGROUND

The Procuring Entity, Chemelil Sugar Company Limited, opened the Tender for the Provision of Security Services (Tender No CSL/T/2014-2015/47) on 13th March, 2014. The Procurement Manager of the Procuring Entity informed the bidders present that the Procuring Entity was unable to post an advertisement for an addendum to split the tender into two due to a Government directive at the time barring procuring entities from making print or electronic media advertisements

without prior approval. The Procurement Manager then requested the bidders if they were agreeable to the award of the tender being made to the two most responsive bidders after evaluation to which the bidders were all in agreement.

All the thirteen bidders who responded signed a tender opening attendance register. The tender amounts plus the bid bonds were not read out. The financial bids were returned unopened to the tender box. Thereafter tender opening minutes were prepared and signed by the chairman, secretary and all members who were present.

TENDER EVALUATION

The Evaluation Committee of the Procuring Entity (P.E) evaluated the bids for compliance with mandatory requirements. It then subjected the responsive bids to technical and financial evaluation.

a) Preliminary Evaluation

The committee subjected all the tenders to the mandatory requirements test and the scores were as follow:-

MANDATORY REQUIREMENTS	BIDDER NUMBER													
	1	2	3	4	5	6	7	8	9	10	11	12	13	
Original Tender Security.	√	√	√	√	√	√	√	√	√	√	√	√	√	
A copy of certificate of incorporation	√	√	√	√	√	√	√	√	√	√	√	√	√	
Tax compliance certificate.	√	√	√	√	√	√	√	√	√	√	√	√	√	
Evidence of annual returns of 2013	X	√	√	X	√	√	√	√	X	√	X	X	X	
Valid Certificate of Membership (KSLA/ PSIA)	X	√	√	X	√	√	√	√	X	√	√	√	√	
Audited Financial Statements - last 2 years	X	√	√	√	√	√	√	√	√	√	√	√	√	
Site visit certificate	X	√	√	√	√	√	√	√	√	√	√	√	√	
Three letters of recommendation	√	√	√	√	√	√	√	√	√	√	√	√	√	
Proof of compliance with labour laws	X	√	√	√	√	√	√	√	√	√	√	√	√	
Valid Frequency License from CCK	X	√	√	X	√	√	√	√	√	√	√	√	√	
Valid Work Injury Benefit Policy	√	√	√	X	√	√	√	√	X	√	√	X	√	
RESULT	NQ	Q	Q	NQ	Q	Q	Q	Q	Q	NQ	Q	Q	NQ	NQ

Eight (8) firms out of the thirteen therefore fulfilled all the mandatory requirements and proceeded to the next level of the evaluation which was technical evaluation.

b) Technical Evaluation

The committee checked the tender documents to determine the tenderers' substantive responsiveness based on the CSC specifications as indicated in the tender documents and came up with an analysis sheet

with scores. This was followed by site visits to the firms' offices on 26th, 27th and 28th of March 2014 in Kisumu and Nairobi to confirm the existence of the technical facilities disclosed in the tender documents, any value addition and the verification of the information provided.

The eight firms were ranked as in the table below.

Item	Firm	Score	Rank
1.	Brinks Security Services	70	1
2.	Gillys Security and Investigations	70	1
3.	Bedrock Holdings Limited	70	1
4.	Total Securities Surveillance Ltd	68	4
5.	Guardforce Group Ltd	68	4
6.	Brush Wide Security services	47	6
7.	Envag Associates Kenya ltd	39	7
8.	Intercity Secure Homes Limited	31	8

Five bidders attained the technical threshold of 50% score and above. However, only four proceeded to financial evaluation. The fifth, Guardforce Group Limited (the Applicant herein) was disqualified after due diligence established that its certificate of membership to PSIA was not valid.

c) Financial Evaluation

The Tender Opening committee opened the financial bids which revealed that some firms had factored in the element of temporary assignments and yet these were only to be provided upon request by the Procuring Entity on need basis or in case of emergency. The Tender Evaluation Committee made adjustments to remove temporary assignments from the bids and the following was the result:

Item	Bidder	Bid Price	% Points	Rank
1.	Gillys Securities and Investigation	28,174,080	30.00	1
2.	Bedrock Holdings Limited	30,791,040	27.45	2
3.	Brinks Security	33,420,000	25.29	3
4.	Total Securities Surveillance Ltd	34,131,840	24.76	4

The committee established that Brinks Security provided a bid bond of less than the required 2% of the total bid price.

d) Total Scores

The total scores were arrived at by adding the total technical evaluation score and the total financial evaluation score. The result was as follows:

Item	Bidder	Technical Score	Financial Score	Total Score	Rank
1.	Gillys Securities and Investigation	70	30.00	100.00	1
2.	Bedrock Holdings Limited	70	27.45	97.45	2
3.	Brinks Security	70	25.29	95.29	3
4.	Total Securities Surveillance Ltd	68	24.76	92.76	4

e) Evaluation Committee Recommendation

The committee recommended that the tender for security services be awarded to two firms - Messrs Gillys Security and Investigations Limited and Messrs Bedrock Holdings limited - being the lowest evaluated responsive bidders and with competitive unit prices of Kshs.13,920.00 and Kshs.15,080.00 per guard, respectively. The committee also recommended that the lowest evaluated bidder (Gillys Security) be awarded the tender for Estates at Kshs 16,759,680.00 while Bedrock Holdings be awarded factory assignment at Kshs. 11,957,280.00, 'in order to save the PE substantial amount of money'. Finally, the committee recommended that the company awarded the assignments for Estates must provide a full time vehicle for effective and efficient patrols during day and night.

TENDER COMMITTEE

The Tender committee met on 14th April, 2014 and noted the following: -

- a) Although Cobra Security Services had been disqualified for not having a copy of the Company's Annual Return, their name again appeared on the list of firms that were ranked for technical evaluation
- b) Due to the contradictions on the two previous communications between Protective Security Industry Association (PSIA) and Chemelil Sugar Company, the committee mandated the secretary to seek further clarification on the authenticity of the membership of Guardforce Group in the Association
- c) That the tender be re-evaluated taking into consideration the above; the cost effectiveness of having two firms and any other advantage.

The Tender committee in its meeting of 16th April, 2014 awarded the tender to two firms at a total cost of Kshs. 28, 716,960.00 following the recommendation of the evaluation committee, as follows:

- (i) Gillys Security & Investigation Services Ltd at a cost of Kshs.16,759,680.00 for guarding of estates
- (ii) Bedrock Holdings Ltd at a cost of Kshs.11,957,280 for guarding of the factory and administration blocks

THE REVIEW

This Request for Review was lodged by M/s Guardforce Group Limited (Applicant) against the decision of Chemilil Sugar Company Limited (Procuring Entity) in the matter of Tender No CSL/T/2014-2015/47 for the Provision of Security Guarding Services.

The Applicant requested the Board to review the whole decision of the Procuring Entity and sought for the following orders:

1. *That the decision of Procuring Entity be set aside.*
2. *A declaration that the Procuring Entity action of seeking to carry out preliminary evaluation of mandatory documents after technical and financial evaluation was in breach of the law and regulations and is set aside.*
3. *A directive to the Procuring Entity to award the Tender or the appropriate part thereof to the Applicant.*
4. *Any other or further orders as the Board may find appropriate.*

The Applicant raised seven grounds of review which the Board will now proceed to consider and later determine:-

Grounds 1, 2, 3, 4 and 5 - Breach of Sections 2, 63(3) and 66 of the Public Procurement and Disposal Act, 2005 (hereafter referred to as "the Act") and Regulations 46, 47, 48, 49 and 50 of the Public Procurement and Disposal Regulations, 2006 (hereafter referred to as "the Principal Regulations").

The grounds have been consolidated into three since they raise issues in relating to the evaluation of the Tender namely:-

1. Breach of section 66 (2) of the Act by the Procuring Entity for disqualifying the Applicant's bid on account of lack of fulfilment of the mandatory requirement of being a member of a security providers association
2. Breach of section 66 (2) of the Act by the Procuring Entity for failing to carry out tender evaluation in accordance with the evaluation criteria set out in the tender document.
3. Breach of Section 67(2) of the Act and Regulation 66 (2) by the Procuring Entity for failing to notify the award of tender to unsuccessful bidders within the stipulated period.
4. Breach of Regulation 46 Regulations by the Procuring Entity failing to carry out the evaluation within the set timelines.

The Applicant submitted on consolidated ground for review number one that the Procuring Entity carried out a subjective evaluation with the object of disqualifying the Applicant and that the said action was unfair, unlawful and contrary to the objectives of Sections 2 and 63(3) of the Act. The Applicant argued that after the financial evaluation, the Procuring Entity wrote to Protective Security Industry Association (PSIA) seeking to verify the membership of the bidders and in reply PSIA wrote confirming that the Applicant, among two other bidders, was its bonafide member. It argued that the Procuring Entity then delivered to the PSIA secretariat copies of PSIA certificates for Gillys Security & Investigation Limited and Bedrock Holdings Ltd for certification and did not seek certification of the PSIA certificate of the Applicant. The Applicant also submitted that there

was no requirement in the tender document for the certificate of membership to PSIA to be certified.

The applicant averred that it was the Procuring Entity which made a formal inquiry by letter dated 4th April, 2014 and delivered on 7th April 2014 to PSIA. A response was given on 7th April, 2014 by the secretary of PSIA. The PE seems not to have been satisfied in a letter dated 15th April, 2014 sought for evidence of membership of a number of bidders. This request was being made when the technical evaluation had been completed and the financial bids had been opened an event which occurred on 4th April 2014. The Applicant argued that this email letter was written for a specific purpose which had nothing to do with the evaluation of the tenders particularly due the fact that it was written upon a request by the chairman of the tender committee of the Procuring Entity. It argued further that the involvement of the tender committee or a member of it in the evaluation process went against the provisions of Regulations 10 and 11.

In response to the first consolidated ground for review, the Procuring Entity submitted that it complied with the provisions of Section 66(2) of the Act in carrying out the tender evaluation. The Procuring Entity stated that it was a mandatory requirement of the tender for the Applicant to have a valid certificate of membership issued by the Kenya Security International Association (KSIA) or PSIA as per Section E-Technical Specifications and Clause 24.2(v) of the Tender Document.

The Procuring Entity stated that the Applicant presented a certificate of membership of PSIA which could not be certified by the issuing association. The Procuring Entity also stated that on 7th April, 2014 it received a letter purportedly from the secretary of PSIA confirming that the Applicant, among others, was a member of the association. It further stated that on 16th April, 2014 it received an email from the chairman of PSIA, one John Kipkorir, denying that the Applicant was a member of PSIA. The Procuring Entity argued that since this was a mandatory requirement and PSIA having confirmed that the Applicant was not a member of the association, the Procuring Entity thus disqualified the Applicant's bid from the tender process.

The Procuring Entity submitted that the applicant was invited to attend the opening of financial bids because at that time the Applicant had presented a certificate showing that it was a member of PSIA. Doubts as to whether the Applicant was a member of PSIA according to the Procuring Entity were however allegedly realized later after an alleged oral verification by the evaluation committee during a visit to PSIA and the telephone conversation between the Chairman of the Procuring Entity's tender committee and the Chairman of PSIA. The result of all this was that the Applicant was disqualified from the process. The Procuring Entity also argued that section 34 (1) of the Act provides for disqualification at any stage and does not set any time limits for doing so.

On the issue of the Evaluation Criteria the Applicant argued that the Procuring Entity failed to follow the evaluation process and purported to carry out a preliminary evaluation of the Applicant's bid after the technical evaluation had been completed and financial bids opened thereby breaching Regulations 47, 48, 49 and 50 of the Regulations. The Applicant argued further that the Procuring Entity did not award the contract to the bidders with the lowest evaluated price contrary to Section 66(4) of the Act. The Applicant stated that had the Procuring Entity evaluated the tender as per the criteria set out in the Tender Document, the Applicant would have emerged the lowest evaluated bidder.

The Applicant further argued that the Procuring Entity carried out confirmation of qualifications on bidders who were not the lowest against the provisions of Regulation 52. On invitation by the Board to comment on the decision of the Procuring Entity to award the tender to two bidders, the Applicant submitted that the Procuring Entity ought to have provided for such a criteria in the Tender Documents and not to incorporate it at the evaluation stage.

In answer to the above, the Procuring Entity argued that due to the expansiveness of the area to be covered and PE's previous experience, the Procuring Entity needed two security companies. It submitted that in the past one company had cash flow problems and therefore the Procuring Entity wanted to have two firms, one to take care of the office blocks and the other to take care of the estate.

Turning to consolidated ground for review number three, the Applicant submitted that it learnt of the award on 26th April 2014 and wrote to the Procuring Entity requesting for a copy of the notification but the Procuring Entity did not respond to this request. It argued that the tender was not awarded to the lowest bidder contrary to the clear stipulation in the document that the tender was to be awarded to the lowest bidder and not to the *lowest bidders*. The Applicant further argued that under the Provisions of section 66 of the Act, the Procuring Entity has no discretion on award and therefore ought to have awarded the tender to only one bidder. The Applicant also argued that the Procuring Entity did not notify it and or give reasons as to why it's tender was unsuccessful.

The Procuring Entity in response to the above submissions took the position that although initially the unsuccessful bidders were not notified, they were all subsequently notified and that this was an oversight on the part of the Procuring Entity which was remedied. It maintained that it complied with the provisions of the Act and the Regulations and the tender documents in the evaluation and in the award of the tender.

The Applicant submitted on consolidated ground for review number four that the Procuring Entity breached timelines set out in Regulation 46 namely that it did not evaluate tenders within 15 days and that there was no evidence of any extension having been given by the Chief Executive Officer of the Procuring Entity pursuant to Regulation 14(2) of the Regulations. It argued that the Procuring Entity was still carrying

out evaluation of tenders on 16th April 2014 long after the period for evaluation was over.

The Procuring Entity responded to the above submission by arguing that it carried out the evaluation within 28 days and was within the timelines required by law and that in this particular tender in there was more time needed to verify if the security firms were members of the various associations.

The interested party, M/s Bedrock Holdings Limited which was also the successful bidder associated itself entirely with the submissions of the Procuring Entity and urged the Board to dismiss the application since it lacked merit. It submitted that the Procuring Entity complied with Sections 58, 59, 60, 61, 62, 63, 64 and 65 of the Act and therefore urged the Board not to nullify the procurement but to allow the process to go on.

In response to the Procuring Entity's submissions and those made by the successful bidder, the Applicant argued that it had emerged from the submissions of the Procuring Entity at the hearing that the bidders had agreed to waive the mandatory provisions of the law and the tender document with regard to award of the tender to *one* lowest evaluated bidder and that was the reason the tender ended up being awarding to two bidders. Mr. Njuguna's simple answer to this allegation of breach was that in so far as the Procuring Entity did not include the criteria for the award of the tender to two bidders in the tender document, It lacked

the power to vary the provisions of the Act and that parties could not sit down and agree to either disregard or modify the law and agree to share out a contract.

The Board has heard all the rival arguments made which it has summarized above and has framed the following issues for determination in this Review.

- i) Whether the Procuring Entity erred in disqualifying the Applicant's bid on account of lack of fulfilment of the mandatory requirement of membership of a security providers association.
- ii) Whether the Procuring Entity failed to carry out tender evaluation in accordance with the evaluation criteria set out in the tender document contrary to section 66 (2) of the Act.
- iii) Whether the Procuring Entity acted in breach of Section 67(2) and Regulation 66 (2) by failing to notify the award of tender to unsuccessful bidders within the stipulated time.
- iv) Whether the Procuring Entity failed to carry out the evaluation within the set timelines contrary to Regulation 46

The Board having carefully considered the submissions of the parties and examined all the documents submitted to it finds as follows as regards the issues placed before it for determination:

1. As to whether the Procuring Entity erred in disqualifying the Applicant's bid on account of lack of fulfilment of the mandatory requirement of membership of a security providers association

The Board notes that all bidders were required to demonstrate membership of Kenya Security Industry Association (KSIA) or that of Protective Security Industry Association (PSIA) as a mandatory requirement in the tender documents. Bidders were required to provide valid certificate of membership issued by one or both of these organizations.

Section 64 and 66(2) of the Act define the parameters within which evaluation should be carried out which stipulate as follows:-

Section 64:- *Responsiveness of tenders.*

"64.(1) A tender is responsive if it conforms to all the mandatory requirements in the tender documents."

Section 66:- *Evaluation of Tenders.*

"66(2) The evaluation and comparison shall be done using the procedures and criteria set out in the Tender documents and no other criteria shall be used."

The Board notes that the Applicant submitted a current certificate of membership issued by Protective Security Industry Association (PSIA) valid until 30th December, 2014. The Board notes that on 4th April, 2014 the Procuring Entity wrote to PSIA to confirm membership of three bidders including the Applicant and vide letter dated 7th April 2014 duly signed by the Association Secretary on it's own letterhead PSIA confirmed the membership of three bidders including the Applicant.

The Applicant's certificate was displayed by the Applicant at page 11 of the Request for Review and the Board does not understand why the requirement for the certification of a certificate was introduced midstream.

The email letter send by the Chairman of PSIA is not signed and indicates on it's face that it was written at the behest of the Chairman of the Tender Committee a matter that amounts to interference in the evaluation process. The email and the list attached to it are not on the official letter head of the association.

The Board is baffled by the fact that the Chairman of PSIA did not stop there, he proceeded and swore an affidavit in support of the Procuring Entity and asked this Board to dismiss the Applicant's Request for Review whilst he is not a party to the Review.

Inview of what the Board has stated above, the Board has not difficulty in finding that the Applicant was a member of the Protective Security Industry Association (PSIA). This ground for review therefore succeeds.

2. As to whether the Procuring Entity failed to carry out tender evaluation in accordance with the evaluation criteria set out in the tender document contrary to section 66 (2) of the Act.

The Board has already dealt with this issue in its determination of the issue no. 1 above and additionally observes that thirteen tenders were evaluated for tender responsiveness where only eight bidders, including the Applicant, qualified to proceed to technical evaluation. Five bidders, including the Applicant, qualified at the technical evaluation stage. The Board further notes that on 4th April 2014 the Procuring Entity invited the five bidders for the opening of the financial bids. The bids were evaluated financially but only four were ranked, the Applicant having been excluded on the basis of an alleged invalid PSIA membership certificate. The Board has found that the Applicant satisfied the mandatory requirements of the tender with regard to membership of the PSIA. The action of the Procuring Entity was therefore contrary to the evaluation criteria and in breach of the provisions of section 66 (2) of the Act. Further, the Board notes that the tender was split and awarded to two bidders contrary to the evaluation criteria and the Act. If the Procuring Entity desired to split the tender it ought to have clearly specified this in the tender document in accordance with section 34 (1) (2) of the Act and not introduce this criteria after tender opening.

The Board therefore upholds the view that the Procuring Entity introduced a new criteria into the Tender Document and that bidders cannot waive express provisions of the law or an evaluation criteria or agree among themselves on how and who should be awarded a contract long after they have returned their sealed tenders. This would be a fertile ground for the promotion of the commission of offences prohibited by the Act.

This ground of Review therefore succeeds.

3. As to whether the Procuring Entity acted in breach of Section 67(2) and Regulation 66 (2) by failing to notify the award of tender to unsuccessful bidders within the stipulated time.

The Board observes that letters of notification of award were dated 28th April, 2014, 12 days after the Tender Committee awarded the tender. The notification letters to unsuccessful bidders did not disclose reasons for the unsuccessful bids. The Procuring Entity admitted this fact but termed it an oversight.

The Board takes cognisance of the following provisions of the Act and the Regulations on notification of award: -

Section 67:- *Notification of award of contract.*

"67(1) Before the expiry of the period during which tenders must remain valid, the Procuring Entity shall notify the person submitting the successful tender that his tender has been accepted."

'67(2) At the same time as the person submitting the successful tender is notified, the Procuring Entity shall notify all other persons submitting tenders that their tenders were not successful."

Regulation 19 of the Amended Regulations, 2013 provides as follows:

“19.Regulation 66 of the principal Regulations is amended by deleting paragraph (2) and substituting therefore the following new paragraph -

(2)A Procuring Entity shall immediately after tender award notify an unsuccessful tenderer in writing and shall in the same letter provide reasons as to why the tender, proposal or application to be pre-qualified was unsuccessful.”

The Board finds that the Procuring Entity did not notify the losing bidders immediately it notified the successful bidders of award of tender. The Procuring Entity also did not inform the unsuccessful bidders the reasons why their tenders were unsuccessful. The Board therefore finds that the Procuring Entity breached the provisions of section 67 (2) of the Act and regulation 66 (2), as amended. This ground of review therefore succeeds. The Board is however of the opinion that the Applicant was not prejudiced as it was able to file this Request for Review on time as provided for in the law.

4. As to whether the Procuring Entity failed to carry out the evaluation within the set timelines contrary to regulation 46:

The Board observes that tenders were opened on 13th March 2014 and the evaluation was completed on 11th April 2014. The PE's Tender Committee awarded the tender on 16th April, 2014 which was 34 days after opening. The Procuring Entity took 34 days to process the tender.

Regulation 18 (2), Amended 2013 states as follows:

(a)

(b)

(2) "The period of tender award shall not exceed thirty days from the date of tender opening"

The Board further observes that the evaluation was concluded 29 days after the tender opening. Regulation 5(4)(b) of the Public Procurement & Disposal (Amendments) Regulations, 2013 that states that;

"(4) The committee shall-

(a)

(b) evaluate the tenders within a period of fifteen days after the opening of the tenders; and

(c)

The Board also notes that the Procuring Entity did not provide any evidence to prove that it sought approval from the Accounting Officer to extend the period for evaluation as required in Regulation 14(2) of the (Amendments) Regulations, 2013.

The Board therefore finds that the Procuring Entity breached Regulation 14(2) of the Amended Regulations and Regulation 5(4)(b) of the Amended Regulations, 2013 but since the Applicant did not demonstrate that it suffered any prejudice, the Board maintains it's the position that so long as a tender is awarded within the tender validity period this

ground is not in itself sufficient to warrant a nullification of a tender in the absence of proof of prejudice as this would amount to a waste of tax payers money in restarting a process which is almost at an end and would not amount to promoting the objectives of the Constitution and the Act.

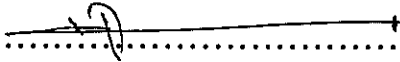
The Board under the powers conferred on it by section 98 of the Act therefore makes the following orders as relates to this Request for Review.

1. The award of the tender to the two successful bidders, M/s Gillys Security & Investigation Services Limited and M/s Bedrock Holdings Limited is hereby annulled.
2. With regard to tender evaluation, the Procuring Entity is directed:
 - a) To take into account the certificate of membership to PSIA submitted by the Applicant and re-evaluate the tenders afresh in respect of all the bidders including the Applicant and complete the entire process within fifteen (15) days from today's date.
 - b) Award the tender to only one lowest evaluated bidder.
3. The Procuring Entity is ordered to take necessary steps to extend the tender validity period and the period of validity of tender securities of the tenders to allow for the evaluation and award to

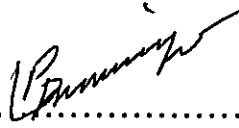
be made within Fifteen (15) days and within the tender validity period.

4. The Board makes no orders as to costs.

Dated this 16th May, 2014


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Chairman, PPARB


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Secretary, PPARB

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