

**REPUBLIC OF KENYA**  
**PUBLIC PROCUREMENT ADMINISTRATIVE REVIEW BOARD**

**APPLICATION NO. 68/2021 OF 10<sup>TH</sup> MAY 2021**

**BETWEEN**

**WATERCORE SERVICES LIMITED .....APPLICANT**

**AND**

**THE ACCOUNTING OFFICER,**

**MICHUKI TECHNICAL TRAINING INSTITUTE.....1<sup>ST</sup> RESPONDENT**

**BOARD OF GOVERNORS**

**MICHUKI TECHNICAL TRAINING INSTITUTE .....2<sup>ND</sup> RESPONDENT**

Review against the decision of Michuki Technical Training Institute dated 10<sup>th</sup> May 2021 with respect to Tender No. MTTI/TUTION BLOCK/19/20-21 for the proposed construction of Tuition Block.

**BOARD MEMBERS**

- |                          |              |
|--------------------------|--------------|
| 1. Ms. Faith Waigwa      | -Chairperson |
| 2. Eng. Mbiu Kimani, OGW | -Member      |
| 3. Mrs. Irene Kashindi   | -Member      |
| 4. Mr. Ambrose Ogetto    | - Member     |
| 5. Mr. Nicholas Mruttu   | -member      |

## **IN ATTENDANCE**

1. Mr. Philemon Kiprop -Holding brief for the Secretary

## **BACKGROUND TO THE DECISION**

### **The Bidding Process**

Michuki Technical Training Institute (hereinafter referred to as “the Procuring Entity”) advertised Tender No. MTTI/TUTION BLOCK/19/20-21 for the proposed construction of Tution Block (hereinafter referred to as “subject tender”) in the Procuring Entity’s Website ([www.michukitech.ac.ke](http://www.michukitech.ac.ke)) on 6<sup>th</sup> April 2021 inviting eligible tenderers to bid for the same.

### **Bid submission Deadline and Opening of Bids**

The Procuring Entity received eight (8) bids by the bid submission deadline of 14<sup>th</sup> April 2021. The same were opened shortly thereafter by a Tender Opening Committee at the old food and beverage workshop and recorded as follows: -

<b>S/N</b>	<b>Bidder Name</b>	<b>Tender Amount</b>	<b>Bid Amount (Kshs)</b>	<b>Bank/Insurance firm</b>
1.	Robin &Robins Construction	103,818,449	2,763,689	Rafiki Microfinance Bank
2.	Wilna Roads & civil Engineering Ltd	106,009,146.20	2,500,000	Sidian Bank
3.	Watercore Services Ltd	99,943,292.85	2,100,000	Amaco Africa Merchant Assurance
4.	High Point agencies Ltd	111,738,148.40	2,300,000	Rafiki Microfinance Bank
5.	Blue valley Enterprises Ltd	104,862,950.20	2,400,000	Amaco Insurance
6.	Plumbing System Contractors	116,000,000	2,500,000	Geminia Insurance Ltd

7.	Blage Contractors K Ltd	115,221,814	2,300,000	Amaco Africa Merchant Assurance
8.	Magic General Contractors Ltd	119,194,390	2,383,324.04	Rafiki Microfinance Bank
9.	Engineers estimate	105,183,301.60	N/A	N/A

Item No. 9 was the engineer's estimates which was also opened together with the bids and the figure was read out to the bidder's representatives.

## **Evaluation of Bids**

Having appointed an Evaluation Committee, evaluation of bids submitted was conducted in the following three stages:-

- i.** Responsiveness/Preliminary Evaluation;
- ii.** Detailed/Technical Evaluation Responsiveness; and
- iii.** Financial Evaluation.

### **1. Responsiveness/Preliminary Evaluation**

At this stage, the Evaluation Committee subjected bids to the following terms, conditions and specifications of tendering and tender notice;

- a) Valid tax compliance certificate and V.A.T Pin
- b) Fully completed Confidential business questionnaire
- c) Signed form of tender
- d) Tender security.
- e) NCA Registration certificate and current practicing license (NCA 4 and Above-Building works)

- f) NCA 7 and above for mechanical works and electrical works
- g) Company registration documents
- h) Valid CR12
- i) Single business permit

Bidders Number 3, 4, 5, 7 and 8 were found to be responsive at this stage and proceeded to the Detailed/Technical Evaluation Responsiveness stage.

The other bidders were not responsive due to the reasons outlined below:

Bidder No. 1:

- Did not provide comprehensive details of the subcontractor for mechanical works i.e. did not attach the pin certificate.
- There were missing pages in the bill of quantities (MT12-MT16) leading to miscalculation.
- NCA Certificate in the NCA portal read Robins instead of Robin & Robins Construction for builders work.

Bidder No. 2:

- Had expired annual practicing NCA License for building works.
- Did not provide NCA Certificates and annual practicing license for mechanical and electrical works.

Bidder No.6:

- Had no valid tax compliance for the company; and
- No valid CR12 Certificate.

## **2. Detailed/Technical Evaluation Responsiveness**

At this stage, the Evaluation Committee subjected the bidders who were found responsive at the Preliminary stage to a detailed Technical Evaluation on the following parameters;

- a) Proof of sound financial standing and adequate access to bank credit line.
- b) Proof of work of similar magnitude completely undertaken for the last five years.
- c) Proof of adequate equipment for the specified types of work.
- d) Proof of adequate key personnel to be deployed.
- e) Litigation history.
- f) Audited financial statements for the last three years.

Bidder No. 3 (who is the Applicant herein) was found to be non-responsive at this stage due to the following reasons:

- Did not provide enough proof of financial ability as it did not attach the bank statements for the company.

- There were errors in the bill of quantities arising from miscalculation of unit price, quantity, subtotal and the grand sum.

Bidders Number 4, 5, 7 and 8 were found to be responsive at this stage and thus proceeded to the financial stage.

### 3. Financial Evaluation

The Evaluation Committee compared quotes by the responsive bidders and the variance from the Engineers estimates as shown in the table below:-

#### RESPONSIVE TENDERERS AND THEIR COMPARISON WITH OFFICIAL ESTIMATES

BIDDER	TENDERER	TENDER SUM (KSKS)	VARIANCE FROM ESTIMATE (KSHS)	% VARIANCE FROM THE ESTIMATE
4	High Point Agencies Ltd	111,738,148.40	6,554,846.80	(+)6.2%
5	Blue Valley Enterprises Ltd	104,862,950.20	320,351.40	(-)0.3%
7	Blage Contractors K Ltd	115,221,814	10,038,512.40	(+)9.5%
8	Magic general Contractors Ltd	119,194,390	14,011,088.40	(+)13%
	Engineers Estimates	105,183,301.60	N/A	N/A

Bidder No. 4, 7 and 8 were found to be non-responsive at this stage due to the following reasons:

- Their tender sums were higher than bidder No.5 who was considered to be the lowest bidder for the proposed construction of the tuition block.
- Their tender sum were far above the engineer's estimate.

Bidders No 5 was found the lowest evaluated bidder compared with the other bidders.

### **Recommendation**

The Evaluation Committee recommended for Due Diligence to the lowest evaluated Bidder, M/s Blue Valley Enterprises Ltd prior to award of the contract of the proposed Construction of the tuition block.

### **Due Diligence**

According to the Due Diligence Report dated 27<sup>th</sup> April 2021, the Evaluation Committee conducted a due diligence exercise on Bidder No. 5, M/s Blue Valley Enterprises Ltd on 27<sup>th</sup> April 2021 in places where the bidder had indicated having constructed the following: -

- Resource centre phase 111 at a total cost of (Kshs.380, 772,626);
- Main lecture theatre at a total cost of (Kshs 183,866,069)
- Completion and extension of academic block at a total cost of (Kshs 140,811,495)

The Evaluation Committee recommended the contractor since he had done works of higher magnitude compared with the proposed construction of a tuition block and that the contractor's workmanship was of high standards and thus recommended that Bidder no. 5, M/s Blue Valley Enterprises Ltd be awarded the tender for the proposed construction of tuition block at a total cost of Kshs 104,862,950.20.

### **Professional Opinion**

In a Professional Opinion dated 28<sup>th</sup> April 2021, the Procuring Entity's Procurement officer recommended the award of Tender No. MTTI/TUTION BLOCK/19/20-21 for the proposed construction of tuition block to M/s Blue Valley Enterprises Ltd at a cost of Kshs. 104,862,950.20. The said professional opinion was approved by the Procuring Entity's Principal on 28<sup>th</sup> April 2021.

### **Notification of Award**

In a letter dated 28<sup>th</sup> April 2021, the Principal of the Procuring Entity notified M/s Watercore Services Limited that its application to Tender No. MTTI/TUTION BLOCK/19/20-21 for the Proposed Construction of Tuition Block was received and evaluated along others but was unsuccessful because they did not produce enough proof of sound financial standing i.e. they did not attach bank statements.



## **THE REQUEST FOR REVIEW**

M/s Watercore Services Limited (hereinafter referred to as "the Applicant") lodged a Request for Review dated and filed on 10<sup>th</sup> May 2021 together with a Statement in Support of the Request for Review sworn and filed on even date through the firm of Ngugi Mwaniki & Co. Advocates, seeking the following orders: -

- a) An order annulling the award to M/s Blue Valley Enterprises ;***
- b) An order awarding Tender No. MTTI/TUTION BLOCK/19/20-21 for the proposed construction of Tuition Block to the Applicant;***
- c) An order awarding the costs of the Request for Review to the Applicant.***

In response, the 1<sup>st</sup> and 2<sup>nd</sup> Respondents filed a Response to the Request for Review dated 20<sup>th</sup> May 2021 and filed on 21<sup>st</sup> May 2021 together with a Supporting statement sworn on 20<sup>th</sup> May 2021 and filed on 21<sup>st</sup> May 2021 through the firm of Gachoka Mwangi and Co. Advocates.

In a letter dated 21<sup>st</sup> May 2021 addressed to the successful bidder, the Acting Board Secretary notified the successful bidder of the existence of the Request for Review and suspension of procurement proceedings in the subject tender pursuant to section 168 of the Public Procurement and Asset Disposal Act, 2015 (hereinafter referred to as "the Act"). The Board Secretary further directed the successful bidder to forward to the Board, any

information and arguments about the tender within three days of the letter. The said letter was also sent to the successful bidder's email provided to the Board by the Procuring Entity. However, the successful bidder never responded to the Request for Review.

Pursuant to the Board's Circular No. 2/2020 of 24<sup>th</sup> March 2020, detailing an administrative and contingency management plan to mitigate Covid-19 pandemic, the Board dispensed with physical hearings and directed that all request for review applications would be canvassed by way of written submissions. Clause 1 at page 2 of the said circular further specified that pleadings and documents would be deemed as properly filed if they bear the official stamp of the Board. None of the Parties filed written submissions.

## **BOARD'S DECISION**

The Board has considered each party's case, the pleadings and the confidential documents submitted by the Procuring Entity pursuant to section 67(3) (e) of the Public Procurement and Asset Disposal Act 2015 (herein after referred to as "the Act") and frames the issues for determination as follows:

- I. Whether the Procuring Entity found the Applicant's bid non-responsive in accordance with the provisions of the Tender Document read together with section 80 (2) of the Act;***

***II. Whether the Applicant attempted to canvass for the Tender No. MTTI/TUTION BLOCK/19/20-21 for the Proposed Construction of Tuition Block: and***

***III. What are the appropriate orders to grant in the circumstances?***

The Board shall now address the issues framed for determination as follows:

Regarding the first issue for determination, the Applicant averred at paragraph 1 of the Request for Review that the criteria applied by the Procuring Entity to disqualify the Applicant's bid were not objective and/or quantifiable as required by Section 80(2) the Act. The Applicant added that its disqualification on account of failing to provide enough proof of sound financial standing was biased and misdirected.

The Applicant further averred at paragraph 2 of the Request for Review that the disqualification of the Applicant on the basis of lack of proof of sound financial standing was unjustified as the Applicant had exhibited the requisite and sufficient proof in its tender documents. The Applicant also averred that its tender was substantially responsive in terms of the Tender Document,

having provided proof of sound financial standing and adequate access to bank credit line.

In response the Procuring Entity states at paragraph 1 of the Response to the Request for Review as read with paragraph 1(i) of its Supporting Statement that the Applicant did not submit sufficient proof of its financial standing to carry out the works prescribed in the tender document, and in particular, the Applicant did not submit bank statements as part of its bid.

The Procuring Entity also denied that the Applicant's bid was responsive on the basis that the Applicant's bill of quantities had a miscalculation of unit price, quantity subtotal and that the grand sum, and that the Applicant's bid was considered to be non-responsive, as per Regulation 74 of the Public Procurement and Asset Disposal Regulations 2020 (herein after referred to as "the Regulations").

The Procuring Entity asserted that it had not breached any provisions of the Act and that the apprehension by the Applicant is unfounded; and the eventual announced winner Blue Valley Enterprises Ltd was declared so after competitive bidding and therefore there is no basis to interfere with the tender in issue.

In considering this issue, the Board notes that the Applicant received a letter of notification of unsuccessful award dated 28<sup>th</sup> April, 2021 which indicated the reason its bid was unsuccessful as follows;

**" REGRET LETTER**

**RE: PROPOSED CONSTRUCTION OF TUITION BLOCK**

**MMTI/TUITION BLOCK/19/20-21**

***This is to inform you that your application for the above tender was received and evaluated alongside others and we regret to let you know that you were unsuccessful because:***

- ***You did not provide enough proof of sound financial standing i.e. there were no bank statements attached"***

The evaluation of public procurement tenders should be undertaken in accordance with the criteria set out in the Tender Documents. This is captured by Section 80(2) of the Act which provides as follows;

***" The evaluation and comparison shall be done using the procedures and criteria set out in the tender documents and, in the tender for professional services, shall have regard to the provisions of this Act and statutory instruments issued by the relevant professional associations regarding regulation of fees chargeable for services rendered."[Emphasis added]***

Considering the provisions of section 80(2), it behooves the Board to establish if the Procuring Entity evaluated the Applicant's bid according to the criteria set out in the Tender Document.

The Board notes that the Procuring Entity advertised the subject tender on 6<sup>th</sup> April 2021, in which notice required bidders to attach a company profile containing copies of the following documents:

- a. Company registration documents.
- b. NCA Registration certificate and current practicing license (NCA 4 and Above-Building works).
- c. Valid tax compliance certificate and V.A.T Pin.
- d. Proof of work of similar magnitude and completely undertaken for the last five years.
- e. Proof of adequate equipment and key personnel for the specified types of work.
- f. **Proof of sound financial standing and adequate access to bank credit line.**
- g. Litigation history- both in court and arbitration.
- h. Fully completed confidential business questionnaire.
- i. Signed form of tender.
- j. Audited financial statements for the last three years.**
- k. Valid CR12.
- l. Single business permit.

m. Mandatory site visit.

n. NCA 7 and above for mechanical works and Electrical works. [Emphasis added]

Clause 1.5 (f) of the Instruction to Tenderers in the Tender Document required tenderers to submit "**reports on the financial standing of the tenderers, such as profit and loss statements and auditor's reports for the past five years.**" The Board observes that this requirement deviated from the tender notice in that the tender notice required audited statements for the past three years.

One of the Standard Forms provided in Section VIII of the Tender Document is called a Qualification Information Form running through pages 51 to 53 of the Tender Document. Clause 1.6 of the Qualification Information Form found in Section VIII. Standard Forms of the Tender Document at page 51 provides as follows;

**1.6 "Financial reports for the last five years: balance sheets, profit and loss statements, auditors reports etc. List below and attach copies."**

The Applicant's duly completed Qualification Information Form can be found on pages 26 to 28 of its original bid. The Applicant submitted audited accounts for the past three years that is, 2017, 2018 and 2019 and is evident at pages 266 to 291 of its original bid.

Clause 1.7 of the Qualification Information Form of the Tender Document, at page 52 provides as follows

***1.7 "Evidence of access to financial resources to meet qualification requirements: cash in hand, lines of credit etc. list below and attach copies of supporting documents"***

For this requirement, the Board notes from the confidential documents that the Applicant indicated that it would provide credit from its bank and revenue from ongoing projects. The Applicant also submitted a letter dated 2<sup>nd</sup> February 2021 from Credit Bank Limited (exhibited to the Request for Review as "WSL2") which indicated that the bank would provide the Applicant with access to line of credit/access of financial instruments to the tune of Kshs 50,000,000 as follows;

***"Dear sir/ madam,***

***RE WATERCORE SERVICES LIMITED***

***This is to advise that WATERCORE SERVICES LIMITED of account number 0161007000152 held at Ngong Road Branch is one of our corporate and valued clients with a satisfactory banking history with us.***

***We advise that subject to obtaining necessary approvals from the bank as set from time to time, the company can access line of credit/ financial instrument to the tune of***



***Kshs.50,000,000.00( Kenya Shillings Fifty Million Only)  
to assist them in financing contracts awards by yourself.  
Any assistance accorded to the company will be highly  
appreciated. This letter has been issued at the specific  
request of WATERCORE SERVICES LIMITED and does not  
hold the bank or any of its officials liable in any matter  
whatsoever.***

***Yours faithfully,***

***For: Credit Bank PLC”***

Upon perusal of the Evaluation Report as submitted to the Board by the Respondent, the Board notes that the Evaluation Committee categorized and considered the criteria for evaluation for the preliminary and technical evaluation stages as follows;

**Preliminary Evaluation:**

1. Valid Tax compliance and pin certificate.
2. Business Questionnaire-Properly filled and signed.
3. Form of tender correctly filled and signed.
4. Tender Security in the required form.
5. NCA Category 4 and above- Building works.
6. NCA Category 7 and above-Mechanical& Electrical works.
7. Company Registration / Incorporation Certificate.

8. CR12.
9. Single business permit.

**Technical Evaluation:**

1. Proof of sound financial standing and adequate access to bank credit line.
2. Proof of work of similar magnitude completely undertaken for the last five years.
3. Proof of adequate equipment for the specified types of work.
4. Proof of adequate key personnel to be deployed.
5. Litigation history.
6. Audited financial statements for the last three years.

From the evaluation report the Board further observes that the Evaluation Committee determined the Applicant's bid as responsive at the preliminary stage and it proceeded to the technical stage.

At the technical stage, the Evaluation Committee disqualified the Applicant's bid on the following reasons;

- a. The Applicant did not provide enough proof of financial ability as it did not attach the bank statements for the company.

- b. There were errors in the Applicant's bill of quantities arising from miscalculation of the unit price, quantity, subtotal and the grand sum.

Whilst the evaluation report indicated the foregoing two reasons for disqualifying the Applicant's bid, the letter of notification to the Applicant dated 28<sup>th</sup> April, 2021 contained only the first reason, that is the Applicant did not provide enough proof of financial ability by failing to attach the bank statements for the company. The second reason relating to errors was not set out in the letter of notification but has been pleaded herein by the Procuring Entity. By failing to include this reason in the letter of notification, the Applicant had no notice of it before these proceedings were filed and it would be improper for the Board to consider the veracity of that reason. The Board will accordingly only consider the sole reason set out in the letter of notification.

Considering the contents of the evaluation report and also the Procuring Entity's responses filed herein, it is evident that the Procuring Entity construed the requirement for bidders to demonstrate sound financial standing to mean provision of bank statements. The Board notes that there was no requirement in the tender document for bidders to submit bank statements.

According to the online dictionary *Thesaurus*, a synonym for "financial standing" is "financial position". According to the online *Law Dictionary* financial position means "The status of an organization's assets and other items listed on **the financial statement**. It also looks at interrelations among assets. AKA financial condition."

As already noted above, the Applicant provided its audited accounts for three years as per the requirements of Clause 1.5(f) of the Instruction to Tenderers as read with Clause 1.6 of "Qualification Information" of the Tender Document. While clause 1.6 required audited accounts for 5 years, the Clause (j) of the tender notice required audited accounts for 3 years. This is a discrepancy but the Board notes that bidders were evaluated with respect to three years and not five years and thus no prejudice was suffered by any bidder.

The Applicant also provided a letter from its bankers regarding access to a line of credit.

If the Procuring Entity needed bidders to provide bank statements in addition to their audited accounts as proof of sound financial standing, this needed to have been expressly set out in the Tender Document.

The Evaluation Committee ought to have confined itself to the procedures and criteria set out in the Tender Document and Tender Notice when

evaluating the Applicant's bid as required by section 80 (2) of the Act. In this case, the Evaluation Committee introduced an extraneous criterion at the Technical Evaluation Stage.

Accordingly, the Board finds that the Procuring Entity found the Applicant's bid non-responsive contrary to the provisions of the Tender Document and the Tender Notice read together with section 80 (2) of the Act because the Applicant was found non-responsive on a criterion that was not in the Tender Document.

On the second issue for determination, the Procuring Entity alleges that it highly suspects the Applicant could have been canvassing to win this particular tender based on the Applicant's letter dated 4<sup>th</sup> May 2021 which stated as follows;

**"RE: PROPOSED TUITION BLOCK, TENDER NO. MTTI/TUITION BLOCK/19/20-21**

***Please refer to the above subject and the results of the public tender opened on 14<sup>th</sup> April 2021 as follows:***

- |           |                                     |                             |
|-----------|-------------------------------------|-----------------------------|
| <b>1.</b> | <b>WATERCORE SERVICES LTD</b>       | <b>- KSH 99,943,292.85</b>  |
| <b>2.</b> | <b>ROBIN&amp;ROBINS COSTRUCTION</b> | <b>- KSH 103,818,449</b>    |
| <b>3.</b> | <b>BLUEVALLEY ENTERPRISES LTD</b>   | <b>- KSH 104,862,950.20</b> |
| <b>4.</b> | <b>WILNER ROADS</b>                 | <b>- KSH 106,009,146.20</b> |
| <b>5.</b> | <b>HIGH POINT AGENCIES LTD</b>      | <b>-KSH 111,738,148.40</b>  |
| <b>6.</b> | <b>BRIDGE CONTRACTORS LTD</b>       | <b>-KSH 115,221,814</b>     |

- 7. PLUMBING SYSTEM CONTRACTORS -KSH 116,000,000**
- 8. MAGIC GENERAL CONTRACTORS LTD -KSH 119,194,390**

**ENGINEER'S ESTIMATES KSH 105,183,301.60**

***We are dissatisfied with the outcome and we intend to challenge the same under the provisions of the public procurement and asset disposal Act. We would be grateful to have a copy of your official communicating to enable us lodge our appeal within the time stipulated in law.***

***Your prompt action will be appreciated.***

***Yours faithfully***

***PATRICK NJOGU***

***DIRECTOR"***

The Applicant did not respond to the Procuring Entity's allegations of the Applicant having attempted to canvass to win the tender.

The Procuring Entity states that at the time of issuing this letter, the Applicant could not have known whether or not it had won the tender since the Applicant had not received the notification letter of 28<sup>th</sup> April 2021 notifying the bidders who was the winner.

From the confidential documents submitted to the Board, it is noted that there is evidence of payment receipt to the Postal Corporation of Kenya dated 29<sup>th</sup> April 2021 of postage of the letters of notification to the Applicant and other bidders. The letter by which the Procuring Entity alleges the Applicant attempted to canvass the tender is dated 4<sup>th</sup> May 2021. If notification letters were dispatched on the 29<sup>th</sup> April 2021, by the time the Applicant was writing to the Respondents in its letter dated 4<sup>th</sup> May 2021, this information on the outcome of evaluation of the subject tender was already in the public domain and the Applicant could have come across it. It is therefore not justifiable to state that the Applicant attempted to canvass its tender through the letter dated 4<sup>th</sup> May 2021. Accordingly, the Board finds such allegation to be unfounded.

In totality, the Request for Review succeeds in terms of the following specific orders:

### **FINAL ORDERS**

In exercise of the powers under section 173 of the Act, the Board makes the following orders:

- 1. The Procuring Entity's Accounting Officer's Letters of Notification dated 28<sup>th</sup> April 2021 with respect to Tender No. MTTI/Tuition Block/19/20-21 for the Proposed Construction**

**of Tuition Block addressed to Blue Valley Enterprises Ltd, the Applicant and all other unsuccessful tenderers who participated in the subject procurement proceedings, be and are hereby cancelled and set aside.**

**2. The Procuring Entity's Accounting Officer is hereby ordered to direct the Evaluation Committee to re-admit the Applicant's tender together with all tenders that made it to the Mandatory Technical Evaluation stage, at the Mandatory Technical Evaluation stage and to re-evaluate the tenders at the Mandatory Technical Evaluation stage on the criterion provided in Clause 1.5 (f) and (j) of the Tender Notice dated 6<sup>th</sup> April 2021 read together with Clause 1.5 (f) of Section II. Instructions to Tenderers of the Tender Document only, taking into consideration the Board's findings in this Review.**

**3. Further to Order No. 2 above, the Accounting Officer of the Procuring Entity is hereby directed to proceed with the procurement proceedings in Tender No. MTTI/Tuition Block/19/20-21 for the Proposed Construction of Tuition Block to its logical conclusion, including the making of an award to the lowest evaluated tenderer in accordance with Clause 6 of Section II. Instructions to Tenderers of the Tender Document read together with section 86 (1) (a) of the Act and**



**to issue notification letters to tenderers in accordance with section 87 of the Act and Regulation 82 of Regulations 2020 within fourteen (14) days from the date of this decision.**

- 4. Given that the subject procurement process has not been concluded, each party shall bear its own costs in the Request for Review.**

**Dated at Nairobi this 31<sup>st</sup> day of May 2021**

**CHAIRPERSON  
PPARB**

**SECRETARY  
PPARB**