

REPUBLIC OF KENYA
PUBLIC PROCUREMENT ADMINISTRATIVE REVIEW BOARD
NOTICE MOTION DATED 7TH SEPTEMBER 2023 FILED IN
APPLICATION NO.58/2023 OF 11TH AUGUST 2023

BETWEEN

M/S GAP TECH SOLUTIONS LIMITEDAPPLICANT

AND

**THE PRINCIPAL SECRETARY,
THE NATIONAL TREASURY1ST RESPONDENT
THE NATIONAL TREASURY2ND RESPONDENT
M/S CORPRISK AFRICA LIMITEDINTERESTED PARTY**

Notice of Motion Application dated 7th September 2023 and filed on 7th September 2023 in Request for Review with respect to Tender No. TNT/007/2022-2023 for Provision of Fleet Management Solution for Motor Vehicle Leasing Programme Phase VII.

BOARD MEMBERS PRESENT

- | | | |
|-----------------------|---|-------------|
| 1. Mr. George Murugu | - | Chairperson |
| 2. QS. Hussein Were | - | Member |
| 3. Eng. Lilian Ogombo | - | Member |
| 4. Dr. Paul Jilani | - | Member |
| 5. Mr. Joshua Kiptoo | - | Member |

IN ATTENDANCE

Philemon Kiprop - Secretariat

PRESENT BY INVITATION

APPLICANT

M/S GAP TECH SOLUTIONS LIMITED

Mrs. Bukachi - Advocate, Owino Bukachi & Co. Advocates

RESPONDENTS

**PRINCIPAL SECRETARY, THE NATIONAL
TREASURY,
THE NATIONAL TREASURY**

Mr. Caleb Ogot The National Treasury

Mr. Kenneth Korir The National Treasury

INTERESTED PARTY

M/S CORPRISK AFRICA LIMITED

Mr. Wanjohi Advocate, Wanjohi & Wawuda Advocates

Mr. Muturi Advocate, Wanjohi & Wawuda Advocates

NOTICE OF MOTION DATED 7TH SEPTEMBER 2023 AND FILED ON 7TH SEPTEMBER 2023

1. On 7th September 2023 the Principal Secretary, the National Treasury and the National Treasury, the Respondents herein, filed before the Board a Notice of Motion Application dated 7th September 2023 (hereinafter referred to as "the Notice of Motion Application") seeking the extension of the tender/bid security validity period in the subject tender for 90 days to allow them to undertake due diligence on the Interested Party and conclude the tender process in respect of Tender No. TNT/007/2022-2023 for Provision of Fleet Management Solution for Motor Vehicle Leasing Programme Phase VII.



2. On 13th September 2023, the Applicant through the law firm of Owino Bukachi & Company Advocates filed a Replying Affidavit sworn on 13th September 2023 by Gilbert Odadi, in response to the Notice of Motion Application.
3. When the Notice of Motion Application came up for hearing on 21st September 2023, the Board observed that only the Applicant had filed a response to the Notice of Motion Application. The Board also observed that through the said response, the Applicant indicated that it was not opposing the Notice of Motion Application and counsel, in her oral submissions consented to its being allowed.
4. The Board therefore sought to understand the position of the Interested Party's Advocates in respect of the Notice of Motion Application. Counsel for the Interested Party, Mr. Wanjohi confirmed that the Interested Party was equally not opposed to the Notice of Motion Application and consented to its being allowed. Effectively, the Respondents' Application for an extension of the tender validity period was unopposed and indeed all parties hereto consented to it being allowed by the Board.

FINAL ORDERS

5. In exercise of the powers conferred upon it by Section 173 of the Public Procurement and Asset Disposal Act, No. 33 of 2015, the Board makes the following orders in the Notice of Motion Application dated 7th September 2023:

IT IS HEREBY ORDERED BY CONSENT:

- 1. The tender validity and Bid security validity period of Tender No. TNT/007/2022-2023 for Provision of Fleet Management Solution for Motor Vehicle Leasing Programme Phase VII.be and is hereby extended for a further period of Ninety (90) days from 8th September 2023.**
- 2. The Notice of Motion Application dated 7th September 2023 be and is hereby marked as settled with no order as to costs**

Dated at Nairobi this 25th Day of September 2023.

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CHAIRPERSON
PPARB

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SECRETARY
PPARB