

**REPUBLIC OF KENYA**

**PUBLIC PROCUREMENT ADMINISTRATIVE REVIEW BOARD**

**APPLICATION NO. 93/2023 OF 10<sup>TH</sup> NOVEMBER 2023**

**BETWEEN**

**THE GARDENS AND WEDDINGS CENTRE LIMITED.....APPLICANT**

**AND**

**ACCOUNTING OFFICER,**

**NAKURU COUNTY GOVERNMENT-**

**RIFT VALLEY PROVINCIAL**

**GENERAL HOSPITAL .....1<sup>ST</sup> RESPONDENT**

**NAKURU COUNTY GOVERNMENT-**

**RIFT VALLEY PROVINCIAL GENERAL HOSPITAL ...2<sup>ND</sup> RESPONDENT**

Request for Review seeking Compliance with the orders issued by the Public Procurement Administrative Review Board in PPARB Application Nos. 66 of 2023 The Gardens and Weddings Centre Limited Versus The Accounting Officer, Nakuru County Government- The Rift Valley Provincial General Hospital in relation to Tender No. NCG/MOH/PGH/T/6/2019-2021- for Provision of Comprehensive Cleaning; Tender No. NCH/MOH/PGH/T/5/2019-2021 for Maintenance of Grounds, Flowers, Hedges and Planting of Trees and Flowers; and Tender No. NCG/MOH/PGH/T/4/2019-2021 FOR Provision of Sanitary Cleaning.

## **BOARD MEMBERS PRESENT**

1. Mr. George Murugu, FCI Arb. - Chairperson
2. Eng. Lilian Ogombo - Member
3. Mr. Daniel Langat - Member

## **IN ATTENDANCE**

- Ms. Sarah Ayoo - Secretariat
- Mr. Anthony Simiyu - Secretariat

## **REQUEST FOR REVIEW NO. 93 OF 2023**

1. On 10<sup>th</sup> November 2023, The Gardens and Weddings Centre Limited, the Applicant herein, filed a Request for Review dated 10<sup>th</sup> November 2023 together with a Supporting Affidavit sworn on 10<sup>th</sup> November 2023 by Daniel Gathogo Mugo, the Applicant's Director, through the firm of Karugu Mbugua & Company Advocates concerning the subject tender (hereinafter referred to as the 'instant Request for Review') seeking the following orders:

- 1) The tender validity period be extended as appropriate;***
- 2) The Procuring Entity be directed to award the subject tenders, that is in the matters of the provision of Comprehensive Cleaning (NCG/MOH/PGH/T/6/2019-2021), Maintenance of Grounds, Flowers, Hedges and Planting of Trees and Flowers (NCG/MOH/PGH/T/5/2019-2021) and Provision of Sanitary Cleaning (NCG/MOH/PGH/T/4/2019-2021) to the Applicant;***

- 3) The Procuring Entity be found to be in contempt for consistently being in contempt of the orders of the Board;**
- 4) Costs of this application be awarded to the Applicant;**  
**and**
- 5) Any other orders that the Honourable Board may deem just and fit.**

2. On 1<sup>st</sup> December 2023, the Applicant's Advocates forwarded to the Secretariat, via email a Written Consent dated 30<sup>th</sup> November 2023 signed by both the Advocate for the Applicant and the Chief Officer Health, Nakuru County Government which reads in part:

***"Kindly record the following consent:***

***That the First Respondent having issued letters of award to the Applicant with respect to the following tenders:***

- 1. Tender for the provision of Comprehensive Cleaning (Tender No. NCG/MOH/PGH/T6/2019-2021);***
- 2. Tender for the Maintenance of Grounds, Flowers, Hedges and Planting of Trees and Flowers (NCG/MOH/PGH/T/5/2019-2021); and***
- 3. Tender for the Provision of Sanitary Cleaning (Tender No. NCG/MOH/PGH/T/4/2019-2021)***


***Shall issue contract for the above said tender on or before 1<sup>st</sup> December, 2023 and the said tenders shall commence on 1<sup>st</sup> December, 2023;"***

## **FINAL ORDERS**

3. 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 Request for Review dated 10<sup>th</sup> November 2023:

- 1. The Respondents shall issue the Applicant contracts in respect of Tender No. NCG/MOH/PGH/T/6/2019-2021 for the Provision of Comprehensive Cleaning; Tender No. NCG/MOH/PGH/T/5/2019-2021 for the Maintenance of Grounds, Flowers, Hedges and Planting of Trees and Flowers; Tender No. NCG/MOH/PGH/T/4/2019-2021 on or before 1<sup>st</sup> December 2023 and the said tenders shall commence on 1<sup>st</sup> December 2023.**
- 2. The Request for Review dated 10<sup>th</sup> November 2023 be and is hereby marked as settled with no orders as to costs.**

**DATED at NAIROBI this 1<sup>st</sup> day of December 2023**

  
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**CHAIRPERSON**  
**PPARB**

  
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**SECRETARY**  
**PPARB**