

REPUBLIC OF KENYA

PUBLIC PROCUREMENT ADMINISTRATIVE REVIEW BOARD

APPLICATION NO. 2 OF 2024 DATED 4TH JANUARY, 2024

BETWEEN

YASH POLES LIMITED..... APPLICANT

AND

**ACCOUNTING OFFICER,
KENYA POWER AND LIGHTING COMPANY
PLC (KPLC PLC).....1ST RESPONDENT**

**KENYA POWER AND LIGHTING COMPANY
PLC.....2ND RESPONDENT**

AND

**LINE ENTERPRISES CO.
LIMITED..... 1ST INTERESTED PARTY**

**COMPACT POLES & SERVICES
LIMITED.....2ND INTERESTED PARTY**

RAI CEMENT LIMITED.....3RD INTERESTED PARTY

WORLD POLES LIMITED.....4TH INTERESTED PARTY

**KREATIVE CONCRETE PRODUCTS
LIMITED.....5TH INTERESTED PARTY**

**AFRICAN ENERGY GROUP
LIMITED 6TH INTERESTED PARTY**

TRUCKS CITY LIMITED.....7TH INTERESTED PARTY

MERU SUPREME INDUSTRIES

LIMITED8TH INTERESTED PARTY

ABM HOLDINGS LIMITED.....9TH INTERESTED PARTY

Review against the decision of the Managing Director, Kenya Power and Lighting Company Plc in relation to Request for Bids: KP1/9A.3/OT/13/FA/23-24: Year Framework Agreement for Supply of Concrete Poles -Local Manufacturers Only).

BOARD MEMBERS

- 1. Mr. Joshua Kiptoo - Panel Chair
- 2. CPA Alexander Musau - Member
- 3. Dr.Susan Mambo - Member

DECISION OF THE BOARD

On 4th January 2024, the Applicant herein filed a Request for Review dated 4th January 2024 together with an Applicant Statement in Support of the Request for Review signed by Darshil Kamal Shah, the Director of the Applicant, on 4th January 2024 (hereinafter referred to as the "Request for Review") through the firm of G.K Muturi & Co.

On being served with, and in opposition to the Request for Review, the Respondent, on 9th January 2024, filed 1st & 2nd Respondents' Memorandum

Memorandum of Response to the Request for Review dated 9th January 2024 signed by Ann Mulela on behalf of the Respondent (hereinafter referred to as the "Respondent's Response").

3. However, on Thursday, January 11, 2024 vide an email, the Applicant filed before the Review Board a Notice of Withdrawal of the Request for Review pursuant to Regulation 216(1) of the Public Procurement Asset and Disposal Regulations, 2020 (hereinafter referred to as "Regulations 2020).
4. Subsequently, on Monday, Jan 15, 2024, a Consent to Withdraw dated, January 12, 2024 and signed by all parties and/or parties' appointed advocates was equally filed with the Review Board pursuant to Regulation 216(2) of Regulations 2020.
5. The Applicant having issued the Notice of Withdrawal to the Ag. Board Secretary pursuant to Regulation 216 (1) of Regulations 2020 and such Notice of Withdrawal being based on the Consent to Withdraw signed by all parties to the Request for Review and filed before the Review Board pursuant to Regulations 216(3) of Regulations 2020, the Request for Review dated 4th January 2024 is deemed to have been withdrawn on Thursday, January 11, 2024.

FINAL ORDERS

6. In exercise of the powers conferred upon it by Section 173 of the Public Procurement and Asset Disposal Act, No. 33 of 2015, the Review Board makes the following orders by consent of all parties to the Request for Review dated 4th January, 2024:

a) The Applicant's Request for Review dated 4th January and filed on even date be and is hereby marked as withdrawn.

b) The Respondent is at liberty to proceed with the procurement proceedings of the Request for Bids: KP1/9A.3/OT/13/FA/23-24 Year Framework Agreement for Supply of Concrete Poles -Local Manufacturers Only) to its logical conclusion.

c) There shall be no orders as to costs.

Dated at NAIROBI, this 19th Day of January ,2024.

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CHAIRPERSON

PPARB

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SECRETARY

PPARB