

REPUBLIC OF KENYA

PUBLIC PROCUREMENT ADMINISTRATIVE REVIEW BOARD

APPLICATION NO. 4 OF 2024 DATED 11TH JANUARY, 2024

BETWEEN

FOSSILS AGENCIES LIMITED APPLICANT

AND

THE DIRECTOR/ CHIEF EXECUTIVE OFFICER,

KENYA WATER INSTITUTE 1ST RESPONDENT

KENYA WATER INSTITUTE 2ND RESPONDENT

AND

WORLDTECH COMPUTERS LIMITED INTERESTED PARTY

Review against the decision of the Director/Chief Executive Officer, Kenya Water Institute in relation to Tender No: KEWI/TENDER/001/2023-2024 for Proposed Completion of the Irrigation Block at Kenya Water Institute – Chiakariga Campus.

BOARD MEMBERS

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

DECISION OF THE BOARD

1. On 11th January 2024, Fossils Agencies Limited, the Applicant herein, filed a Request for Review dated 10th January 2024 together with an Affidavit in Support of Request for Review sworn on 10th January 2024 by Abdinasir Hussein Ali, its sole Director (hereinafter referred to as the "Request for Review") through the firm of A.E. Kiprono & Associates.
2. In opposition to the Request for Review, the Respondents filed on 16th January 2024 through Isinta & Company Advocates, a Notice of Appointment of Advocates dated 16th January 2024, a Replying Affidavit sworn on 16th January 2024 by Leiro Letangule, the 1st Respondent herein and a 1st and 2nd Respondents Response to the Grounds of Appeal dated 16th January 2024 (hereinafter referred to as the "Respondents' Response").
3. On 19th January 2024, the Interested Party filed through Kimaru Kiplagat & Company Advocates an Interested Party's Replying Affidavit sworn on 19th January 2023 by Mohamud Hussein Abdullahi, its Director.
4. However, on 23rd January 2024 parties 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"),

5. Subsequently, a Consent dated 23rd January 2024 and signed by all parties' respective advocates on record was equally filed with the Review Board pursuant to Regulation 216(2) of Regulations 2020.
6. 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 10th January 2024 and filed on 11th January 2024 is deemed to have been withdrawn on 24th January 2024.

FINAL ORDERS


7. 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 10th January, 2024 and filed on 11th January 2024:


A. The Applicant's Request for Review dated 10th January 2024 and filed on 11th January 2024 be and is hereby marked as withdrawn.

B. The Respondents are at liberty to proceed with the procurement proceedings in Tender No: KEWI/TENDER/001/2023-2024 for Proposed Completion of the Irrigation Block at Kenya Water Institute – Chiakariga Campus to its logical conclusion.

C. There shall be no orders as to costs.

Dated at NAIROBI, this 30th Day of February ,2024.


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CHAIRPERSON
PPARB


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SECRETARY
PPARB

