

**REPUBLIC OF KENYA**  
**PUBLIC PROCUREMENT ADMINISTRATIVE REVIEW BOARD**  
**APPLICATION NO. 50/2025 OF 25<sup>TH</sup> APRIL 2025**

**BETWEEN**

**PANADIUM HOLDINGS LIMITED ..... APPLICANT**

**AND**

**DIRECTOR GENERAL,**

**KENYA URBAN ROADS AUTHORITY ..... 1<sup>ST</sup> RESPONDENT**

**KENYA URBAN ROADS AUTHORITY ..... 2<sup>ND</sup> RESPONDENT**

**POSSIBLE LIMITED ..... INTERESTED PARTY**

Review against the decision of the Director General, Kenya Urban Roads Authority in relation to Tender No. KURA/DEV/HQ/405/2024-2025 for Upgrading to Bitumen Standards of Griftu Town Roads

**BOARD MEMBERS PRESENT**

- |                                     |             |
|-------------------------------------|-------------|
| 1. Mr. George Murugu FCI Arb, I.P - | Chairperson |
| 2. QS Hussein Were                  | - Member    |
| 3. CPA Alexander Musau              | - Member    |

**IN ATTENDANCE**

- |                    |   |
|--------------------|---|
| 1. Ms. Sarah Ayoo  | - Holding Brief for the Board Secretary |
| 2. Ms. Evelyn Weru | - Secretariat                           |



## **PRESENT BY INVITATION**

### **APPLICANT**

### **PANADIUM HOLDINGS LIMITED**

1. Mr. Kiprono - Advocate, CK Advocates
2. Mr. Cheboi - Advocate, CK Advocates

### **RESPONDENTS**

### **DIRECTOR GENERAL, KENYA URBAN ROADS AUTHORITY & KENYA URBAN ROADS AUTHORITY**

- Mr. Peter O. Bosire - Advocate & Asst. Director Legal Services

### **INTERESTED PARTY**

### **POSSIBLE LIMITED**

1. Ms. Susan Munene - Advocate, Gerivia Advocates LLP
2. Mr. George Kamau - Advocate, Gerivia Advocates LLP

## **DECISION OF THE BOARD**

1. On 25<sup>th</sup> April 2025, Panadium Holdings Limited, the Applicant herein, filed a Request for Review dated 24<sup>th</sup> April 2025 together with an Applicant's Statement/Affidavit in Support of the Request for Review sworn on 24<sup>th</sup> April 2025 by Mohamed Jelle its Director (hereinafter referred to as the 'instant Request for Review') through CK Advocates seeking the following orders from the Board in verbatim:



- a) The 1<sup>st</sup> Respondent's decision in the tender as communicated to the Applicant in the Notification of Intention to Award letter dated 10<sup>th</sup> April 2025 and received by the Applicant on 23<sup>rd</sup> April 2025 in the matter of Tender for Upgrading to Bitumen Standard of Griftu Town Roads Tender No. KURA/DEV/HQ/405/2024-2025 (hereinafter referred to as the "Tender") be annulled.***
- b) The procurement proceedings leading to the decision by the 1<sup>st</sup> Respondent to award the Interested Party Tender in the matter of Tender for Upgrading to Bitumen Standard of Griftu Town Roads Tender No. KURA/DEV/HQ/405/2024-2025 (hereinafter referred to as the "Tender") be reviewed and this Honourable Board be pleased to direct the Respondents to re-admit and re-evaluate the Applicants' bid in the financial stage and proceed to make an award in a manner that strictly complies with the provisions of the law.***
- c) The Respondents be ordered to pay the costs of and incidental to these proceedings.***
- d) Any other relief that the Honourable Board deems fit to grant, having regard to the circumstances of this case in order to give effect to the Board's orders.***



2. In a Notification of Appeal and a letter dated 25<sup>th</sup> April 2025, Mr. James Kilaka, the Acting Board Secretary of the Board notified the 1<sup>st</sup> and 2<sup>nd</sup> Respondents of the filing of the Request for Review and the suspension of the procurement proceedings for the subject tender, while forwarding to the said Respondents a copy of the Request for Review together with the Board's Circular No. 02/2020 dated 24<sup>th</sup> March 2020, detailing administrative and contingency measures to mitigate the spread of COVID-19. Further, the Respondents were requested to submit a response to the Request for Review together with confidential documents concerning the subject tender within five (5) days from 25<sup>th</sup> April 2025.
3. On 2<sup>nd</sup> May 2025, the Respondents jointly filed through Mr. Peter O. Bosire Advocate, a Notice of Appointment dated 2<sup>nd</sup> May 2025, a Replying Affidavit for the 1<sup>st</sup> and 2<sup>nd</sup> Respondent sworn by Eng. Silas M. Kinoti on 2<sup>nd</sup> May 2025 together with a file containing confidential documents concerning the subject tender pursuant to Section 67(3)(e) of the Act.
4. *Vide* a Hearing Notice dated 2<sup>nd</sup> May 2025, the Acting Board Secretary, notified parties and all tenderers in the subject tender of an online hearing of the Request for Review slated for 8<sup>th</sup> May 2025 at 11.00 a.m., through the link availed in the said Hearing Notice.
5. *Vide* letter dated 5<sup>th</sup> May 2025, the Acting Board Secretary notified all tenderers in the subject tenders via email, of the existence of the





Request for Review while forwarding to all tenderers a copy of the Request for Review together with the Board's Circular No. 02/2020 dated 24<sup>th</sup> March 2020. All tenderers in the subject tender were invited to submit to the Board any information and arguments concerning the tender within three (3) days.

6. On 6<sup>th</sup> May 2025, the Interested Party filed through Gerivia Advocates LLP a Notice of Appointment of Advocates dated 2<sup>nd</sup> May 2025 and a Replying Affidavit of the Interested Party sworn on 6<sup>th</sup> May 2025 by Amina Mohamed Sheikh, its sole Director.
7. On 8<sup>th</sup> May 2025, the Applicant through its advocates filed a Joint Consent and Notice of Withdrawal dated 7<sup>th</sup> May 2025 pursuant to Regulation 216 of the Public Procurement Asset and Disposal Regulations, 2020 (hereinafter referred to as "Regulations 2020) which was duly signed by all parties and indicated that the parties had voluntarily and mutually agreed to have the matter marked as withdrawn.
8. When the matter came up for hearing on the same day of 8<sup>th</sup> May 2025 at 11.00 a.m., the Board acknowledged receipt of the filed Joint Consent and Notice of Withdrawal filed on 8<sup>th</sup> May 2025 and dated 7<sup>th</sup> May 2025 and parties having confirmed that there was no pending issue, proceeded to adopt the same as an order of the Board.



9. In the circumstances, the Request for Review dated 24<sup>th</sup> April 2025 and filed on 25<sup>th</sup> April 2025 is hereby marked as withdrawn on 8<sup>th</sup> May 2025 by consent of parties with no orders as to costs.

### **FINAL ORDERS**

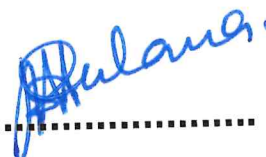
10. In exercise of the powers conferred upon it by Section 173 of the Public Procurement and Asset Disposal Act, No. 33 of 2015, the Board makes the following orders in the instant Request for Review:

**A. The Applicant's Request for Review dated 24<sup>th</sup> April 2025 and filed on 25<sup>th</sup> April 2025 be and is hereby marked as withdrawn by consent of parties.**

**B. There shall be no orders as to costs.**

**Dated at NAIROBI this 9<sup>th</sup> Day of May 2025.**

  
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**CHAIRPERSON**  
**PPARB**

  
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**SECRETARY**  
**PPARB**