

**REPUBLIC OF KENYA**

**PUBLIC PROCUREMENT ADMINISTRATIVE REVIEW BOARD**

**APPLICATION NO. 51 OF 2025 DATED 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**

**ARIDLANDS COMMUNICATION**

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

Review against the decision of the Director General, Kenya Urban Roads Authority in relation to Tender No: KURA/DEV/HQ/404/2024-2025 for Upgrading to Bitumen Standards of Habado 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 Acting Board Secretary
2. Ms. Evelyn Weru - Secretariat



## 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 a Supporting Affidavit sworn by Mohamed Jelle, its Director on 24<sup>th</sup> April 2025 (hereinafter referred to as the "instant Request for Review") through their Advocate seeking the following orders from the Board:

- (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 16<sup>th</sup> April 2025 in the matter of Tender for Upgrading to Bitumen Standard of Hadado Town Roads Tender No. KURA/DEV/HQ/404/2024-2025 (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 in the matter of Tender for Upgrading to Bitumen Standard of Hadado Town Roads Tender No. KURA/DEV/HQ/404/2024-2025 (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> May 2025, Mr. James Kilaka, the Acting Secretary of the Board notified the Respondent of the filing of the Request for Review and the suspension of the procurement proceedings of the subject tender, while forwarding to the said Procuring Entity 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 Procuring Entity was 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. Vide a Hearing Notice dated 2<sup>nd</sup> May 2025, the Acting Board Secretary, notified parties and all tenderers of an online hearing of the instant Request for Review slated for 8<sup>th</sup> May 2025 at 2:00 p.m. through the link availed in the said Hearing Notice.
4. On 7<sup>th</sup> May 2025, the Applicant through its advocates filed a Notice of Withdrawal of the Request for Review pursuant to Regulation 216 of the Public Procurement Asset and Disposal Regulations, 2020 (hereinafter referred to as "Regulations 2020) together with a duly signed Consent dated 7<sup>th</sup> May 2025 indicating that parties had mutually agreed to have the matter marked as withdrawn with no orders as to costs.



5. 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**


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 Board makes the following orders by consent of all parties to 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 8<sup>th</sup> Day of May, 2025.**

  
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**CHAIRPERSON**  
**PPARB**

  
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**SECRETARY**  
**PPARB**

