

REPUBLIC OF KENYA
PUBLIC PROCUREMENT ADMINISTRATIVE REVIEW BOARD
APPLICATION NO. 105/2025 OF 7TH NOVEMBER 2025

BETWEEN

BANDWIDTH AND CLOUD SERVICES

GROUP LIMITED and THE BANDWIDTH AND

CLOUD SERVICES GROUP LIMITED APPLICANT

AND

ACCOUNTING OFFICER,

ICT AUTHORITY 1ST RESPONDENT

ICT AUTHORITY 2ND RESPONDENT

Review against the decision of the Accounting Officer, ICT Authority in relation to Tender No. RFB No: KE-ICTA-443118-NC-RFB for Provision of Internet Capacity (Lot 1: Supply and Delivery of Primary Internet Capacity (Internet Protocol Transit) for One Government Network and Lot 2: Supply and Delivery of Secondary Internet Capacity (Internet Protocol Transit) for One Government Network)

DECISION OF THE BOARD

1. On 7th November 2025, Bandwidth and Cloud Services Group Limited and the Bandwidth and Cloud Services Group Limited, the Applicant herein, filed a Request for Review dated 4th November 2025 together with a Statement in support of the Request for Review signed on even date by Yonas Maru, its authorised representative (hereinafter referred



to as the 'instant Request for Review') seeking the following orders from the Board in verbatim:

a) A declaration that the Procuring Entity's decision to disqualify the Applicant's bid at the technical evaluation stage was unlawful and contrary to the Public Procurement and Asset Disposal Act, 2015 and the applicable Regulations.

b) An order setting aside the Procuring Entity's decision disqualifying the Applicant.

c) An order directing the Procuring Entity to reinstate the Applicant's bid, declare it technically responsive, and proceed to open and evaluate its financial proposal in accordance with the tender document; and

d) Any other orders or reliefs that the Board may deem fit and just in the circumstances.

2. In a Notification of Appeal and a letter dated 7th November 2025, Mr. Philemon Kiprop, the Secretary of the Board notified the 1st and 2nd 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 24th March 2020.



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 7th November 2025.

3. On 12th November 2025, the Respondents jointly filed through Pauline Wamuyu Kimotho Advocate, a memorandum of Response/Replying Affidavit sworn by Zilpher Owiti on 11th November 2025, a Preliminary Objection dated 11th November 2025 together with a file containing confidential documents concerning the subject tender pursuant to Section 67(3)(e) of the Act.
4. *Vide* letter dated 13th November 2025, the Board Secretary notified all tenderers in the subject tenders 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 24th 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.
5. *Vide* a Hearing Notice dated 14th November 2025, the Board Secretary, notified parties and all tenderers in the subject tender of an online hearing of the Request for Review slated for 24th November 2025 at 11.00 a.m., through the link availed in the said Hearing Notice.
6. On 21st November 2025 the Applicant through Sigano & Omollo LLP filed a Notice of Appointment of Advocates of even date.



7. On the same day, the Respondents filed Written Submissions dated 12th November 2025 and a List of Authorities of even date.
8. *Vide* email of 24th November 2025, the Board Secretary informed parties that the hearing of the matter had been rescheduled to 25th November 2025 at 9.00 a.m.
9. On the morning of 25th November 2025, the Applicant through its advocates filed a Notice of Withdrawal of Request for Review by Consent dated 25th November 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.
10. Subsequently, the Board notified parties vide email that in view of the filed Notice of Withdrawal of Request for Review by Consent dated 25th November 2025, the slated hearing had been cancelled and proceeded to adopt the same as an order of the Board.
11. In the circumstances, the Request for Review dated 4th November 2025 and filed on 7th November 2025 is hereby marked as withdrawn by consent of parties with no orders as to costs.



FINAL ORDERS

12. 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 4th November 2025 and filed on 7th November 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 26th Day of November 2025.


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CHAIRPERSON
PPARB


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SECRETARY
PPARB

