PUBLIC PROCUREMENT ADMINISTRATIVE REVIEW BOARD

REVIEW NO. 50/2012 OF 4TH OCTOBER, 2012

BETWEEN

LAVINGTON SECURITY LTD.....APPLICANT

AND

MINISTRY OF ROADS.....PROCURING ENTITY

Review against the decision of the Tender Committee of the Ministry of Roads in the matter of Tender No. ME/19/2011-2012 for provision of Security Services.

BOARD MEMBERS PRESENT

Mr. P.M. Gachoka	-	Chairman
Mr. Joshua Wambua	-	Member
Ms. Judith Guserwa	-	Member
Mr. Akich Okola	-	Member

IN ATTENDANCE

Mr. Nathan Soita	-	Holding brief for Secretary
Mr. Philemon Chemoiywo	-	Secretariat
Ms. Judy Maina	-	Secretariat.

PRESENT BY INVITATION

Applicant – M/s Lavington Security Ltd

Mr. Charles Njuguna	-	Njuguna & Partners Advocates
Mr. Raymond Koech	-	Representative

Procuring Entity – Ministry of Roads

Eng. P.T. Mukiri	-	Chief Mechanical & Transport Engineer
Mr. G.O. Onyach	-	PSE (E)
Mr. L.N. Aura	-	Senior A/D, Supply Chain Mngt Officer
Mr. Mr. B.H. Aba	-	Chief Finance Officer
Mr. J.O. Musakala	-	SPC
Ms. L.M. Musyoka	-	Senior Supply Chain Management Officer

Interested Candidates: –

Mr. Michael Muniu	-	Starlight Security Services Ltd
Mr. James Cherutich	-	Total Security Surveillance Ltd
Mr. Timothy Njoroge	-	Brinks Security Services Ltd

BOARD'S DECISION

Upon hearing the submissions of the parties and interested candidates and upon considering the information in all the documents before it, the Board decides as follows:

BACKGROUND OF AWARD

Invitation to tender

The Procuring Entity advertised the Tender No. ME/19/2011-2012 for provision of Security Services in the local daily newspapers on 11th May, 2012 with the closing date being 31st May, 2012.

Closing/Opening:

At the time of tender closing, i.e 31st May 2012, ten (10) bids had been submitted by the following firms:

1. Vickers Security Services (VSS) Ltd
2. Hatari Security Guards Services
3. WeCan Security Risk Management Solutions
4. Secure Homes Limited
5. Lavington Security Ltd
6. Starlight Security Services Ltd
7. Total security Surveillance Ltd
8. Apex Security Services Ltd
9. Gyto Success Co. Ltd
10. Brinks Security Services Ltd

EVALUATION

The evaluation was carried out by an Evaluation Committee under the chairmanship of Eng. George Onyach. The evaluation was undertaken in three stages namely; Preliminary evaluation, Technical evaluation and Financial evaluation.

PRELIMINARY EVALUATION

At this stage the documents were checked for completeness. A complete document was deemed to be one that provided:-

- **Bid Security -** Bidders were required to furnish a tender security of Kshs. 150,000.00 whose validity is not less than 150 days from date of tender opening as outlined in Section IV(Special Conditions of Contract) and Section VII (Evaluation criteria)
- **PIN certificate -** Attached.
- **VAT certificate** - Attached.
- **TAX compliance** as evidence that the bidder pays Tax as required by law.
- **Certificate of incorporation -** Attached

Table 1:Summary of Preliminary Evaluation

Bidder's No.	Firms Name	PIN Certificate	VAT certificate	TAX compliance	Bid bond	Certificate of Incorporatio	Responsiveness
1	Vickers Security Services	P	P	P	P	P	R
2	Hatari Security Guards Services	P	P	P	P	P	R
3	WeCan Security Risk Management Solutions	P	P	P	NV	P	NR
4	Secure Homes Limited	P	P	P	P	P	R
5	Lavington Security Ltd	P	P	P	P	P	R
6	Starlight Security Services	P	P	NV	P	P	NR
7	Total Security Surveillance Ltd	P	P	P	P	P	R
8	Apex Security Services Ltd	P	P	P	NV	P	NR
9	Gyto Success Co. Ltd	P	P	P	P	P	R
10	Brinks Security Services	P	P	P	P	P	R

Key:

- **P - Provided**
- **R – Responsive**
- **NR-Not Responsive**
- **NV-Not Valid**

Bidder No. 3 and 8 were disqualified for having submitted a tender security with a validity period below 150 days.

Bidder No. 6 is considered Non-Responsive because the Tax Compliance Certificate is not valid because it is none existent in the KRA Tax Certificate Inventory checker online services (KRA 19/0000998/2012).

Bidder No's 1, 2, 4, 5, 7, 9 and 10 are responsive and are considered for further evaluation.

TECHNICAL EVALUATION

The numbers of points to be awarded under each evaluation criteria were:-

NO.	CRITERIA	SCORE
N/B:	Any security firm that will not have attached the following documents will automatically be considered as non-responsive to the tender:-	A must meet requirement for all tenderers.
1.	➢ Bid Bond worth Kshs.150,000/- (Valid for 150 days from the date of opening ➢ PIN Certificate ➢ VAT Certificate ➢ Certificate of Incorporation ➢ Valid Tax Compliance Certificate	10%
2.	Experience in offering security services: ➢ 0-5 years (5) ➢ Over 5 years (10)	10%
3.	Guards Monthly pay (Please attach copies of payroll) ➢ Kshs.10,000/- and above (10) ➢ Less than Kshs.10,000/- (5)	10%

	N/B: Due diligence will be carried out by the employer.	
4.	Audited Financial statements for the last two (2) years turnover: ➢ 1million-2million (3) ➢ 2million-3million (5) ➢ Over 3million (10)	10%
5.	Reference from three reputable clients. *(WHO MAY BE CONTACTED FOR AUTHENTICITY)*	10%
6.	A. Qualifications and competencies of key staff: Team Leader: ➢ University degree or higher (3) ➢ Professional training in security matters (7) B. Other Staff: (At least three management staff) ➢ At least 'O' level or higher (3) ➢ Professional training in security and customer service matters (2)	15%
7.	State of Company official premises verification of:- ➢ Physical premises (2) ➢ Service equipment, Vehicles/motorcycles/bicycles e.t.c. (3) ➢ Guards (3) ➢ Office Equipment (2)	10%
8.	Possession of radio communication equipment (specify). Provide radio communication HF and VHF please provide CCK radio communication licenses.	20%
9.	Operational Plan	5%
	TOTAL	**100%**
	Maximum Percentage for Technical 70	70%
	Scores required to proceed to financial evaluation: 70%	**49%**

The committee after careful examination of the documents from the 7 No. bidders awarded the marks as follows.

ITEM	BIDDER NO.	1	2	4	5	7	9	10
	BIDDER NAME	Vickers Security	Hatari Security Services	Secure Home Limited	Lavington Security Ltd	Total Security Surveillance Ltd	Gyto Success Co. Ltd	Brinks Security
1.	RESPONSIVENESS	10	10	10	10	10	10	10
2.	Experience in offering security	10	10	10	10	10	10	10

3.	Guards monthly pay	5	5	10	5	5	5	5
4.	Audited financial statements	10	10	10	10	10	10	10
5.	Reference from three reputable clients	10	10	10	10	10	10	10
6.	Qualifications and competencies of key staff	15	15	15	15	15	15	15
7.	Physical premises, Equipment, guards and office equipment	10	10	10	10	10	10	10
8.	Possession of HF&VHF communication and CCK licences	20	20	20	20	20	20	20
9.	Operational plan	5	5	5	5	5	5	5
10.	Total Marks	95	95	100	95	95	95	100
	Converted to out of 70	66.5	66.5	70.00	66.5	66.5	66.5	70.00

All the evaluated bidders met the requirement and were considered for Financial evaluation.

FINANCIAL EVALUATION

The Financial evaluation was done based on Regions as specified in the tender document and the bidder's performance in each region.

The Commercial (financial) Score was calculated as follows:

- The lowest financial (bid price) proposal was awarded the maximum 30 points.
- The following formula was used to award the other proposals:

$F_s = (L_b \times 30) / B_c$

Where F_s = Financial score, L_b = Lowest bid and B_c = bid under consideration.

Below is the summary of the financial and technical scores for ease of reference.

ITEM NO	REGION	STATION	BIDDER NO	BIDDERS NAME	FINANCIAL CALCULATED SCORE OUT OF 30%	TECHNICAL CALCULATED SCORE OUT OF 70%	COMBINED TECHNICAL AND FINANCIAL SCORE
1	BUNGOMA	Bungoma	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58
			2	Hatari	22.00	66.50	88.50
		Busia	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58
			2	Hatari	22.00	66.50	88.50
		Mt. Elgon	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58
			2	Hatari	22.00	66.50	88.50
		Teso	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58

ITEM NO	REGION	STATION	BIDDER NO	BIDDERS NAME	FINANCIAL CALCULATED SCORE OUT OF 30%	TECHNICAL CALCULATED SCORE OUT OF 70%	COMBINED TECHNICAL AND FINANCIAL SCORE
	BUNGOMA	Teso	2	Hatari	22.00	66.50	88.50
	Eldoret	Keiyo	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	23.74	70.00	93.74
			2	Hatari	22.00	66.50	88.50
		Marakwet	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14

			10	Brinks	23.74	70.00	93.74
			2	Hatari	22.00	66.50	88.50
		N/North	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	23.74	70.00	93.74
2			2	Hatari	22.00	66.50	88.50
		N/South	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	23.74	70.00	93.74
			2	Hatari	22.00	66.50	88.50
		Transzoia	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	23.74	70.00	93.74
			2	Hatari	22.00	66.50	88.50
		UasinGishu	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	23.74	70.00	93.74
			2	Hatari	22.00	66.50	88.50
	EMBU	Chuka	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
3			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
ITEM NO	REGION	STATION	BIDDER NO	BIDDERS NAME	FINANCIAL CALCULATED SCORE OUT OF 30%	TECHNICAL CALCULATED SCORE OUT OF 70%	COMBINED TECHNICAL AND FINANCIAL SCORE
	EMBU	Chuka	10	Brinks	25.58	70.00	95.58
			2	Hatari	22.00	66.50	88.50
		Embu	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58
			2	Hatari	22.00	66.50	88.50
		Kitui	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94

			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58
			2	Hatari	22.00	66.50	88.50
		Mbeere	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58
			2	Hatari	22.00	66.50	88.50
		Mwingi	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58
			2	Hatari	22.00	66.50	88.50
		Tharaka	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58
			2	Hatari	22.00	66.50	88.50
4	GARISSA	Garissa	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			1	Vickers	25.58	66.50	92.08
			2	Hatari	22.00	66.50	88.50
			10	Brinks	20.75	70.00	90.75
		Ijara	7	Total	30.00	66.50	96.50

ITEM NO	REGION	STATION	BIDDER NO	BIDDERS NAME	FINANCIAL CALCULATED SCORE OUT OF 30%	TECHNICAL CALCULATED SCORE OUT OF 70%	COMBINED TECHNICAL AND FINANCIAL SCORE
4	GARISSA	Ijara	9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			1	Vickers	25.58	66.50	92.08
			2	Hatari	22.00	66.50	88.50
			10	Brinks	20.75	70.00	90.75
	GARSEN	Hola	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			1	Vickers	25.58	66.50	92.08
			2	Hatari	22.00	66.50	88.50

			10	Brinks	20.75	70.00	90.75
		Lamu	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
5			5	Lavington	25.64	66.50	92.14
			1	Vickers	25.58	66.50	92.08
			2	Hatari	22.00	66.50	88.50
			10	Brinks	20.75	70.00	90.75
		Malindi	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			1	Vickers	25.58	66.50	92.08
			2	Hatari	22.00	66.50	88.50
			10	Brinks	20.75	70.00	90.75
		Homa Bay	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58
6	HOMABAY		2	Hatari	22.00	66.50	88.50
		Kuria	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58
	HOMABAY	Kuria	2	Hatari	22.00	66.50	88.50

ITEM NO	REGION	STATION	BIDDER NO	BIDDERS NAME	FINANCIAL CALCULATED SCORE OUT OF 30%	TECHNICAL CALCULATED SCORE OUT OF 70%	COMBINED TECHNICAL AND FINANCIAL SCORE
		Migori	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58
			2	Hatari	22.00	66.50	88.50
	HOMABAY	Rachuonyo	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
6			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58
			2	Hatari	22.00	66.50	88.50
		Suba	7	Total	30.00	66.50	96.50

			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58
			2	Hatari	22.00	66.50	88.50
7	ISIOLO	Isiolo	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			1	Vickers	25.58	66.50	92.08
			2	Hatari	22.00	66.50	88.50
			10	Brinks	20.75	70.00	90.75
		M/Central	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			1	Vickers	25.58	66.50	92.08
			2	Hatari	22.00	66.50	88.50
			10	Brinks	20.75	70.00	90.75
8	KAKAMEGA	Butere	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58
			2	Hatari	22.00	66.50	88.50
		Kakamega	7	Total	30.00	66.50	96.50

ITEM NO	REGION	STATION	BIDDER NO	BIDDERS NAME	FINANCIAL CALCULATED SCORE OUT OF 30%	TECHNICAL CALCULATED SCORE OUT OF 70%	COMBINED TECHNICAL AND FINANCIAL SCORE
8	KAKAMEGA	Kakamega	9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58
			2	Hatari	22.00	66.50	88.50
		Lugari	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58
			2	Hatari	22.00	66.50	88.50
		Vihiga	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14

			10	Brinks	25.58	70.00	95.58
			2	Hatari	22.00	66.50	88.50
9	KERICHO	Buret	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58
			2	Hatari	22.00	66.50	88.50
		Kericho	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58
			2	Hatari	22.00	66.50	88.50
		Narok	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58
			2	Hatari	22.00	66.50	88.50
10	KIHBT	KIHBT NBI	4	Secure	29.95	70.00	99.95
			5	Lavington	29.65	66.50	96.15
			9	Gyto	29.51	66.50	96.01
			7	Total	29.35	66.50	95.85
			2	Hatari	25.44	66.50	91.94

ITEM NO	REGION	STATION	BIDDER NO	BIDDERS NAME	FINANCIAL CALCULATED SCORE OUT OF 30%	TECHNICAL CALCULATED SCORE OUT OF 70%	COMBINED TECHNICAL AND FINANCIAL SCORE
	KIHBT	KIHBT NBI	10	Brinks	24.00	70.00	94.00
		Kisii Campus	9	Gyto	30.00	66.50	96.50
			4	Secure	29.95	70.00	99.95
			5	Lavington	28.13	66.50	94.63
			10	Brinks	28.07	70.00	98.07
			7	Total	27.85	66.50	94.35
			2	Hatari	24.14	66.50	90.64
		Ngong Campus	4	Secure	29.95	70.00	99.95
			5	Lavington	29.65	66.50	96.15
			9	Gyto	29.51	66.50	96.01
			7	Total	29.35	66.50	95.85
			2	Hatari	25.44	66.50	91.94
			10	Brinks	24.00	70.00	94.00
	KISII	Gucha	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95

11			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58
			2	Hatari	22.00	66.50	88.50
		Kisii	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58
			2	Hatari	22.00	66.50	88.50
		Nyamira	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58
			2	Hatari	22.00	66.50	88.50
		Transmara	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95

ITEM NO	REGION	STATION	BIDDER NO	BIDDRES NAME	FINANCIAL CALCULATED SCORE OUT OF 30%	TECHNICAL CALCULATED SCORE OUT OF 70%	COMBINED TECHNICAL AND FINANCIAL SCORE
11	KISII	Transmara	4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	23.74	70.00	93.74
			2	Hatari	22.00	66.50	88.50
12	KISUMU	Bondo	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	23.74	70.00	93.74
			2	Hatari	22.00	66.50	88.50
		Kisumu	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	23.74	70.00	93.74
			2	Hatari	22.00	66.50	88.50

		Nyando	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	23.74	70.00	93.74
			2	Hatari	22.00	66.50	88.50
		Siaya	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	23.74	70.00	93.74
			2	Hatari	22.00	66.50	88.50
13	MARSABIT	Marsabit	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			1	Vickers	25.58	66.50	92.08
			2	Hatari	22.00	66.50	88.50
			10	Brinks	20.75	70.00	90.75
		Moyale	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			1	Vickers	25.58	66.50	92.08

ITEM NO	REGION	STATION	BIDDER NO	BIDDERS NAME	FINANCIAL CALCULATED SCORE OUT OF 30%	TECHNICAL CALCULATED SCORE OUT OF 70%	COMBINED TECHNICAL AND FINANCIAL SCORE
		Moyale	2	Hatari	22.00	66.50	88.50
13	MARSABIT		10	Brinks	20.75	70.00	90.75
	MATERIALS	Bungoma Reg. Lab	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58
			2	Hatari	22.00	66.50	88.50
		Embu Reg. Lab	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58
			2	Hatari	22.00	66.50	88.50
		Garissa Reg. Lab	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94

ITEM NO	REGION	STATION	BIDDER NO	BIDDERS NAME	FINANCIAL CALCULATED SCORE OUT OF 30%	TECHNICAL CALCULATED SCORE OUT OF 70%	COMBINED TECHNICAL AND FINANCIAL SCORE
			5	Lavington	25.64	66.50	92.14
			2	Hatari	22.00	66.50	88.50
			10	Brinks	20.75	70.00	90.75
14		Kakamega Reg. Lab	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58
			2	Hatari	22.00	66.50	88.50
		Kisii Reg. Lab	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58
			2	Hatari	22.00	66.50	88.50
		Kisumu Reg. Lab	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	23.74	70.00	93.74
			2	Hatari	22.00	66.50	88.50
		Machakos Reg. Lab	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58
			2	Hatari	22.00	66.50	88.50
		Materials T& R	4	Secure	27.03	70.00	97.03
			5	Lavington	29.65	66.50	96.15
			9	Gyto	29.51	66.50	96.01
			7	Total	29.35	66.50	95.85
			2	Hatari	25.44	66.50	91.94
			10	Brinks	24.00	70.00	94.00
		Mombasa Reg. Lab	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
14			5	Lavington	25.64	66.50	92.14
			10	Brinks	22.15	70.00	92.15
			2	Hatari	22.00	66.50	88.50
		Nakuru	7	Total	30.00	66.50	96.50

		Reg. Lab	9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58
			2	Hatari	22.00	66.50	88.50
		Nyeri Reg. Lab	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58
			2	Hatari	22.00	66.50	88.50
15	MOMBASA	Kilifi	9	Gyto	30.00	66.50	96.50
			7	Total	28.02	66.50	94.52
			4	Secure	26.43	66.50	92.93
			5	Lavington	26.12	66.50	92.62
			1	Vickers	26.06	66.50	92.56
			10	Brinks	22.56	66.50	89.06
			2	Hatari	22.41	66.50	88.91
		Kwale	9	Gyto	30.00	66.50	96.50
			7	Total	28.02	66.50	94.52

ITEM NO	REGION	STATION	BIDDER NO	BIDDERS NAME	FINANCIAL CALCULATED SCORE OUT OF 30%	TECHNICAL CALCULATED SCORE OUT OF 70%	COMBINED TECHNICAL AND FINANCIAL SCORE
15	MOMBASA	Kwale	4	Secure	26.43	70.00	96.43
			5	Lavington	26.12	66.50	92.62
			1	Vickers	26.06	66.50	92.56
			10	Brinks	22.56	70.00	92.56
			2	Hatari	22.41	66.50	88.91
		Mombasa	9	Gyto	30.00	66.50	96.50
			7	Total	28.02	66.50	94.52
			4	Secure	26.43	66.50	92.93
			5	Lavington	26.12	66.50	92.62
			1	Vickers	26.06	66.50	92.56
			10	Brinks	22.56	66.50	89.06
			2	Hatari	22.41	66.50	88.91
		Voi	9	Gyto	30.00	66.50	96.50
			7	Total	28.02	66.50	94.52
			4	Secure	26.43	66.50	92.93
			5	Lavington	26.12	66.50	92.62
			1	Vickers	26.06	66.50	92.56
			10	Brinks	22.56	66.50	89.06
			2	Hatari	22.41	66.50	88.91

ITEM NO	REGION	STATION	BIDDER NO	BIDDERS NAME	FINANCIAL CALCULATED SCORE OUT OF 30%	TECHNICAL CALCULATED SCORE OUT OF 70%	COMBINED TECHNICAL AND FINANCIAL SCORE
16	NAIROBI	Kajiado	7	Total	30.00	66.50	96.50
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58
			9	Gyto	25.52	66.50	92.02
			2	Hatari	22.00	66.50	88.50
		Machakos	7	Total	30.00	66.50	96.50
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58
			9	Gyto	25.52	66.50	92.02
			2	Hatari	22.00	66.50	88.50
		Makueni	7	Total	30.00	66.50	96.50
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58
16	NAIROBI	Makueni	9	Gyto	25.52	66.50	92.02
			2	Hatari	22.00	66.50	88.50
		NBI	4	Secure	30.00	70.00	100.00
			5	Lavington	29.65	66.50	96.15
			9	Gyto	29.51	66.50	96.01
			7	Total	29.35	66.50	95.85
			2	Hatari	25.44	66.50	91.94
			10	Brinks	24.00	70.00	94.00
17	NAKURU	Baringo	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58
			2	Hatari	22.00	66.50	88.50
		Koibatek	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58
			2	Hatari	22.00	66.50	88.50
		Laikipia west	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58

			2	Hatari	22.00	66.50	88.50
		Nakuru	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58
			2	Hatari	22.00	66.50	88.50
		Nyandurua	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58
			2	Hatari	22.00	66.50	88.50
		Samburu	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
ITEM NO	REGION	STATION	BIDDER NO	BIDDERS NAME	FINANCIAL CALCULATED SCORE OUT OF 30%	TECHNICAL CALCULATED SCORE OUT OF 70%	COMBINED TECHNICAL AND FINANCIAL SCORE
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
17	NAKURU	Samburu	10	Brinks	25.58	70.00	95.58
			2	Hatari	22.00	66.50	88.50
		Karatina	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58
			2	Hatari	22.00	66.50	88.50
		Kirinyaga	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58
	NYERI		2	Hatari	22.00	66.50	88.50
18		Nanyuki	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			10	Brinks	25.58	70.00	95.58
			2	Hatari	22.00	66.50	88.50
		Nyeri	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14

			10	Brinks	25.58	70.00	95.58
			2	Hatari	22.00	66.50	88.50
19	THIKA	Kiambu	9	Gyto	30.00	66.50	96.50
			7	Total	26.90	66.50	93.40
			4	Secure	26.43	66.50	92.93
			5	Lavington	26.12	66.50	92.62
			10	Brinks	24.19	66.50	90.69
			2	Hatari	22.41	66.50	88.91
		Muranga/N	9	Gyto	30.00	66.50	96.50
			7	Total	26.90	66.50	93.40
			4	Secure	26.43	70.00	96.43
			5	Lavington	26.12	66.50	92.62
			10	Brinks	24.19	70.00	94.19
			2	Hatari	22.41	66.50	88.91
ITEM NO	REGION	STATION	BIDDER NO	BIDDERS NAME	FINANCIAL CALCULATED SCORE OUT OF 30%	TECHNICAL CALCULATED SCORE OUT OF 70%	COMBINED TECHNICAL AND FINANCIAL SCORE
19	THIKA	Muranga/S	9	Gyto	30.00	66.50	96.50
			7	Total	26.90	66.50	93.40
			4	Secure	26.43	70.00	96.43
			5	Lavington	26.12	66.50	92.62
			10	Brinks	24.19	70.00	94.19
			2	Hatari	22.41	66.50	88.91
		Ruiru	9	Gyto	30.00	66.50	96.50
			7	Total	26.90	66.50	93.40
			4	Secure	26.43	66.50	92.93
			5	Lavington	26.12	66.50	92.62
			10	Brinks	24.19	66.50	90.69
			2	Hatari	22.41	66.50	88.91
		Thika	9	Gyto	30.00	66.50	96.50
			7	Total	26.90	66.50	93.40
			4	Secure	26.43	70.00	96.43
			5	Lavington	26.12	66.50	92.62
			10	Brinks	24.19	70.00	94.19
			2	Hatari	22.41	66.50	88.91
20	TURKANA	Turkana	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			2	Hatari	22.00	66.50	88.50
			10	Brinks	18.86	70.00	88.86
		W/Pokot	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95

			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
			2	Hatari	22.00	66.50	88.50
			10	Brinks	18.86	70.00	88.86
			7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
		Elwak	5	Lavington	25.64	66.50	92.14
21	WAJIR		1	Vickers	25.58	66.50	92.08
			2	Hatari	22.00	66.50	88.50
			10	Brinks	20.75	70.00	90.75
		Mandera	7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
ITEM NO	REGION	STATION	BIDDER NO	BIDDERS NAME	FINANCIAL CALCULATED SCORE OUT OF 30%	TECHNICAL CALCULATED SCORE OUT OF 70%	COMBINED TECHNICAL AND FINANCIAL SCORE
			4	Secure	25.94	70.00	95.94
			5	Lavington	25.64	66.50	92.14
		Mandera	1	Vickers	25.58	66.50	92.08
			2	Hatari	22.00	66.50	88.50
			10	Brinks	20.75	70.00	90.75
21	WAJIR		7	Total	30.00	66.50	96.50
			9	Gyto	29.45	66.50	95.95
			4	Secure	25.94	70.00	95.94
		Wajir	5	Lavington	25.64	66.50	92.14
			1	Vickers	25.58	66.50	92.08
			2	Hatari	22.00	66.50	88.50
			10	Brinks	20.75	70.00	90.75

EVALUATION COMMITTEE'S RECOMMENDATION

The Committee considered the fact that in some stations, the premises are shared by the roads Authorities, Mechanical, Materials and KIHBT departments, and that by the time of advertisement of this tender, the Authorities had already contracted security services of Lavington Security Limited.

COMMITTEE'S SUMMARY

From the foregoing, the committee recommends that for the stations that premises are shared and are currently being guarded by Lavington Security Ltd, the same be considered for award at the company's bidded unit price for additional guards.

Similarly, Materials Department Kisii laboratory is within the compound of KIHBT Kisii campus and it is recommended that both departments be guarded by the same security firm.

The Committee may note that Kenya Rural Roads Authority awarded M/S Lavington Security Services Ltd the contract for provision of security services at a Kshs 13,200.00 per guard and Kshs 16,200.00 per supervisor. The Tender is dated 12th July, 2010.

The Committee may also note that the firm had requested for 12.5% rates adjustments since the Government had raised minimum wages by 13% the same year.

This 12.5% adjustment was going to raise the rate per guard to Kshs 14,850

Therefore the evaluation committee recommends the following firms for award:

ITEM NO	REGION	STATION	BIDDER NO	BIDDERS NAME	TOTAL MONTHLY DAY AND NIGHT (KSHS)	YEARLY TOTAL KSHS
	MECHANICAL AND TRANPORT DEPARTMENT					
1	BUNGOMA	Bungoma	7	Total Security Surveillance Ltd	63,800.00	765,600.00
		Busia	5	Lavington Security Ltd	29,860.00	358,320.00
		Mt. Elgon	7	Total Security Surveillance Ltd	25,520.00	306,240.00
		Teso	5	Lavington Security Ltd	29,860.00	358,320.00
2	ELDORET	Keiyo	5	Lavington Security Ltd	44,790.00	537,480.00
		Marakwet	5	Lavington Security Ltd	29,860.00	358,320.00
		N/North	5	Lavington Security Ltd	29,860.00	358,320.00
		N/South	5	Lavington Security Ltd	29,860.00	358,320.00
		Transzoia	5	Lavington Security Ltd	29,860.00	358,320.00
		UasinGishu	5	Lavington Security Ltd	74,650.00	895,800.00
3	EMBU	Chuka	5	Lavington Security Ltd	29,860.00	358,320.00
		Embu	5	Lavington Security Ltd	89,580.00	1,074,960.00
		Kitui	5	Lavington Security Ltd	44,790.00	537,480.00
		Mbeere	5	Lavington Security Ltd	44,790.00	537,480.00
		Mwingi	5	Lavington Security Ltd	29,860.00	358,320.00
		Tharaka	5	Lavington Security Ltd	29,860.00	358,320.00
4	GARISSA	Garissa	5	Lavington Security Ltd	89,580.00	1,074,960.00
		Ijara	7	Total Security Surveillance Ltd	25,520.00	306,240.00
5	GARSEN	Hola	5	Lavington Security Ltd	44,790.00	537,480.00
		Lamu	7	Total Security Surveillance Ltd	51,040.00	612,480.00
		Malindi	5	Lavington Security Ltd	44,790.00	537,480.00
6	HOMABAY	Homa Bay	7	Total Security Surveillance Ltd	76,560.00	918,720.00
		Kuria	5	Lavington Security Ltd	29,860.00	358,320.00
		Migori	5	Lavington Security Ltd	29,860.00	358,320.00
		Rachuonyo	5	Lavington Security Ltd	29,860.00	358,320.00
		Suba	5	Lavington Security Ltd	29,860.00	358,320.00
7	ISIOLO	Isiolo	7	Total Security Surveillance Ltd	63,800.00	765,600.00
		M/Central	5	Lavington Security Ltd	59,720.00	716,640.00
8	KAKAMEGA	Butere	7	Total Security Surveillance Ltd	51,040.00	612,480.00
		Kakamega	7	Total Security Surveillance Ltd	89,320.00	1,071,840.00
		Lugari	7	Total Security	38,280.00	459,360.00

				Surveillance Ltd		
		Vihiga	7	Total Security Surveillance Ltd	38,280.00	459,360.00
9	KERICHO	Buret	5	Lavington Security Ltd	59,720.00	716,640.00
		Kericho	5	Lavington Security Ltd	59,720.00	716,640.00
		Narok	7	Total Security Surveillance Ltd	51,040.00	612,480.00

ITEM NO	REGION	STATION	BIDDER NO	BIDDERS NAME	TOTAL MONTHLY DAY AND NIGHT (KSHS)	YEARLY TOTAL KSHS
		Gucha	5	Lavington Security Ltd	29,860.00	358,320.00
10	KISII	Kisii	5	Lavington Security Ltd	44,790.00	537,480.00
		Nyamira	5	Lavington Security Ltd	29,860.00	358,320.00
		Transmara	5	Lavington Security Ltd	29,860.00	358,320.00
		Bondo	5	Lavington Security Ltd	29,860.00	358,320.00
11	KISUMU	Kisumu	7	Total Security Surveillance Ltd	51,040.00	612,480.00
		Nyando	5	Lavington Security Ltd	29,860.00	358,320.00
		Siaya	5	Lavington Security Ltd	59,720.00	716,640.00
12	MARSABIT	Marsabit	5	Lavington Security Ltd	29,860.00	358,320.00
		Moyale	7	Total Security Surveillance Ltd	25,520.00	306,240.00
13	MOMBASA	Kilifi	9	Gyto Success Co. Ltd	52,000.00	624,000.00
		Kwale	5	Lavington Security Ltd	44,790.00	537,480.00
		Mombasa	9	Gyto Success Co. Ltd	91,000.00	1,092,000.00
		Voi	9	Gyto Success Co. Ltd	52,000.00	624,000.00
14	NAIROBI	Kajiado	5	Lavington Security Ltd	44,790.00	537,480.00
		Machakokos	5	Lavington Security Ltd	44,790.00	537,480.00
		Makueni	5	Lavington Security Ltd	44,790.00	537,480.00
		Nairobi	4	Secure Home Limited	250,826.50	3,009,918.00
15	NAKURU	Baringo	5	Lavington Security Ltd	44,790.00	537,480.00
		Koibatek	5	Lavington Security Ltd	44,790.00	537,480.00
		Laikipia west	5	Lavington Security Ltd	44,790.00	537,480.00
		Nakuru	5	Lavington Security Ltd	179,160.00	2,149,920.00
		Nyandurua	5	Lavington Security Ltd	44,790.00	537,480.00
		Samburu	5	Lavington Security Ltd	44,790.00	537,480.00
16	NYERI	Karatina	5	Lavington Security Ltd	44,790.00	537,480.00
		Kirinyaga	5	Lavington Security Ltd	29,860.00	358,320.00
		Nanyuki	7	Total Security Surveillance Ltd	51,040.00	612,480.00

		Nyeri	5	Lavington Security Ltd	74,650.00	895,800.00
17	THIKA	Kiambu	9	Gyto Success Co. Ltd	39,000.00	468,000.00
		Muranga/N	5	Lavington Security Ltd	44,790.00	537,480.00
		Muranga/S	5	Lavington Security Ltd	44,790.00	537,480.00
		Ruiru	9	Gyto Success Co. Ltd	52,000.00	624,000.00
		Thika	5	Lavington Security Ltd	44,790.00	537,480.00
18	TURKANA	Turkana	5	Lavington Security Ltd	44,790.00	537,480.00
		W/Pokot	5	Lavington Security Ltd	44,790.00	537,480.00
19	WAJIR	Elwak	7	Total Security Surveillance Ltd	25,520.00	306,240.00
		Mandera	7	Total Security Surveillance Ltd	38,280.00	459,360.00
		Wajir	7	Total Security Surveillance Ltd	38,280.00	459,360.00
					3,624,996.50	**43,499,958.00**
	KENYA INTITUTE OF HIGHWAYS AND BUILDING TECHNOLOGY					
20	KIHBT	KIHBT Nairobi HQS	4	Secure Home Limited	324,599.00	3,895,188.00
		Kisii Campus	4	Secure Home Limited	206,563.00	2,478,756.00
		Ngong Campus	4	Secure Home Limited	236,072.00	2,832,864.00
					565,500.50	**6,786,006.00**
21	**MATERIAL TESTING AND RESEARCH DEPARTMENT**					
	MATERIALS	Bungoma Regional Laboratory	5	Lavington Security Ltd	59,720.00	716,640.00
		Embu Regional laboratory	5	Lavington Security Ltd	44,790.00	537,480.00
		Garissa Regional Laboratory	5	Lavington Security Ltd	44,790.00	537,480.00
		Kakamega Regional Laboratory	7	Total Security Surveillance Ltd	51,040.00	612,480.00
		Kisii Regional Laboratory	4	Secure Homes Ltd	44,263.50	531,162.00
		Kisumu Regional Laboratory	5	Lavington Security Ltd	44,790.00	537,480.00
		Machakos Regional laboratory	5	Lavington Security Ltd	44,790.00	537,480.00
		Materials Testing & Research HQ	4	Secure Home Limited	132,790.50	1,593,486.00
		Mombasa Regional Laboratory	5	Lavington Security Ltd	29,860.00	358,320.00
		Nakuru Regional	5	Lavington Security Ltd	29,860.00	358,320.00

	Laboratory				
	Nyeri Regional Laboratory	5	Lavington Security Ltd	44,790.00	537,480.00
				571,484.00	**6,857,808.00**

COMMITTEE'S RECOMMENDATION FOR AWARD

BIDDER NO 5 LAVINGTON SECURITY LTD

ITEM NO	REGION	STATION	TOTAL NO GUARDS	TOTAL MONTHLY DAY AND NIGHT (KSHS)
1	NAKURU	Baringo	3	44,790.00
2	KISUMU	Bondo	2	29,860.00
3	MATERIALS	Bungoma Regional Laboratory	4	59,720.00
4	KERICHO	Buret	4	59,720.00
5	BUNGOMA	Busia	2	29,860.00
6	EMBU	Chuka	2	29,860.00
7	EMBU	Embu	6	89,580.00
8	MATERIALS	Embu Regional laboratory	3	44,790.00
9	GARISSA	Garissa	6	89,580.00
10	MATERIALS	Garissa Regional Laboratory	3	44,790.00
11	KISII	Gucha	2	29,860.00
12	GARSEN	Hola	3	44,790.00
13	NAIROBI	Kajiado	3	44,790.00
14	NYERI	Karatina	3	44,790.00
15	ELDORET	Keiyo	3	44,790.00
16	KERICHO	Kericho	4	59,720.00
17	NYERI	Kirinyaga	2	29,860.00
18	KISII	Kisii	3	44,790.00
19	MATERIALS	Kisumu Regional Laboratory	3	44,790.00
20	EMBU	Kitui	3	44,790.00
21	NAKURU	Koibatek	3	44,790.00
22	HOMABAY	Kuria	2	29,860.00
23	MOMBASA	Kwale	3	44,790.00
24	NAKURU	Laikipia west	3	44,790.00
25	ISIOLO	M/Central	4	59,720.00
26	NAIROBI	Machakokos	3	44,790.00
27	MATERIALS	Machakos Regional laboratory	3	44,790.00
28	NAIROBI	Makueni	3	44,790.00
29	GARSEN	Malindi	3	44,790.00
30	ELDORET	Marakwet	2	29,860.00
31	MARSABIT	Marsabit	2	29,860.00
32	EMBU	Mbeere	3	44,790.00
33	HOMABAY	Migori	2	29,860.00
34	MATERIALS	Mombasa Regional Laboratory	2	29,860.00
35	THIKA	Muranga/N	3	44,790.00

36	THIKA	Muranga/S	3	44,790.00
37	EMBU	Mwingi	2	29,860.00
ITEM NO	REGION	STATION	TOTAL NO GUARDS	TOTAL MONTHLY DAY AND NIGHT (KSHS)
38	ELDORET	N/North	2	29,860.00
39	ELDORET	N/South	2	29,860.00
40	NAKURU	Nakuru	12	179,160.00
41	MATERIALS	Nakuru Regional Laboratory	2	29,860.00
42	KISII	Nyamira	2	29,860.00
43	KISUMU	Nyando	2	29,860.00
44	NAKURU	Nyandurua	3	44,790.00
45	NYERI	Nyeri	5	74,650.00
46	MATERIALS	Nyeri Regional Laboratory	3	44,790.00
47	HOMABAY	Rachuonyo	2	29,860.00
48	NAKURU	Samburu	3	44,790.00
49	KISUMU	Siaya	4	59,720.00
50	HOMABAY	Suba	2	29,860.00
51	BUNGOMA	Teso	2	29,860.00
52	EMBU	Tharaka	2	29,860.00
53	THIKA	Thika	3	44,790.00
54	KISII	Transmara	2	29,860.00
55	ELDORET	Transzoia	2	29,860.00
56	TURKANA	Turkana	3	44,790.00
57	ELDORET	UasinGishu	5	74,650.00
58	TURKANA	W/Pokot	3	44,790.00
			176	2,627,680.00

BIDDER NO 9 GYTO SUCCESS COMPANY LTD

ITEM NO	REGION	STATION	TOTAL NO GUARDS	TOTAL MONTHLY DAY AND NIGHT (KSHS)
1	THIKA	Kiambu	3	39,000.00
2	MOMBASA	Kilifi	4	52,000.00
3	MOMBASA	Mombasa	7	91,000.00
4	THIKA	Ruiru	4	52,000.00
5	MOMBASA	Voi	4	52,000.00
			22	286,000.00

BIDDER NO 7 TOTAL SECURITY SURVEILLANCE LIMITED

ITEM NO	REGION	STATION	TOTAL NO GUARDS	TOTAL MONTHLY DAY AND NIGHT (KSHS)
1	BUNGOMA	Bungoma	5	63,800.00
2	KAKAMEGA	Butere	4	51,040.00
3	WAJIR	Elwak	2	25,520.00
4	HOMABAY	Homa Bay	6	76,560.00
5	GARISSA	Ijara	2	25,520.00
6	ISIOLO	Isiolo	5	63,800.00
7	KAKAMEGA	Kakamega	7	89,320.00
8	MATERIALS	Kakamega Regional Laboratory	4	51,040.00
9	KISUMU	Kisumu	4	51,040.00
10	GARSEN	Lamu	4	51,040.00
11	KAKAMEGA	Lugari	3	38,280.00
12	WAJIR	Mandera	3	38,280.00
13	MARSABIT	Moyale	2	25,520.00
14	BUNGOMA	Mt. Elgon	2	25,520.00
15	NYERI	Nanyuki	4	51,040.00
16	KERICHO	Narok	4	51,040.00
17	KAKAMEGA	Vihiga	3	38,280.00
18	WAJIR	Wajir	3	38,280.00
			67	**854,920.00**

BIDDER NO 4 SECURE HOMES LTD

ITEM NO	REGION	STATION	NO OF GUARDS	Total Of TOTAL MONTHLY DAY AND NIGHT (KSHS)
1	KIHBT	KIHBT Nairobi HQS	22	324,599.00
2	KIHBT	Kisii Campus	14	206,563.00
3	MATERIALS	Materials Testing & Research HQ	9	132,790.50
4	NAIROBI	CMTE HQRS	17	250,826.50
5	KIHBT	Ngong Campus	16	236,072.00
6	MATERIALS	Kisii Regional Laboratory	3	38,280.00
			81	**1,189,131.00**

TENDER COMMITTEE DECISION

The Tender Committee in its Meeting No.MTC:20/2011-2012 held on 28th June, 2012 observed that the Evaluation Committee's recommendation for award to M/s Lavington Security Services Ltd was not based on their price competitiveness but rather on the fact that they are already providing the same service under a contract with Kenya Rural Roads Authority in the respective regions while recommended awards to all other bidders was based on their combined Technical and Commercial scores.

In view of the above, the Tender Committee constituted a sub-committee of four members under the chairmanship of Eng. S.K. Kogi to discuss the recommendation of the Evaluation Committee to award to Lavington Security Limited the fifty eight (58) stations by virtue of currently offering security on the shared premises. The Sub-Committee carried out the comparisons between the lowest evaluated bidder for each station and what Lavington Security was offering and noted that Lavington's price for all the stations was higher by Ksh. 4,548,480 per year. The Sub-Committee recommended that the Tender Committee award the contract to the lowest evaluated bidder for each station based on the criteria provided in the Tender Document. Based on this, the fifty four (54) out of fifty eight (58) stations that had been recommended in favour of Lavington Security Ltd were awarded to Total Security Surveillance Ltd while four stations were awarded to Gyto Success Company Ltd at the Tender Committee Meeting No. 4/2012-2013 under Matters arising. The rest of the stations had been awarded by the Tender Committee in Meeting No.2/2012-2013 held on 9th August, 2012.

THE REVIEW

The Request for Review was lodged on 4th October, 2012 against the decision of the Ministry of Roads dated 21st September, 2012 in the matter of Tender No. ME/19/2011-2012 for provision of Security Services.

The Applicant was represented by Mr. Charles Njuguna, Advocate while the Procuring Entity was represented by Eng. P.T. Mukiri, Chief Mechanical & Transport Engineer. The Interested Candidates present were M/s Starlight Security Services Ltd represented by Mr. Michael Muniu, M/s Total Security Surveillance Ltd represented by Mr. James Cherutich and M/s Brinks Security Services represented by Mr. Timothy Njoroge.

The Applicant requested the Board for the following orders:

1. *Direction that Procuring Entity awards the contract for the stations the applicant is currently serving to the applicant.*

2. *In alternative to prayer one an order that the tender has expired and direction to Procuring Entity to retender for the same restricted to parties who participated in the instant tender.*

3. *Any other order or relief the Board may consider appropriate.*

The Applicant raised ten grounds of review which the Board deals with as follows:

GROUNDS 1,2,3,4,5&9: Breach of Sections 66(2), 66(4) & 66(6) of the Act Reg. 11 and Clause 5.1 of the Tender Document

The six grounds of review have been consolidated as they relate to the evaluation process of the tender and the criteria applied.

The Applicant alleged that the Procuring Entity breached Section 66 of the Public Procurement and Disposal Act, 2005 (hereinafter referred to as "the Act") in splitting the tender for purposes of Award which was not an evaluation and Award criteria set out in the Tender document. It argued that the Procuring Entity breached Section 66(4) of the Act read together with Clause 5.1 of the Tender document by failing to award the contract to the Applicant after its tender was found to be the tender with the lowest evaluated price especially for areas where the Applicant was currently serving.

It also alleged that the Procuring Entity breached Section 66(2) of the Act in that it failed to apply the criteria set out in Clause 5.1 relating to preferences. It further argued that although the said clause provided preference for bidders who had offices at the Provincial and District headquarters the Procuring Entity failed to apply this provision. It argued that in any event, this criterion was neither objective nor quantifiable as required by Section 66(3) of the Act.

The Applicant further alleged that the evaluation and comparison of tenders was done outside the timelines set out in the tender and the Act in breach of Section 66(6) of the Act and regulation.

It submitted that the Procuring Entity breached Regulation 11 in that its Tender Committee interfered with the powers vested in the Evaluation Committee by failing to consider the recommendations of the Evaluation Committee and instead irregularly constituted a subcommittee to conduct a re-evaluation on the areas that had been recommended to the Applicant.

In response, the Procuring Entity submitted that it did not breach Section 66 of the Act. It stated that it awarded the tender in line with the provisions of Sections 66 as read together with Clause 5.1 of the Tender document. It stated that the Applicant's bid was not the lowest evaluated bid as alleged. It further stated that it conducted an evaluation using the criteria set out in the Instructions to Tenderers and awarded the tender to the lowest bidder in each station. It stressed that the Applicant was not the lowest evaluated bidder as it emerged as No. 3 in all their stations in respect of which the bidding was to be effected.

It also stated that the Criteria on preferences under Clause 5.1 of the Instruction to Tenderers was not part of the evaluation criteria as set out in Section VII of the tender document. It also submitted that it did not breach Section 66(2) of the Act as it adhered to the Criteria set out in Section VII of the tender document, with respect to all the evaluated bids. It argued that the bidders were bidding per station and the award was therefore made per station.

The Board has carefully considered the Submissions of the parties and examined the documents presented before it and notes as follows:-

1. The Procuring Entity advertised the tender in dispute on 11th day of May 2012 and closed on 31st May 2012. Ten firms responded by submitting their bid documents at the time of tender opening.
2. The bids were subjected to the process of evaluation in three stages namely; Preliminary, Technical and Financial Evaluation. Three firms were disqualified at the Preliminary evaluation stage for failure to meet all the mandatory requirements.
3. The remaining seven bids; including that of the Applicant proceeded to Technical Evaluation where they were evaluated against the criteria provided in the Tender Document and were scored accordingly. All the seven firms met the set pass mark of 70% and thus proceeded to financial evaluation. The Technical evaluation constituted 70% of the overall combined weighted score.
4. At the Financial evaluation, bids were evaluated based on the formula provided in the Tender Document with the lowest bid scoring a maximum weight of 30%. The bidder with the highest combined technical and financial score was to be considered for award.
5. The Evaluation Committee in its recommendation recommended the Applicant for award in fifty eight (58) stations where the Procuring Entity shared premises with the Kenya Roads Authorities and where those Authorities had already contracted the security services of the Applicant.

6. The Tender Committee in its Meeting No. MTC:20/2011-2012 held on 28th June 2012 observed that the Evaluation Committee's recommendation for award to the Applicant was not based on their price competitiveness but rather on the fact that they were already providing the same Service under a contract with Kenya Rural Roads Authority in the respective regions yet the recommendation for award to all other bidders was based on their combined technical and financial Scores. The Tender Committee constituted a subcommittee to re-look at the recommendation made in favour of the Applicant where it was not the lowest evaluated bidder without referring the matter back to the Evaluation Committee that had made the earlier recommendation.
7. The Tender Committee at its meeting No. 2/2012-2013 held on 9th August 2012 approved the award of tenders to some of the Successful Bidders excluding the Applicant based on the recommendation by the Evaluation Committee but deferred the award for stations where the Applicant had been recommended.
8. The Tender Committee subsequently constituted a subcommittee to re-evaluate the fifty eight (58) stations that had been recommended for award to the Applicant by the Evaluation Committee at its meeting No. 4/2012-2013 and approved the award of tender with respect to the fifty eight (58) stations to the lowest evaluated bidder M/s. Total Security Surveillance and Gyto Success Co. Ltd as recommended by its subcommittee.

The Board finds that the Instructions to Tenderers provided for award of the whole tender to the bidder with the lowest evaluated price. This

notwithstanding, the Tender Committee of the Procuring Entity nevertheless awarded tenders per each station contrary to the Instructions to Tenderers. The Board therefore finds that if the Procuring Entity wished to award the tenders per station (which appears logical) that should have been made clear in the Instructions to Tenderers so that the bidders could decide on the stations on which they would have placed their bids. This would have enabled the prospective bidders to place their bids in respect of those stations where they had capacity instead of bidding nationally. Therefore by doing evaluation by station, the Procuring Entity introduced a new criterion in the evaluation and therefore breached Section 66 of the Act.

Regarding the allegation that the Evaluation and comparison of tenders was done outside the timelines set, the Board finds that although the Evaluation report is not dated, the same was tabled before the Tender Committee on 28th June 2012, which was within the stipulated 30 days provided for evaluation.

The Board further finds that the Procuring Entity breached Regulation 11 by constituting a subcommittee of the Tender Committee to re-evaluate the tenders. The powers of the Tender Committee are set out in Regulation 10 to 16 of the Regulations and each body should work within the confines of their mandate.

In the above circumstances, these grounds of review succeed.

GROUNDS 6,7&8: Breach of Sections 61, 67(1) and 67 (2) of the Act

The three grounds of review have been consolidated since they relate to the validity period of the tender.

The Applicant stated that the Procuring Entity breached Section 67(1) of the Act in its failure to simultaneously notify the bidders of the award of the tender. It further alleged that the Procuring Entity breached Section 67(2) of the Act by failing to notify all persons submitting tenders prior to expiry of tender validity period. It argued that the Procuring entity breached Section 61 of the Act in failure to seek extension of tender validity. It stated that the validity period of the subject tender lapsed on 28th September, 2012 therefore the notification letter of the award of the tender dated 15th October, 2012 was made out of time and therefore was of no effect.

The Applicant further argued that the Procuring Entity had breached the Act by splitting the award of the tender when it had no provision for such in the Instructions to Tenderers.

It added that Clause 2.24 of the Instructions to Tenderers provided for the award of tender to a "tenderer" and not "tenderers". It submitted that the award was single and not multiple as the Procuring Entity had purported to do.

Finally, the Applicant argued that the splitting of the tender by the Procuring Entity went contrary to the Act and Regulations and the award of the tender should be set aside on that ground.

The Procuring Entity responded by stating that Section 67(1) of the Act is about notification of award to the Successful Tenderer(s). It stated that the Applicant was not the successful tenderer. It submitted that it evaluated and awarded the entire tender within the validity period of 120 days. Save that the notification letters were dispatched on two (2) different dates as the award of the tender was issued to two different suppliers at different times.

The Procuring Entity denied being in breach of Section 67(2) of the Act as alleged. It submitted that it notified all the bidders within the validity period. The Procuring Entity further stated that the Applicant had been given adequate notice to the effect that his one year contract was expiring at the end of June, 2012 and therefore should have prepared to vacate the site by then. It added that the award of the tender was not split but it was awarded based on stations and the price as had been the practice. It added that this was not specifically set out in the Instructions to Tenderers.

Having perused the documents submitted by the parties, the Board notes that the tender validity period for this tender was 120 days from the tender opening on 31st May, 2012. The validity period started

running from 1st June, 2012 and lapsed on 28th September 2012. The Board further notes that the Applicant's bid was one of those that went through the technical and financial evaluation by the Procuring entity during the said period and was actually one of those recommended for the award of tender by the Evaluation Committee.

The Board also notes that the Procuring Entity's Tender Committee approved the award of this tender in two sessions whereby the first award was to bidders who had been recommended based on their combined scores which was made on 9th day of August 2012 and the letters of notification issued on 21st day of August 2012 and 26th September, 2012 respectively. These letters were to both the successful and unsuccessful bidders inclusive of the Applicant and Gyto Security Company Ltd. The second award which had been deferred in the earlier meeting with regard to stations recommended in favour of the Applicant were approved by the Tender Committee in its meeting of 21st day of September 2012 and the letters of notification dated 26th day of September, 2012 were dispatched by registered post on the 15th October, 2012 to the Applicant and the Interested Party as evidenced from the letter of postage whose stamp reads 15th October, 2012.

The Board therefore finds that:

Although some of the Successful Bidders were notified before the expiry of the tender validity in accordance with Section 67(1), the Applicant and another bidder namely Gyto Security Co. Ltd were

notified on the 15th of October, 2012 outside the tender validity period and in breach of Section 67(i) of the Act which provides as follows:-

"At the same time as the person submitting the successful tender is notified, the procuring entity shall notify all other persons submitting tenders that their tenders were not successful".

GROUND 10 - LOSS

As regards the allegation by the Applicant that it stands to suffer loss and prejudice due to the Procuring Entity's failure to follow the law, the Board has held severally, that tendering is a commercial business risk taken by the parties, and as such each party should bear its own costs.

The Board observes that the award of the subject tender in lots as per station was not provided for in the Instructions to Tenderers although it seems to be in place as the service was being supplied per station. In this respect, the Board hereby directs the Procuring Entity to strictly comply with its Instructions to Tenderers in the Tender documents in which it should factor all its requirements i.e. issue of preference if need be before engaging in any tendering process in compliance with the provisions of Section 34 of the Act. The issue of preference is indeed a good criterion that can be applied effectively if it is made objective and quantifiable in the Instructions to Tenderers.

Taking into account all the above matters this Request for Review succeeds. The Board orders pursuant to Section 98(b) of the Act that:

1) The tender award made on the 21st September, 2012 to Total Security Surveillance and Gyto Success Co. Ltd be and is hereby annulled.
2) The Procuring Entity may retender.

3) There will be no order as to costs.

Dated at Nairobi on this 5th day of November, 2012.

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CHAIRMAN
PPARB

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SECRETARY
PPARB