

**SCHEDULE 1**

**FORM 4**

**REPUBLIC OF KENYA**

**PUBLIC PROCUREMENT COMPLAINT, REVIEW AND**

**APPEALS BOARD**

**APPLICATION NO. 17/2004 OF 19<sup>TH</sup> APRIL 2004**

**BETWEEN**

**M/S TECHMASTER GENERAL SERVICES (APPLICANT)**

**AND**

**MARAGWA TOWN COUNCIL (PROCURING ENTITY)**

Appeal against the tender process of the Tender Committee Maragwa Town Council (Procuring Entity) dated 19<sup>th</sup> April 2004 in the matter of Tender for Road Repair.

**BOARD MEMBERS PRESENT**

1. Mr. Richard Mwongo (Chairman)
2. Prof. N. D. Nzomo
3. Ms. Phylis N. Nganga
4. Eng. D. W. Njora
5. Mr. Adam Marjan
6. Mr. J. W. Wamaguru
7. Mr. M. J. O. Juma (for Secretary)

## **DECISION**

The Board heard the parties and considered all the information and documents presented at the hearing. Before the end of the hearing, and at the request of the parties, they were given an opportunity to negotiate an amicable settlement in respect of this appeal.

The parties thereafter recorded the following consent drawn by the Procuring Entity's counsel:

## **CONSENT**

"By consent, the parties herein, Techmaster General Service (herein referred to as the applicant) and Maragwa Town Council (herein referred to as the Procuring Entity) have mutually agreed on 14<sup>th</sup> of May, 2004 as computed herein below:

The settlement reached by the parties is as follows:-

- i. The Appeal No. 17/2004 brought by the Applicant filed on 19<sup>th</sup> of April 2004 against the Procuring Entity is withdrawn.
- ii. The evaluation and recommendation given by the Council be adopted.
- iii. Due to the time factor to the close of Financial Year and for the interest of Maragwa people, this consent is hereby signed voluntarily and without any intimidation or coercion.
- iv. The Appeal cost to be met by the Procurement Entity."

The consent, an original copy of which was deposited with the Board, was signed on behalf of the parties by the following:

For the Applicant:                      the Managing Director

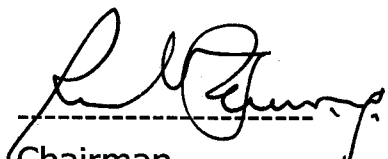
For the Procuring Entity:              the Town Clerk, the Chairman of the Council and the Chairman of the Town

Planning Committee, all witnessed by  
the Procuring Entity's Advocate.

The Board accepted the consent entered by the parties and, in the  
further interest of the public, made the following orders:

1. That the scope of the works and specifications thereof  
to remain as indicated in the tender documents.
2. That the Procuring Entity is hereby directed to liaise  
with the Kenya Roads Board for supervision of the  
works to ensure full compliance with the scope of  
works and specification set out in the tender  
documents.
3. That the Directorate of Public Procurement is  
requested to issue a copy of this decision to the Kenya  
Roads Board with a request for compliance.

Delivered at Nairobi on this 14<sup>th</sup> Day of May, 2004

  
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Chairman  
PPCRAB

  
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Secretary  
PPCRAB