## IN THE PUBLIC PROCUREMENT APPEALS AUTHORITY AT DAR ES SALAAM

#### APPEAL CASE NO. 89 OF 2010

#### **BETWEEN**

COOL CARE SERVICES LIMITED ..... APPELLANT

#### **AND**

PERMANENT SECRETARY,
VICE PRESIDENT'S OFFICE ......RESPONDENT

#### **DECISION**

#### **CORAM:**

1. Hon. A.G. Bubeshi, J. (rtd) – Chairperson

2. Hon. V.K. Mwambalaswa(MP) – Member

3. Mr. K.M Msita - Member

4. Ms. E. J. Manyesha - Member

5. Ms. B.G. Malambugi - Secretary

#### **SECRETARIAT:**

1. Ms. E.V.A. Nyagawa – Principal Legal Officer

2. Ms. F. R. Mapunda – Legal Officer

#### FOR THE APPELLANT:

- 1. Mr. Andrew R. Mwaisemba Managing Director
- 2.Mr. Korduni Lende Finance and Administration Manager

#### FOR THE RESPONDENT

- 1. Mr. Melkior Gasper Shao Senior Legal Officer
- 2.Mr. Burhan Abdallah Shaban Principal Supplies Officer (Head of PMU)

## INTERESTED PARTY (OBSERVER) – M/s TANPILE LTD

- 1. Mr. Miao Fiabin
- 2. Mr. Alla Godbless

This decision was scheduled for delivery today 11<sup>th</sup> March, 2011 and we proceed to deliver it.

The appeal at hand was lodged by M/s COOL CARE SERVICES LIMITED (hereinafter to be referred to as "the Appellant") against the PERMANENT SECRETARY, VICE PRESIDENT'S OFFICE (hereinafter to be referred to as "the Respondent").

The said Appeal is in respect of Tender No. ME/002/2009/2010/VPO/W/01 for Pre-Qualification of Service Contractors which had five Lots as listed herein below;

- Lot No. 1- Passenger Lift Installations;
- Lot No. 2 Air Conditioning and Ventilation
   System;
- Lot No. 3 Plumbing, Fire Fighting and Sanitary Installations;
- Lot No. 4 Security System, Data and ICT Installations; and
- Lot No. 5 Electrical Installations.

The Appeal at hand is confined to Lot No. 2 which is for Installation of Air Conditioning and Ventilation System at the Vice President's Office Phase II at Luthuli Street,

Dar-Es-Salaam (hereinafter to be referred to as "the Tender").

According to the documents submitted to the Authority as well as oral submissions during the hearing, the facts of the Appeal may be summarized as follows:

The Respondent advertised for the Pre- qualification of Service Contractors for the Construction of Vice President's Office Phase II at Luthuli Street in Dar es Salaam *vide* the Daily News of 21<sup>st</sup> April, 2010.

The opening of the applications for Pre-qualification took place on 4<sup>th</sup> May, 2011, whereby five companies submitted applications in respect of Installation of Air Conditioning and Ventilation System as listed herein below;

- M/s Cool care Services Limited;
- M/s Derm Electric (T) Ltd;
- M/s Tanpile Ltd;
- M/s Mollel Electrical Contractors Ltd; and
- M/s Unicool (East Africa) Co. Ltd.

On 12<sup>th</sup> May, 2010, the Appellant received a letter referenced MAC/SE/10/SF/168 from Mekon Arch Consult Limited who introduced themselves as the Respondent's Consultant in the disputed project. The said letter required the Appellant to arrange a visit to one of their recently completed projects for purposes of inspection and verification. The Appellant replied on the same day and took the Respondent's representative to one of their projects completed in April 2010, namely, CRDB Disaster Recovery Project located at Mikocheni in Dar-es-Salaam.

On 23<sup>rd</sup> July, 2010, the Appellant wrote a letter referenced CCSL/TA/20/10 to the Respondent inquiring about the Pre- qualification results.

Having received no reply, on 15<sup>th</sup> September, 2010, the Appellant wrote a reminder referenced CCSL/TA/34/10 and copied the same to the Public Procurement Regulatory Authority (hereinafter to be referred to as **PPRA**).

Being aggrieved by the Respondent's act of not replying to their letters, on 6<sup>th</sup> October, 2010, the Appellant wrote a letter referenced CCSL/TA/40/10 to PPRA which was copied to the Respondent, requesting for their intervention into the matter. However, there was equally no response from PPRA.

On 9<sup>th</sup> November, 2010, the Appellant lodged an Appeal with the Public Procurement Appeals Authority (hereinafter to be referred to as "**the Authority**").

#### SUBMISSIONS BY THE APPELLANT

The Appellant's documentary, oral submissions as well as responses from questions raised by the Members of the Authority during the hearing may be summarized as follows:

That, the Appellant neither received a telephone call nor letter from the Respondent which would have informed them about the Pre-qualification results. That, the Respondent's submission that the prequalification results were communicated to the Appellant is not true and contravenes Section 87(1) of the Act.

That, the Respondent's failure to inform the Appellant on the pre-qualification results contravened Regulation 15(19) and (21) of GN No.97/2005.

That, the Respondent's failure to reply to the Appellant's letters inquiring about the Pre-qualification results on account that the said replies were to be done by the Project Consultant contravened Section 33(f) of the Act and Regulation 36(4) of GN No. 97/2005.

That, it is not true that the applications for Prequalification which were opened on 04<sup>th</sup> May, 2010, were 21; the truth is that the applications were only 15.

That, the Successful Tenderer, M/s Unicool (East Africa)
Ltd was not among the applicants who submitted
applications for pre-qualification on the opening date,

namely, 4<sup>th</sup> May, 2010. The Respondent's submission that the Successful Tenderer was among the applicants in the Pre-qualification process is not true and contrary to Section 87(1)(a) of the Act.

That, after some time the Appellant discovered that, some works concerning electrical, plumbing and some preparations for air conditioning installation were in progress which indicated that the contracts for the said works were in force.

That, the Appellant suspected that there were some illegal undertakings taking place in the procurement under Appeal such that, despite meeting all the criteria for pre-qualification, the Respondent could not pre-qualify the Appellant as a way of covering up the deal.

That, the Respondent had contravened Section 43(a) and (b) of the Act read together with Article 22(2) of the Constitution of the United Republic of Tanzania. Further, the Respondent's act had contravened Section 96(1) and (2) of the Penal Code as well as Sections 30,

31 and 32 of the Prevention and Combating of Corruption Act.

That, the Respondent's pre-qualification process had the intention of satisfying some personal interests contrary to the requirements of Regulation 15(16) of GN No. 97/2005.

That, the Respondent did not comply with Regulation 15(22) of GN No. 97/2005 which gives right to the members of the public to be availed with the names of the pre-qualified applicants.

The Appellant therefore prayed for the following orders;

- (a) The tender process be restarted afresh in observance of the law.
- (b) The matter be taken to the appropriate authorities so that disciplinary action can be taken against public officials who had handled the said tender process.

- (c) The Respondent be ordered to compensate the Appellant a sum of Tshs. 2,120,000/- as per the following breakdown;
  - Appeal filing fees Tshs 120,000/-
  - Legal fees Tshs. 2,000,000/-
- (d) Any other remedy as the Authority deems fit.

#### THE RESPONDENT'S REPLIES

The Respondent's replies deduced from the documents submitted to the Authority as well as the oral submissions and responses from questions raised by the Members of the Authority during the hearing may be summarized as hereunder:

That, the Appellant was one of the applicants who participated in the pre-qualification process of the tender under Appeal.

That, on 17<sup>th</sup> June, 2010, the Respondent wrote a letter referenced AB.2/276/03 "A"/106 to the Appellant informing them that, they had been pre-qualified for the said tender and were invited to collect the Tender Document. The said information was communicated to all pre-qualified applicants through telephone calls which required them to collect their notification letters.

That, the Respondent acknowledged to have received the Appellant's letters, but the replies thereof were to be made by M/s Mekon Arch Consult who is the Consultant for the project.

That, the list submitted by the Appellant shows fifteen applicants, while the companies which showed interest were twenty one; and the shortlisted contractors were fifteen. Further, M/s Control International Electrical Ltd was not among the applicants as listed by the Appellant because they did not submit their bid. Moreover, M/s Derm Electrics (T) Ltd was not among the shortlisted applicants for the disputed Lot while M/s Unicool (East

Africa) Ltd was pre-qualified but did not appear in the list submitted by the Appellant.

That, M/s Unicool (East Africa) Ltd was among the applicants who attended the pre-qualification opening ceremony and also they acted as the applicants' representative at the opening session. Hence, it is not true that they did not participate in the pre-qualification process.

That, having completed the tender process PPRA was notified on the awards made pursuant to Section 96(2) of the Act.

That, the tender process adhered to the requirements of the Act and its Regulations.

That, the tender process was handled in a fair and transparent manner.

#### **ANALYSIS BY THE AUTHORITY**

Having gone through the documents submitted and having heard oral submissions from parties, the Authority is of the view that, the Appeal is centred on the following issues;

- Whether the pre-qualification results were communicated to the Appellant, and if not, whether such an omission prejudiced the latter's right to participate in the tender
- Whether the Successful Tenderer, namely, M/s Unicool (East Africa) Ltd took part in the pre-qualification process
- To what reliefs, if any, is the Appellant entitled to?

Having identified the issues in dispute, the Authority proceeded to resolve them as follows:

# 1.0 Whether the pre-qualification results were communicated to the Appellant, and if not, whether such an omission prejudiced the latter's right to participate in the tender

In order to ascertain whether the pre-qualification results were communicated to the Appellant, the Authority revisited the submissions by parties on this particular point vis-à-vis the applicable law.

The Appellant's main ground of appeal is that, the prequalification results were not communicated to them up to the date of hearing this Appeal in spite of two reminders. The Appellant contended further that, they came to know that they were not pre-qualified after seeing some works, that included installation of air conditioning and ventilation systems, were being executed at the site, which was an indication that the contract was already awarded. The Appellant refuted the Respondent's submission that the said results were communicated to the Appellant.

In reply, the Respondent submitted that, the Appellant was informed about the pre-qualification results *vide* a telephone call. The said telephone call invited them to collect their letter which would have informed them that they were among the pre-qualified applicants and were thus being invited to collect the Tender Document.

Having revisited the arguments by parties on this point, the Authority proceeded to ascertain the validity of their arguments on this point. In so doing the Authority noted that, the Respondent had written a referenced AB.2/276/03"A"/106 dated 17<sup>th</sup> June, 2010 addressed to the Appellant informing them that they were among the pre-qualified applicants and thus they were invited to collect the Tender Document. However, during the hearing the Respondent was asked to show how pre-qualification the said results were communicated to the Appellant. The Respondent was further asked to indicate who made the telephone call

from their end and who received the said call in the Appellant's office. The Respondent could neither explain how the said letter was communicated to the Appellant nor prove that the alleged telephone communication was actually made.

In view of the above findings the Authority observes that, the Respondent erred in law by failing to avail the pre-qualification results to the Appellant as per Regulation 15(19) and (20) of GN No.97/2005 which require the pre-qualified firms to be informed of the results and how the Tender Document would be obtained. For purposes of clarity, the Authority reproduces the said Regulation which reads:

"Reg.15(19) firms meeting the prequalification criteria and approval by the appropriate tender board shall be so notified by the Procuring Entity and invited to tender" (Emphasis added) "Reg.15(20) The notification shall indicate the terms and conditions under which the tender document shall be obtained as well as the date, hour and place for latest delivery of tenders by tenderer, and of the tender opening" (Emphasis supplied)

The Authority further observes that, the Respondent's obligation to communicate the pre-qualification results to the Appellant is re-emphasized under Regulation 15(21) of GN No. 97/2005 which gives a time frame thereof in the following words:

"Applicants who are not successful in the pre qualification shall be accordingly informed by the procuring entity, within one week after receipt of all required approvals to the pre-qualification." (Emphasis added)

Based on the above quoted provisions the Authority is of the view that, communication of pre-qualification results is mandatory; to both pre-qualified applicants as well as to applicants who were not successful. Thus, it was the duty of the Respondent to ensure that the said results were properly communicated to all applicants who participated in the pre-qualification process. The fact that the said results did not reach the Appellant and as a result they did not participate in the tender process was discriminatory against the Appellant. The Authority therefore concurs with the Appellant that, the Respondent's conduct infringed Regulation 17(3) of GN. No. 97/2005 which provides as follows;

procuring entity "The shall not discriminate against or among suppliers, contractors, service providers or buyers on the basis of the form in which they receive transmit documents, or notifications, decisions other or **communications.**" (Emphasis supplied)

Furthermore, the Authority reminds the Respondent that, the law requires a procuring entity to avail the names of the pre-qualified applicants to members of the public upon request. This means the Respondent was duty bound to avail the pre-qualification results to the Appellant because apart from being amongst the applicants, they had the right to be informed by virtue of Regulation 19(22) of GN No. 97/2005 as they had made written inquiries on the same. The said Regulation 19(22) of GN No. 97/2005 provides as follows:

"A procuring entity shall make available to any member of the general public, upon request the names of all suppliers, contractors, service providers or asset buyers that have been pre-qualified" (Emphasis supplied)

The Authority also considered the Appellant's submission that, despite writing two letters to the Respondent on 23<sup>rd</sup> July, 2010 and 15<sup>th</sup> September, 2010, respectively, requesting for the pre-qualification results, they did not receive any reply. It was further

submitted by the Appellant that, the Respondent's act of not replying to their letters was done deliberately as they had intended to eliminate them from the tender process.

In reply, the Respondent acknowledged to have received the Appellant's letters, but argued that the duty to reply to the said letters was the responsibility of the Project Consultant. The Respondent further submitted that, the Appellant's letter dated 15<sup>th</sup> September, 2010, was received at a time when the tender process was at an advanced stage. Hence, it was not possible for them to reply to them as the Appellant had only participated in the pre-qualification stage and was not among the tenderers who took part in the tender process.

Having considered the arguments by parties, the Authority is of the view that, the Respondent had a duty to reply to the Appellant's letters as they were among the applicants in the pre-qualification process. The Authority noted further that, the invitation for pre-

qualification was not only issued by the Respondent, but also indicated the contact address to be the Vice President's Office. The Authority observes further that, it was not possible for the Consultant to have replied to the Appellant's letters as they were addressed to the Respondent.

Furthermore, the Authority noted with concern the Respondent's attitude towards the Appellant, as it was evident during the hearing that, the Respondent had decided not to reply to the Appellant's letters which inquired about the status of the pre-qualification The Appellant's letters to the Respondent process. were an indication that the Appellant was not aware of pre-qualification results. the Surprisingly, the Respondent did not make any effort to ensure that the said results were communicated to the Appellant. The Respondent's actions in this regard show clearly that there was malafide intention towards the Appellant's participation in the tender process. It is no wonder that, the Appellant suspects there is a deliberate move by

procuring entities to debar them from participating in public tenders.

The Authority is of the further view that, the Respondent's failure to communicate the prequalification results, to the Appellant despite two reminders, prejudiced the latter's right to participate in the tender process. The Authority thus, finds the Respondent to have contravened Section 43(a) and (b) of the Act which provides as follows:

"In the execution of their duties tender boards and procuring entities shall strive to achieve the highest standards of equity taking into account

- (a) Equality of opportunity to all prospective suppliers contractors or consultants
- (b) Fairness of treatment to all parties; (Emphasis supplied)

The Authority is of the further view that, the Respondent's failure to communicate the prequalification results to the Appellant which denied the latter an opportunity to take part in the tender minimized competition contrary to the requirements of Section 58(2) of the Act and Regulation 15(16) of GN No.97/2005 which state as follows;

"S. 58(2) Subject to this Act all and disposal shall procurement be conducted in a manner to maximize competition achieve and economy, efficiency, transparency and value for **money"** (Emphasis added)

"Reg. 15(16) Pre-qualification should not be used to limit number of suppliers, contractors, service providers on a shortlist or pre-qualification lists so that all firms found capable of performing the contract satisfactorily in accordance with

## the approved pre-qualification criteria shall be pre-qualified" (Emphasis added)

In view of the above, the Authority's summary of findings on the first issue are that the Respondent's failure to communicate the pre-qualification results to the Appellant contravened the law, in that, it;

- prejudiced the Appellant's right to participate in the tender process;
- minimized participation;
- discriminated against the Appellant;
- treated the Appellant unfairly; and
- infringed equality of opportunity for participation.

Accordingly, the Authority's conclusion in respect of the first issue is that, the pre-qualification results were not communicated to the Appellant and such an omission prejudiced the latter's right to participate in the tender process.

## 2.0 Whether the Successful Tenderer, namely, M/s Unicool (East Africa) Ltd took part in the pre-qualification process

In resolving this issue the Authority deems it prudent to revisit submissions by parties vis-à-vis the documents availed to the Authority.

To start with, the Authority revisited the Appellant's submissions on this point as summarized herein below:

- The Successful Tenderer was not among the applicants who submitted applications for prequalification, as the list noted by the Appellant's representative who attended the opening ceremony did not include such a name.
- The Appellant's Managing Director visited the Successful Tenderer's office where the latter's Managing Director confirmed that they did not participate in the pre-qualification process but were

invited by the Respondent to collect the Tender Document and that they had won the tender.

- The document submitted to this Authority by the Respondent containing the names, companies and signatures of the persons who attended the opening ceremony which included a representative from M/s Unicool (East Africa) Ltd was authentic. This is supported by the fact that, the name of the Appellant's representative who said opening attended the and signed the attendance sheet did not appear in the list produced by the Respondent.
- The authenticity of the minutes of the Tender Board which indicated that, a representative of the said Successful Tenderer was chosen to represent the applicants during the opening ceremony, is questionable.

In reply thereof, the Respondent submitted that, the Successful Tenderer was among the applicants who submitted their application for pre-qualification. The

Respondent submitted further that, during the opening of the pre-qualification applications, Ms. Desta Laiser from the Successful Tenderer's company was chosen by the applicants to be their representative at the said opening ceremony. Hence, the Appellant's contention that the said company did not participate in the prequalification process is unfounded.

The Authority concurs with the Respondent's submissions on this point, in that, the Attendance List which was signed by the applicants on the prequalification opening date shows that a person with the name of "Ms. Desta Laiser" was the representative of the Successful Tenderer. The Authority noted further that, the name of the said representative appeared under item 04 (out of 14) in the Attendance List and there is nothing therein to suggest that the said list was fabricated as alleged by the Appellant.

Furthermore the Authority noted that the minutes of pre-qualification opening ceremony held on 4<sup>th</sup> May, 2010, shows that Desta Laiser from the Successful

Tenderer's Company was chosen to be the applicants' representative on that event. For purposes of clarity the Authority reproduces part of the said minutes as hereunder;

"Muh:1:2: wawakilishi walimpendekeza na kumpitisha ndg. Desta Laiser kutoka kampuni ya UNICOOL (EA) LTD ili kusaini zabuni kwa niaba yao kadri zilivyokuwa zikifunguliwa." (Emphasis added)

Literally translated the said part of the minute is as follows;

"Min:1:2 The applicants representatives nominated and approved Ms. Desta Laiser from UNICOOL (EA) LTD to sign the prequalification documents on their behalf during the opening ceremony."

The Authority further observes that, the Respondent's submissions are also corroborated by the Prequalification Evaluation Report which indicates the

Successful Tenderer was among the applicants who were evaluated.

With regard to the Appellant's suspicion on the authenticity of the Attendance List recorded during the opening ceremony which did not contain the name of the Appellant's representative who attended the said event; the Authority could not confirm the same as the said representative who was present at the hearing did not have a precise recollection of what transpired on the day of the opening ceremony.

In view of the above, the Authority is satisfied that, the Successful Tenderer, namely, Unicool (East Africa) did participate in the pre-qualification process.

Accordingly, the Authority concludes that, the Successful Tenderer, namely, M/s Unicool (East Africa) Ltd participated in the Pre-qualification process.

### 3.0 To what reliefs, if any, is the Appellant entitled to?

Having resolved the contentious issues, the Authority considered Appellant's prayers as follows:

## (i) The tender process be restarted afresh in observance of the law and should include all pre-qualified applicants

Having satisfied itself that, the pre-qualification results were not communicated to the Appellant, hence prejudiced the Appellant's right to participate in the tender process, the Authority observes that, the Respondent's subsequent proceedings thereafter were a nullity in the eyes of the law for failure to adhere to the requirements of the law during the pre-qualification process. However, taking into consideration the fact that, the contract execution is almost completed the Authority cannot grant the Appellant prayer's as it has already been overtaken by events.

ii) The matter be taken to the appropriate

Authorities so that disciplinary action

can be taken against public officials who

handled the tender process

With regard to this prayer, the Authority cannot grant it for lack of jurisdiction.

## iii) The Respondent be ordered to compensate the Appellant a sum of Tshs. 2,120,000/-

Taking cognizance of the Authority's findings and conclusions in the first issue, the Authority upholds this Appeal and finds that the Appellant is entitled to compensation of **Tshs. 2,120,000/=** for costs incurred in pursuit of this Appeal as per the following breakdown:

- Appeal filing fees Tshs 120,000/-
- Legal fees- Tshs. 2,000,000/-

### Other matters that caught the Authority's attention

In the course of handling this Appeal the Authority discovered the following matters which are worth mentioning:

- The Respondent neither prepared nor issued a) pre-qualification documents in contravention of Regulation 15(4), (5), (8) and (10) of GN. No. 97/2005. Hence, failure to issue predocuments limited access qualification information which could have helped applicants in preparation competitive of applications.
- b) In the absence of pre-qualification documents, the criteria and procedures to be used for evaluating the applications were not known to the applicants prior to the submission of the applications. This was in contravention of Regulation 15(5)(d) of GN. No. 97/2005.

- c) Some of the criteria contained in the invitation to pre-qualify were modified by the Evaluators as follows:
  - In the invitation for pre-qualification, applicants were required to show "a list of working plants and equipment" this criterion was expanded by the Evaluators as evidenced in the Evaluation Report, which reads:
    - "... Also the ownership of carpentry workshops and metal workshops will be considered under this heading. Plant and equipment will include: concrete mixers, vibrators, transport equipment, tipper and dump trucks, **Earth-moving** equipment, cranes. browsers, block water making machine, welding machines, water pumps, terrazzo machines, hoists etc" (Emphasis added)

 The invitation for Pre-qualification required applicants to show "the projects carried out in the past three years", this criterion was expanded by the Evaluators to read:

"Experience will be measured with respect to the value of the projects" (Emphasis added)

This means, the applicants who showed their experience by listing the projects executed without indicating the value of the projects were automatically disqualified.

The Authority observes that, by modifying the criteria, the Evaluators acted *ultra vires*, in that they did not have the mandate to do so pursuant to Regulation 15(14) of GN. No. 97/2005 which requires evaluation to be done in accordance with criteria specified in the invitation for pre-qualification. For purposes of

clarity the Authority reproduces the said Regulation 15(14) as hereunder;

"Application received for prequalification shall be analyzed by the procuring entity, using criteria for qualification explicitly stated in the invitation to pre-qualify and an evaluation report shall be prepared recommending the list of firms to be considered as pre-qualified" (Emphasis supplied)

d) The Minutes of the Negotiation meeting held on 1<sup>st</sup> September, 2010, revealed that the Successful Tenderer did not submit the Anti-Bribery Policy and was required to submit it on 6<sup>th</sup> September, 2010. The Authority observes that, the said omission ought to have been noted during the preliminary evaluation process and the Successful Tenderer should have been disqualified at that stage. The Authority emphasizes that, Anti-Bribery Policy

is among the mandatory documents which have to be submitted by tenderers when submitting their bids as per Clause 6 of the Sixth Schedule of GN. No. 97/2005.

e) Authority noted that, the Successful The Tenderer's letter of 6<sup>th</sup> September, 2010, indicates that they submitted their Power of Attorney on that particular date. This means the Power of Attorney was submitted after completion of negotiation process. The Authority observes that, Power of Attorney should have been submitted at the time of bid submission since it is among the documents which are to be checked when verifying the eligibility of a tenderer. Hence, the Authority wonders why the Successful Tenderer was not disqualified at the preliminary evaluation stage for such an omission. The Authority is of the considered view that, had the Evaluators been diligent they would have detected the said anomaly and disqualified the Successful

Tenderer for being substantially nonresponsive.

f) The Authority noted with concern that, the regulatory body, namely, PPRA did not also respond to the Appellant's letters.

Having considered all facts and evidence, the Authority is satisfied that, the pre-qualification results were not communicated to the Appellant hence leading to the infringement of the Appellant's right to participate in the tender process which minimized competition.

On the basis of the aforesaid findings, the Authority upholds the Appeal and orders the Respondent to compensate the Appellant a sum of Tshs. 2,120,000/= being costs incurred in pursuit of this appeal.

Right of Judicial Review as per Section 85 of the PPA/2004 explained to parties.

Decision delivered in the presence of the Appellant and the Respondent this 11<sup>th</sup> March, 2011.

JUDGE (rtd) A. BUBESHI
CHAIRPERSON

#### **MEMBERS:**

	IIIWa
1.	HON.V.K MWAMBALASWA (MP)
	The Colored
2.	MR. K.M. MSITA
	emanyesha
3	MS F 1 MANYESHA