

IN THE PUBLIC PROCUREMENT APPEALS AUTHORITY

APPEAL CASE NO. 32 OF 2024-2025

BETWEEN

M/S QINGDAO SINO-TANZANIA TRADING CO. LTD..... APPELLANT

AND

TANZANIA - ZAMBIA RAILWAYS AUTHORITY.....1ST RESPONDENT

**BEIJING YANGTINTAIGE RAILWAYS EQUIPMENT TECHNOLOGY
DEVELOPMENT CO. LTD.....2ND RESPONDENT**

ORDER

CORAM

- | | |
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| 1. Hon. Judge (rtd) Awadh Bawazir | - Chairperson |
| 2. Adv. Rosan Mbwambo | - Member |
| 3. Dr. William Kazungu | - Member |
| 4. Mr. James Sando | - Secretary |

SECRETARIAT

- | | |
|-------------------------|---------------------------|
| 1. Ms. Florida Mapunda | - PALS Manager |
| 2. Ms. Agnes Sayi | - Principal Legal Officer |
| 3. Ms. Violet Limilabo | - Senior Legal Officer |
| 4. Mr. Venance Mkonongo | - Legal Officer |

FOR THE APPELLANT

- | | |
|--------------------|-----------------------------------|
| 1. Mr. Erick Ringo | - Advocate - Fin and Law Attorney |
| 2. Mr. George Bega | - Advocate - Fin and Law Attorney |



FOR THE 1ST RESPONDENT

- | | |
|------------------------|---------------------------------|
| 1. Ms. Mercy Chimtawi | - Senior Legal Officer - TAZARA |
| 2. Mr. Marwa Magori | - Supplies Manager - TAZARA |
| 3. Ms. Tusajigwe Ndile | - Supplies Officer - TAZARA |

FOR THE 2ND RESPONDENT

- | | |
|------------------------|-----------|
| 1. Ms. Bahati Mfangavo | - Manager |
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The Appeal was lodged by **M/S Qingdao Sino-Tanzania Trading Co. Ltd** (hereinafter referred to as "**the Appellant**") against the **Tanzania-Zambia Railways Authority** commonly known by its acronym as "**TAZARA**" (hereinafter referred to as "**the 1st Respondent**") and **Beijing Yangtintaige Railways Equipment Technology Development Co. Ltd** (hereinafter referred to as "**the 2nd Respondent**"). The Appeal is in respect of Tender No. AE/130/2024/2025/G/04 for Supply of Spare Parts and Materials for Repair of One (1) Shunting Locomotive (hereinafter referred to as "**the Tender**").

The background of this appeal may be summarized from the documents submitted to the Public Procurement Appeals Authority (hereinafter referred to as "**the Appeals Authority**") as follows: -

The Tender was conducted using the International Competitive Tendering method as specified in the Public Procurement Act of 2023 (hereinafter referred to as "**the Act**") and the Public Procurement Regulations, GN. No. 518 of 2024 (hereinafter referred to as "**the Regulations**").



On 4th December 2024, the 1st Respondent through the National e-Procurement System of Tanzania (NeST) invited tenderers to submit their tenders. The deadline for submission of tenders was set on 14th January 2025. Three tenders including that of the Appellant's were received within the deadline.

When the 1st Respondent completed the evaluation process, on 4th February 2025 it issued the Notice of Intention to award the Tender. The Notice informed the Appellant that the 1st Respondent intended to award the Tender to the 2nd Respondent at the contract price of USD 550,331.10 VAT Exclusive. In addition, it stated that the Appellant's tender was disqualified for failure to comply with specific experience of supplying locomotive spare parts.

Dissatisfied with the reason given for its disqualification, the Appellant through a letter dated 6th February 2025, applied for administrative review to the 1st Respondent. The 1st Respondent received the said letter on 10th February 2025. On 20th February 2025, the 1st Respondent issued its decision which dismissed the Appellant's application for administrative review. Aggrieved further, on 24th February 2025, the Appellant filed this appeal to the Appeals Authority.

After receipt of the appeal, the Appeals Authority notified the 1st and the 2nd Respondents about the existence of the appeal and required them to submit their Statements of Reply.

When the matter was called on for hearing, the Chairperson informed the parties that the Appeals Authority recognizes that Regulation 21 of the



Public Procurement Appeals Regulations, Government Notice No. 65 of 2025 (hereinafter referred to as "**the Appeals Regulations**") requires the Appeals Authority to issue a five-day prior notice of hearing. However, due to an exigency that the tenure of Members of the Appeals Authority was expiring by midnight on 21st March 2025, the Appeals Authority issued a hearing notice of less than five (5) days to the parties to salvage the possibility of the appeal lapsing without being heard within the prescribed 40-day period after being filed. Therefore, the Appeals Authority requested the parties to waive this requirement and proceed with the hearing.

Mr. Erick Ringo learned counsel for the Appellant informed the Appeals Authority that his client was not ready to proceed with the hearing as the procedure for issuance of the notice of hearing has not been complied with. Mr. Ringo submitted further that he has no instructions from his client to proceed with the hearing of the Appeal.

Ms. Mercy Chimtawi, Senior Legal Counsel from the 1st Respondent submitted that she has no objection to proceed with the hearing of the Appeal. However, if the Appellant was not ready, she prayed that the Appeal be struck out.

Ms. Bahati Mfangavo, the Manager from the 2nd Respondent, also had no objection to proceed with the hearing of the Appeal.

Based on the above circumstances that the Appellant was not ready to proceed with the hearing of the appeal, the Appeals Authority hereby adjourns the Appeal.



It is so ordered.

This Order has been issued in the presence of all the parties on this 21st day of March 2025.

HON. JUDGE (rtd) AWADH BAWAZIR



.....
CHAIRPERSON

MEMBERS: -

1. ADV. ROSAN MBWAMBO.



2. DR. WILLIAM KAZUNGU.

