

IN THE PUBLIC PROCUREMENT APPEALS AUTHORITY

APPEAL CASE NO. 33 OF 2024 - 2025

BETWEEN

M/S QINGDAO SINO-TANZANIA

TRADING CO. LTD APPELLANT

AND

TANZANIA-ZAMBIA RAILWAYS

AUTHORITY 1ST RESPONDENT

BEIJING YANGTINTAIGE RAILWAY 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 |
| 2. Ms. Violet Limilabo | - Senior Legal Officer |
| 3. Mr. Venance Mkonongo | - Legal Officer |



FOR THE APPELLANT

- | | |
|--------------------|----------------------------------|
| 1. Mr. Eric Ringo | - Advocate Fin & Law
Chambers |
| 2. Mr. George Bega | - Advocate Fin & Law
Chambers |

FOR THE RESPONDENT

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

This Appeal was lodged by **M/S Qingdao Sino-Tanzania Trading Co. Ltd** (hereinafter referred to as "**the Appellant**") against the **Tanzania-Zambia Railway Authority** and **Beijing Yangtintaige Railway Equipment Technology Development Co. Ltd** (hereinafter referred to as "**the 1st and 2nd Respondents respectively**"). The Appeal is in respect of Tender No. AE/130/2024/2025/G/05 for Supply of Spare Parts and Materials for Repair of Fifty (50) Railway Wagons (hereinafter referred to as "**the Tender**").

The Tender was conducted through International Competitive Tendering method as specified in the Public Procurement Act, No. 10 of 2023 (hereinafter referred to as "**the Act**") and the Public Procurement Regulations, GN. No. 518 of 2024 (hereinafter referred to as "**the Regulations**").



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: -

On 10th December 2024, the 1st Respondent through National e-Procurement System of Tanzania (**NeST**) invited eligible tenderers to participate in the Tender. The deadline for submission of tenders was set on 21st January 2025. Eight tenderers including the Appellant submitted their tenders within the deadline.

Thereafter, the received tenders were subjected to evaluation. After completion of the evaluation process, the evaluation committee recommended an award of the Tender to M/S Beijing Yangtintaige Railways Equipment Technology Development Co. Ltd. The recommended contract price was United States Dollars Four Hundred Nineteen Thousand Six Hundred Ninety-Two and Fifty Cents (USD 419,692.50) VAT Exclusive for a completion period of 365 days.

On 04th February 2025, the 1st Respondent issued a Notice of Intention to Award the Contract to all tenderers including the Appellant. The Notice issued to the Appellant stated that the 1st Respondent intends to award the contract to M/S Beijing Yangtintaige Railways Equipment Technology Development Co. Ltd. In addition, the Notice stated that the Appellant's tender was disqualified for lack of specific experience on supply of Wagon Spares for at least two contracts with the value of 500,000,000.

Dissatisfied with the reasons given for its disqualification, on 6th February 2025, the Appellant applied for administrative review to the 1st



Respondent. 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 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.

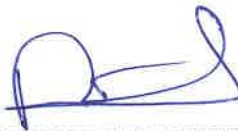
HON. JUDGE (rtd) AWADH BAWAZIR



.....
CHAIRPERSON

MEMBERS: -

1. ADV. ROSAN MBWAMBO.....



2. DR. WILLIAM KAZUNGU.....

