

IN THE PUBLIC PROCUREMENT APPEALS AUTHORITY

APPEAL CASE NO. 16 OF 2025-26

BETWEEN

M/S DECUPLE SERVICES LIMITED.....APPELLANT

AND

**UNIVERSAL COMMUNICATIONS
SERVICE ACCESS FUND.....RESPONDENT**

DECISION

CORAM

- | | |
|-----------------------------------|---------------|
| 1. Hon. (rtd) Judge Awadh Bawazir | - Chairperson |
| 2. Dr. William Kazungu | - Member |
| 3. Ms. Florentina Sumawe | - 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. Pascal Mwaituka | - Managing Director |
| 2. Mr. Jabir Wella | - Lawyer, Regal Esquire |

FOR THE RESPONDENT

- | | |
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| 1. Mr. Fredy Kandonga | - Senior Legal Officer |
| 2. Ms. Agness Msuya | - Legal Officer |



3. Ms. Aziza Mjungu

- Senior Procurement Officer

4. Ms. Happy Kiswaga

- Procurement Officer

This appeal is lodged by **M/s Decuple Services Limited** (hereinafter referred to as "**the appellant**") against the **Universal Communications Service Access Fund** abbreviated as **UCSAF** (hereinafter referred to as "**the respondent**") pertaining to tender No. TR229/2024/2025/G/39 for Installation of 694 UCSAF Sites Signage (hereinafter referred to as "**the tender**").

Based on the documents submitted to the Public Procurement Appeals Authority (hereinafter referred to as "**the Appeals Authority**"), the background of this appeal, can be summarized as follows: -

The tender was done through the National 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**").

Following a 30th June 2025 invitation by the respondent to eligible tenderers to participate in the tender vide the National e-Procurement System of Tanzania (NeST), twenty-six tenders, including the appellant's were received by the 8th July 2025 submission deadline and subsequently evaluated.

Thereafter, award was recommended to M/s G. Buber Company Limited (**hereinafter referred to as the proposed awardee**) at a contract price of One Hundred Seven Million Five Hundred Seventy Thousand only (TZS 107,570,000.00), exclusive of VAT, with a contract completion period of 90 days.



On 23rd October 2025, the respondent issued a Notice of Intention to award, informing the appellant of its intention to award the contract to the proposed awardee. It stated further that the appellant's tender was disqualified due to its failure to demonstrate the required general and specific experience criteria as stipulated in the tender document.

Dissatisfied with the grounds for the disqualification, on 23rd October 2025, the appellant applied for administrative review to the respondent. However, no response was received. Consequently, the appellant lodged this appeal to the Appeals Authority on 05th November 2025.

When the appeal was called on for hearing, the following issues were framed for determination: -

1.0 Whether the disqualification of the appellant's tender was justified; and

2.0 What reliefs, if any, are the parties entitled to?

SUBMISSIONS BY THE APPELLANT

The appellant's submissions were made by Mr. Pascal Mwaituka, Managing Director, assisted by Mr. Jabir Wella, counsel from the Regal Esquire law firm. Mr. Mwaituka submitted that the appellant participated in the tender confidently believing it had met all the qualification requirements. He was surprised upon receiving the notice of intention to award, which cited the appellant's failure to meet the specific and general experience criteria as the reason for disqualification.

Mr. Mwaituka went on to submit that the appellant has the requisite general and specific experience criteria, proved by the completion of the fabrication and installation of signage at 500 sites in 2024. He further stated that the appellant had executed a contract of a similar nature

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with the respondent in 2024 valued at TZS 115,000,000.00. This contract was included in the appellant's tender submitted in NeST. Thus, he was of the view that the appellant satisfied the specific experience criterion requiring tenderers to demonstrate experience through at least one contract of similar nature valued at not less than TZS 25,000,000.00. Therefore, he argued that the respondent was fully aware of the appellant's specific experience relevant to this tender.

Regarding the contract general experience criterion, Mr. Mwaituka explained that the appellant submitted two contracts as evidence: the first with the respondent and the other with M/s Demeter Financial and Insurance Services Ltd, valued at TZS 70,750,000.00. That both contracts fell within the timeframe specified in the tender document and exceeded the minimum value of TZS 25,000,000.

Based on these submissions, Mr. Mwaituka argued that the appellant met the required experience criteria and should not have been disqualified. He concluded by praying the Appeals Authority to order the respondent to re-evaluate the tender and afterward award the contract to the appellant.

REPLY BY THE RESPONDENT

The respondent's reply submissions were presented by Mr. Fredy Kandonga, Senior Legal Officer. He acknowledged that the respondent disqualified the appellant's tender due to non-compliance with the specific and general experience requirements. He said the appellant had filed a complaint in NeST challenging grounds for its disqualification; however, the respondent was unable to address the complaint due to technical difficulties within the NeST.

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That, following receipt of this appeal, the respondent reviewed the evaluation report and documents submitted with the appellant's tender. And it noted that, in demonstrating the general experience criterion, the appellant had submitted two contracts which fell within the prescribed period and exceeded the minimum value stipulated in the tender document. Similarly, upon reviewing the documentation supporting the appellant's specific experience criterion, it was observed that the attached contract had been substantially completed with over 80% progress as of 31st December 2024.

In view of these findings, Mr. Kandonga stated that the respondent conceded to the appeal and respectfully prayed for an order directing re-evaluation of the tenders.

Given the respondent's concession, the Appeals Authority finds the first issue in the affirmative. Therefore, it allows the appeal, quashes the Notice of Intention to award and orders the respondent to: -

- i) Reinstate the appellant into the tender process.
- ii) Conduct a re-evaluation of tenders with a newly constituted evaluation team, in full compliance with the applicable law.

We make no order as to costs.

It is so ordered.

This decision is binding and enforceable under section 121 (7) of the Act.

The parties have been informed of their right to Judicial Review as per section 125 of the Act.

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This decision is delivered in the presence of both parties on this 28th day of November 2025.

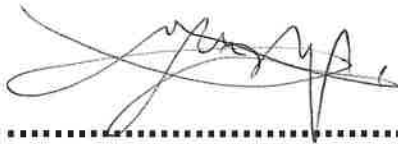
HON. JUDGE (rtd) AWADH BAWAZIR



CHAIRPERSON

MEMBERS:-

1. DR. WILLIAM KAZUNGU



2. MS. FLORENTINA SUMAWE

