

IN THE PUBLIC PROCUREMENT APPEALS AUTHORITY

APPEAL CASE NO. 47 OF 2025-26

BETWEEN

M/S GIZA SYSTEMS TANZANIA LIMITED.....APPELLANT

AND

**TANZANIA ELECTRIC SUPPLY
COMPANY LIMITED.....RESPONDENT**

DECISION

CORAM

- | | |
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| 1. Ms. Florentina Sumawe | - Ag. Chairperson |
| 2. Mr. Raphael Maganga | - Member |
| 3. Eng. Lazaro Loshilaari | - Member |
| 4. Mr. James Sando | - Secretary |

SECRETARIAT

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

FOR THE APPELLANT

- | | |
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| 1. Mr. Tamer Abdelmoneim | - Energy Vertical Head |
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FOR THE RESPONDENT

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| 1. Mr. Ayoub Sanga | - Senior State Attorney – OSG |
| 2. Ms. Zamaradi Johannes | - State Attorney – OSG |
| 3. Mr. Elias Mkumbo | - Senior State Attorney –
TANESCO |
| 4. Mr. Raymond Mbagi | - Senior Procurement Officer –
TANESCO |
| 5. Ms. Veronica Nzunda | - Legal Officer – TANESCO |

This appeal was lodged by **M/S Giza Systems Tanzania Limited** (hereinafter referred to as **"the appellant"**) against **Tanzania Electric Supply Company Limited** abbreviated as **TANESCO** (hereinafter referred to as **"the respondent"**). It arises from Tender No. TR212/2025/2026/G/383 for Design, Supply, Installation, Testing and Commissioning of Travelling Wave Systems (TWS) Fault Locator and Fault Recorder for 132kV, 220kV and 400kV Transmissions Networks and Integrating with Existing Phase (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 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"**).



On 10th June 2026, the respondent, through the National e-Procurement System of Tanzania (**NeST**), invited eligible tenderers to participate in the tender, with the submission deadline set for 22nd June 2026. By the deadline, four tenders, excluding the appellant's tender, were received by the respondent. Upon issuance of the tender opening report, the appellant observed that its tender was not among those received and opened while it successfully submitted the same before the deadline for submission.

On 23rd June 2026, the appellant raised this concern with the respondent. On 30th June 2026, the respondent informed the appellant that all issues relating to the NeST system, including the non-appearance of its tender in the list of the submitted tenders, should be referred to the system administrator namely the Public Procurement Regulatory Authority (**PPRA**). The respondent further clarified that the tender opening report is automatically generated by the system upon the expiry of the tender submission deadline, and the respondent has no control over the generated report.

Dissatisfied with the respondent's response on administrative review, the appellant lodged the present appeal before the Appeals Authority on 1st July 2026.

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

- 1. Whether the appellant successfully submitted its tender through NeST; and**
- 2. What reliefs if any are the parties entitled to?**



SUBMISSIONS OF THE APPELLANT

The appellant's submissions were made by Mr. Tamer Abdelmoneim, Energy Vertical Head. Mr. Abdelmoneim stated that the appellant had successfully submitted its tender within the prescribed deadline. However, upon reviewing the tender opening report, it observed that its tender was not included in the list of tenders received by the respondent, despite having been duly submitted within the prescribed time.

Mr. Abdelmoneim further informed the Appeals Authority that the appellant did not intend to file this appeal against the respondent. Rather, its intention was to obtain clarification from the NeST Administrator as to why its tender, which he contends to have successfully submitted, was not reflected in the tender opening report. He explained that, after discovering the omission, the appellant consulted PPRA who subsequently directed it to lodge the matter before the Appeals Authority. However, this course of action was not in line with the appellant's interests.

In conclusion, Mr. Abdelmoneim submitted that the appeal is inadvertently before the Appeals Authority.

REPLY BY THE RESPONDENT

The respondent's submissions were made by Mr. Ayoub Sanga, Senior State Attorney from the Office of the Solicitor General. Mr. Sanga commenced by acknowledging that the respondent had received the appellant's complaint filed through NeST on 23rd June 2026. After reviewing the complaint, the respondent, through its decision issued on 30th June 2026, advised the appellant to direct its concerns to PPRA, the



NeST administrator, as the challenges encountered were technical in nature. He emphasized that, following this advice, the appellant was expected to submit the issue to PPRA, but to the contrary, it filed this appeal.

Mr. Sanga further submitted that, after the appeal was filed, the Appeals Authority issued the notice of hearing, seven days before the hearing date. He argued that, had the appellant not intended to pursue the appeal, it would have withdrawn the same upon receipt of the notice. However, the appellant failed to do so, thereby causing the respondent to incur costs in preparing for the hearing and travelling from Dar es salaam to Dodoma to attend the matter. He stressed that these costs would not have been incurred had the appellant withdrawn the matter before the hearing date.

In view of the appellant's admission that it has no dispute with the respondent, Mr. Sanga prayed that the appellant be ordered to pay costs of this appeal, in such amount as the Appeals Authority may determine. To support his position, he cited PPAA Appeal Case No. 41 of 2025/26 between ***M/S Philiponely Komba Company Limited versus Songea District Council***, where this Appeals Authority awarded costs against the respondent for failure to communicate the actual reasons for the appellant's disqualification. Mr. Sanga urged the Appeals Authority to apply the similar reasoning in this present matter.

In his brief rejoinder Mr. Abdelmoneim emphasized that the appellant had no cause of action against the respondent. Rather, while seeking clarifications from PPRA as to the NeST's challenge that caused non-appearance of its tender in the opening report, it was advised to lodge



its complaint to this Appeals Authority, only to realize later that it had inadvertently proceeded against the respondent.

ANALYSIS BY THE APPEALS AUTHORITY

1. Whether the appellant successfully submitted its tender through NeST

Considering the appellant's admission that it had no interest in pursuing this appeal against the respondent, but rather sought clarification and guidance from PPRA, we find it unnecessary to determine the above issue as framed. Instead, we shall confine our consideration to the issue of costs, as prayed for by the respondent.

Upon careful consideration of the parties' submissions, it is evident that the appellant did not challenge the respondent's conducts in the tender process. Rather it merely sought clarification on challenges encountered in submitting its tender which resulted into exclusion of the same from the list in the opening report. The request was essentially directed at obtaining PPRA' guidance on the use of NeST rather than alleging any fault on the respondent's part. Under these circumstances, we find no basis for awarding costs to the respondent.

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

In view of the foregoing findings, the appeal is hereby dismissed, and the respondent is allowed to proceed with the tender process in accordance with the law. No order as to costs.

It is so ordered.



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

The Right of Judicial Review, as outlined in section 125 of the Act has been explained to the parties.

This decision is delivered in the virtual presence of both parties on this 6th day of August 2026.

MS. FLORENTINA SUMAWE



Ag. CHAIRPERSON

MEMBERS: -

1. MR. RAPHAEL MAGANGA



2. ENG. LAZARO LOSHILAARI

