

IN THE PUBLIC PROCUREMENT APPEALS AUTHORITY

APPEAL CASE NO. 45 OF 2024 - 2025

BETWEEN

M/S BOGETA ENGINEERING LTD APPELLANT

AND

TANGA REGIONAL REFFERAL HOSPITAL RESPONDENT

ORDER

CORAM

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| 1. Hon. Judge (Rtd) Awadh Bawazir | - Chairperson |
| 2. Dr. Gladness Salema | - 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 |
| 3. Ms. Violet Limilabo | - Senior Legal Officer |
| 4. Mr. Venance Mkonongo | - Legal Officer |

FOR THE APPELLANT

- | | |
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| 1. Mr. John Bogomba | - Managing Director |
| 2. John Mahegere | - Director |

FOR THE RESPONDENT

- | | |
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| 1. Mr. Mohamed Mhando | - Architect |
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| 2. Mr. Abbas Mlawwa | - Hospital Health Secretary |
| 3. Mr. Nassibu Madai | - Head of Procurement Management Unit |
| 4. Mr. David Yesaya | - Procurement Officer |
| 5. Mr. Victor Mwasilu | - Legal Officer |

The Appeal was lodged by **M/S Bogeta Engineering Limited** (hereinafter referred to as "**the Appellant**") against **Tanga Regional Referral Hospital** (hereinafter referred to as "**the Respondent**"). It is in respect of Tender No. 052-6002/2024/2025/W/04 for the Proposed Construction of Regional Blood Center to be built at Tanga Regional Referral Hospital (Bombo) – Phase II (hereinafter referred to as "**the Tender**").

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

The Respondent floated the Tender 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**").

The Respondent invited eligible tenderers to participate in the Tender through the National e-Procurement System of Tanzania (**NeST**) on 12th March 2025. By 19th March 2025, fourteen tenders including the Appellant's were received by the Respondent. When the internal processes



were completed, an award of the Tender was recommended to **M/S Serc Construction Company Limited** (proposed successful tenderer) at a contract price of Tanzania shillings One Billion Five Hundred Fifty-Seven Million Two Hundred Forty Thousand Three Hundred Eighty only (TZS. 1,557,240,380.00) VAT exclusive for a completion period of 270 days. Thereafter, the Tender Board approved the award as recommended on 22nd May 2025 through Circular Resolution No. 19 of 2024/2025.

On 28th May 2025, the Respondent issued a Notice of Intention to award which notified the Appellant the intention to award the contract to the proposed successful tenderer. Furthermore, the Notice stated that the Appellant's tender was found ineligible for award due to failure of attaching a Bank Statement for the year 2025.

Dissatisfied with its disqualification, on 22nd May 2025 the Appellant applied for an administrative review to the Respondent. On 30th May 2025 the Respondent issued its decision which rejected the Appellant's application. Dissatisfied further, the Appellant filed this Appeal before the Appeals Authority on 03rd June 2025.

This Appeal was scheduled for hearing on 30th June 2025, and all parties were duly notified. On the hearing date, Mr. John Bogomba, appearing for the Appellant, prayed to withdraw the Appeal before the Appeals Authority due to a lack of interest in pursuing it further. Mr. Victor Mwasilu, a Legal Officer who appeared for the Respondent did not object to the prayer.

The Appeals Authority informed the Appellant about the requirement of regulation 20(1) of the Public Procurement Appeals Regulations, GN No. 65 of 2025 (hereinafter referred to as "**the Appeals Regulations**") read



together with Item 7 of the Second Schedule to the Appeals Regulations which requires payment of TZS 2,000,000.00 as withdrawal fees for withdrawing an appeal on the hearing date or within three days before the hearing date.

In complying with regulation 20(1) of the Public Procurement Appeals Regulations and Item 7 of the Second Schedule to the Appeals Regulations, the Appellant effected the payment of the withdrawal fee as required through control No. 995940004033.

In view of the above, the Appeals Authority hereby grants the request for withdrawal of the Appeal. Therefore, the Appeal is hereby marked as withdrawn.

It is so ordered. Each party to bear its costs.

This Order is delivered on this 03rd day of July 2025.



JUDGE (rtd) AWADH BAWAZIR
CHAIRPERSON

MEMBERS:

1. DR. GLADNESS SALEMA



2. ENG. LAZARO LOSHILAARI

