

THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF FINANCE
PUBLIC PROCUREMENT REGULATORY AUTHORITY



PUBLIC NOTICE

*(Substitute Notice to Replace a Public Notice Published
on 7th March 2024)*

Pursuant to Section 62(1) of the Public Procurement Act, Cap. 410 and Regulation 99 of Public Procurement Regulations, GN. No. 446 of 2013 (as amended), the Authority is mandated to debar a firm or an individual from participating in public procurement proceedings and notify all procuring entities of such action. In parallel to that, under Regulation 103 (1) of the Public Procurement Regulations, GN. No.446 of 2013 (as amended), the debarred firm or an individual has a right to Appeal against the Authority's debarment decision to the Public Procurement Appeals Authority (PPAA). Sections 88(5) and 97(5)(h) of the Public Procurement Act, Cap. 410 gives the PPAA the mandate to determine appeals and deliver its decision thereof, which includes setting aside, varying or confirming the decision Authority to debar a tenderer.

On 12th December 2023, Rural Water Supply and Sanitation Agency (RUWASA)-Kagera (Procuring Entity) submitted a debarment proposal against two companies, **M/s Archeng Company Limited** and **M/s Afritrust Group Ltd**, for forging a Contractors Registration Board (CRB) Certificate, which purported to show that **M/s Archeng Company Limited** was a Class IV Civil Works Contractor, a fact which they knew to be false. The two companies that had formed a joint venture (JV) submitted a bid for tender No. AE-102/2021-2022/KGR/W/22 for Construction of Water Supply Scheme Kasato-Nyakanazi at Biharamulo District in Kagera Region. After reviewing the proposal and the companies' representations, the Authority decided on 7th March 2024 to debar both companies from participating in public procurement for ten (10) years, starting **from 07th March 2024 to 06th March 2034**.

Dissatisfied with the Authority's decision, M/s Afritrust Group Ltd, which is the Second Company to the said JV, exercised its right to Appeal before the Public Procurement Appeals Authority (PPAA) vide Appeal Case No. 36 of 2023-24 between **M/s Afritrust Group Limited** against the **Public Procurement Regulatory Authority (PPRA)** and **Rular Water Supply and Sanitation Agency (RUWASA)**. In the course of preparing a reply to the appeal, the Authority made a further inquiry on the matter after receiving information that had not been available before. The inquiry established that **M/s Afritrust Group Limited** did not take part in the commission of forgery. It was further established that M/s Archeng Company Limited, a leading Company of the JV, solely perpetrated the commission of the fraudulent act. Based on these findings, the Authority and the other respondents in the appeal under-representation of the Office of Solicitor General supported the Appeal to the extent that the debarment order be lifted in favour of **M/s Afritrust Group Limited** only.

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Based on the submission made by the Solicitor General on behalf of the Government on 28th March 2024, PPAA allowed the Appeal in favour of **M/s Afritrust Group Limited** and ordered the Authority to vacate its decision to debar **M/s Afritrust Group Limited** from participating in public procurement.


As a result thereof, the Authority hereby notifies the Public that it has uplifted **M/s Afritrust Group Limited** from the debarment decision it issued on 07th March 2024. To that end, **M/s Afritrust Group Limited** (including its directors, partners and agents) is now eligible to participate in public procurement effective from **28th March 2024**. For the avoidance of any doubt, the Authority's debarment decision against **Archeng Company Limited** (including their directors, partners and agents) made on 07th March 2024 remains effective. Therefore, **M/s Archeng Company Limited** (including their directors, partners and agents) remains debarred from participating in public procurement for a **period of Ten (10) Years commencing from 07th March 2024 to 06th March 2034** for committing a fraudulent act.

The Authority hereby notifies the public further that any person who, at the time of debarment, was concerned with the management of the affairs of the **M/s Archeng Company Limited** as director, partner, agent or officer is also not allowed to participate in public procurement or disposal by tender for the same stipulated period pursuant to Section 62(11) of CAP 410 read together with Regulation 101(3) of the GN.No.446 of 2013 as amended. Details of the blacklisted company and directors are indicated hereunder:

NAME OF THE COMPANY & ADDRESS	NAMES OF DIRECTORS	INELIGIBILITY PERIOD	
		FROM	TO
M/s Archeng Company Ltd, P. O. Box 1663, DODOMA.	1. Barnabas A.F Mzee 2. Ludigija N. Ludigija 3. Sasoche Maduhu Matenya	07/3/2024	06/3/2034

Pursuant to Regulation 102 of the Public Procurement Regulations, 2013 (as amended), the Authority's decision to debar **M/s Archeng Company Limited** affects procurement contracts entered between the Procuring Entities and the Company before the date of the debarment decision, as the underlying ground for debarment is fraud.

Issued on 09th April 2024 by,


Eliakim C. Maswi
DIRECTOR GENERAL