

Furthermore, whereas the tender has been awarded, the same has not been awarded to the lowest bidder in breach of the provisions of the Public Procurement and Disposals Act thereby rendering the whole process flawed.

In view of the foregoing and in exercise of their right to access the information as guaranteed by the provisions of Section 4 of the Access to Information Act 31 of 2016 and Article 35 of the Constitution, our clients hereby demand that your forthwith furnish them with the minutes and the report of the tender valuation committee, subsequent to which a cancelation of the entire tender should be undertaken.

**TAKE NOTICE** that if the said information shall not be furnished to our client within the next 7 days, our firm, irrevocable and mandatory instructions are to commence the requisite legal proceedings against you, which shall be at your own peril at costs and other incidental consequences arising therefrom.

Yours Faithfully,

N.M. KAMWENDWA & CO. ADVOCATES

NICHOLAS M. KAMWENDWA

Cc. Client

Public Procurement and Regulatory Authority,  
Nairobi

# N.M. KAMWENDWA & CO.

## ADVOCATES & COMMISSIONERS FOR OATHS

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NICHOLAS M. KAMWENDWA  
L.L.B (Hons) NBI, DIP (KSL)

28/3/2024

TAVEVO WATER AND SEWERAGE COMPANY LIMITED,  
P.O. BOX 6-80300,  
VOI

Dear Sir/Madam,

**RE: TENDER NO. TVOTVTTCW000620232024 FOR THE CONSTRUCTION OF  
KALOLENI WATER SUPPLY PROJECT IN TAITA TAVETA COUNTY  
JULIUS OGOGOH  
COMMISSION FOR HUMAN RIGHTS AND JUSTICE-OUR CLIENTS**

Under instructions of our above-named client, we write to demand and address you as hereunder:-

You advertised for the aforementioned tender no or about 23/2/2024 wherein the tender submissions deadline was slated for ...Meanwhile and since the tender was meant to suit certain individuals or your cronies, you extended the submissions deadline to 15/3/2024 vide the addendum notice dated 7/3/2024.

Moreover, whereas Section 42 of the Public Procurement and Disposals Act forbids any collusion and whereas any bidding ought to be competitive and Engineer's estimates ought not to be shared, the Engineer's estimates were shared with your cronies since the tender was tailor made to give an unfair advantage to them. (A copy of the Engineers estimates which our clients managed to obtain are herewith enclosed for you ease of reference).