

## SUBSIDIARY LEGISLATION

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GOVERNMENT NOTICE NO. 471 published on 01/12/2017

### THE PUBLIC PROCUREMENT APPEALS RULES (GN. NO. 411 OF 2014)

#### RULES

(Made under section 105)

#### THE PUBLIC PROCUREMENT APPEALS (AMENDMENT) RULES, 2017

- Construction  
GN. No. 411  
of 2014
1. These Rules may be cited as the Public Procurement Appeals (Amendment) Rules, 2017 and shall be read as one with the Public Procurement Appeals Rules, 2014 hereinafter referred to as the “principal Rules”.
- Amendment  
of Rule 3
2. The principal Rules is amended in rule 3 by inserting in it alphabetical order the following definition:-  
““application” means a formal request in writing, made by the applicant for a certain order before the Appeals Authority;”.
- Amendment  
of Rule 6
3. The principal Rules is amended in Rule 6 by:-  
(a) adding the reference to section “59(2)” immediately after the word “sections” appearing in the open words to Rule 6;  
(b) adding the word “unjustified” before the word “rejections” appearing in paragraph (g).



*Public Procurement Appeals (Amendment)*

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substituting for it the words "on its own motion".

- Amendment of Rule 18      11. The principal Rules is amended in Rule 18 by deleting the words "Form PPAA No.4" and substituting for it the words "Form PPAA No.3" appearing in sub-rule (2).
- Amendment of Rule 20      12. The principal Rules is amended in Rule 20 by:-  
(a) deleting the word "No.6" appearing in sub-rule (2) and substituting for it the word "No.5";  
(b) deleting the phrase "Form No.8 as set out in the First schedule" appearing in sub-rule (3) and substituting for it the following phrase: "Form No.7 as set out in the First Schedule."
- Amendment of Rule 23      13. The principal Rules is amended in Rule 23 by deleting the word "No.5" appearing in sub-rule (2) and substituting for it the word "No.4".
- Amendment of Rule 27      14. The principal Rules is amended in Rule 27 by:-  
(a) adding the word "working" between the words "seven" and "days" appearing in sub-rule (1); and  
(b) adding the word "working" between the words "seven" and "days" appearing in sub-rule (4).
- Amendment of Rule 28      15. The principal Rules is amended in Rule 28 by deleting figure "10" and substituting for it with figure "9".
- Amendment of Rule 30      16. The principal Rules is amended in Rule 30 by:-  
(a) deleting sub-rule (2) and substituting for it the following:-  
    "(2) The respondent shall file his reply, if any, within five working days from the date of receipt of the statement of appeal."  
(b) deleting the word "3 days" and substituting for it the phrase "three working days" appearing in sub-rule (3);  
(c) deleting the phrase "Form No.5 as set out in the first Schedule" appearing "form No.4 as set out it the First Schedule".
- General amendment      17. The principal Rules is amended by renumbering Rule "9, 10, 11... 33" as Rule "8, 9, 10...31" respectively.



*Public Procurement Appeals (Amendment)*

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Additional  
of  
new Rule 32

18. The principal Rules is amended by adding immediately after Rule 31 as renumbered the following new Rule 32 as follows:-

“Execution  
of the  
decision

32.-(1) A decree holder of the decision of the Appeals Authority shall execute the decision by making an application to the Appeals Authority using PPAA Form No.7 and the Appeals Authority shall issue a decree or order authorising execution.

(2) Execution of the decree or an order issued by the Appeals Authority shall be carried out in accordance with the provisions of the Civil Procedure Code.

Cap.33

(3) A decree shall be extracted from the decision of the Appeals Authority and shall be signed by the Chairperson of the Appeals Authority or their successor in office, as the case may be, or the Executive Secretary.

(4) The decree shall contain, among other things, the Appeal case or registration number, the names and descriptions of the parties and particulars of the claim, and shall specify clearly the award or reliefs granted or other determination of the appeal.

(5) Notwithstanding sub-rule (1), No application for execution shall be entertained by the Appeals Authority until after the expiry of fourteen days from the date on which a decision or order of the Appeals Authority was made”.

Amendment  
of the  
Schedule

19. The principal Rules is amended in the Schedule by:-

(a) deleting the enabling provisions and substituting for it the following:-

“(Made under Rules 9, 10, 11, 13, 17, 19, 22, 29 and 33)”;

(b) deleting PPAA Form No.1; and

(c) renumbering PPAA Form No.2 to PPAA Form No.8 as PPAA Form No.1 to PPAA Form No.7 respectively.

*Public Procurement Appeals (Amendment)*

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*Government Notice No. 471 (contd...)*

Additional  
of a new  
PPAA Form

20. The First Schedule to the principal Rules is amended by adding immediately after PPAA Form No.7 as renumbered the following new PPAA Form No.8 as follows:-

IN THE PUBLIC PROCUREMENT APPEALS  
AUTHORITY



AT.....

APPEAL/APPLICATION NO..... OF  
.....

BETWEEN

..... DECREE  
HOLDER  
AND

.....  
J/DEBTOR

APPLICATION FOR EXECUTION OF DECREE

*(Under O, 21 r 11 of CPC and Rule 33 of the Appeals  
Rules)*

I.....decree holder, hereby apply for  
execution of the decree herein as set forth below.

Date of decree.....

Whether any appeal preferred from decree:.....

Payment or adjustment, if any:-

Previous application, if any with date and  
result:.....

Amount with interest due upon  
the decree

or other  
relief  
granted  
thereby


together with particulars  
of any cross decree:-  
Amount of costs, if any awarded.

Against whom to be executed:-

Mode in which the assistance of the Appeals  
Authority is required:-

.....  
.....

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I.....declare that what is stated herein is true to the best of my knowledge and belief

Dated this.....day of ..... 20.....

.....  
Decree Holder

FOR OFFICIAL USE ONLY:

Received by PPAA on the.....day of .....20.....  
at..... (am/pm)

Name:.....

Designation.....

Signature..... Official stamp.....

Copy of the Application to be served upon:-

Name: .....

Address: .....

Date: .....

Signature:.....

Designation:.....

Official stamp.....<sup>39</sup>



*Public Procurement Appeals (Amendment)*

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Amendment  
of the  
Second  
Schedule

**21.** The principal Rules is amended in the Second Schedule  
by deleting it and substituting for it the following:-

“  
SECOND SCHEDULE

(Made under Rule 13)

FEE PAYABLE

S/N	Subject matter	Amount in Shs.
1.	On submission of appeal	300,000/=
2.	On opting to join to the proceedings	300,000/=
3.	On application to set aside ex parte decision	1,000,000/=
4.	On application for extension of time	300,000/=
5.	For withdrawal of appeal	1,000,000/=
6.	On application for execution of the decree/ order	150,000/= ”

Dodoma,  
14<sup>th</sup> June, 2017

PHILIP I. MPANGO,  
*Minster for Finance and Planning*