



PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS AUTHORITY

**REPORT ON APPLICATION FOR ADMINISTRATIVE REVIEW BY SIMBA
AUTOMOTIVE LIMITED IN RESPECT TO THE PROCUREMENT FOR SUPPLY,
DELIVERY AND COMMISSIONING OF 2127 UNITS OF MOTORCYCLES FOR SUB-
COUNTY, TOWN COUNCILS AND MUNICIPAL DIVISIONS CHAIRPERSONS
PROC. REF NO.: MOLG/SUPLS/20-21/009/LCD**

ENTITY: MINISTRY OF LOCAL GOVERNMENT

APPLICANT: SIMBA AUTOMOTIVE LIMITED

FEBRUARY 2021

1.0 BACKGROUND

1. On 23rd July 2020, the Ministry of Local Government initiated the procurement for supply, delivery and commissioning of 2,127 units of Motorcycles for Sub-County, Town Councils and Municipal Divisions Chairpersons at an estimated cost of UGX 20,206,500,000.
2. On 24th September 2020, the Entity published the bid notice in the New Vision Newspaper with a bid closing date of 23rd October 2020.
3. Bidding documents were issued to eight bidders as indicated in Table 1 below:

Table 1: Bidders Issued with Bidding Document

No.	Name of Bidder
1.	Honda Uganda Limited
2.	Verma Co. Limited
3.	Nile Fishing Company Limited
4.	Simba Automotive Limited
5.	Toyota Uganda Limited
6.	Yuvraj International (U) Limited
7.	Pride Trading Company Limited
8.	Mantra Motorbike East Africa Limited

4. On 8th October 2020, a pre-bid meeting was held at the Ministry of Local Government 5th Floor Main Board Room and was attended by representatives of Honda Uganda Limited, Simba Automotive Limited, Verma Co. Limited, Nile Fishing Company Limited, Toyota Uganda Limited and Yuvraj International (U) Limited.
5. On 23rd October 2020, six firms submitted bids which were opened and prices read out as indicated in Table 2 below:

Table 2: Bid Prices Read Out

No.	Name of Bidder	Price Read Out (UGX)
1.	Nile Fishing Company Limited	18,898,375,000
2.	Honda Uganda Limited	21,961,309,032
3.	Simba Automotive Limited	18,058,230,000
4.	Mantra Motorbike East Africa Limited	17,016,000,000
5.	Toyota Uganda Limited	20,567,858,157
6.	Verma Co. Limited	12,177,230,768

6. The Evaluation Report dated 18th November 2020, indicated that Verma Co. Limited, Mantra Motorbike East Africa Limited and Simba Automotive Limited failed at the preliminary evaluation stage. Simba Automotive Limited was eliminated for:

- i. Alteration of paragraph (o) of the Bid Submission Sheet in contravention of Section 12.1 of the Instruction to Bidders which was also contrary to Section 76 of the PPDA Act, 2003 and paragraph (b) of the Bid Submission Sheet.
 - ii. The Manufacturer's Authorisation that provided for UG Boss 125 Pro motorcycles was not in full compliance with the format of the Bidding Document as required in ITB 5.5 and Section 4 bidding forms. The Authorisation did not state the type of motorcycle to be supplied.
 - iii. The technical specifications in the brochures enclosed in the bid document could not be verified on the manufacture's website.
 - iv. No evidence of supply experience for the particular brand of motorcycle bided for of not less than 5 years in the region as required in ITB 11(i) 1.
7. The Evaluation Committee Report indicated that Nile Fishing Company Limited, Honda Uganda Limited and Toyota Uganda Limited were commercially and technically responsive to the evaluation criteria. Nile Fishing Company Limited was recommended for award of contract at UGX 18,898,395,000.
 8. On 17th December 2020, the Contracts Committee approved the Evaluation Report and awarded the contract to Nile Fishing Company Limited at UGX 18,898,395,000.
 9. On 18th December 2020, the notice of best evaluated bidder was displayed with a removal date of 4th January 2021.

2.0 THE ADMINISTRATIVE REVIEW PROCESS

2.1 APPLICATION TO THE ACCOUNTING OFFICER

1. On 22nd December 2020, the Applicant applied for Administrative Review to the Accounting Officer on the ground that the Evaluation was conducted in an unfair manner and against public interest and did not follow the PPDA principles.
2. On 12th January 2021, the Accounting Officer issued a decision rejecting the application for Administrative Review. The Accounting Officer indicated that:
 - i. The bidder's action of altering Paragraph (o) of the Bid Submission Sheet constituted a material deviation as it was inconsistent with the Bidding Document and may in a substantial way limit the rights of the Procuring and Disposing Entity. The alteration also contravened Paragraph (b) of the Bid Submission Sheet as observed by the Evaluation Committee and Section 76 of the PPDA Act, 2003. The alteration was intended to create a binding contract by simply accepting the bid which could substantially limit the rights of the Entity.
 - ii. The Manufacturer's Authorisation was not in compliance with the Manufacturer's Authorisation Format provided for under Section 4 of the Bidding Forms. It did not

indicate the type of motorcycle manufactured and the full address of the factories. It did not explicitly state that Chongqing Yinxiang Motorcycle (Group) Co. Ltd is the Manufacturer of UG Boss Pro 125cc.

- iii. The UG Boss Pro 125cc Motorcycle Brand was not part of the brands displayed on the manufacturer's website at the time of evaluation. It was therefore not necessary for the Evaluation Committee to contact the manufacturer for information on a product that did not feature on its website.
- iv. Due diligence was carried out on the earliest supply to Oyam District Local Government in 2016/17 which translated to a performance of about 4 years. This was below the required varied performance of 5 years' experience.

2.2 APPLICATION TO THE AUTHORITY

1. On 21st January 2021, the Applicant applied for Administrative Review to the Authority and raised the following grounds:
 - i. The alteration of paragraph (o) of the Bid Submission Sheet contrary 12.1 of the Instruction to Bidders of the Bidding Document by Simba Automotive Limited did not constitute a material deviation to warrant elimination of the bid and it did not contravene Section 76 of the PPDA Act 2003.
 - ii. The Manufacturer's Authorisation is in conformity with the Instruction to Bidders 5.5 and the format stated in Section 4 of the bidding forms. Any non-conformity should have been waived by the Evaluation Committee pursuant to Regulation 11(3) of the PPDA (Evaluation) Regulations 2014.
 - iii. The Evaluation Committee should have sought clarification to establish whether UG Boss 125CC is among the manufacturer's products as enclosed in their brochure in accordance with Regulation 10 of the PPDA (Evaluation) Regulations 2014.
 - iv. The requirement of performance of the motorcycle in the past 5 years was in contradiction to the letter from PPDA to the Entity hence favoring one company which had been in supply for a long time. Further the evaluation was on performance of the UG Boss 125CC and not experience hence contradicting the requirement of the solicitation document.

3.0 DISPOSAL OF THE APPLICATION

1. In investigating the application, the Authority reviewed the following documents:
 - i. Procurement requisition;
 - ii. Bid notice;
 - iii. Bidding document issued;
 - iv. Records of bid receipt and opening;
 - v. Bids submitted;

- vi. Minutes of the pre-bid meeting;
 - vii. The re-evaluation report;
 - viii. Minutes of Contracts Committee;
 - ix. Best evaluated bidder notice;
 - x. Application for Administrative Review before the Accounting Officer and the Authority by Simba Automotive Limited;
 - xi. The decision by the Accounting Officer in relation to the application for Administrative Review; and
 - xii. Submissions by the parties.
2. On 9th February 2021, the Authority held an Administrative Review hearing via teleconference which was attended by the following officials from the Entity, Simba Automotive Limited and Nile Fishing Company Limited indicated below in Table 3:

Table 3: Representation at the Administrative Review Hearing

No.	Name	Designation/Role
Officials from Ministry of Local Government		
1.	Ms. Grace Asiimwe	Accounting Officer
2.	Mr. Mike Duncan Tumwikirize	Head PDU
3.	Mr. Robert Kiwanuka	Senior Procurement Officer
Officials from Simba Automotive Limited		
1.	Mr. Asuman Nyonyintono	Advocate
2.	Mr. John Kallemera	Advocate
3.	Mr. Paresh Shukla	Managing Director
4.	Mr. Chitwan Dogra	Head of Sales and Marketing
5.	Mr. Repil Jim	Tender Manager
Officials from Nile Fishing Company Limited		
1.	Mr. Francis Asiimwe	Procurement Manager
2.	Mr. Winston Manzi	Procurement Consultant
3.	Mr. Allan Nyakahuma	Advocate

4.0 SUBMISSIONS BY THE PARTIES

4.1 Submissions by the Applicant

The Applicant submitted that:

- i. Alteration of paragraph (o) of the Bid Submission Sheet**
 - a) S. 76 of the PPDA Act, 2003 is a substantive law that takes precedence over any bidding document or bid submitted. Any alteration cannot take precedence over the substantive law.
 - b) The alteration is not a material deviation to warrant elimination of a bid and cannot limit the rights of the entity and therefore should have been waived in accordance with Regulation 10 (1) and 11 (3) of the PPDA (Evaluation) Regulations.

- c) The alteration does not contravene the basic principles of public procurement and hence should not have been a reason to eliminate the Applicant's bid at preliminary stage.

ii. Manufacturer's Authorisation not in conformity with the Instruction to Bidders 5.5 and the format stated in Section 4 of the bidding forms

- a) The Manufacturer's Authorisation was in conformity with ITB 5.5 and the format stated in Section 4 of the bidding document and if there was any variation, it was minor and should have been waived by the Evaluation Committee pursuant to Regulation 11(3) of the PPDA (Evaluation) Regulations, 2014 or the Evaluation Committee should have sought clarification from the bidder in accordance with Regulation 10 (1) of the PPDA (Evaluation) Regulations.
- b) The Manufacturer's Authorisation submitted in the Applicant's bid contained an attachment detailing the specifications of the motorcycle on the letter head of Chonqing and categorically stated that Chonqing is a manufacturer of UG BOSS PRO according to Ugandan requirements in collaboration with the Applicant. The various types of motorcycles are all available on the website that was provided and if the information was not sufficient or available, the Evaluation Committee should have sought clarification from the Applicant in accordance with Regulation 10(1) of the PPDA (Evaluation) Regulations 2014.
- c) The change in format of the Manufacturer's Authorisation should not have been a reason for elimination of the Applicant's bid at the preliminary evaluation stage since it does not contravene the basic principles of public procurement.
- d) The alteration in the Manufacturer's Authorisation is a condition in the General Conditions of Contract thus the change in format is not a valid reason to eliminate the Applicant considering that different manufacturers have different formats with the same ultimate goal which is to guarantee that the manufacturer gave an authorisation.

iii. Product specifications

- a) There was no requirement in the bidding document for bidders to provide brochures. If the Evaluation Committee needed to confirm whether the UG Boss 125 cc brand was one of the manufacturer's products, it could have sought clarification from the manufacturer in accordance with Regulation 10 of the PPDA (Evaluation) Regulations, 2014.
- b) Whereas the Evaluation Committee alleged that it checked the website and as at 16th December 2020, it could not find the UG Boss 125 cc brand, no such evidence was provided to confirm this allegation and the Applicant maintained that the information was available on the website. Furthermore, in the bidding document, there was no requirement for verification of the contents of the bid on the website.

iv. Performance of the motorcycle in the past five years

- a) The requirement of experience of 5 years contradicted the letter from PPDA dated 13th May 2019 to the Entity especially with regard to lotting, competition and promotion of local content in public procurement which was overlooked by the Entity. In this regard, the requirement for experience of years should have been eliminated and replaced with evidence of completed contracts.
- b) Additionally, the Applicant submitted that the post qualification criteria provided in the bidding document was 3 years as opposed to the evaluation requirement of 5 years which was unfair. The inconsistencies and contradictions in the bidding document indicated that it was purely aimed at eliminating all other players.
- c) The Evaluation Committee considered the performance of the product instead of experience as required in the bidding document. The Applicant submitted that they provided all the relevant information on experience in their bid however the Entity disqualified them on grounds of performance.

4.2 Submissions by the Entity

i. Alteration of paragraph (o) of the Bid Submission Sheet

- a) ITB 12.1 provides that the bidder shall submit the Bid Submission Sheet using the form in Section 4. The form must be completed without any alterations to its format and therefore the alteration of the Bid Submission Sheet by the Applicant contravened ITB 12.1.
- b) Regulation 11 (4) (b) of the PPDA (Evaluation) Regulations, 2014 defines a material deviation as a deviation that is inconsistent with the bidding document and which may in a substantive way limit the rights of the entity or the obligations of the bidder under the contract.
- c) The alteration of the Bid Submission Sheet by the Applicant was construed as intended to create a binding contract between the Applicant and the Entity by simply accepting the Applicant's bid which would substantially limit the rights of the Entity and also contravene S. 76 of the PPDA Act, which stipulates how an award shall be confirmed by the Entity. The alteration of the Bid Submission Sheet therefore constituted a material deviation.

ii. Manufacturer's Authorisation not in conformity with the Instruction to Bidders 5.5 and the format stated in Section 4 of the bidding forms

- 1. The format for the Manufacturer's Authorisation was provided in the bidding document issued to bidders.
- 2. The Manufacturer's Authorisation submitted by the Applicant did not explicitly state that Chongqing Yinxiang Motorcycle (Group) Co. Ltd is the manufacturer of UG Boss Pro

125cc, did not indicate the type of motorcycle to be manufactured and the full addresses of the factories. The letter only indicated that Chongqing Yinxiang Motorcycle (Group) Co. Ltd had given the Applicant complete authority to submit a bid for provision of 2,127 units of UG Boss Pro 125 cc and subsequently negotiate and sign the contract and therefore, it did not comply with the format provided under Section 4 of the bidding forms.

iii. Product specifications

- a) The brochures supplied in the Applicant's bid were locally printed with no reference to the Manufacturer for authentications and hence did not comply with the bidding document that required original manufacturer published technical brochures.
- b) The Evaluation Committee checked the website and as at 16th December 2020, it could not find the UG Boss 125 cc brand. Whereas the Administrative Review Committee accessed the website on 7th January 2021 and found that UG Boss 125 Pro motorcycles were indeed one of the manufacturer's products, a scrutiny of the image of the motorcycle revealed that its display was different from the other brands of motorcycles on the same website. The product was therefore not on the website at the time of evaluation and it was not necessary for the Entity to contact the manufacturer on information that was not on the website at the time of evaluation.

iv. Performance of the motorcycle in the past five years

- a) At due diligence, the Evaluation Committee found that the motorcycles had been on the local market for not more than 4 years and their performance was not yet satisfactory.
- b) The Evaluation Committee reviewed the list of 126 clients provided by the Applicant in its bid and found that the earliest supply was to Oyam District Local Government in FY 2016/17 under Ref: OYAM572/SUPP/DDEG/2016-17 which was approximately 4 years, below the requirement of verified performance of 5 years experience in the bidding document.

4.3 Submissions by Nile Fishing Company Limited

i. Alteration of paragraph (o) of the Bid Submission Sheet

ITB 12.1 of the bidding document is couched in mandatory terms to the effect that the form must be completed without any alterations to its format. The alteration was therefore a material deviation since it watered down the discretionary powers of the entity and arrogated the entity's powers.

ii. Manufacturer's Authorisation not in conformity with the Instruction to Bidders 5.5 and the format stated in Section 4 of the bidding forms

The bidding document provided the format for the Manufacturer's Authorisation form. It was instructive on the requirement to include the Manufacturer's name and address and

therefore since the Applicant was rightly eliminated since it did not provide the required details.

iii. Product specifications

- a) Due diligence is provided for under Section 34 of the PPDA Act, 2003 depending on the type, value and complexity of the procurement or disposal. The procurement in question is not a simple procurement and therefore it was necessary to conduct due diligence.
- b) If clarification had been sought by the Evaluation Committee on the product specifications in the brochure provided, this would amount to preferential treatment of the Applicant in contravention of the principle of fairness.

iv. Performance of the motorcycle in the past five years

The requirement of 5 years in the bidding document was tagged to the performance of the brand in the last 5 years and therefore, the Evaluation Committee did not misdirect itself in evaluating the requirement as alleged by the Applicant.

5.0 RESOLUTION BY THE AUTHORITY

5.1 Ground One

The alteration of paragraph (o) of the Bid Submission Sheet contrary 12.1 of the Instruction to Bidders of the Bidding Document by Simba Automotive Limited did not constitute a material deviation to warrant elimination of the bid and it did not contravene Section 76 of the PPDA Act 2003.

Findings:

- i. The Applicant was eliminated for among others reasons altering paragraph (o) of the bid submission sheet in contravention of Section 12.1 of the Instruction to Bidders.
- ii. Instruction to Bidders 12.1 of the bidding document required the bidder to submit the Bid Submission Sheet using the form provided in Section 4, Bidding Forms. This form had to be completed without any alterations to its format, and no substitutes would be accepted.
- iii. Paragraph (o) of the Bid Submission Sheet in the Bidding Document provided that, ***“We understand that you are not bound to accept the lowest bid or any other bid that you may receive.”***
- iv. Section 76(1) of the PPDA Act, 2003 provides that for purposes of this Act, an award decision is not a contract.
- v. The Authority reviewed the bidding document issued, the bid by the Applicant, the submission by both parties and noted that Applicant had altered Paragraph (o) of the Bid Submission Sheet by inserting the following, ***“We understand that this, together with***

your written acceptance thereof include in your letter of bid acceptance shall constitute a binding contract between us, until a formal contract is prepared and executed.”

- vi. The Authority observed that the alteration of paragraph (o) of the Bid Submission Sheet by the Applicant created a presumption of a binding contract by mere acceptance of the Applicant’s bid hence contravening Section 76(1) of the PPDA Act, 2003.
- vii. Regulation 11(4)(b) of the PPDA (Evaluation) Regulations, 2014 provides that a material deviation is a deviation that is inconsistent with the Bidding Document and which may in a substantial way, limit the rights of the Procuring and Disposing Entity or the obligations of the bidder under the contract.
- viii. Further, Regulation 11(3)(a) of the PPDA (Evaluation) Regulations 2014 provides that where a non-conformity or an omission in a bid is not a material deviation, an Evaluation Committee shall waive the non-conformity or omission.
- ix. The Authority considered what constitutes a material deviation under Regulation 11(4) (b) of the PPDA (Evaluation) Regulations 2014 and found that the alteration of paragraph (o) of the Bid Submission Sheet was a material deviation since it was inconsistent with the bidding document and would limit the rights of the Entity.
- x. The Authority found that the Applicant’s alteration of paragraph (o) of the Bid Submission Sheet was a material deviation that could not be waived by the Evaluation Committee since it formed a crucial factor in the evaluation of the bids.

Decision of the Authority on Ground One

The Authority found **no merit** in the ground since the alteration of paragraph (o) of the Bid Submission Sheet was a material deviation which would limit the rights of the Entity and therefore could not be waived by the Evaluation Committee.

5.2 Ground Two

The Manufacturer’s Authorisation is in conformity with the Instruction to Bidders 5.5 and the format stated in Section 4 of the bidding forms. Any non-conformity should have been waived by the Evaluation Committee pursuant to Regulation 11(3) of the PPDA (Evaluation) Regulations 2014.

Findings:

- i. The Applicant was eliminated for a number of reasons that included non-conformity of the Manufacturer’s Authorisation with the format in the bidding document issued as required by Instructions to Bidders 5.5 and the format stated in Section 4 of the bidding forms.
- ii. The Instructions to Bidders 5.5 under the Bid Data Sheet in the bidding document required the bidder to include with its bid, documentation from the manufacturer of the supplies, that it had been duly authorised to supply, in Uganda, the supplies indicated in its bid by submitting the Manufacturers Authorisation Form in Section 4 bidding forms.

- iii. The Authority reviewed the bidding document issued, the bid by the Applicant, the submission by both parties and noted that the Manufacturer's Authorisation issued by Chongqing Yinxiang Motorcycle (Group) Co. Ltd indicated that Chongqing Yinxiang Motorcycle (Group) Co. Ltd was one of the largest manufacturers of motorcycles in China and that it had given Simba Automotive Ltd authority to supply 2,127 units of UG Boss PRO 125cc and to negotiate and sign the contract.
- iv. The Authority further observed that much as the Manufacturer's Authorisation submitted by the Applicant did not explicitly state that Chongqing Yinxiang Motorcycle (Group) Co. Ltd is the manufacturer of UG Boss Pro 125cc, the document extended full guarantee and warranty of the product to be supplied.
- v. Regulation 10(2) (a) of the PPDA (Evaluation) Regulations, 2014 provides that an Evaluation Committee shall only make a request for clarification of information or submission of documentation where there is a nonconformity or an omission in the bid, which is not a material deviation.
- vi. The Authority considered what constitutes a material deviation under Regulation 11(4) of the PPDA (Evaluation) Regulations 2014 and found that the non-conformity in the Manufacturer's Authorisation did not constitute a material deviation since the Manufacturer's Authorisation letter indicated that Chongqing Yinxiang Motorcycle (Group) Co. Ltd. was one of the largest manufacturers of motorcycles in China and it had given Simba Automotive Ltd authority to supply 2,127 units of UG Boss PRO 125cc and to negotiate and sign the contract. Furthermore, the Manufacturer's Authorisation extended full guarantee and warranty of the product to be supplied and therefore the required information was available in the Manufacturer's Authorisation form submitted by the Applicant.
- vii. On the basis of the above, the Authority found that the Entity should have sought clarification from the Applicant in accordance with Regulation 10(2) (a) of the PPDA (Evaluation) Regulations, 2014.

Decision of the Authority on Ground Two

The Authority found **merit** in the ground since the non-conformity in the Manufacturer's Authorisation did not constitute a material deviation.

5.3 Ground Three

The Evaluation Committee should have sought clarification to establish whether UG Boss 125CC is among the manufacturer's products as enclosed in their brochure in accordance with Regulation 10 of the PPDA (Evaluation) Regulations 2014.

Findings:

- i. The Applicant was eliminated for failure by the Evaluation Committee to verify the technical specifications in the brochures enclosed in the bid document on the manufacture's website.

- ii. Regulation 10 (1) of the PPDA (Evaluation) Regulations, 2014 provides that an Evaluation Committee may at any stage of the evaluation request a bidder to clarify the information provided in the bid documents or to submit additional documentation to clarify the information provided.
- iii. According to Regulation 10 (2) of the PPDA (Evaluation) Regulations, 2014, an evaluation committee shall only make a request for clarification of information or submission of documentation under subregulation (1) where there is a nonconformity or an omission in the bid, which is not a material deviation as specified in regulation 11 (4); or there is an arithmetic error which has to be corrected.
- iv. The Authority considered the conditions for seeking clarification under Regulation 10 (2) of the PPDA (Evaluation) Regulations, 2014 and found that the Evaluation Committee should have sought clarification from the bidder when they failed to find information on the product on the manufacturer's website provided in the bid.

Decision of the Authority on Ground Three

The Authority found **merit** in ground three since failure to find information on the product on the manufacturer's website was a non-conformity which the Evaluation Committee could have requested the bidder to clarify.

5.4 Ground Four

The requirement of performance of the motorcycle in the past 5 years was in contradiction to the letter from PPDA to the Entity hence favoring one company which had been in supply for a long time. Further the evaluation was on performance of the UG Boss 125CC and not experience hence contradicting the requirement of the solicitation document.

Findings:

- i. The Applicant was eliminated for failure to provide evidence of performance of the motorcycle of not less than 5 years.
- ii. The Authority reviewed the bidding document issued, the Applicant's bid, the submission by both parties and noted that Clause 5(b)(1) of the Evaluation Methodology and Criteria provided that if the components of the motorcycle brand offered are more than 90% sourced/manufactured from abroad, the motorcycle brand offered must be an internationally recognized brand with extensive usage locally, regionally and good performance of not less than 10 years' experience.
- iii. The Authority observed that the performance of not less than 10 years was reduced to 5 years in the minutes of the pre-bid meeting.
- iv. The Authority found that the letter issued by the Authority on 13th May 2019, to the Entity was for a different procurement for supply, delivery and commissioning of 2000 motorcycles for Sub County, Town Councils and Municipality Division Chairpersons. In this letter, the Authority had advised that the requirement on performance of the brand of not less than 10 years defeats the objective of the PPDA Guideline 1/2008 on reservation

schemes to promote local content in public procurement and that the 2000 motorcycles should be lotted into sizeable lots to provide competition among the national and resident providers. (Attached as Annex 5)

- v. The Authority further found that the Applicant had provided information on experience evidenced by several completed contracts in its bid that ranged from the period of 2016 to 2020. The experience submitted translated to performance of 4 years which was below the required performance of 5 years.
- vi. The Authority additionally found that the bidding document could not have been drafted to favour one bidder because the Entity had heeded to the guidance given by the Authority and reduced the requirement on performance from 10 years to 5 years.

Decision of the Authority on Ground Four

The Authority found **no merit** in ground four since the Applicant had failed to provide evidence of performance of the motorcycle of not less than 5 years.

6.0 DECISION OF THE AUTHORITY

In accordance with Section 91 (4) of the PPDA Act, 2003 and in light of the materiality of the findings in grounds one and four, the application for Administrative Review by Simba Automotive Limited is **rejected**.