

TOSHA HOLDINGS LIMITED ROADS PROJECTS

1. REHABILITATION AND UPGRADING OF EASTLANDS ROADS SAVANNAH AND BARAKA LINKS (TENDER NO. KURA/DEV/HQ/090/2015-2016)

A. BACKGROUND

The main project works is 5.2 km long single carriageway in Nairobi County. The main project works comprise rehabilitation of Savannah Road (3.1kms), and upgrading to bitumen standards of Baraka link (2.1kms)

B. CONTRACT DETAILS

Employer	:	Kenya Urban Roads Authority
Contractor	:	Tosha Holdings Ltd
Original Tender Amount	:	Kshs. 347,142,134.64
Revised Tender Amount	:	Kshs. 372,811,023.83
Effective Commencement Date	:	21 st March 2016
Original Time for Completion	:	12 Months
Original Completion Date	:	27 th March 2017
End of Defects Liability Period	:	16 th March 2018

C. INCOMPLETE WORKS

- i) Construction of 80metre section to join Baraka Road to Komarock Road.
- ii) Construction of 2.0m footpaths on either side of the carriageway along Savannah Link road (Note that this section from B centre to Greenspan has since been done by another contractor although M/s Tosha Holdings Limited was paid for the same)

D. AWARD OF TENDER

- a. **Work Experience:** No single road work project had been undertaken by the Contractor at time of tendering.
- b. **Personnel:** The personnel used for tendering were not company personnel.
- c. **Equipment:** The Contractor did not have any equipment and therefore the equipment listed during tendering not genuine.
- d. **Financial documents?** Audited accounts and bank statements were not genuine.

2. REHABILITATION AND UPGRADING OF UPPER HILL ROADS PHASE II (KURA/DEV/HQ/234/2015-2016)

A. BACKGROUND

The Project involves the upgrading of, Masaba Road, Matumbato Road, Chyulu Road, Menengai Road, Parts of Mara Road, Upper Hill, Lower Hill Road and link Road between Chyulu Road and Ragati Road.

This 6.5 kilometre long dual carriageway will incorporate footpaths on both sides of the road, slip roads and bus bays. Street lighting has also been factored in the project to enhance security.

B. CONTRACT DETAILS

Employer	:	Kenya Urban Roads Authority
Contractor	:	Tosha Holdings Ltd
Original Tender Amount	:	Kshs. 2,258,531,258.11
Effective Commencement Date	:	8 th November 2016
Original Time for Completion	:	24 Months
Original Completion Date	:	6 th November 2018
Extended Completion Date	:	12 th September 2019 (15 months)
End of Extended Defects Liability Period	:	12 th September 2020

C. PROGRESS

i.	Masaba Road	–	Handed -Over
ii.	Menengai Road	–	Handed-Over
iii.	Matumbato Road	–	Handed-Over
iv.	Chyulu Road	–	Handed-Over
v.	Part of Mara Road	–	Handed-Over
vi.	Upper Hill Road	–	On-going
vii.	Lower Hill Road	–	Handed-Over

Note:

- The Project has been carried out without a Site Agent for the last 3 years.
- Is the performance bond and insurance cover valid?

D. AWARD OF TENDER

- Work Experience:** The only road project undertaken by the Contractor at time of tendering was the Rehabilitation and Upgrading of Eastlands Roads Project under Kenya Urban Roads Authority for Kshs 347,142,134.06.

Note:

- The Rehabilitation and Upgrading of Eastlands Roads Project was on-going during the tendering time.
- The Contractor had No Completed Road works during the tendering period.

- b. **Personnel:** The personnel used for tendering were not company personnel.
- c. **Equipment:** The Contractor did not have any equipment and therefore the equipment listed during tendering not genuine.
- d. **Financial documents?** Audited accounts and bank statements presented were not genuine.

3. CONSTRUCTION TO BITUMEN STANDARDS OF THIKA BYPASS, KIAMBU COUNTY (TENDER No.: KURA/DEV/HQ/234/2017-2018)

A. BACKGROUND

The project road starts at the junction with A3 at Makongeni crossing over Chania River and ends at the junction with A2 at Delmonte. The road is approximately 15Kms long (including the link roads)

B. CONTRACT DETAILS

Employer	:	Kenya Urban Roads Authority
Contractor	:	Tosha Holdings Ltd
Original Tender Amount	:	Kshs. 1,867,953.057.60
Effective Commencement Date	:	July 2018
Original Time for Completion	:	24 Months
Original Completion Date	:	July 2020
End of Defects Liability Period	:	July 2021

C. PROGRESS

- i. Completion period elapsed in July, 2020 with less than 50% of the works done.

Note:

- i. The Project has been carried out without a qualified Site Agent since last year.
- ii. The current Site Agent Mr. Mukesh who also doubles as the Site Agent for the Periodic Maintenance of Thika - Garissa [Lot 2 - Kanyonyo, (Embu Junction) – Mwingi] (A3) Road (KeNHA) is not qualified for the position.

D. AWARD OF TENDER

- **Work Experience:** The only roads projects undertaken by the Contractor at time of tendering were the Rehabilitation and Upgrading of Eastlands Roads Project under Kenya Urban Roads Authority which is incomplete up to date and the Rehabilitation And Upgrading Of Upper Hill Roads Phase II under Kenya Urban Roads Authority which was on-going during the tendering period.
- a. **Personnel:** The personnel used for tendering were not company personnel.
 - b. **Equipment:** The Contractor did not have the mandatory equipment such as Bituminous Plants.
 - c. **Bid Price:** Tosha Holdings Limited was the 9th lowest bidder but was still awarded the contract despite other contractors meeting all qualification requirements presenting lower bids.

4. FOR PERIODIC MAINTENANCE OF THIKA - GARISSA [LOT 2 - KANYONYO, (EMBU JUNCTION) – MWINGI] (A3) ROAD(KeNHA/R5/116/2019)

A. BACKGROUND

- B. This is the Second Lot – Lot 2 in the Thika Garissa Periodic Maintenance Project. The Road is a single carriageway with exceptionally high traffic. The total length of the road is approximately 55 Km.

C. CONTRACT DETAILS

Employer	:	Kenya National Highways Authority
Contractor	:	Tosha Holdings Ltd
Original Tender Amount	:	Kshs. 1,098,269,382
Effective Commencement Date	:	April 2020
Original Time for Completion	:	18 Months
Original Completion Date	:	October 2021
End of Defects Liability Period	:	April 2022

D. PROGRESS

- i. A few months into the Project, the Client has already replaced the Resident Engineer who is believed to have handed the project to Tosha Holdings Limited with a promise of ensuring that quantities will be reduced. It is reported that the Site Agent Mr. Mukesh who also doubles as the Site Agent for the Construction to Bitumen Standards of Thika Bypass Road Project, Kiambu County let the cat out of the bag when he confidently claimed that it had been agreed with the Resident Engineer to reduce quantities, so as, to cover for the under quoted rates, prompting the Employer (KeNHA) to immediately replace the Resident Engineer.
- ii. The current Site Agent Mr. Mukesh who also doubles as the Site Agent for the Construction to Bitumen Standards of Thika Bypass Road Project, Kiambu County (KURA) is not qualified for the position.

E. AWARD OF TENDER

- a. **Work Experience:** The only genuine roads projects undertaken by the Contractor at time of tendering were the Rehabilitation and Upgrading of Eastlands Roads Project under Kenya Urban Roads Authority which is incomplete up to date , Rehabilitation And Upgrading Of Upper Hill Roads Phase II under Kenya Urban Roads Authority and Construction to Bitumen Standards of Thika Bypass Road Project, Kiambu County which were both on-going during the tendering period.
- b. **Personnel:** The personnel used for tendering were not company personnel.
- c. **Equipment:** The Contractor did not have the mandatory equipment such as Bituminous Plants.
- d. **Bid Price:** Tosha Holdings Limited was the 2nd lowest bidder but was still awarded the contract despite under quoting by less than around 30% of the Engineer's Estimates, that is approximately, Kshs 430,000,000 less.

5. NCA REGISTRATION

How did National Construction Authority (NCA) register the company under the highest category of NCA 1 without any work experience , personnel and equipment?