



**PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS AUTHORITY**

**INVESTIGATION REPORT INTO ALLEGED USE OF INAPPROPRIATE  
EVALUATION METHODOLOGY IN THE SELECTION OF INDIVIDUAL  
CONSULTANTS FOR THE FARM INCOME ENHANCEMENT AND FOREST  
CONSERVATION PROGRAMME PROJECT.**

**ENTITY : MINISTRY OF WATER AND ENVIRONMENT**

**COMPLAINANT : WHISTLEBLOWER**

**MAY 2019**

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## **ACRONYMS**

AO	-	Accounting Officer
CC	-	Contracts Committee
AfDB	-	African Development Bank
FIEFOC	-	Farm Income Enhancement and Forestry Conservation
HRM	-	Human Recourse Manager
MAAIF	-	Ministry of Agriculture and Animal Industry and Fisheries
MoWE	-	Ministry of Water and Environment
PDU	-	Procurement and Disposal Unit
PPDA	-	Public Procurement and Disposal of Public Assets Authority
UGX	-	Uganda Shillings

## 1.0 SUMMARY OF FACTS

1. The Government of Uganda received a loan from the African Development Bank to finance the Farm Income Enhancement and Forestry Conservation (FIEFOC) Programme–Project 2 and intended to apply part of the loan to pay for contracts of individual Consultants with estimated Project cost of USD 91.4 million. The Consultants would form part of the Project Coordination team of FIEFOC –Project 2 which is jointly implemented by the Ministry of Water and Environment (MoWE) and Ministry of Agriculture and Animal Industry and Fisheries (MAAIF).
2. On 30<sup>th</sup> June 2016, the Ministry of Water and Environment received a no objection to the Terms of Reference and the advert from the African Development Bank for the recruitment of a Monitoring and Evaluation Officer, an Agri-business Development Officer, a Social Development Officer and a Procurement Officer.
3. On 8<sup>th</sup> July 2016, the Contracts Committee approved the Terms of Reference, the procurement method and the bid notice.
4. The Shortlisting Team approved by the Ministry of Water and Environment (MoWE) comprised of the following:

**Table 1: Shortlisting Team**

No.	Name	Designation
1.	Ms. Leofrida Oyella	Assistant Commissioner /HRM/Chairperson
2.	Mr. John Ndamira Magezi	Project Coordinator FIEFOC -2
3.	Mr. Emmanuel Muhoozi	Principal Environmental Officer / Technical
4.	Mr. Stephen David Mafabi	Commissioner, Environmental Affairs
5.	Ms. Jane Margret Meke	Principal Procurement Officer
6.	Mr. Samuel Otuba	Commissioner, Policy and Planning

5. On 11<sup>th</sup> July 2016, the bid notice for the Monitoring and Evaluation Officer, the Agri-business Development Officer, the Social Development Officer, and the Procurement Officer was published in the Monitor Newspaper and New Vision Newspaper with the deadline for bid submission of 5<sup>th</sup> August 2016.
6. On 15<sup>th</sup> December 2016, the African Development Bank granted a No Objection to the Shortlisted candidates.
7. On 15<sup>th</sup> December 2016, the Assistant Commissioner, Human Resources Management/ Chairperson of the Shortlisting Team submitted to Procurement and Disposal Unit (PDU) the Shortlisting Report.
8. On 5<sup>th</sup> January 2017, the Head PDU submitted to the Contracts Committee (CC), the Shortlist of ten (10) applicants for the post of the Agri-Business Development Officer, four (4) for the Monitoring and Evaluation Officer, six (6) for the Procurement Officer and six

(6) applicants for the Environment and Social Development Officer respectively as indicated Table 2 below:

**Table 2: Shortlist for the Position of Agri-Business Development Officer**

No	Name
1.	Mr. Anecho Stephen
2.	Mr. Tayebwa Dunsen
3.	Mr. Wande Ollen
4.	Mr. Wakulira Mathias
5.	Mr. Isabirye Anthony
6.	Mr. Kabugo Florence
7.	Mr. Nkwasiwe Anthony
8.	Ms. Nandora Christine
9.	Ms. Ajambo Racheal
10.	Mr. Ogwang Emmanuel

**Table 3: Shortlist for the Position of Monitoring and Evaluation Officer**

No	Name
1.	Mr. Kitone Daniel
2.	Mr. Ameny Tony
3.	Mr. Mwayi Robert
4.	Mr. Besigiraho

**Table 4: Shortlist for the Position of Procurement Officer**

No	Name
1.	Mr. Shainah Zaidi
2.	Mr. Kitinisa Julius
3.	Mr. Tumwine Rukwagu Enoch
4.	Ms. Aol Irene Pollicky
5.	Mr. David Amollo
6.	Mr. Sempagama Godfrey

**Table 5: Shortlist for the Positions of Environment and Social Development Officer**

No	Name
1.	Ms. Nakawuma Scovia
2.	Mr. Sebyala Amos
3.	Ms. Sarah Ajjuka
4.	Mr. Kakuru Orisingura Vincent
5.	Mr. Levand Saul Turyomurugyendo
6.	Mr. Owona Joel Charles

9. On 7<sup>th</sup> March 2017, the African Development Bank (AfDB) granted a No objection to the reports for the recruitment of staff of the Farm Income Enhancement and Forest Conservation Programme Project.
10. On 9<sup>th</sup> March 2017, the Procurement and Disposal Unit submitted to Contracts Committee the Recruitment Reports from the interview panel recommending award of contracts to the following candidates:

**Table 6: List of Successful Candidates**

No	Post	Successful candidate	Score (%)
1.	Procurement Officer	Mr. Enock Rukwagu Tumwine	82.7
2.	Monitoring and Evaluation Officer	Mr. Daniel Kitone	85.0
3.	Agribusiness Development Officer	Mr. Anthony Nkwasiabwe	83.0
4.	Environment and Social Development Officer	Ms. Scoviah Nakawuma	79.3

11. On 10<sup>th</sup> March 2017, the Contracts Committee approved the Recruitment Reports for the positions of Procurement Officer, Monitoring and Evaluation Officer, Agribusiness Development Officer and Environment and Social Development Officer to Mr. Enock Rukwagu Tumwine, Mr. Daniel Kitone, Mr. Anthony Nkwasiabwe and Ms Scovia Nakawuma under Farm Income Enhancement and Forestry Conservation Programme (FIEFOC) –Project 2 respectively.
12. On 7<sup>th</sup> April 2017, the CC approved the draft contracts for positions of Procurement Officer, Monitoring and Evaluation Officer, Agribusiness Development Officer and Environment and Social Development Officer to Mr. Enock Rukwagu Tumwine, Mr. Daniel Kitone, Mr. Anthony Nkwasiabwe and Ms. Scovia Nakawuma under Farm Income Enhancement and Forestry Conservation Programme (FIEFOC) –Project 2 respectively.
13. On 17<sup>th</sup> May 2017, the Solicitor General cleared the contracts for the above four positions for signature.
14. On 23<sup>rd</sup> May 2017, the Entity entered into contracts with Mr. Enock Rukwagu Tumwine as the Procurement Officer; Mr. Daniel Kitone as the Monitoring and Evaluation Officer; Mr. Anthony Nkwasiabwe as the Agribusiness Development Officer; and Ms Scovia Nakawuma as the Environment and Social Development Officer respectively for a two-year employment contract effective 1<sup>st</sup> June 2017.

## **2.0 LAW APPLICABLE**

- i. The Public Procurement and Disposal of Public Assets Act 2003;
- ii. The Public Procurement and Disposal of Public Assets Regulations 2014; and
- iii. African Development Bank Rules and Procedures for the Use of Consultants.

## **3.0 OBJECTIVE OF THE INVESTIGATION**

The objective of the investigation was to establish whether the selection of individual consultants for the Farm Income Enhancement and Forest Conservation Project was handled properly.

## 4.0 METHODOLOGY

The Authority adopted the following methodology:

- 4.1 Review of the following documents:
  - i. The invitation to submit applications;
  - ii. Applications submitted;
  - iii. No Objections by African Development Bank;
  - iv. Shortlisting Report;
  - v. Contracts Committee minutes;
  - vi. Recruitment Reports;
  - vii. The Employment contracts; and
  - viii. All correspondences on file related to this matter.

- 4.2 The Authority held a meeting with the following persons as shown in Table 6 below.

**Table 7: Persons met by the Authority**

S/No	NAME	DESIGNATION
1.	Ms. Jane Meke	Head Procurement and Disposal Unit, Ministry of Water and Environment
2.	Mr. Enock Tumwine	Procurement Officer, Farm Income Enhancement and Forest Conservation Programme

## 5.0 FINDINGS OF THE AUTHORITY

### 5.1 Whether the selection of individual consultants for the Farm Income Enhancement and Forest Conservation Programme was properly handled.

1. The complainant alleged that the Entity used an inappropriate evaluation methodology in the selection of individual consultants to fill the vacant posts of Monitoring and Evaluation Officer; Agribusiness Development Officer; Environment and Social Development Officer; and Procurement Officer.
2. On 30<sup>th</sup> June 2016, the Contracts Committee approved the African Development Bank Rules and Procedures for the use of individual consultant's procurement method.
3. The African Development Bank Rules and Procedures for the Use of Individual Consultant's procurement method: **Rules and Procedures for the Use of Consultants (May 2008 Edition, Revised July 2012) state that:**

*"5.2 Individual consultants are selected on the basis of their qualifications for the assignment. Advertisement is not required and consultants do not need to submit proposals. Consultants shall be selected through comparison of qualifications of at least three candidates (not to exceed six) among those who have expressed interest in the assignment or have been approached directly by the Borrower.*

*Individuals considered for comparison of qualifications shall meet the minimum relevant qualifications and those selected to be employed by the Borrower shall be the best qualified and shall be fully capable of carrying out the assignment. Capability is judged on the basis of academic background, experience, and, as appropriate,*

*knowledge of the local conditions, such as local language, culture, administrative system, and government organization”.*

4. The Authority reviewed the selection process and found that the Contracts Committee approved the Terms of Reference, Selection Teams and the Advert. The Entity further obtained a No objection from the African Development Bank before publication of the advert on 11<sup>th</sup> July 2016. Shortlisting and interviewing of candidates was conducted by the Ministry’s Human Resource division headed by the Assistant Commissioner / Human Resource Management as Chairperson and supported by Subject Matter Specialists in the relevant fields.
5. The Shortlisted candidates were assessed against the following criteria detailed in the Selection Tool and individual score sheet:

**Table 7: Selection Tool**

No.	Item	Maximum score
1.	Professional /Technical knowledge	40
2.	General knowledge	10
3.	Specific experience of 5 years	10
4.	General impression & personal attributes	10
5.	Communication skills	10
6.	Professional and academic qualification	20
	<b>Total score</b>	<b>100</b>

6. The Authority observed that the selection criterial was not followed in respect of the post of Agribusiness Development Officer where Technical knowledge was scored out of 60 instead of 40, General impression & personal attributes & Communication skills scored 5 instead of 10 and Professional and academic qualification scored 10 as opposed to 20 respectively. There was no explanation of the change in scoring in the Recruitment Report.
7. The Authority reviewed the Recruitment Reports and contracts of the successful candidates and noted the following irregularities in the selection process:
  - i. A lack of audit trail to support recruitment decisions could put the Ministry into a dilemma if a candidate were to appeal the outcome of the selection. The successful candidate for the position of Environment and Social Development Officer, Ms. Nakawuma Scovia and the four Shortlisted candidates for the position of Monitoring and Evaluation officer were not on the official register of applicants implying that the applicant submitted the application late or did not apply directly to the Entity in accordance with the instructions in the job advert.
  - ii. There was no evidence of invitation of applicants shortlisted for the four positions to attend oral interviews and specifically for the position of Agri-Business Development Officer i.e. Mr. Tayebwa Dunsen and Mr. Wakulira Mathias did not turn up for oral interviews and there was no evidence to show that they were invited for the oral interviews but failed to attend on their own. The Entity informed the Authority that the applicants were invited for the interviews on phone.

8. In light of the above findings, the Authority found that the selection of individual consultants for the Farm Income Enhancement and Forest Conservation Project by the Ministry of Water and Environment was not properly handled.

## **6.0 RECCOMENDATIONS**

In accordance with Section 9 (1) (a) of the PPDA Act 2003 and in light of the above findings the Authority recommends that:

1. The Contracts Committee should always ensure that the Selection criteria is followed by the different Recruitment teams to avoid inconsistent decisions being made.
2. For future Recruitments of Consultants, the Head PDU should provide guidance to the Selection Committee during the selection process to ensure that applications are received, recorded, and assessed in accordance with the criteria stated in the solicitation document.