



PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS AUTHORITY

**INVESTIGATION REPORT INTO ALLEGED IRREGULARITIES IN THE
PROCUREMENT OF CONSULTANT FOR INDEPENDENT END TERM REVIEW OF
NDP II AND MID TERM REVIEW OF NDP III (PROC REF: NPA/CONS-SVCS/2021-
2022/00020)**

ENTITY: NATIONAL PLANNING AUTHORITY

COMPLAINANT: REEV CONSULT INTERNATIONAL

MAY 2022

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Acronyms

NDP	-	National Development Plan
PPDA	-	Public Procurement and Disposal of Public Assets Authority
UGX	-	Uganda Shilling

1.0 SUMMARY OF FACTS

1. On 22nd February 2022, the Executive Director/Accounting Officer Uganda National Planning Authority (hereinafter referred to as “the Entity”) authorized the procurement for a consultant to undertake an independent end term review of National Development Plan (NDP) II and Mid-term review of NDP III at an estimated cost of UGX 3.8 Billion.
2. On 23rd February 2022, the Contracts Committee approved the use of shortlisting without requesting for expressions of interest method, the request for proposals document, the Bid Notice and the Evaluation Committee comprising of the following members as indicated below in Table 1:

Table 1: Evaluation Committee

	Name	Title
1.	Dr. Timothy Lubanga	Commissioner Monitoring and Evaluation, Office of the Prime Minister
2.	Dr. Patrick Olowo	Manager Macro economic planning, National Planning Authority
3.	Dr. Vicent Operemo	Manager Strategic Planning, National Planning Authority
4.	Ms. Winnie Nabiddo	Manager Monitoring and Evaluation, National Planning Authority
5.	Mr. Robert Mukasa	Senior Procurement Officer/Head Procurement and Disposal Unit, National Planning Authority

3. On 24th and 25th February 2022, the Entity published the Bid Notice in the New Vision and Daily Monitor Newspapers respectively for the subject procurement with the deadline of bid submission on 24th March 2022.
4. On 24th March 2022, the Entity held a Pre-proposal meeting in presence of bidder’s representatives and circulated the minutes to them through their email addresses.
5. On 24th March 2022, the Entity opened the Technical Proposals received as indicated below in Table 2:

Table 2: Record of Technical Proposal Opening

No.	Name of Bidder
1.	Apex Global Associates
2.	Research for Transformation and Development
3.	Adroit Consultants International
4.	Reev Consult International
5.	Naka Builders World Ltd

6. The Technical Evaluation Report dated 6th April 2022 indicated that all firms passed preliminary evaluation and were considered at detailed evaluation and obtained the following scores as indicated below in Table 3:

Table 3: Detailed Technical Evaluation

No.	Name of Bidder	Scores (%)
1.	Apex Global Associates	64.04
2.	Research for Transformation and Development	94.40
3.	Adroit Consultants International	55.64
4.	Reev Consult International	83.60
5.	Naka Builders World Ltd	62.56

7. On 7th April 2022, the Contracts Committee approved the technical evaluation report and recommended the opening and evaluation of financial proposals for Research for Transformation and Development and Reev Consult International that attained the minimum qualifying mark of 80% stated in the Request for Proposal document.
8. On 11th April 2022, the Entity debriefed all the bidders of the outcome of technical evaluation report and Contracts Committee decision and also invited Research for Transformation and Development and Reev Consult International to attend the financial bid opening meeting scheduled for 19th April 2022.
9. On 19th April 2022, the Entity opened financial bids in presence of representatives of both Research for Transformation and Development and Reev Consult International and read out the prices as indicated below in Table 4:

Table 4: Record of Financial Opening

No.	Name of Bidder	Prices Read Out (UGX)
1.	Reev Consult International	2,431,321,560
2.	Research for Transformation and Development	3,478,944,000

10. The Financial Evaluation Report dated 19th April 2022 indicated that the Evaluation Committee recommended award of contract to Research for Transformation and Development as the best evaluated bidder. The report indicated that the bidders considered were ranked based on combined scores from both the weighted technical and financial scores as summarized below in Table 5:

Table 5: Combined Technical and Financial Evaluation

No.	Name of Bidder	Technical score	Weighted Technical Score (Out of 80%)	Weighted Financial Score (Out of 20%)	Combined Weighted Technical and Financial Score (Out of 100%)	Rank
1.	Research for Transformation	94.40	75.52	13.90	89.42	1

No.	Name of Bidder	Technical score	Weighted Technical Score (Out of 80%)	Weighted Financial Score (Out of 20%)	Combined Weighted Technical and Financial Score (Out of 100%)	Rank
	and Development					
2.	Reev Consult International	83.60	66.88	20	86.88	2

11. On 20th April 2022, the Contracts Committee approved the Financial Evaluation Report and awarded the contract to Research for Transformation and Development at UGX 3,478,944,000.
12. On 20th April 2022, the Entity displayed the Best Evaluated Bidder Notice with a removal date of 3rd May 2022.
13. On 22nd April 2022, Reev Consult International citing irregularities from a letter by a whistleblower dated 5th April 2022 addressed to the Authority and copied to the Entity, requested the Authority to undertake an administrative review into the procurement.
14. On 26th April 2022, the Accounting Officer citing the above letter by a whistleblower dated 5th April 2022 addressed to the Authority and copied to the Entity also requested the Authority to undertake an administrative review into the procurement.
15. On 26th April 2022, the Authority launched an investigation into the procurement.
16. On 27th April 2022, Reev Consult International requested the Accounting Officer to undertake an administrative review so as to arrive at objective evaluation of the bids.
17. On 27th April 2022, the Accounting Officer advised Reev Consult International on the amount of administrative review fees payable and the account to pay.

2.0 LAW APPLICABLE

- i. The Public Procurement and Disposal of Public Assets Act 2003 as amended;
- ii. The PPDA Regulations, 2014; and
- iii. The Request for Proposal document issued to bidders.

3.0 OBJECTIVES OF INVESTIGATION

The objectives of the investigation were to establish whether:

- i. The Entity arbitrarily awarded the contract without evaluation of bids;
- ii. The Top Management connived with the Evaluation Committee for a kick back of UGX 1.5 Billion from Research for Transformation and Development; and

- iii. Research for Transformation and Development failed to pay taxes and its consultants on a previous assignment with the Entity.

4.0 METHODOLOGY

1. The Authority reviewed the following records of proceedings:
 - i. The bid notice;
 - ii. Request for Proposals document issued;
 - iii. Record of issue of proposals documents;
 - iv. Record of bid receipt and opening;
 - v. Proposals submitted;
 - vi. Minutes of Evaluation Committee meetings;
 - vii. Evaluation reports;
 - viii. Contracts Committee minutes and decisions;
 - ix. Best Evaluated Bidder Notice; and
 - x. Other relevant correspondences on file.

2. Between 27th and 29th April 2022, the Authority held meetings and from the following officials indicated below in Table 6 and also obtained written plain statements from them.

Table 6: Officials Met

No.	Name	Designation
1.	Dr. Joseph Muvawala	Executive Director, National Planning Authority /Accounting Officer
2.	Dr. Timothy Lubanga	Commissioner Monitoring and Evaluation, Office of the Prime Minister/Chairperson Evaluation Committee
3.	Dr. Tom Giddudu	Assistant Coordinator African Peer Review Mechanism Secretariat, National Planning Authority/Chairperson Contracts Committee
4.	Dr. Patrick Olowo	Manager Macro economic planning, National Planning Authority/Member Evaluation Committee
5.	Dr. Vicent Operemo	Manager Strategic Planning, National Planning Authority/Member Evaluation Committee
6.	Ms. Winnie Nabiddo	Manager Monitoring and Evaluation, National Planning Authority/Member Evaluation Committee
7.	Mr. Robert Mukasa	Senior Procurement Officer/Head Procurement and Disposal Unit, National Planning Authority/Member Evaluation Committee
8.	Ms. Joyce Bakita	Senior Human Resources Officer, National Planning Authority/Member Contracts Committee
9.	Mr. Andrew Ssali	Senior Information Scientist, National Planning Authority/Member Contracts Committee
10.	Ms. Tatu Nakanjako	Senior Legal Officer, National Planning Authority/Member Contracts Committee

5.0 FINDINGS OF THE AUTHORITY

5.1 Whether the Entity arbitrarily awarded the contract without evaluation of bids

1. The complaint alleged that it received a letter from a whistleblower who claimed to have been a member of the Evaluation Committee for the procurement of a consultant to undertake an independent end term review of National Development Plan (NDP) II and Mid-term review of NDP III and that it indicated that there was no bid evaluation at all, the evaluation exercise was window dressing, firms with strong proposals were rejected and the Entity was going to arbitrarily award the contract to for this procurement to Research for Transformation and Development without evaluation of bids.
2. The evaluation methodology in the request for proposal document was Quality and Cost Based Selection methodology involving three sequential stages:
 - i. Preliminary examination to determine whether the Bidder is eligible and to determine administrative compliance with the basic instructions and requirements of the solicitation document;
 - ii. Detailed evaluation to assess:
 - a. responsiveness to the terms and conditions of the solicitation document;
 - b. the technical quality of bids against set criteria on a merit point system, to determine the technical score of each technical bid and to determine which technical bids reach the minimum technical score required;
 - iii. Financial comparison to determine the financial score of each financial bid, to weight the technical and financial scores and to determine the total score of each bid.
3. The Authority noted that the Request for Proposals document issued to bidders indicated that the bids shall be evaluated using the quality and cost based selection methodology.
4. The Evaluation Committee submitted that they fully participated in all the proceedings of bid evaluation for both technical and financial proposals using the criteria, merit point system and formulae stated in the Request for Proposals document and recommended as the Research for Transformation and Development which attained the highest total score for award of contract. The Contracts Committee also submitted that it awarded the contract to the firm that was recommended as the best evaluated bidder.
5. Regulation 40(3) of PPDA (Procurement of Consultancy Services) Regulations, 2014 provide that:

“The Procuring and Disposing Entity shall use Quality and Cost Based Selection method to select the consultants except in the circumstances specified in sub-regulation (4), where other selection methods may be used”.

6. The Authority found that the Entity used the Quality and Cost Based Selection bid evaluation methodology as required under Regulation 40(3) of PPDA (Procurement of Consultancy Services) Regulations, 2014.
7. The Authority noted that the Evaluation Committee undertook the evaluation of proposals in accordance with the criteria and merit point evaluation system stated in the request for proposal document issued to bidders. The Committee rejected at the detailed technical evaluation stage, the bids of three firms with the following scores that did not attain the minimum qualifying mark of 80% namely Apex Global Associates (64.04), Adroit Consultants International (55.64), and Naka Builders World Ltd (62.56).
8. Regulation 41 of PPDA (Procurement of Consultancy Services) Regulations, 2014 provide that:

“The PPDA (Evaluation) Regulations 2014, shall, with necessary modifications, apply to evaluation of proposals under these regulations”.
9. Regulation 23(2), (3) and (4) of PPDA (Evaluation) Regulations 2014 provide that:

“(2) The detailed evaluation shall compare the details of the bid with the criteria stated in the bidding documents;

(3) The detailed Evaluation of bids shall use a merit point evaluation system as specified in the bidding document; and

(4) A bid which does not achieve the minimum score required in the bidding document shall be rejected at the detailed evaluation stage”.
10. The Authority found that the Evaluation Committee used the criteria and merit point evaluation system stated in the request for proposal document issued to bidders and rejected proposals of firms that did not attain the minimum qualifying mark of 80% at detailed technical evaluation stage as required in accordance with Regulation 23(2), (3) and (4) of PPDA (Evaluation) Regulations 2014.
11. The Authority noted that the Evaluation Committee converted the technical scores of the two firms considered at financial evaluation to weighted score out of 80%, computed their financial scores and weighted financial scores out of 20%, the combined total technical and financial scores in accordance with the formulae stated in the Request for Proposals document and ranked them according to their combined scores as indicated above in Table 5. The Evaluation Committee recommended Research for Transformation and Development which attained the highest combined score for award of contract as the best evaluated bidder.
12. Regulation 31(1) and (2) of PPDA (Evaluation) Regulations 2014 provide that:

“(1) For purposes of determining the best evaluated bid-

(a) The score of the technical and financial bids shall be weighted, using the weights stated in the bidding documents; and

(b) The total score of a bid shall be obtained by adding the weighted score of the technical and financial bids.

(2) The bidder who obtains the highest total score under paragraph (b) shall, be recommended for award of contract”.

13. The Authority found that the Evaluation Committee determined and recommended Research for Transformation and Development which attained the highest combined score for award of contract as the best evaluated bidder as required in accordance with Regulation 31(1) and (2) of PPDA (Evaluation) Regulations 2014.
14. The Authority noted that the Contracts Committee considered the recommendation in the Evaluation Report and awarded the contract to Research for Transformation and Development as the best evaluated bidder having attained the highest combined score of 89.42.
15. Section 52 of PPDA Act, 2003 provide that: *“A contract shall be awarded to the bidder with the best evaluated offer ascertained on the basis of the methodology and criteria detailed in the bidding document”.*
16. Regulation 3 (2) of PPDA (Contracts) Regulations 2014, provide that: *“(2) The Contracts Committee shall consider the recommendation and make a decision to award the contract”.*
17. The Authority found that the Contracts Committee awarded the contract to Research for Transformation and Development as the best evaluated bidder, having attained the highest combined score as required in accordance with Section 52 of PPDA Act, 2003 and Regulation 3 (2) of PPDA (Contracts) Regulations 2014.
18. All the five bidders passed the preliminary and two bidders passed the technical evaluation stage and were notified on 11th April 2022. The financial proposals were opened in the presence of the two bidders on 19th April 2022.
19. The Authority found that the Entity did not arbitrarily award the contract without evaluation of bids as alleged since the Evaluation Committee evaluated the bids and determined Research for Transformation and Development which attained the highest combined score as the best evaluated bidder and recommended it for award of contract in accordance with Regulation 31(1) and (2) of PPDA (Evaluation) Regulations 2014. The Contracts Committee awarded the contract to the same firm in accordance with Section 52 of PPDA Act, 2003 and Regulation 3 (2) of PPDA (Contracts) Regulations 2014. The Authority hence found no merit in the allegation that there was no evaluation of bids, the evaluation exercise was window dressing and the Entity awarded the contract arbitrarily without undertaking bid evaluation.

5.2 Whether the Top Management connived with the Evaluation Committee for a kick back of UGX 1.5Billion from Research for Transformation and Development

1. The complainant alleged that the Evaluation Committee connived with Top Management to receive a kick back of UGX 1.5Billion from Research for Transformation and Development to be recommended for award of tender.
2. The Authority noted that the complainant relied on the contents of the letter from the anonymous whistleblower who claimed to be a member of the Evaluation Committee but could not be traced to substantiate these allegations.
3. The members of the both the Evaluation Committee and Contracts Committee all denied the allegation of conniving with Top Management of NPA and receipt of a kick back of UGX 1.5Billion from Research for Transformation and Development. The Executive Director equally denied the above allegation on behalf of top management of the Entity and challenged the complainant to provide evidence as proof of the same. He further submitted that the allegation was in bad faith, selfish and designed to frustrate the progress of the procurement whose deliverables are urgently needed to guide the subsequent national budgeting process.
4. The Authority found no evidence in support of the allegation that the Evaluation Committee connived with Top Management to receive a kick back of UGX 1.5Billion from Research for Transformation and Development and hence found no merit.

5.3 Whether Research for Transformation and Development never paid taxes and some of its consultants on a previous assignment with the Entity

1. The complainant alleged that Research for Transformation and Development never paid taxes and some of its consultants in the previous assignment with the Entity.
2. The Authority noted that the complainant relied on the contents of the letter from the anonymous whistleblower that claimed to be a member of the Evaluation Committee but could not be traced to substantiate these allegations.
3. The Entity submitted that it previously contracted Research for Transformation and Development in a Joint Venture with the complainant to undertake the Midterm Review of NDP II and the Joint Venture implemented and completed the contract satisfactorily and was fully paid. That the matter of payment of taxes and the consultants employed by the Joint venture was not within its mandate and that in any case the complainant should be equally be held responsible as member of the Joint Venture.
4. The Authority found that non-payment of taxes is a matter within the mandate of Uganda Revenue Authority. None payment of consultants employed by the Research for Transformation and Development either in its individual capacity or as a member of a joint venture is a matter of private rights of the contracting parties. The Authority hence

found no merit in the allegation of none payment of taxes and consultants employed on a previous assignment with the Entity.

6.0 CONCLUSION AND RECOMMENDATION

In accordance with Section 9 of the PPDA Act 2003, and in light of the above findings the Authority found no merit in the complaint and advises the Entity to proceed with the procurement to its logical conclusion.