



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

**INVESTIGATION INTO ALLEGED IRREGULARITIES IN THE
PROCUREMENT PROCESS OF DEVELOPMENT, SUPPLY AND
IMPLEMENTATION OF THE LAND VALUATION
MANAGEMENT INFORMATION SYSTEM (LAVMIS) PROJECT**

**ENTITY: MINISTRY OF LANDS, HOUSING AND URBAN
DEVELOPMENT**

COMPLAINANT: MUSOKE ABDUL

JULY 2023

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ACRONYMS

BANK	-	World Bank
CEDPAF	-	Competitiveness and Enterprise Development Project Additional Financing
CC	-	Contracts Committee
CG	-	Central Government
ED	-	Executive Director
PPDA	-	Public Procurement and Disposal of Public Assets Authority
MLHUD	-	Ministry of Lands, Housing and Urban Development
MUK	-	Makerere University
NITA-U	-	National Information Technology Authority Uganda
LAVMIS	-	Land Valuation Management Information System
LTD	-	Limited
UGX	-	Uganda Shilling

1.0 BACKGROUND

The PPDA received a complaint from Mr. Musoke Abdul, wherein it was alleged that there were irregularities in the procurement process for development, supply and implementation of Land Valuation Management Information Systems (LAVMIS) Project.

Specifically, the following allegations were made;

- i) That the Evaluation Committee that participated in the evaluation of bids was not properly constituted.
- ii) NITA Uganda did not take part in reviewing the Terms of Reference of the LAVMIS procurement

2.0 OBJECTIVES OF INVESTIGATION

The investigation was conducted with the view of establishing whether:

- i) Whether the Evaluation Committee that participated in the evaluation of bids was properly constituted
- ii) Whether NITA Uganda reviewed the Terms of Reference for the LAVMIS procurement

3.0 LAWS APPLICABLE

- i) World Bank Procurement Regulations for IPF borrowers.
- ii) PPDA Act, 2003
- iii) PPDA Regulations, 2014.

4.0 SCOPE

The investigation focused on the procurement process for the development, supply and implementation of Land Valuation Management Information Systems (LAVMIS) Project, and was carried out at the Ministry of Lands, Housing and Urban Development.

5.0 METHODOLOGY

❖ **Documents retrieval and analysis;** The following documents were retrieved and analyzed from Ministry of Lands, Housing and Urban Development:

- i. The procurement requisition
- ii. Record of issue and receipt of bids
- iii. Record of bid opening
- iv. Copy of solicitation document issued to bidders
- v. Bids submitted by bidders
- vi. Evaluation report
- vii. Contracts committee minutes
- viii. Procurement Plan
- ix. Correspondences between MLHUD and NITA Uganda
- x. Budget Circulation Circular for FY 2016/17

❖ **Interviews;** The following officials were interviewed

Table showing MLHUD and NITA Uganda officials who were interviewed

S/N	Name of interviewee	Title	Entity	Date
1.	Ms. Ntongo Harriet	Member, Contracts Committee	MLHUD	23/02/2023
2.	Mr. Johnson Tumusiime	Security Analyst	NITA U	29/06/2023
3.	Mr. Paul Senyange	Business Process Analyst	NITA U	29/6/2023
4.	Ms. Meke Jane Margaret	Head, Procurement & Disposal Unit	MLHUD	30/6/2023
5.	Mr. John Richard Oput	Technical Advisor, CEDPAF	MLHUD	30/6/2023
6.	Mr. John Obore	Procurement Specialist, CEDPAF	MLHUD	29/6/2023
7.	Mr. Jimmy Alani	Ag. Principal ICT Officer	MLHUD	30/6/2023
8.	Mr. Wandera Peter	GIS Specialist		30/6/2023
9.	Mr. Oonyu Lewin Victor	Ag. Principal ICT Officer	MLHUD	30/6/2023
10.	Mr. Owino Emmanuel	Procurement Officer	MLHUD	30/6/2023
11.	Namugambe Catherine	Procurement Officer	MLHUD	30/6/2023
12.	Mr. Toko Godfrey	Cartographer	MLHUD	30/6/2023

6.0 SUMMARY OF FACTS

- 6.1 On 16th September 2022, Mr. Benon Okumu, the Principal Government Valuer initiated the procurement of goods for the design, development and implementation of the Land Valuation Management Information System (LAVMIS) at UGX 24,862,500,000. The Accounting Officer confirmed the availability of funds on 23rd September 2023.
- 6.2 On 4th October 2022, the Contracts Committee approved the procurement method (international competitive bidding), and the proposed Evaluation Committee, which comprised of the following persons shown in Table 1.

Table 1: List Evaluation Committee members approved by the Contracts Committee

S/N	Name of Interviewee	Reason for appointment
1	Mr. John Richard Oput	Technical Advisor, CEDP-AF
2	Mr. John Obore	Procurement Specialist, CEDP – AF
3	Mr. Oonyu Lewin Victor	Ag. Incharge, National Land Information Center (NLIC)
4	Okumu Benon	Principal Valuer
5	Namugambe Catherine	Procurement Officer

Source: Contracts Committee Decision dated 4th October 2022

- 6.3 On 20th January 2023, the Entity advertised for development, supply and implementation of Land Valuation Management Information System (LAVMIS). The deadline for bid submission was indicated as 7th March 2023. This followed a no objection from the World Bank for the bidding document and the procurement notice on 21st December 2022 and 19th January 2023 respectively.
- 6.4 The Entity issued bidding documents to 15 bidders between 20th January 2023 and 20th February 2023, as detailed in Table 2 below;

Table 2: Bidders issued bidding documents

S/N	Bidder	Date of issuance
1	Impiger Technologies	20 th January 2023
2	Aisino Corporate	23 rd January 2023
3	MFI Document Solutions	23 rd January 2023
4	Techno Brain (U) Ltd	24 th January 2023
5	SISO Uganda Ltd	24 th January 2023
6	Sybyl Ltd	31 st January 2023
7	Magoba Ronald	31 st January 2023
8	Medici Land Governance	31 st January 2023
9	Terra Vital Consortium	31 st January 2023
10	IGN FI	31 st January 2023
11	Technology Associates	1 st February 2023
12	Web Corporation Limited	6 th February 2023
13	Basosoft Bilgi Technologies	8 th February 2023
14	Geodev Kenya Ltd	8 th February 2023
15	Geogis & Doga Joint Venture	10 th February 2023
16	SuperMap-China	20 th February 2023

6.5 The Entity issued addendum 1 extending the deadline of bid submission from 7th March 2023 to 21st March 2023. Addendum 2 was thereafter issued extending the deadline from 21st March 2023 to 4th April 2023 and making further amendments to the evaluation and qualification criteria in the bidding document.

6.6 On 4th February 2023, the Entity received, and thereafter opened 8 bids as shown in Table 3 below:

Table 3: Bids received and opened by the Entity

S/N	Bidder	Amount bid
1	Impiger, Hexamap and Netcon JV	USD 5,313,968.38
2	Terra Vital Consortium, Vital Capital Investments and Alvin & Partners Ltd Joint Venture	USD 3,987,283
3	GIS Transport Ltd and Computer Network System JV	USD 6,159,328.89
4	RSI Softech India Ltd, Globe Trends Limited and Genesys International Corporation Limited JV	USD 4,500,599.77
5	Brisk Solution Co. Ltd and Bsmart Technology 9U) Ltd	USD 6,451,999.28
6	Basarsoft Bilgi Teknolojileri A.S	UGX 21,729,900,000
7	Geodev (K) Ltd and Data Team (U) Ltd JV	UGX 1,143,278,568 & USD 5,123,729.32
8	SuperMap and Rank Consult JV	USD 4,785,000

6.7 On 8th February 2023, the Entity held a pre bid meeting with the bidders where clarifications were made to the bidders' queries, and minutes of the same produced to that effect.

6.8 On 6th April 2023, the Permanent Secretary, MLHUD wrote letters to Paul Senyange, Business Process Analyst, NITA Uganda and Mr. Jimmy Alani, Ag. Principal ICT Officer, MLHUD inviting them to participate in the evaluation of bids scheduled to commence on 11th April 2023 in Jinja. The letters were specifically written by Mr. Johnson Mukaga, the Project Coordinator, CEDP AF, who signed for the Permanent Secretary.

6.9 On 18th April 2023, the Contracts Committee approved the addition of two more people to the Evaluation Committee, namely, Mr. Alani Jimmy, Senior ICT Officer at National Land Information Center, and Mr. Senyange Paul – Business Process Analyst, NITA – U.

6.10 On 19th April 2023, the Evaluation Committee issued their evaluation report recommending the contract for the development, supply and implementation of Land Valuation Management Information System (LAVMIS) Project be awarded to Impiger Technologies PVT Ltd JV Hexamap Solutions PVT Ltd JV Netcon Technologies PVT Ltd at USD 5,313,968.36.

6.11 On 2nd May 2023, the Permanent Secretary, MLHUD wrote a letter to the Executive Director, NITA Uganda requesting for an Officer to participate in the evaluation exercise for bids for the development, supply and implementation of Land Valuation Management Information System (LAVMIS) ICT Equipment and National Land Information System Enhancement Project (NALISEP) under CEDP-AF.

- 6.12 On 5th May 2023, the Executive Director, NITA-Uganda informed the Permanent Secretary, MLHUD that the Entity had not submitted the N7 Form to NITA U for the LAVMIS procurement. That the procurement was not therefore approved as per the NITA Uganda procedures for Government information technology systems. The Executive Director also nominated Mr. Johnson Tumusiime, the Security Analyst to support the Entity through the process of acquisition and implementation of the IT components under CEDP-AF.
- 6.13 On 16th May 2023, the Contracts Committee approved the evaluation report and awarded the contract for the development, supply and implementation of Land Valuation Management Information System (LavMIS) Project to Impiger Technologies PVT Ltd in JV with Hexamap Solutions PVT Ltd JV Netcon Technologies PVT Ltd at USD 5,313,968.36, exclusive of taxes.
- 6.14 On 23rd May 2023, the Executive Director NITA-Uganda further reminded the Permanent Secretary, MLHUD to submit the N7 form to facilitate the smooth progress of the procurement. That the submission of the N7 form will initiate the necessary procedures to allow NITA Uganda evaluate.
- 6.15 On 5th June 2023, the Entity published the Notification of Intention to Award indicating that the Best Evaluated Bidder for the above mentioned contract was Impiger Technologies PVT Ltd JV Hexamap Solutions PVT Ltd JV Netcon Technologies PVT Ltd at USD 5,313,968.36.
- 6.16 According to the Entity, the contract is yet to be signed with Impiger Technologies PVT Ltd JV Hexamap Solutions PVT Ltd JV Netcon Technologies PVT Ltd. The Entity further informed the Authority that they are currently handling 2 administrative review requests pertaining to this procurement.

7.0 FINDINGS, OBSERVATIONS AND CONCLUSIONS

Whether the Evaluation Committee that participated in the evaluation of bids was properly constituted

7.1 The Complainant made the following allegations:

- i) That the Evaluation Committee that participated in the evaluation of bids was not properly constituted.
- ii) That Mr. Paul Senyange, the Business Process Analyst, NITA Uganda, participated in the evaluation of bids without NITA Uganda approval
- iii) That the Entity did not utilize Mr. Johnson Tumusiime, the Security Analyst who was nominated by NITA Uganda to support the Ministry through the process of acquisition and implementation of the IT components in the procurement

7.2 Section 37 (2) of the PPDA Act states the following regarding the composition of members of the Evaluation Committee;

“The membership of the Evaluation Committee shall be recommended by Procurement and Disposal Unit, in accordance with Regulations made under this Act, and approved by the Contracts Committee.”

7.3 Similarly, Section 28(1)(b) states the following in regard to the functions of the Contracts Committee:

“A Contracts Committee shall be responsible for approving the Evaluation Committee.”

PPDA Findings

- 7.4 The Authority noted that the evaluation report for the development, supply and implementation of Land Valuation Management Information Systems (LAVMIS) Project was signed on 19th April 2023 by the Evaluation Committee comprising of seven members, namely; Mr. John Richard Oput, Mr. John Obore, Mr. Oonyu Lewin Victor, Okumu Benon, Ms. Namugambe Catherine, Mr. Alani Jimmy and Mr. Paul Senyange.
- 7.5 Five of the Seven Evaluation Committee members namely; Mr. John Richard Oput, Mr. John Obore, Mr. Oonyu Lewin Victor, Okumu Benon, Ms. Namugambe Catherine were noted to have been nominated by the Procurement and Disposal Unit and subsequently approved by the Contracts Committee on 4th October 2022.
- 7.6 Whereas Mr. Alani Jimmy, Senior ICT Officer at National Land Information Center, and Mr. Senyange Paul – Business Process Analyst, NITA – Uganda commenced the evaluation of bids on 11th April 2023 as evidenced by the Evaluation Committee Conflict of Interest Declaration Form which they signed on the same date, the Authority noted that they were retrospectively approved by the Contracts Committee as Evaluation Committee members seven days later on 18th April 2023, a day before conclusion of the bid evaluation on 19th April 2023.
- 7.7 In their belated submission to the Contracts Committee, the Procurement and Disposal Unit nominated the two officials as technical members of the Evaluation Committee, who participated in the preparation of the terms of reference for the LAVMIS procurement, but had been erroneously omitted from among the Evaluation Committee members who were earlier approved by the Contracts Committee on 4th October 2022.
- 7.8 Ms. Meke Jane Margaret, Head, Procurement and Disposal Unit, MLHUD revealed that following the Contracts Committee approval of a five-member Evaluation Committee on 4th October 2022, she received a memo from Mr. John Obore, Procurement Specialist on 30th March 2023 requesting for an amendment to the Evaluation Committee to include Paul Senyange and Jimmy Alani.
- 7.9 That before she could present it to the Contracts Committee for consideration, she was informed that the evaluation of bids had already commenced in Jinja, and the two proposed Officers were also evaluating bids with the rest of the Evaluation Committee. That when she contacted Mr. John Obore, the Procurement Specialist, who was also a member of the Evaluation Committee, he (Obore) informed her that Paul Senyange had been recommended by the World Bank and that both Paul and Jimmy had participated in the preparation of the bidding documents. That Mr. Obore also informed her that he had made a submission for their inclusion on the Evaluation Committee.
- 7.10 That she found it appropriate to present the matter to the Contracts Committee who then approved the amendment and agreed that Mr. Paul Senyange and Mr. Jimmy Alani be added to the Evaluation Committee on 18th April 2023.

- 7.11 Ms. Harriet Ntongo, a member of the Contracts Committee acknowledged that the Contracts Committee approved the addition of Mr. Paul Senyange and Mr. Jimmy Alani to the Evaluation Committee on 18th April 2023. She however revealed that the Contracts Committee was unaware that they had already started evaluating bids prior to their approval.
- 7.12 Mr. John Obore, Procurement Specialist, CEDP AF revealed that it was an oversight not to include Paul Senyange and Mr. Jimmy Alani in the Evaluation Committee that was first approved by the Contracts Committee in October 2022 because the duo had been instrumental in the preparation technical requirements, the Request for Bids, and participating in the other stages in the procurement process.
- 7.13 That this was the reason why he requested on 28th March 2023 that the Evaluation Committee be amended to include the two officials. That it was an oversight on his side to involve them in evaluation of bids before Contracts Committee approval. That he based on the date he submitted the request to amend the Evaluation Committee instead of the date when the Contracts Committee approved the amendment
- 7.14 The Authority therefore faults Mr. John Obore, the Procurement Specialist, CEDP-AF for involving Mr. Paul Senyange and Mr. Jimmy Alani in the evaluation of bids before their approval by the Contracts Committee. As a Procurement Specialist, he should have waited for Contracts Committee approval before involving the duo in bid evaluations.

Conclusions

- 7.15 The Authority noted that Mr. Paul Senyange, the Business Process Analyst, NITA Uganda and Mr. Jimmy Alani, Ag. Principal ICT Officer, MLHUD participated in the evaluation of bids before their retrospective approval by the Contracts Committee on 18th April 2023.
- 7.16 Whereas Mr. Paul Senyange and Mr. Jimmy Alani participated in the evaluation of bids before Contracts Committee approval, their involvement does not nullify the outcome of the bid evaluation considering that they were regularized by their nomination as Evaluation Committee members by Head, Procurement and Disposal Unit, and their subsequent approval by the Contracts Committee. Similarly, they were the technical people on the Evaluation Committee.

Whether NITA Uganda reviewed the Terms of Reference of the LAVMIS procurement

- 7.17 The complainant alleged the following
- i) NITA Uganda did not take part in reviewing the Terms of Reference of the LAVMIS procurement.
 - ii) That MLHUD did not submit N7 form to NITA Uganda as required
- 7.18 In Section E: 18 (ii) of the Budget Execution Circular dated 29th June 2016 (**Annex 12**), the Permanent Secretary/ Secretary to Treasury guided the following in relation to the consolidation of funds for ICT Services under NITA Uganda:

“All ICT services including internet bandwidth and licensing of applications, shall among others shall be sourced with the approval of NITA Uganda.”

7.19 Similarly, Section E: 18 (v) of the Circular guided that:

“All procurements for IT systems and infrastructure shall require prior approval by NITA Uganda to avoid any further development of isolated IT systems in Ministries, Departments and Agencies (MDAs) and Local Governments. This also includes all ICT procurements under donor funded projects and grants.”

7.20 Section E: 18 (vi)(b) of the Circular further required NITA Uganda to:

“Rationalize and optimize all existing IT systems, applications and infrastructure in Ministries Departments and Agencies (MDAs) and Local Governments (LGs) with a focus to reducing costs of maintenance and support for these IT systems.”

7.21 NITA Uganda provided the following instructions on their website pertaining to the above guidance from the Permanent Secretary/ Secretary to Treasury:

*“In order to implement the above guidance provided by the PS/ST, each Ministry, Department and Agency (MDA) and Local Government (LG) in the process of procuring any ICT Product/Service/System/Application/Infrastructure is required to fill in the attached **FORM N7** and submit to NITA-U for approval.”*

7.22 On the N7 form, NITA Uganda provided steps for downloading, submission and approval of the N7 form. Specifically, on step 4, NITA Uganda the requesting MDA/ LG to *“submit a copy of the final bid document or technical specifications to be utilized during the procurement. This should be submitted prior to contract signing.”*

PPDA Findings

7.23 The Authority established that the Entity did not submit to NITA Uganda the N7 form for their review and approval, as evidenced by the letters dated 5th May 2023 and 23rd May 2023, where the Executive Director, NITA U advised the Entity to submit the N7 form as required.

7.24 Mr. Jimmy Alani, Ag. Principal ICT Officer however insisted that the Terms of Reference for LAVMIS was reviewed by NITA Uganda through their staff, Mr. Paul Senyange, the Business Process Analyst. That this followed the World Bank’s recommendation for the Entity to work with NITA Uganda, specifically Paul Senyange to help in the preparation of the Request for Bids since he (Senyange) had been supporting other MDAs implementing World Bank Projects.

7.25 That he thereafter sent an official email regarding the same to Paul and copied in all the relevant persons including Paul’s Supervisor at NITA Uganda, and some officials from MLHUD and CEDP. That Paul thereafter participated in the preparation of the Request for Bids, pre bid meeting, responding to bidders’ request for clarification and then evaluation of bids.

7.26 Mr. Paul Senyange, the Business Process Analyst, NITA Uganda revealed that when he received the request from MLHUD via email, he informed his Line Manager of the same, and thereafter proceeded to support the Ministry to review the Terms of Reference and the Request for Bids,

participating in pre bid meeting, responding to request for clarification and participating in bid evaluation.

- 7.27 That as the NITA Uganda staff providing technical support on LAVMIS, he reviewed the Terms of Reference as required by NITA Uganda and ascertained that the LAVMIS was not duplication. That in doing so, he fulfilled the purpose for an N7 application by an Entity. Mr. Paul Senyange provided a copy of an email indicating his involvement in review of the Terms of Reference and the Request for Bids for the LAVMIS procurement.
- 7.28 Analysis of the email provided by Mr. Paul Senyange confirmed that he participated in the review of the Terms of Reference and the Request for Bids of the LAVMIS procurement. The email further confirmed that he was requested by Mr. Jimmy Alani to review the Request for Bids for the LAVMIS procurement. According to the email, Ms. Grace Munanura, Senior Procurement Specialist, World Bank, requested the Entity to work with Mr. Paul Senyange.
- 7.29 The Authority therefore noted that Mr. Paul Senyange, a Business Process Analyst at NITA Uganda participated in the preparation and review of the terms of reference for the LAVMIS procurement. He was also noted to have continued providing technical support during the procurement process through by responding to request for clarification from bidders, attending pre bid meetings and later participating in the evaluation of bids. Mr. Paul Senyange also confirmed that in reviewing the terms of reference, he ascertained that LAVMIS was not a duplication.

Conclusion

- 7.30 The Authority noted The Authority noted that whereas the Entity did not submit the N7 form to NITA Uganda as required, the participation of Mr. Paul Senyange, a NITA Uganda staff in the preparation and review of the terms of reference was satisfactory in fulfilling this requirement. Furthermore, in ascertaining that the LAVMIS procurement was not a duplication, Mr. Senyange fulfilled the purpose for NITA Uganda review of the N7 Form submissions by Entities.

8.0 RECOMMENDATIONS

In light of the above, the Authority recommends the following;

- 8.1 The Accounting Officer, Ministry of Lands, Housing and Urban Development should proceed and conclude the procurement process for the development, supply and implementation of Land Valuation Management Information Systems (LAVMIS) Project.#
- 8.2 The Accounting Officer, Ministry of Lands, Housing and Urban Development should caution Mr. John Obore, Procurement Specialist, CEDP AF for irregularly involving Mr. Paul Senyange, Business Process Analyst, NITA U and Mr. Jimmy Alani, Principal ICT Officer, MLHUD in the evaluation of bids before Contracts Committee approval.
- 8.3 The Head, Procurement and Disposal Unit should in the future ensure that all Evaluation Committee members are approved by the Contracts Committee prior to their involvement in the evaluation of bids.

8.4 The Accounting Officer, Ministry of Lands, Housing and Urban Development should in the future ensure that N7 forms for all ICT related procurements are submitted in time to NITA Uganda.

