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## **ACRONYMS**

AO	Accounting Officer
BEB	Best Evaluated Bidder
FY	Financial Year
Ltd	Limited
NCONS	Non-Consultancy Services
NSSF	National Social Security Fund
PDE	Procuring and Disposing Entity
PPDA	Public Procurement and Disposal of Public Assets Authority
UGX	Uganda Shillings
URA	Uganda Revenue Authority
VAT	Value Added Tax
WRKS	Works

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## 1.0 SUMMARY OF FACTS

1. On 23<sup>rd</sup> August 2024, the Contracts Committee approved the open domestic bidding procurement method, the solicitation document and the Evaluation Committee as indicated in table 1 below:

Table 1: *Composition of the Evaluation Committee*

S/No	Name	Title	Entity
1.	Eng. Henry Lugeye	Municipal Engineer	Nansana Municipal Council
2.	Eng. Geoffrey Ndiwalana	District Engineer	Wakiso District Local Government
3.	Mr. Sam Kyambadde	Senior Engineer	Mpigi District Local Government
4.	Ms. Esther Nampeera	Senior Environment Officer	Mpigi District Local Government
5.	Mr. Eric Mutumba	Head, Procurement and Disposal Unit	Mpigi District Local Government
6.	Mr. Brian Matovu	Environment Officer	Nansana Municipal Council
7.	Mr. Charles Lukwago	Head, Procurement and Disposal Unit	Nansana Municipal Council
8.	Mr. William Mayanja	Head, Procurement and Disposal Unit	Wakiso District Local Government
9.	Eng. Dr. James Semuwemba	Infrastructure Development specialist	Ministry of Kampala Capital City and Metropolitan Affairs
10.	Ms. Patience Nsereko	Program Officer-Environment	Ministry of Kampala Capital City and Metropolitan Affairs
11.	Ms. Doreen N Turinawe	Senior Procurement Officer	Ministry of Kampala Capital City and Metropolitan Affairs
12.	Mr. Esau Mpoza	Senior Environment Officer	Wakiso District Local Government

2. On 27<sup>th</sup> August 2024, the procurement for upgrading of Mpigi – Muduma road to paved standard (13.7km) was advertised in the Daily Monitor newspaper.
3. On 6<sup>th</sup> September 2024, a pre-bid meeting was held at the Entity's premises.

4. On 30<sup>th</sup> September 2024, Addendum No. 1 was issued to bidders extending the deadline for submission of bids from 27<sup>th</sup> September 2024 to 18<sup>th</sup> October 2024.
5. The record of issue of bids viz Form 8 indicated that 20 firms were issued the solicitation document.
6. On 18<sup>th</sup> October 2024, bids were received from seven bidders and opened on the same day as indicated in table 2 below:

*Table 2: Record of opening of bids*

S/No	Name of Bidder	Price Read Out (UGX)	Bid Security Amount (UGX)
1.	China Wu Yi Co. Ltd	79,848,368,282	760,000,000
2.	IBB International Limited in Joint Venture with Aleni and Noah General Trading and Construction Ltd	88,491,928,871	760,000,000
3.	China First Highway Engineering Co. Ltd	85,651,675,381	760,000,000
4.	Multiplex Limited in Joint Venture with Mirtur Saglik Hizmetleri Insaat Turizm Sanayi Ve Ticaret Ltd	92,643,452,174	760,000,000
5.	China Railway Seventh Group Co. Ltd	79,563,081,594	760,000,000
6.	Zhongmei Engineering Group Limited	71,002,891,791	760,000,000
7.	China Civil Engineering Construction Corporation	68,223,657,032	760,000,000

7. On 18<sup>th</sup> November 2024, evaluation of bids was completed. As per the evaluation report, Zhongmei Engineering Group Limited was recommended for award of contract at a cost of UGX 60,171,942,196 VAT exclusive.
8. On 22<sup>nd</sup> November 2024, the Notice of Best Evaluated Bidder was displayed with a removal date of 5<sup>th</sup> December 2024.
9. On 3<sup>rd</sup> December 2024, the Authority received a complaint forwarded by the Criminal Investigations Directorate of the Uganda Police Force in which it is alleged that there was a financial loss and procurement irregularities arising out of bribes allegedly provided by Zhongmei Engineering Group Limited in Lot 6: upgrading of Mpigi-Muduuma road to paved standard (15.6km) under the Greater Kampala Metropolitan Area Development Program.
10. On 10<sup>th</sup> December 2024, the Authority, in accordance with Section 8 (1) (i) of the PPDA Act, Cap. 205, instituted an inspection into the matter.

## 2.0 OBJECTIVES OF THE INSPECTION

The objectives of the audit were to establish:

1. Whether bidders were unfairly eliminated during the evaluation of bids; and
2. Whether the bid submitted by Zhongmei Engineering Group Limited was correctly evaluated.

## 3.0 LAW APPLICABLE

- i. The Public Procurement and Disposal of Public Assets Act, Cap 205; and
- ii. The Public Procurement and Disposal of Public Assets Regulations of 2023.

## 4.0 METHODOLOGY

In reviewing the application, the Authority adopted the following methodology:

- a) Review and analysis of the procurement action file. The records reviewed included the following:
  - i. Invitation to bid;
  - ii. Bid invitation;
  - iii. Record of issue and receipt of bids;
  - iv. Record of bid opening;
  - v. Bids submitted by respective bidders;
  - vi. The evaluation report;
  - vii. Contracts Committee meeting minutes; and
  - viii. Addendum No.1 and No. 2.
- b) Interviews were held with the individuals indicated in table 3:

Table 3: Persons interviewed

S/No	Name	Position
	<b>Wakiso District Local Government</b>	
1.	Mr. William Mayanja	Head, Procurement and Disposal Unit – Wakiso District Local Government
2.	Ms. Doreen N. Turinawe	Senior Procurement Officer - Ministry of Kampala Capital City and Metropolitan Affairs

## 5.0 FINDINGS BY THE AUTHORITY

### 5.1 Whether bidders were unfairly eliminated during the evaluation of bids in the procurement for upgrading of Mpigi – Muduma road to paved standard (13.7km)

1. The complainant alleged that bidders were unfairly eliminated on grounds that were non-material in nature in order to favour Zhongmei Engineering Group Limited who had offered financial inducements to the Evaluation Committee.
2. The Authority reviewed the evaluation report and noted as follows:

- i. Three bidders i.e. China Civil Engineering Construction Corporation, IBB International Limited in Joint Venture with Aleni and Noah General Trading and Construction Ltd and China First Highway Engineering Co. Ltd were eliminated during preliminary evaluation of bids.
  - ii. Four bidders were subjected to technical evaluation during which China Wu Yi Co Ltd was eliminated. Three bidders were subjected to financial evaluation.
  - iii. Zhongmei Engineering Group Limited was recommended for award of contract at a cost of UGX 60,171,942,196 exclusive of VAT.
3. The Authority reviewed the bids submitted by the bidders who were eliminated during preliminary and technical evaluation of bids and made the following observations:

#### ***5.1.1 China Civil Engineering Construction Corporation***

1. The Authority reviewed the evaluation report and noted that China Civil Engineering Construction Corporation was eliminated during preliminary evaluation for failure to submit evidence of fulfilling social security contributions.
2. The Authority reviewed the solicitation document issued to bidders and noted that:
  - i. Clause 3.2 (f) of the evaluation methodology and criteria provided that among the documentation required to provide evidence of eligibility shall be fulfilment of obligations to pay social security contributions in Uganda where applicable or its equivalent. This shall be evidenced by a valid National Social Security clearance certificate.
  - ii. Clause 34.1 of the Instructions to Bidders provided that the Procuring and Disposing Entity shall examine the legal documentation to establish the eligibility of the bidders and to verify the validity and authenticity of the documents submitted by the bidder.
  - iii. Clause 34.2 of the Instructions to Bidders provided that if after the examination of eligibility, the Procuring and Disposing Entity determines that the bid is not compliant, it shall reject the bid with the exception of rectification of omissions in accordance with ITB 32.2.
3. The Authority reviewed the bid submitted by China Civil Engineering Construction Corporation and noted that the bidder submitted a National Social Security Fund (NSSF) clearance certificate referenced 00048405 valid up to 16<sup>th</sup> October 2024. (*Annex 1*).
4. The Authority found that whereas the deadline for receipt of bids was 18<sup>th</sup> October 2024, the National Social Security Fund clearance certificate referenced 00048405 submitted by China Civil Engineering Construction Corporation expired on 16<sup>th</sup> October 2024. This implies that the NSSF certificate submitted by the bidder was not valid as at the time of bid opening.

5. The Authority found that the submission of an expired National Social Security Fund (NSSF) clearance certificate implied that the bidder did not meet the requirement of submission of a valid social security clearance certificate in contravention of Clause 3.2 (f) of the evaluation methodology and criteria.
6. China Civil Engineering Construction Corporation was in accordance with Clause 34.1 of the Instructions to Bidders correctly eliminated during preliminary evaluation of bids.

### **Conclusion**

The Authority found that the submission of an expired social security clearance certificate implied that China Civil Engineering Construction Corporation did not meet the preliminary evaluation criteria and was correctly eliminated during preliminary evaluation of bids in accordance with Clause 34.2 of the Instructions to Bidders.

In light of the above, the Authority found **no merit** in the Ground raised.

### **5.1.2 China First Highway Engineering Co. Ltd**

The Authority reviewed the evaluation report and noted that China First Highway Engineering Co. Ltd was eliminated during preliminary evaluation for failure to submit a valid tax clearance certificate, submission of an ineligible business licence and submission of an incompetent Social Security clearance certificate.

#### **5.1.2.1 Tax Clearance Certificate**

1. The Authority reviewed the solicitation document issued to bidders and noted that:
  - i. Clause 3.2 (e) of the evaluation methodology and criteria provided that among the documentation required to provide evidence of eligibility shall be fulfilment of obligations to pay taxes evidenced by a valid tax clearance certificate addressed to Wakiso District Local Government or its equivalent (for a tax period ending 30<sup>th</sup> June 2024). Foreign firms shall submit an equivalent of tax clearance certificate from their countries of domicile.
  - ii. Clause 34.1 of the Instructions to Bidders provided that the Procuring and Disposing Entity shall examine the legal documentation to establish the eligibility of the bidders and to verify the validity and authenticity of the documents submitted by the bidder.
  - iii. Clause 34.1 of the Instructions to Bidders provided that if after the examination of eligibility, the Procuring and Disposing Entity determines that the bid is not compliant, it shall reject the bid with the exception of rectification of omissions in accordance with ITB 32.2.
2. The Authority reviewed the bid submitted by China First Highway Engineering Co. Ltd and noted that the bidder submitted a tax clearance certificate from Chaoyang District Supervision and Administration of Beijing Municipality in China.

3. The Authority however found from a review of the tax clearance certificate submitted by China First Highway Engineering Co. Ltd that the certificate was in name of China Communication Construction Company No.1 Group Co. Ltd and not that of the bidder.
4. The Authority found that the submission of a tax clearance certificate not in the name of the bidder implied that China First Highway Engineering Co. Ltd did not submit a valid tax clearance certificate as that which was submitted belonged to a different legal Entity.

#### **5.1.2.2 Business licence / trading licence**

1. The Authority reviewed the solicitation document issued to bidders and noted that:
  - i. Clause 3.2 (a) of the evaluation methodology and criteria provided that among the documentation required to provide evidence of eligibility shall a copy of the bidder's valid trading license or equivalent and a copy of the bidder's certificate of registration or equivalent for bidders not currently registered with the Authority.
  - ii. Clause 34.1 of the Instructions to Bidders provided that the Procuring and Disposing Entity shall examine the legal documentation to establish the eligibility of the bidders and to verify the validity and authenticity of the documents submitted by the bidder.
  - iii. Clause 34.2 of the Instructions to Bidders provided that if after the examination of eligibility, the Procuring and Disposing Entity determines that the bid is not compliant, it shall reject the bid with the exception of rectification of omissions in accordance with ITB 32.2.
2. The Authority reviewed the bid submitted by China First Highway Engineering Co. Ltd and noted that the bidder submitted a business licence from Chaoyang District Supervision and Administration of Beijing Municipality in China.
3. The Authority however found from a review of the business licence submitted by China First Highway Engineering Co. Ltd that the certificate was in name of China Communication Construction Company No.1 Group Co. Ltd and not that of the bidder.
4. The Authority found that the submission of a business licence not in the name of the bidder implied that China First Highway Engineering Co. Ltd did not submit a valid business licence as that which was submitted belonged to a different legal Entity in contravention of Clause 3.2 (a) of the evaluation methodology and criteria.

#### **5.1.2.3 Social Security clearance certificate**

1. The Authority reviewed the solicitation document issued to bidders and noted that:
  - i. Clause 3.2 (f) of the evaluation methodology and criteria provided that among the documentation required to provide evidence of eligibility shall be fulfilment of obligations to pay social security contributions in Uganda where applicable or its

- equivalent. This shall be evidenced by a valid National Social Security clearance certificate.
- ii. Clause 34.1 of the Instructions to Bidders provided that the Procuring and Disposing Entity shall examine the legal documentation to establish the eligibility of the bidders and to verify the validity and authenticity of the documents submitted by the bidder.
  - iii. Clause 34.2 of the Instructions to Bidders provided that if after the examination of eligibility, the Procuring and Disposing Entity determines that the bid is not compliant, it shall reject the bid with the exception of rectification of omissions in accordance with ITB 32.2.
2. The Authority reviewed the bid submitted by China First Highway Engineering Co. Ltd and noted that the bidder submitted a certificate of social security contributions from Chaoyang District Supervision and Administration of Beijing Municipality in China.
  3. The Authority however found from a review of the certificate of social security contributions submitted by China First Highway Engineering Co. Ltd that the certificate was in name of China Communication Construction Company No.1 Group Co. Ltd and not that of the bidder.
  4. The Authority found that the submission of a certificate of social security contributions not in the name of the bidder implied that China First Highway Engineering Co. Ltd did not submit a valid certificate of social security contributions as that which was submitted belonged to a different legal Entity in contravention of Clause 3.2 (f) of the evaluation methodology and criteria.

### **Conclusion**

The Authority found that the submission of invalid eligibility documents in the form a tax clearance certificate, a social security clearance certificate and a business / trading licence in the name of China Communication Construction Company No.1 Group Co. Ltd implied that China First Highway Engineering Co. Ltd did not meet the preliminary evaluation criteria and was in accordance with Clause 34.2 of the Instructions to Bidders, correctly eliminated during preliminary evaluation of bids.

In light of the above, the Authority found **no merit** in the Ground raised.

### ***5.1.3 IBB International Limited in Joint Venture with Aleni and Noah General Trading and Construction Ltd***

The Authority reviewed the evaluation report and noted that IBB International Limited in Joint Venture with Aleni and Noah General Trading and Construction Ltd was eliminated during preliminary evaluation for failure to submit the following:

- i. Valid tax clearance certificates for both partners to the Joint Venture,
- ii. A valid bid security;
- iii. Beneficial ownership declaration forms for both partners to the Joint Venture
- iv. Social Security clearance certificates for both partners to the Joint Venture; and

- v. Valid Powers of Attorney.

### ***5.1.3.1 Tax Clearance Certificate***

1. The Authority reviewed the solicitation document issued to bidders and noted that:
  - i. Clause 3.2 (e) of the evaluation methodology and criteria provided that among the documentation required to provide evidence of eligibility shall be fulfilment of obligations to pay taxes evidenced by a valid tax clearance certificate addressed to Wakiso District Local Government or its equivalent (for a tax period ending 30<sup>th</sup> June 2024). Foreign firms shall submit an equivalent of tax clearance certificate from their countries of domicile.
  - ii. Clause 34.1 of the Instructions to Bidders provided that the Procuring and Disposing Entity shall examine the legal documentation to establish the eligibility of the bidders and to verify the validity and authenticity of the documents submitted by the bidder.
  - iii. Clause 34.2 of the Instructions to Bidders provided that if after the examination of eligibility, the Procuring and Disposing Entity determines that the bid is not compliant, it shall reject the bid with the exception of rectification of omissions in accordance with ITB 32.2.
2. Regulation 6 (1) of the PPDA (Evaluation) Regulations, 2023 provides that an Evaluation Committee may at any stage of the evaluation, request a bidder to clarify the information provided in the bid or to submit additional information or documents within a period, which shall be indicated in the request, which shall be information or documents that were valid at the date of the deadline for bid submission.
3. Regulation 6 (2) of the PPDA (Evaluation) Regulations, 2023 provides that an Evaluation Committee shall only make a request for clarification of information or submission of documents under Regulation 6 (1) where there is a nonconformity or an omission in the bid, which is not a material deviation as specified in Regulation 7 (4).
4. The Authority reviewed the bid submitted by IBB International Limited in Joint Venture with Aleni and Noah General Trading and Construction Ltd and noted that the bidder submitted a tax clearance certificate for only Aleni and Noah General Trading and Construction Ltd. A tax clearance certificate belonging to IBB International Limited was not included in the submitted bid which was considered by the Evaluation Committee as a material deviation.
5. The Authority observed that a tax clearance certificate falls under the category of historical eligibility documents and as such, the Evaluation Committee should have, before elimination of the bidder, sought clarification in accordance with Regulation 6 (1) of the PPDA (Evaluation) Regulations, 2023.
6. The Authority therefore found that the requirement of submission of tax clearance certificates as submitted by IBB International Limited in Joint Venture with Aleni and Noah General

Trading and Construction Ltd was not evaluated in accordance with Clause 3.2 (e) of the evaluation methodology and criteria and Regulation 6 (1) of the PPDA (Evaluation) Regulations, 2023.

### **5.1.3.2 Bid security**

1. The Authority reviewed the solicitation document issued to bidders and noted that:
  - i. Clause 20.1 of the Instructions to Bidders provided that the bidder shall furnish as part of its bid, a bid security worth UGX 760 million as specified in the BDS in original form.
  - ii. Clause 20.4 of the Instructions to Bidders provided that any bid not accompanied by an appropriate bid security or shall be rejected by the Procuring and Disposing Entity as non-compliant.
  - iii. Clause 20.6 of the Instructions to Bidders provided that the bid security of a JV, Consortium or Association must be issued in the names of all their members or partners.
2. The Authority reviewed the bid submitted by IBB International Limited in Joint Venture with Aleni and Noah General Trading and Construction Ltd and noted that the bidder submitted a bid security issued by Kenya Commercial Bank (U) Ltd referenced MD2429109977 in the name of Aleni and Noah General Trading and Construction Ltd.
3. The Authority found that the failure to submit a bid security in the name of the Joint Venture was in contravention of Clause 20.6 of the Instructions to Bidders and consequently, IBB International Limited in Joint Venture with Aleni and Noah General Trading and Construction Ltd was in accordance with Clause 20.4 of the Instructions to Bidders correctly eliminated during preliminary evaluation of bids.

### **5.1.3.3 Beneficial Ownership Declaration Forms**

1. The Authority reviewed the solicitation document issued to bidders and noted that :
  - i. Clause 3.2 (g) of the evaluation methodology and criteria in the solicitation document provided that among the documentation required to provide evidence of eligibility shall be a Beneficial Ownership Declaration Form.
  - ii. Clause 34.1 of the Instructions to Bidders provided that the Procuring and Disposing Entity shall examine the legal documentation to establish the eligibility of the bidders and to verify the validity and authenticity of the documents submitted by the bidder.
  - iii. Clause 34.2 of the Instructions to Bidders provided that if after the examination of eligibility, the Procuring and Disposing Entity determines that the bid is not compliant, it shall reject the bid with the exception of rectification of omissions in accordance with ITB 32.2.

2. Regulation 2 (2) of the Companies (Beneficial Owner) Regulations, 2023 requires that a company shall send notice to the Registrar of Companies of the creation of the register and of the particulars of its beneficial owners using Form 1 specified in Schedule 1 to these Regulations.
3. Regulation 6 (1) of the PPDA (Evaluation) Regulations, 2023 provides that an Evaluation Committee may at any stage of the evaluation, request a bidder to clarify the information provided in the bid or to submit additional information or documents within a period, which shall be indicated in the request, which shall be information or documents that were valid at the date of the deadline for bid submission.
4. Regulation 6 (2) of the PPDA (Evaluation) Regulations, 2023 provides that an Evaluation Committee shall only make a request for clarification of information or submission of documents under Regulation 6 (1) where there is a nonconformity or an omission in the bid, which is not a material deviation as specified in Regulation 7 (4).
5. The Authority reviewed the bid submitted by IBB International Limited in Joint Venture with Aleni and Noah General Trading and Construction Ltd and noted that the bidder submitted a Beneficial Ownership Declaration Form for only IBB International Limited. A Beneficial Ownership Declaration Form belonging to Aleni and Noah General Trading and Construction Ltd was not included in the submitted bid, which omission was treated by the Evaluation Committee as a material deviation.
6. The Authority observed that a Beneficial Ownership Declaration Form falls under the category of historical eligibility documents and as such, the Evaluation Committee should have, before elimination of the bidder, sought clarification in accordance with Regulation 6 (1) of the PPDA (Evaluation) Regulations, 2023.
7. The Authority therefore found that the requirement of submission of Beneficial Ownership Declaration Forms as submitted by IBB International Limited in Joint Venture with Aleni and Noah General Trading and Construction Ltd was not evaluated in accordance with Clause 3.2 (f) of the evaluation methodology and criteria and Regulation 6 (1) of the PPDA (Evaluation) Regulations, 2023.

#### ***5.1.3.4 Social Security clearance certificates***

1. The Authority reviewed the solicitation document issued to bidders and noted that:
  - i. Clause 3.2 (f) of the evaluation methodology and criteria provided that among the documentation required to provide evidence of eligibility shall be fulfilment of obligations to pay social security contributions in Uganda where applicable or its equivalent. This shall be evidenced by a valid National Social Security clearance certificate.

- ii. Clause 34.1 of the Instructions to Bidders provided that the Procuring and Disposing Entity shall examine the legal documentation to establish the eligibility of the bidders and to verify the validity and authenticity of the documents submitted by the bidder.
  - iii. Clause 34.2 of the Instructions to Bidders provided that if after the examination of eligibility, the Procuring and Disposing Entity determines that the bid is not compliant, it shall reject the bid with the exception of rectification of omissions in accordance with ITB 32.2.
2. Regulation 6 (1) of the PPDA (Evaluation) Regulations, 2023 provides that an Evaluation Committee may at any stage of the evaluation, request a bidder to clarify the information provided in the bid or to submit additional information or documents within a period, which shall be indicated in the request, which shall be information or documents that were valid at the date of the deadline for bid submission.
3. Regulation 6 (2) of the PPDA (Evaluation) Regulations, 2023 provides that an Evaluation Committee shall only make a request for clarification of information or submission of documents under Regulation 6 (1) where there is a nonconformity or an omission in the bid, which is not a material deviation as specified in Regulation 7 (4).
4. The Authority reviewed the bid submitted by IBB International Limited in Joint Venture with Aleni and Noah General Trading and Construction Ltd and noted that the bidder submitted a social security clearance certificate for only one member to the Joint Venture i.e. Aleni and Noah General Trading and Construction Ltd. A social security clearance certificate belonging to IBB International Limited was not included in the submitted bid which was considered by the Evaluation Committee as a material deviation.
5. The Authority observed that a social security clearance certificate falls under the category of historical eligibility documents and as such, the Evaluation Committee should have, before elimination of the bidder, sought clarification in accordance with Regulation 6 (1) of the PPDA (Evaluation) Regulations, 2023.
6. The Authority therefore found that the requirement of submission of social security clearance certificates as submitted by IBB International Limited in Joint Venture with Aleni and Noah General Trading and Construction Ltd was not evaluated in accordance with Clause 3.2 (f) of the evaluation methodology and criteria and Regulation 6 (1) of the PPDA (Evaluation) Regulations, 2023.

#### ***5.1.3.5 Powers of Attorney***

1. The Authority reviewed the solicitation document and noted that:
  - i. Clause 22.2 of the Instructions to Bidders provided that the written confirmation of authorization to sign on behalf of the bidder shall be:

- a) A Registered Power of Attorney specific to this procurement, if drawn and signed in Uganda; or a notarized Power of Attorney also specific to this procurement, if drawn and signed outside Uganda should be provided; and
  - b) In the case of bids submitted by an existing or intended Joint Venture, Consortium or Association (JVCA), an undertaking signed by all parties shall state that all parties shall be jointly and severally liable, if so required in accordance with ITB 4.1(a) and nominate a representative who shall have the authority to conduct all business for and on behalf of any and all the parties of the Joint Venture, Consortium or Association (JVCA) during the bidding process and, in the event the Joint Venture, Consortium or Association (JVCA) is awarded the Contract, during contract execution.
- ii. Clause 3.3 of the evaluation methodology and criteria provided that for Joint Ventures or Consortiums or Associations, bidders must submit registered Powers of Attorney from each member or partner if drawn and signed in Uganda; or a notarized Power of Attorney if drawn and signed outside Uganda, nominating a representative to conduct all business on its behalf during the bid preparation, bidding process and contract execution in case of award of the contract.
2. The Authority reviewed the bid submitted by IBB International Limited in Joint Venture with Aleni and Noah General Trading and Construction Ltd and noted as follows:
    - i. The bidder submitted Powers of Attorney issued by IBB International Limited appointing Mr. Gerald Luganga as its lawful attorney.
    - ii. The bidder submitted Powers of Attorney issued by Aleni and Noah General Trading and Construction Ltd appointing Mr. Berhane Zeccarias Andemariam to submit all necessary documents related to the procurement.
    - iii. The bidder submitted Powers of Attorney from the Joint Venture appointing Mr. Fred Kasango as its lawful attorney. The Powers of Attorney were not signed by either of the individuals (Mr. Gerald Luganga for IBB International Limited and Mr. Berhane Zeccarias Andemariam for Aleni and Noah General Trading and Construction Ltd) appointed as lawful attorneys by the members of the Joint Venture.
  3. The Authority found that the failure by individuals (Mr. Gerald Luganga for IBB International Limited and Mr. Berhane Zeccarias Andemariam for Aleni and Noah General Trading and Construction Ltd) appointed as lawful attorneys by the members of the Joint Venture to sign the Powers of Attorney on behalf of the Joint Venture rendered the Powers of Attorney granted to Mr. Fred Kasango as ineffectual. This was in contravention of Clause 22.2 of the Instructions to Bidders and Clause 3.3 of the evaluation methodology and criteria.
  4. IBB International Limited in Joint Venture with Aleni and Noah General Trading and Construction Ltd was therefore correctly eliminated during preliminary evaluation of bids.

### **Conclusion**

The Authority found that the failure by IBB International Limited in Joint Venture with Aleni and Noah General Trading and Construction Ltd to submit a bid security in the name of the bidder and submission of invalid Powers of Attorney implied that the bidder did not meet the

preliminary evaluation criteria and was correctly eliminated during evaluation in accordance with Clause 34.2 of the Instructions to Bidders.

In light of the above, the Authority found **no merit** in the Ground raised.

#### **5.1.4 China Wu Yi Co. Ltd**

The Authority reviewed the evaluation report and noted that China Wu Yi Co. Ltd was eliminated during detailed technical evaluation for the following:

- i. Failure to adequately address the Environmental, Social, Health and Safety (ESHS) requirements;
- ii. Failure to submit codes of conduct were signed by respective ESHS staff;
- iii. Failure to submit an ESHS management plan for auxiliary facilities;
- iv. Submission of a project manager who did not meet the requirements on experience;
- v. Submission of an environmental/safeguards manager with an expired registration certificate; and
- vi. Failure to submit required personnel in the capacity of plant/equipment manager.

#### **5.1.4.1 Environmental, Social, Health and Safety (ESHS) requirements**

1. The Authority reviewed the solicitation document and noted that Section 7 of the evaluation methodology and criteria provided that bidders would be evaluated on ESHS activities as follows:
  - a) Socio-economic consideration: ESHS management strategies and implementation plans (ESHSPs, MSIPs) including purpose, objectives/goals, ownership of the document.
    - i. Management structure including management framework/organization, key ESHS staffing and definition of duties and responsibilities;
    - ii. ESHS analysis – comprehensiveness; including the detail of ESHS activities, scope and internal controls; and
    - iii. Supportive/incidental plans; including presentation in relative detail of:
      - Community management/engagement plan, strategy for acquisition of approvals (demonstrated knowledge of these approvals), auxiliary services and facilities; and
      - Traffic management plan, safety plan, labour management plan, anti-sexual harassment strategy/policy, grievance redress mechanism etc.
  - b) Environmentally and Socially Responsible Procurement:
    - i. Ownership  
This refers to the structure and content of the ESHS documentation i.e. Management Strategies and Implementation Plans. The documentation should clearly demonstrate the bidder's ownership to their bid. This shall be shown by integration of safeguards, activities including competent staffing into the bidders' organogram at the project level, and/or within their structure at their headquarters. Ownership shall also be reflected in reference to the Bidder's performance in safeguards management on previous assignments and reflection of ESHS management system as part of their performance culture.
    - ii. Scope

The scope relates to the level of detail and coverage of the project components. Bidders are required to adequately present the related national ESHS policy and legal framework, potential impacts and risks from the implementation of the proposed project and mitigation measures. The scope shall also include the bidder's coverage of support facilities including the Workers' camps, equipment yards, material sources (stone quarries, borrow pits, sand quarries, material stockpiles, etc.); strategies for acquisition of statutory approvals, balanced presentation on ESHS and internal ESHS controls (monitoring and reporting mechanisms).

2. The Authority reviewed the bid submitted by China Wu Yi Co. Ltd and noted that the bidder submitted an Environmental Social Management Plan but did not provide an ESHS management plan for auxiliary facilities and did not elaborate the risks and management measures for auxiliary facilities.
3. Regulation 7 (4) of the PPDA (Evaluation) Regulations, 2023 provides that for the purposes of this Regulation a "material deviation" is a deviation that:
  - a) Affects in a substantial way, the scope or quality of the supplies or services or the performance of the works to be procured;
  - b) Affects the ability of the bidder to perform the proposed contract;
  - c) Impacts the key factors of a procurement including cost, risk, time and quality and causes:
    - i. Unacceptable time schedules, where it is stated in the bidding document that time is of the essence;
    - ii. Unacceptable alternative technical details, such as design, materials, workmanship, specifications, standards or methodologies;
    - iii. Unacceptable counter-bids with respect to key contract terms and conditions, such as payment; or
    - iv. Terms, price adjustment, liquidated damages, subcontracting or warranty.
4. The Authority found that omission of key components of the Environmental Social Management Plan as provided under Section 7 of the evaluation methodology and criteria in the solicitation document was a material deviation in accordance with Regulation 7 (4) of the PPDA (Evaluation) Regulations, 2023. China Wu Yi Co. Ltd did not meet the requirements set out in Section 7 of the evaluation methodology and criteria.

#### ***5.1.4.2 Code of conduct for the Contractor's personnel***

1. The Authority reviewed the solicitation document and noted that ITB 15.1 provided that a bidder shall submit with its bid, ESHS Code of Conduct for Contractor's Personnel that will apply to the Contractor's Personnel to ensure compliance with its Environmental, Social, Health and Safety (ESHS) obligations under the contract (sample has been provided under supplementary information). In addition, a bidder shall detail how this Code of Conduct will be implemented. This will include how it will be introduced into conditions of employment/engagement, what training will be provided, how it will be monitored and how the Contractor proposes to deal with any breaches. The Contractor shall be required to implement the agreed Code of Conduct.

2. The Authority reviewed the bid submitted by China Wu Yi Co. Ltd and noted that although the bidder submitted a Code of Conduct Form for Contractor’s personnel, the same was not signed by the individual staff. This implies that the submitted Code of Conduct Form for Contractor’s personnel was ineffectual.
3. Regulation 7 (4) of the PPDA (Evaluation) Regulations, 2023 provides that for the purposes of this Regulation a “material deviation” is a deviation that:
  - a) Affects in a substantial way, the scope or quality of the supplies or services or the performance of the works to be procured;
  - b) Affects the ability of the bidder to perform the proposed contract;
  - c) Impacts the key factors of a procurement including cost, risk, time and quality and causes:
    - i. Unacceptable time schedules, where it is stated in the bidding document that time is of the essence;
    - ii. Unacceptable alternative technical details, such as design, materials, workmanship, specifications, standards or methodologies;
    - iii. Unacceptable counter-bids with respect to key contract terms and conditions, such as payment; or
    - iv. Terms, price adjustment, liquidated damages, subcontracting or warranty.
4. The Authority found that in failure to submit a fully signed Code of Conduct Form for Contractor’s personnel, the Contractor and his personnel did not commit to adhere to the conditions laid therein which would have an impact of the Employer’s rights under the contract and the Contractor’s obligations. This, in accordance with Regulation 7 (4) of the PPDA (Evaluation) Regulations, 2023, amounted to a material deviation.

**5.1.4.3 Personnel**

1. The Authority reviewed the solicitation document and noted that Clause 6.1 (A) of the evaluation methodology and criteria provided that a bidder must demonstrate that it will have the personnel for the key positions of project manager, plant and equipment foreman and environmental/safeguards manager that meet the requirements indicated in table 4 below:

*Table 4: Requirements on personnel*

No	Position	Relevant academic qualifications	Minimum years of relevant work experience (after graduation)	Total Work Experience (years (after graduation))	Experience in a similar Position (years)	Quantity

No	Position	Relevant academic qualifications	Minimum years of relevant work experience (after graduation)	Total Work Experience (years (after graduation))	Experience in a similar Position (years)	Quantity
1.	Contractor's Representative (Project Manager)	B.Sc. Civil Engineering or equivalent. Must be a registered/chartered Engineer with a valid practicing licence	15	20	10	1
2.	Plant and Equipment Foreman	B.Sc. Engineering or equivalent	10	15	8	3
3.	Environmental/Safeguards Manager	BSc. Environmental Science or equivalent. Must be a registered environmental practitioner	8	10	5	1

2. The Authority reviewed the bid submitted by China Wu Yi Co. Ltd and noted as follows:
  - i. The project manager proposed by the bidder possessed a total of 12 years of relevant work experience (after graduation) and 12 years of total work experience (years after graduation) in contravention of the requirement of a total of 15 and 20 years respectively.
  - ii. The bidder submitted only one plant and equipment foreman (Mr. Lin Qinggui) in contravention of the requirement of a minimum of three.
  - iii. The environmental/safeguards manager submitted by the bidder, Mr. Charles Ngugi Ochwari possessed a registration certificate issued by National Environment Management Authority (NEMA) of Kenya that expired in 2018 in contravention of the requirement of being a registered environmental practitioner.
3. Regulation 7 (4) of the PPDA (Evaluation) Regulations, 2023 provides that for the purposes of this Regulation a "material deviation" is a deviation that:
  - a) Affects in a substantial way, the scope or quality of the supplies or services or the performance of the works to be procured;
  - b) Affects the ability of the bidder to perform the proposed contract;

- c) Impacts the key factors of a procurement including cost, risk, time and quality and causes:
- i. Unacceptable time schedules, where it is stated in the bidding document that time is of the essence;
  - ii. Unacceptable alternative technical details, such as design, materials, workmanship, specifications, standards or methodologies;
  - iii. Unacceptable counter-bids with respect to key contract terms and conditions, such as payment; or
  - iv. Terms, price adjustment, liquidated damages, subcontracting or warranty.
4. The Authority found that the failure by China Wu Yi Co. Ltd to submit the required personnel would have an impact of the Employer's rights under the contract and the Contractor's obligations. This, in accordance with Regulation 7 (4) of the PPDA (Evaluation) Regulations, 2023, amounted to a material deviation.

### Conclusion

The Authority found that the omissions in the bid submitted by China Wu Yi Co. Ltd related to Environmental, Social, Health and Safety (ESHS) requirements, ESHS management plans and personnel implied that the bid submitted by the bidder did not meet the technical evaluation criteria. The bidder was correctly eliminated during technical evaluation of bids.

In light of the above, the Authority found **no merit** in the Ground raised.

### ***5.2 Whether the bid submitted by Zhongmei Engineering Group Limited in the procurement for upgrading of Mpigi – Muduma road to paved standard (15.6km) was correctly evaluated***

The Authority reviewed the procurement action file and the bid submitted by Zhongmei Engineering Group Limited and found that the evaluation of the bid submitted by the bidder was undertaken in accordance with the PPDA Act, Cap. 205, PPDA Regulations, 2023 and Guidelines, 2024 as indicated in *tables 5, 6, 7, 8 and 9 below*.

*Table 5: Preliminary examination of the bid submitted by Zhongmei Engineering Group Limited*

Criteria	Zhongmei Engineering Group Limited
Eligibility criteria	
A copy of the Bidder's valid Trading license or equivalent and a copy of the bidder's certificate of registration or equivalent for bidders not currently registered with the Authority.	Trading licence, PPDA certificate available.
A statement in the bid submission sheet that the bidder meets the eligibility criteria stated in ITB4.1 and 4.4;	Compliant
A declaration in the bid submission sheet of nationality of the bidder	Compliant (Chinese)
A declaration in the bid submission sheet that the bidder is not under suspension by the Authority;	Compliant

<b>Criteria</b>	<b>Zhongmei Engineering Group Limited</b>
Fulfilment of obligations to pay taxes evidenced by a valid tax clearance certificate or its equivalent (for a tax foreign firms shall submit an equivalent of Tax Clearance Certificates from their Countries of domicile.	Compliant
Fulfilment of obligations to pay (NSSF) Social security contributions in Uganda where applicable or its equivalent. This shall be evidenced by a National Social Security Certificate	Compliant
Beneficial Ownership Declaration Form	Compliant
A valid Bid Security in the prescribed format amounting to UGX 760,000,000 up to 30th April 2025	Compliant (Stanbic Bank (U) Ltd)
A Power of Attorney which if signed in Uganda shall be registered with the competent authority, specific to the procurement and if signed outside Uganda, shall be notarized.	Compliant
Bid validity up to 2nd April 2025.	Compliant
Administrative compliance criteria	Compliant
Site visit Certificates from either Wakiso, Mpigi or Nansana Municipality.	Compliant
Signed Code of Ethical Conduct in Business for Providers and Bidders	Compliant
Original receipt for the purchase of Tender Documents/ Verified against the EFRIS report.	Compliant
The number of copies of the bid to be submitted are five (5) in addition to the original	Compliant
<b>Conclusion</b>	<b>Compliant</b>

*Table 6: Detailed examination of the bid submitted by Zhongmei Engineering Group Limited*

<b>S/No</b>	<b>Detailed Evaluation Criteria</b>	<b>Zhongmei Engineering Group Limited</b>
1	Acceptance of the conditions of the proposed contract;	Statement of acceptance of conditions of contract was seen
2	Acceptable completion schedule	The proposed completion is within 18 Months -From 16 Dec 2024 to 16/5/2026
3	Acceptability of the proposed program (work method and schedule), including relevant drawings and charts chart),	Bidder's work program has all the necessary elements of the works. It is specific to the project. Work method statement is well explained. It include all aspects of the proposed works
4	<u>Site Organization</u> - In this section, the bidder is required to provide an organogram of the human resource that will execute this project. This should include both the Head Office and Site	The Bidder has presented an organogram for the project (page 78 of 82 of the site organization section in volume 1).

S/No	Detailed Evaluation Criteria	Zhongmei Engineering Group Limited
	Office staff	
5	<u>Mobilisation Schedule</u> - In this section, the bidder is required to make a detailed schedule of the mobilization and demobilization of all the necessary manpower and equipment. This schedule should be produced in at least MS Project 2016; duration allocated to each task, indicating milestones, expected shipping time for overseas plant, equipment and materials and travel in and out of the country for the expected expatriate staff. A softcopy of this schedule should be attached in CD format to the bids	Bidder plans to mobilise for the works in 91days (between 5 <sup>th</sup> Dec 2024 to 5 <sup>th</sup> march, 2025). Mobilisation plan indicates all necessary elements for personnel and equipment
6	<u>Construction Schedule</u> - In this section, the bidder is required to make a detailed schedule of the civil works construction phase. This schedule should be produced in at least MS Project 2016; well-resourced with the expected manpower and equipment expected to undertake each particular task, duration allocated to each task and indicating milestones. A softcopy of this schedule should be attached in CD format to the bids.	Bidder's work program has all the necessary elements of the works. It is specific to the project. A soft copy of the work program in MS project has been provided
7	Sustainable Procurement:	
i)	Socio-economic consideration: ESHS management strategies and implementation plans (ESHS MSIPs) including purpose, objectives/goals, ownership of the document. Management structure; including Management framework/organization, key ESHS staffing and definition of duties and responsibilities	Bidder clearly explained the purpose, stated objectives and international guidelines necessary during execution of works. An organogram for key ESHS staff necessary during implementation of the project was seen on file
	ESHS analysis – comprehensiveness; including the detail of ESHS aspects, scope and internal controls	Bidder was able to demonstrate a comprehensive analysis of ESHS issues related to the project. The bidder was able to establish plans for monitoring of ESHS measures. The bidder presented unsigned/non-owned codes of conduct for management of key ESHS aspects.  Signed Codes of conduct were also on

S/No	Detailed Evaluation Criteria	Zhongmei Engineering Group Limited
		included in the bid.
	<p>Supportive/incidental plans; including presentation in relative detail of;</p> <p>i) Community Management/engagement plan, strategy for acquisition of approvals (and demonstrated knowledge of these approvals),</p> <p>ii)Traffic Management Plan, Safety Plan, Labour Management Plan, Anti-Sexual Harassment strategy/Policy, Grievance Redress Mechanism, etc.</p>	<p>Supportive management plans were comprehensively presented, including; plan for management of the workers' camp, traffic management, gender, occupational health and safety among others; an ESMP for obtaining consents &amp; permits was also provided.</p>
ii)	<p>Environmentally and Socially Responsible Procurement:</p> <p>Ownership</p> <p>This refers to the structure and content of the ESHS documentation i.e. Management Strategies and Implementation Plans.</p> <p>The documentation should clearly demonstrate the bidder's ownership to their bid. This shall be shown by integration of safeguards, aspects including competent staffing into the bidders' organogram at the project level, and/or within their structure at their headquarters. Ownership shall also be reflected in reference to the Bidder's performance in safeguards management on previous assignments and reflection of ESHS management system as part of their performance culture.</p>	Signed Code of conduct were also on file
	<p>Scope</p> <p>The scope relates to the level of detail and coverage of the project components. Bidders are required to adequately present the related national ESHS policy and legal framework, potential impacts and risks from the implementation of the proposed project and mitigation measures.</p> <p>The scope shall also include the bidder's coverage of support facilities including the Workers' camps, equipment yards, material sources (stone quarries, borrow pits, sand quarries, material stockpiles, etc.); strategies for acquisition of statutory</p>	The bidder declared a no record of non-compliance. Bidder identified relevant regulatory framework to which he is supposed to comply as well as the relevant permits and approvals relevant to the project.

S/No	Detailed Evaluation Criteria	Zhongmei Engineering Group Limited
	approvals, balanced presentation on ESHS and internal ESHS controls (monitoring and reporting mechanisms).	
	<b>Conclusion</b>	<b>Compliant</b>

Table 7: Examination of personnel in the bid submitted by Zhongmei Engineering Group Limited

	Required Personnel	Zhonmei Engineering Group Limited
<b>1</b>	<b>Project Manager (01)</b>	<b>Wan Ping</b>
	Contractor's Representative [Project Manager] B.Sc. Civil Engineering or Equivalent; Registered/Chartered Engineer with a Valid practicing licence	Bachelor's degree in Civil Engineering (Road and Bridge Direction) from Nanchang University in 1997 Registered with Jiangxi Province Title Work Office
	Minimum years of relevant Work Experience (15 years)	Has the required 15 years' experience.
	Total work experience (20 years)	Has the relevant required 20 years' experience
	Experience in similar position (10 years)	Has 13 years experience in similar position
<b>2</b>	<b>Site/Earthworks Engineer (01)</b>	<b>Yang Tao</b>
	B.Sc. Civil Engineering or Equivalent; Registered/Chartered Engineer with a Valid practicing licence	Has Bachelor's degree in civil Engineering Road and Bridge Engineering from Nanchang University in June 2005 Registered with Jiangxi Coalfield Geology Bureau
	Minimum years of relevant Work Experience (10 years)	Has the required 10 years' experience
	Total work experience (15 years)	Has the required 15 years' experience
	Experience in similar position (08 years)	Has 8 years' experience in similar position having worked with Furongton tea Xinbai Village Road construction ,Construction of Nuno Modagashe Road in Kenya.
<b>3</b>	<b>Plant and Equipment Foreman (3)</b>	<b>Dong Xiaofei</b>
	B.Sc. Engineering or Equivalent	Has a bachelor's degree in Construction environment and equipment engineering from China university of Mining and Technology on 28 <sup>th</sup> June 2008.
	Minimum years of relevant Work Experience (10 years)	Has the relevant 10 years' experience.
	Total work experience (15 years)	Has the relevant 15 years of working experience.
	Experience in similar position (08 years)	Has the 8 years' experience in similar position having worked with Chuangye Avenue extension section, Stage improvement of Nyaru-Iten road.
<b>4</b>	<b>Drainage and Structures Engineer(1)</b>	<b>Wu Junkai</b>

<b>Required Personnel</b>	<b>Zhonmei Engineering Group Limited</b>
B.Sc. Civil Engineering or Equivalent. Registered/Chartered Engineer with a Valid practicing licence	Has bachelor's degree in Mechanical Design, Manufacturing and Automation Engineering from Shanghai Ocean University on 1 <sup>st</sup> July 2008. Registered with Jiangxi coal Geology Bureau.
Minimum years of relevant Work Experience (10 years)	Has the relevant 10 years working experience.
Total work experience (15 years)	Has over 16 years work experience.
Experience in similar position (8 years)	Has 8 years' experience in similar position.
<b>5 Electrical Engineer(1)</b>	<b>Cheng Xiaoyun</b>
B.Sc. Electrical Engineering or Equivalent; Registered/Chartered Engineer with a Valid practicing licence	Has bachelor's degree in Mechanical design and Manufacturing Automation Engineering from Jiangxi Agricultural university Registered with Jiangxi Provincial title work office
Minimum years of relevant Work Experience (10 years)	Has 12 years relevant work experience
Total work experience (15 years)	Has 16 years' experience
Experience in similar position (5 years)	Has 8 years' experience in similar position
<b>6 Quantity Surveyor(1)</b>	<b>Xiong Feng</b>
B.Sc. Quantity Surveying or Equivalent; Registered with a relevant body	Has Master's degree in structural engineering obtained from Nanchang University on June 2006 registered with Jiangxi province title work office With an MSC in Structural Engineering implies.
Minimum years of relevant Work Experience (10 years)	Has the relevant experience of 11 years
Total work experience (15 years)	Has the 15 years' experience
Experience in similar position (8 years)	Has the relevant 8 years' experience in similar position
<b>7 Senior Land Surveyor (1)</b>	<b>Chen Xiayu</b>
B.Sc. Surveying or Equivalent; Registered with a relevant body	Bachelor's degree in Mechanical/design manufacturing and automation engineering from Hang Kong University of 2010. He is Registered with Ministry of Housing and Urban rural development of People's Republic of China
Minimum years of relevant Work Experience (10 years)	Has the relevant 10 years' experience
Total work experience (15 years)	Has over 15 years work experience
Experience in similar position (08 years)	Has the required experience in similar position.
<b>8 Materials and Pavement</b>	<b>Liu Wenqin</b>

	<b>Required Personnel</b>	<b>Zhonmei Engineering Group Limited</b>	
	<b>Engineer/Quality Manager (1)</b>		
	B.Sc. Civil Engineering or Equivalent; Registered/Chartered Engineer with a Valid practicing licence	Has Bachelor's degree in Civil Engineering from University of South China on 1 <sup>st</sup> July 2010. Registered with Ministry of Housing and Urban rural development.	
	Minimum years of relevant Work Experience (10 years)	Has the relevant 10 years work experience	
	Total work experience (15 years)	Has total work experience	
	Experience in similar position (08 years)	Has over 11 years work experience in similar position	
<b>9</b>	<b>Environmental/ Safeguards Manager (01)</b>	<b>Zhu Yuancheng</b>	
	BSc. Environmental Science or Equivalent; Registered environmental practitioner	Has Bachelor's degree in Hydro Geology and Engineering from East China Institute of Geology on July 10 <sup>th</sup> 1989. Registered with Jiangxi Province title work office	
	Minimum years of relevant Work Experience (08 years)	Has the relevant experience required	
	Total work experience (10 years)	Has the total work experience of 15 years	
	Experience in similar position (05 years)	Has over 10 years' experience in similar position	
<b>10</b>	<b>Health and Safety Officer (2 per active site)</b>	<b>Liu Bing</b>	<b>Tu Wei</b>
	BSc. Health and Safety or equivalent; Registered environmental practitioner	Registered as a hydraulic Environment Engineer, Has an Msc in Engineering safety technology & Engineering from Jiangxi University of science & Technology	Has a Bsc- civil Engineering with an Intermediate certificate as a safety Engineer issued by the ministry of emergency management of peoples' Republic of china (seal)
	Minimum years of relevant Work Experience (08 years)	He has the 8 years of relevant experience in road works	He has the 8 years of relevant experience
	Total work experience (10 years)	10 years, 7 months of total work experience.	He has 11 years of total work experience.
	Experience in similar position (05 years)	He has the required 9years & 5months in similar position	Has 6years in similar position.
<b>11</b>	<b>Social Development Officer(2)</b>	<b>Asiimwe Annet</b>	<b>Wan Wensi</b>

	<b>Required Personnel</b>	<b>Zhonmei Engineering Group Limited</b>	
	BA. Social Science, BA. Social Works and & Social Administration or Equivalent	Has BA. Social Science	BA. In Sociology in Shangisha University
	Minimum years of relevant Work Experience (08 years)	She has 9 years of relevant experience	15 years, 2months of relevant experience
	Total work experience (10 years)	Has 11yrs of total work experience	15 years, 2months of total work experience
	Experience in similar position (06 years)	Has 11yrs of Similar work experience in same position	15 years, 2months of relevant experience
	<b>Conclusion</b>	<b>Compliant</b>	

*Table 8: Examination of equipment owned, leased or hired by Zhongmei Engineering Group Limited*

<b>No</b>	<b>Equipment Type and Description/ Capacity</b>	<b>Minimum Number required</b>	<b>Submission by Zhongmei Engineering Group Limited</b>
1	Hot Mix Plant (batch type only, with electronic & computer controls and vibratory screens. 60 tons/hour capacity)	1	Model LJBI500C, Year of manufacture 2014. (Owned with copies of purchase receipts)
2	Stone crusher with screening unit (Minimum capacity 50 tons/ hour)	1	Capacity 200t/hr, Year of manufacture 2014 (Owned) attached copies of purchase receipts and shipping documents
3	Asphalt Paver capable of laying 7 m width fitted with Electronic sensors for automatic level control	2	No. 1: Model 852337, 9672cc Year of manufacture 2014 Reg. No UAW789Z(owned with logbook available) No.2: ModelSPS75C/SPS909650cc Year of manufacture 2012 (owned with purchase and shipping documents availed)
4	Crawler Dozer + Ripper D8, 250 to 350 HP	2	UAV059Z and UAV356Z Owned with Logbooks availed
5	Wheel Front End Loader 170HP	3	UAV 085Z, UAV 711Z, UAV 708Z Owned and Logbooks availed
6	Excavators 0.25 – 0.4 m3 SAE bucket 140 HP	2	UAW 457Z and UAW 709Z Owned and Logbooks availed
7	Tipper Truck 8m3	8	UAV 590Z, UAV 586Z, UAV 592Z, UAV 588Z, UAV 594Z, UAV 548Z, UAV 549Z and UAV 391Z Owned and Logbooks availed
8	Dump Truck (Tipper Truck) 10 – 15 m3	3	UAW 554Z , UAW 553Z and UAW 552Z Owned and Logbooks availed
9	Water Bowser 12,000 litres	2	UAV 593Z and UAW 407Z

No	Equipment Type and Description/ Capacity	Minimum Number required	Submission by Zhongmei Engineering Group Limited
			Owned and Logbooks availed
10	Motor Grader 140 to 185HP	2	UAV 757Z and UAV 058Z Owned and Logbooks availed
11	Smooth Wheeled Roller 10-12 tons	2	UAV 710Z and UBM 141D Owned and Logbooks availed
12	Vibrating Roller 12-14 tons	4	UAW 556T, UAW 551T, UAW 835T, and UAV 551T Owned and Logbooks availed
13	Pneumatic Tyred Roller up to 16 tons	3	UAW 626Z, UAW 625Z and UAW 552Z Owned and Logbooks availed
14	Mechanical broom	2	Purchase/tax invoices attached
15	Concrete mixer 0.5 – 1.0 m <sup>3</sup>	2	Purchase Receipts and Invoices attached
16	Concrete Transit Mixer	2	Purchase Receipts and Invoices attached for 2No. attached
17	Mobile Crane 40 tons	1	UAV 596Z Owned and logbooks availed
18	Bitumen Distributor 8000litres	2	UAW821Z (owned with logbook attached) Model XLS803(LZZ8BCMGIMC435023) 276HP (Owned with tax invoices attached)
19	Hydraulic shovel 1.0 – 1.5 m <sup>3</sup>	2	UAW 198Z and UAW 883Z Owned and logbooks availed
20	Grid Roller 10 – 13.5 ton	2	Purchase Receipts and Invoices attached for 2No attached
21	Low-bed	1	UAV595Z Owned and logbooks availed
22	Set of sufficient survey equipment for setting out and control of works, such as a GPS, a total station and an automatic level	1	A list attached with a receipt of their purchase.
	<b>Conclusion</b>		<b>Compliant</b>

Table 9: Examination of qualification and eligibility requirements in the bid submitted by Zhongmei Engineering Group Limited

Sub-Factor	Requirement	Documents required	Submission by Zhongmei Engineering Group Ltd
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Sub-Factor	Requirement	Documents required	Submission by Zhongmei Engineering Group Ltd
6.2.2 Pending Litigation	All pending litigation shall in total not represent more than Twenty percent (20%) of the Bidder's net worth and shall be treated as resolved against the Bidder.	Form 5A	Bidder declares on form 5a that he has NO record of pending litigation processes.
6.2.3 Declaration of Environmental, Social, Health, and Safety (ESHS) past performance	Declare any civil work contracts that have been suspended or terminated and/or performance security called by an employer for reasons related to the non-compliance of any environmental, or social, or health or safety requirements or safeguard in the <u>past five years</u> <sup>1</sup> .	Form 5B ESHS Performance Declaration	Bidder presented form 5B a declaration was made with no non-compliance in management of ESHS in previous assignments
6.2.6 <i>Financial Resources</i>	6. The Bidder must demonstrate access to, or availability of, financial resources such as liquid assets, unencumbered real assets, lines of credit, and other financial means, other than any contractual advance payments to meet: The following cash-flow requirement of 20 billion every 4 months' cycle and the overall cash flow requirements for this contract and its concurrent commitments.	Form 8 and line of credit	Bidder presents two lines of credit 1. Letter from Stanbic Bank dated 25/09/2024 offering UGX 10 Billion every four months 2. Letter from Bank of China dated 24/01/2024 offering to give credit of CNY 1.7 Billion (equivalent to UGX 891 Billion)
6.2.7 General	Experience under contracts in the role of	Form 9 and Certificates of	Bidder presents the following general experience

Sub-Factor	Requirement	Documents required	Submission by Zhongmei Engineering Group Ltd
Experience	contractor, subcontractor, or management contractor for at the last Three (03) years prior to the bid submission deadline, and with activity in at least <u>Six</u> months in each year.	Completion or Substantial Completion	<ol style="list-style-type: none"> <li>1. Rehabilitation of Clive and Clerk roads, bell avenue, east and west, Busoga avenue, traffic signalling and drainage works under btach 2- Jinja City under USMID-AF (2022-2024)</li> <li>2. Construction of selected roads infrastructure in Kamuli Municipal council under USMID-AF (2022-2024)</li> <li>3. Construction of selected roads infrastructure in Lugazi Municipal council under USMID-AF (2022-2024)</li> <li>4. Xingguao county transportation improvement (PPP) project (2017-2021)</li> </ol>
6.2.8 Specific Experience	(a)Participation as contractor, management contractor, or subcontractor, in at least <u>Two</u> contracts within the last <u>Five</u> years, each with a value of at least Uganda Shillings 60 Billion that have been successfully and substantially completed (at least 70 percent complete) and that are similar to the proposed works. The similarity shall be based on the physical size, & complexity. methods/technology or other characteristics as described in Section 6, Statement of Requirements.	Form and Certificates of Completion or Substantial Completion 10	<p>Bidder presents the following specific experience</p> <p>Project 1: The Xingguo County transportation improvement project Contract sum UGX 434,530,756,579</p> <p>Project 2- The PPP of G535 Dingnan Lishi-Wenlong Highway reconstruction project Contract sum UGX 446,142,062,879</p>

Sub-Factor	Requirement	Documents required	Submission by Zhongmei Engineering Group Ltd
	<p>The similarity of the contracts shall be based physical size complexity, construction methods /technology or other characteristics as described in Section VII, Scope of Works. The minimum key requirements shall include upgrading/reconstruction of not less than 14 km of roads in an urban environment, laying of crushed stone aggregate, dense bituminous macadam, asphalt concrete and installation of traffic signals.</p>		
6.2.9 Specific Experience	<p>For the above or other contractsexecuteddur intheperiodstipulate din6.2.8 (a)above, a minimum experience in the following key activities:</p>	Form 10 and copies of the contracts providing the scope of the works	
Note At least two contracts worth in the last five years	Gravel fill and subgrade – 180,000m <sup>3</sup>		PJ1 -2,857,129,22 PJ2-2,723,945.00 Av=2,790,537m <sup>3</sup>
Note At least two contracts worth in the last	Crushed Stone Subbase or Base – 37,000m <sup>3</sup>		PJ1-110,297.51 PJ2-92,212.3 Av=101,254.905m <sup>3</sup>

Sub-Factor	Requirement	Documents required	Submission by Zhongmei Engineering Group Ltd
five years			
Note At least two contracts worth in the last five years	Stone pitching – 32,000 m <sup>2</sup>		
Note At least two contracts worth in the last five years	Asphalt concrete Surfacing – 9,200m <sup>3</sup>		Pj1-93,421.05 Pj2-41,548.6 Av=67,484.825m3
Note At least two contracts worth in the last five years	i) Culvert installation – 10,000m		PJ1-0 PJ2-14,475.35m
6.2.10 Specific Experience-Environment and Social Activities	Experience in Implementing Environmental and social (ES) aspects in construction projects including but not limited to: <ul style="list-style-type: none"> <li>• Biodiversity,</li> <li>• Traffic management,</li> <li>• Child protection,</li> <li>• Consents and permits,</li> <li>• Occupational safety and health,</li> <li>• Grievance management,</li> <li>• Waste management and disposal,</li> <li>• HIV/AIDS and STIs,</li> <li>• Accident</li> </ul>	Form 10B and evidence of compliance with ES requirements in previous contracts including but not limited to NEMA certificates, Workplace registration certificates from MoGLSD, Environmental and Social Audit-copy of Compliance agreements or improvement notice from NEMA, evidence of compliance with water-use requirements (copy of	Civil works for the Upgrading of package 3: Olwiyo-Gulu Road (70.3 km); implemented during year 2025 to 2021  The PPP of G535 Dingnan Lishi-Wenlong Highway Reconstruction project and G238 Dingnan Lishi-old city section Highway Reconstruction project in Dingnan County. Years (2018-2021)  The bidder has given both the a narrative of implementation of ESHS & OSH actions, and evidences of implementation of the same as requested for form 10 (b)

Sub-Factor	Requirement	Documents required	Submission by Zhongmei Engineering Group Ltd
	prevention and management, <ul style="list-style-type: none"> <li>• Communication and stakeholder engagement,</li> <li>• Water resource protection,</li> </ul> Gender management.	water abstraction permit), copies of Development permits, hoarding permits for auxiliary sites in the previous contracts.	
6.2.11	In accordance with the PPDA guideline issued on 01 March 2017, and the local content Bill 2019, the bidder must submit evidence of a sub-contracting arrangement or other agreement with a local company or local companies ( <i>A local company is defined as a company registered in Uganda and wholly owned by Ugandans</i> ) that shall include details of the works with the local company/ies amounting to at least 30% of the scope of contracted works.	Form 11	Bidder has subcontracted to Etats Limited as per Form 11 attached  Subcontracting agreement is attached dated 17 <sup>th</sup> October 2024  Company has two directors James Balyejusa Margaret Balyejusa
6.2.12	The bidder shall submit details of the registration certificates and certificates of incorporation of the local company (ies)	Form 11	Etats Limited Attached certificate of incorporation dated 26 <sup>th</sup> September 1980
6.2.13	The local company in (ii) above shall submit particulars at least one Key Staff with at a degree in Engineering to be employed by the Local Company with an active role in the	Form 11	Attached CV Apollo Lwanga who is the Project manager, possess a Bachelor's degree in civil and structural Engineering obtained from University of Leeds in 2009.

Sub-Factor	Requirement	Documents required	Submission by Zhongmei Engineering Group Ltd
	company's site operations.		
6.2.14	The Bidder shall submit details of previous construction experience gained by the Local company (ies) in road construction.	Form 9 and Certificates of Completion or Substantial Completion	<p>Mechanised maintenance of selected unpaved national roads under framework contract for 3 years Call off order Number 3: Mechanised maintenance of Buwenge-Kaliro road (48km)</p> <p>Mechanised maintenance of selected unpaved national roads under framework contract for 3 years Call off order Number 2: Mechanised maintenance of Bugiri-Nabukalu-Namutumba Road (24km)</p> <p>Term Maintenance of Kamuli-Kaliro road (46km) and Kamuli-Bukungu road (68km)</p>
6.2.15	The bidder shall submit copies of the sub-contract agreement with the local company/ies detailing the scope of works that are to be executed by the local company	Sub-contract agreements	Subcontract with Etats Limited attached dated 17 <sup>th</sup> October 2024

## 6.0 CONCLUSION AND RECOMMENDATION

In light of the above, the Authority found **no merit** in the Grounds raised and recommends that the procurement should proceed to its logical conclusion.