



**PUBLIC PROCUREMENT AND DISPOSAL  
OF PUBLIC ASSETS AUTHORITY**  
"Procurement That Delivers"

**Our Ref: PPDA/IGG/103**

8<sup>th</sup> January 2025

The Inspector General of Government  
Inspectorate of Government  
P.O. Box 1682  
**KAMPALA**

**INSPECTION IN RESPECT OF THE ALLEGED UNFAIRNESS DURING THE  
EVALUATION OF TECHNICAL BIDS FOR THE PRE-PURCHASE OF INTERNET  
BANDWIDTH FOR THE GOVERNMENT OF UGANDA (NITA-U/UDAP/SUPLS/2023-  
2024/00033/LOT 2)**

Reference is made to the above subject.

The Authority received a request from the Inspectorate of Government to conduct an audit into the evaluation of technical proposals in the procurement for pre-purchase of internet bandwidth for the Government of Uganda (NITA-U/UDAP/SUPLS/2023-2024/00033/LOT 2).

Specifically, the Inspectorate of Government requested the Authority to provide an opinion as to whether the evaluation of technical proposals was conducted in accordance with the evaluation criteria provided in the Request for Proposals document.

In accordance with Section 8 (1) (i) of the PPDA Act, Cap. 205, the Authority instituted an inspection into the matter with the following objectives:

1. To establish whether bidders were unfairly eliminated during the evaluation of bids; and
2. To establish whether the bid submitted by Samanga Solutions Limited in Joint Venture with Liquid Telecommunications Uganda Ltd was correctly evaluated.

***1.0 Scope of the procurement***

The Authority reviewed the project appraisal document and the Request for Proposals document and noted that procurement would be undertaken using and would encompass the provision of a robust internet service and implementing a comprehensive DDOS attack and mitigation solution over a fifteen (15) year Indefeasible Right of Use (IRU) period as indicated below:

- i. For the internet service component, the provider must ensure high-speed, scalable IP connectivity with a minimum of 20 Gbps dedicated capacity. At least 2 protected routes with low latency, ensuring a round-trip delay (RTD) of less than 160 ms, and service availability of 99.9%, are required. The peering location shall be the MAN Center Site located at Statistics House, Colville St.: Latitude: 0°18'57.33"N Longitude: 32°35'5.28"E.

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- ii. To maintain reliability, the service provider must adhere to stringent Mean Time Between Failures (MTBF) standards, exceeding 30 days, and ensure a Mean Time to Restore (MTTR) of less than 4 hours. Additionally, they should offer 24/7 network monitoring and support, with a 2-hour response time for troubleshooting.
- iii. For the DDOS attack and mitigation solution, on-premise deployment is necessary for real-time detection and mitigation, with performance metrics demanding zero latency during normal operation and latency below 50 microseconds under attack. Scalability to meet current and future network needs, alongside multilayered protection strategies, is essential.
- iv. Additionally, the solution should provide comprehensive reporting, analytics, and integration with security ecosystems, including real-time alerting and notification mechanisms. Vendor-provided support, updates, and training for key personnel on DDOS threat management are also mandated for the first 3 years of implementation.

## **2.0 Whether bidders were unfairly eliminated during the evaluation of bids**

1. The Authority reviewed the procurement file and evaluation report and noted as follows:
  - i. Four bidders i.e. Airtel Uganda Ltd, MTN (U) Ltd, Sombha Solutions Store Ltd in Joint Venture with Tanzania Telecommunications Corporation and Samanga Solutions Limited in Joint Venture with Liquid Telecommunications Uganda Ltd submitted bids that were opened on 22<sup>nd</sup> July 2024.
  - ii. Three bidders i.e. Airtel Uganda Ltd, MTN (U) Ltd and Sombha Solutions Store Ltd in Joint Venture with Tanzania Telecommunications Corporation were eliminated during preliminary evaluation of bids.
  - iii. One bidder i.e. Samanga Solutions Limited in Joint Venture with Liquid Telecommunications Uganda Ltd was recommended for opening of its financial proposal.
2. The Authority reviewed the bids submitted by the bidders who were eliminated during preliminary and technical evaluation of bids and made the following observations:

### **2.1 Airtel Uganda Ltd**

The Authority reviewed the evaluation report and noted that Airtel Uganda Ltd was eliminated during preliminary evaluation for failure to submit Management Strategies and Implementation Plans (MSIP) to manage Environmental and Social (ES) risks, submission of an ineligible proposal security and submission of a combined technical and financial proposal.

#### **2.1.1 Management Strategies and Implementation Plans (MSIP) to manage Environmental and Social (ES) risks**

1. The Authority reviewed the Request for Proposals document issued to bidders and noted that ITP 11.2 (j) (iv) provided as follows:
  - i. Bidders shall submit Management Strategies and Implementation Plans (MSIPs) to manage the following key Environmental and Social (ES) risks:
    - a) Increased e-waste generation and energy consumption as noise pollution from installation of equipment and backup generators identified during the preparation of the project Environmental and Social Management Framework (Occupational,

- Health and Safety risks, potential for exploitation and unfair wages, discrimination at work and exposure to GBV/ SEA/ SH); and
- b) Poor working conditions as identified in the Labor Management Procedures and Environmental and Social Management Framework of the Project.
- ii. The provider and its workers shall be required to submit for approval before commencement of installation works, and subsequently implement, the Supplier's Environment and Social Management Plan (C-ESMP), in accordance with the Particular Conditions of Contract Sub-Clause 9.1, that includes the agreed Management Strategies and Implementation Plans described below:
    - a) Transportation management plan for the construction materials and associated risks of accidents, contamination of environment, noise and dust emissions, traffic congestion.
    - b) Water Resource Protection Plan to prevent contamination of drinking water.
    - c) Waste Management Plan for management of hazardous and non-hazardous waste streams, noise, dust, soil erosion, runoffs, storm water during construction, outbreak of diseases, aesthetic impact, and potential contamination of surface and groundwater sources, etc.
    - d) Emergency Prepared Plan to guide management of any emergency situations during implementation of project construction activities and this will include but not limited to, response to incidents/accidents, accident log, etc.: and Grievance Redress Mechanisms.
    - e) Health and Safety Management Plan to enforce the use of Personal Protection Equipment (PPE), place safety signs to avoid accidents to community and workers, and protect workers' health, among others.
2. The Authority reviewed the bid submitted by Airtel Uganda Ltd and noted that the bidder did not submit any information or documentation related to Management Strategies and Implementation Plans (MSIP) to manage Environmental and Social (ES) risks.
  3. The Authority reviewed the Request for Proposals document and noted that ITP 30.2 provided that preliminary examination of the technical part of a proposal shall be carried out to identify proposals that are incomplete, invalid or substantially nonresponsive to the requirements of the Request for Proposals documents. A substantially responsive proposal is one that materially confirms to the requirements of the Request for Proposals document without material deviation, reservation, or omission. A material deviation, reservation, or omission is one that if accepted, would:
    - i. Affect in any substantial way the scope, quality, or performance of the works specified in the contract; or
    - ii. Limit in any substantial way, inconsistent with the Request for Proposals document, the Purchaser's rights or the proposer's obligations under the proposed contract; or
    - iii. Limit in any substantial way, inconsistent with the Request for Proposals document, the Purchaser's rights or the proposer's obligations under the proposed contract; or
    - iv. If rectified, would unfairly affect the competitive position of other proposers presenting substantially responsive proposals.

4. The Authority found that omission of information or documentation related to Management Strategies and Implementation Plans (MSIP) to manage Environmental and Social (ES) risks as provided under ITP 11.2 (j) (iv) in the Request for Proposals document was a material deviation in accordance with ITP 30.2 as it would limit in any substantial way the proposer's obligations under the proposed contract and would unfairly affect the competitive position of other proposers presenting substantially responsive proposals.
5. Airtel Uganda Ltd did not meet the requirements set out in ITP 11.2 (j) (iv) of the Request for Proposals document.

### ***2.1.2 Proposal Security***

1. The Authority reviewed the Request for Proposals document issued to bidders and noted that:
  - i. ITP 20.1 provided that the proposer shall furnish as part of the technical part of its proposal, either a proposal-securing declaration or a proposal security as specified in the PDS, in original form and, in the case of a Proposal Security, in the amount and currency specified in the PDS. A bid security worth UGX 600,000,000 was required.
  - ii. ITP 20.3 (a) provided that the bid security would be in the form of an unconditional guarantee issued by a bank and shall be submitted either using the proposal security form included in Section IV, Proposal Forms or in another substantially similar format approved by the purchaser prior to proposal submission.
  - iii. ITP 20.4 provided that if a proposal security or a proposal-securing declaration is specified pursuant to ITP 20.1, any proposal not accompanied by a substantially responsive proposal security or proposal-securing declaration shall be rejected by the purchaser as non-responsive.
2. The Authority reviewed the bid submitted by Airtel Uganda Ltd and noted that the bidder submitted a proposal security issued by Standard Chartered Bank (U) Ltd worth UGX 600,000,000.
3. The Authority however found from a review of the proposal security submitted by Airtel Uganda Ltd that the security was not in the format provided in Section IV, Proposal Forms. Additionally, the clauses included in the proposal security submitted by Airtel Uganda Ltd differed from those included in the format provided in Section IV, Proposal Forms as indicated below:
  - i. The proposal security made reference to ITB Clause 20.2 which as per the Request for Proposals document refers to proposal securing declaration instead of ITP 20.3 in reference to the proposal security.
  - ii. The proposal security made reference to ITB Clause 20.2 in reference to the performance security instead of ITP 48.1.
4. The Authority found that the use of a different format inclusive of clauses not related to the proposal security as submitted by Airtel Uganda Ltd put the Entity at a risk of failure to cash the proposal security in the event that the bidder failed to meet any of the conditions indicated in ITP 20.7 of the Instructions to Proposers. Consequently, the omission was correctly found to be material in nature was not substantially responsive in contravention of ITP 20.4.

### ***2.1.3 Submission of a combined technical and financial offer***

1. The Authority reviewed the Request for Proposals document and noted as follows:
  - i. ITP 11.1 provided that the proposal shall comprise two parts, namely the technical part and the financial part. These two parts shall be submitted simultaneously in two separate sealed envelopes (two-envelope procurement process). One envelope shall contain only information relating to the technical part and the other, only information relating to the financial part. These two envelopes shall be enclosed in a separate sealed outer envelope marked "original proposal".
  - ii. ITP 11.4 provided that the technical part shall not include any information related to the proposal price. Where material financial information related to the proposal price is contained in the technical part the proposal shall be declared non-responsive.
2. The Authority reviewed the bid submitted by Airtel Uganda Ltd and noted that the bidder included its complete financial proposal as part of its bid in the form of a combined technical and financial bid.
3. The Authority found that the inclusion of financial information related to the proposal price in the technical proposal submitted by Airtel Uganda Ltd implied that the proposal was non-responsive to the requirements in the technical proposal in accordance with ITP 11.4

### **Conclusion**

The Authority found that the submission of an invalid proposal security, submission of financial information related to the proposal price in the technical proposal and failure to submit Management Strategies and Implementation Plans (MSIP) to manage Environmental and Social (ES) risks implied that Airtel Uganda Ltd did not meet the preliminary evaluation criteria and was in accordance with ITP 30.3, correctly eliminated during preliminary evaluation of bids.

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

## ***2.2 MTN Uganda Limited***

The Authority reviewed the evaluation report and noted that MTN Uganda Limited was eliminated during preliminary evaluation for failure to submit Management Strategies and Implementation Plans (MSIP) to manage Environmental and Social (ES) risks.

### ***2.2.1 Management Strategies and Implementation Plans (MSIP) to manage Environmental and Social (ES) risks***

1. The Authority reviewed the Request for Proposals document issued to bidders and noted that ITP 11.2 (j) (iv) provided as follows:
  - i. Bidders shall submit Management Strategies and Implementation Plans (MSIPs) to manage the following key Environmental and Social (ES) risks:
    - a) Increased e-waste generation and energy consumption as noise pollution from installation of equipment and backup generators identified during the preparation of the project Environmental and Social Management Framework (Occupational,

- Health and Safety risks, potential for exploitation and unfair wages, discrimination at work and exposure to GBV/ SEA/ SH); and
- b) Poor working conditions as identified in the Labor Management Procedures and Environmental and Social Management Framework of the Project.
- ii. The provider and its workers shall be required to submit for approval before commencement of installation works, and subsequently implement, the Supplier's Environment and Social Management Plan (C-ESMP), in accordance with the Particular Conditions of Contract Sub-Clause 9.1, that includes the agreed Management Strategies and Implementation Plans described below:
    - a) Transportation management plan for the construction materials and associated risks of accidents, contamination of environment, noise and dust emissions, traffic congestion.
    - b) Water Resource Protection Plan to prevent contamination of drinking water.
    - c) Waste Management Plan for management of hazardous and non-hazardous waste streams, noise, dust, soil erosion, runoffs, storm water during construction, outbreak of diseases, aesthetic impact, and potential contamination of surface and groundwater sources, etc.
    - d) Emergency Prepared Plan to guide management of any emergency situations during implementation of project construction activities and this will include but not limited to, response to incidents/accidents, accident log, etc.: and Grievance Redress Mechanisms.
    - e) Health and Safety Management Plan to enforce the use of Personal Protection Equipment (PPE), place safety signs to avoid accidents to community and workers, and protect workers' health, among others.
2. The Authority reviewed the bid submitted by MTN Uganda Limited and noted that the bidder did not submit any information or documentation related to Management Strategies and Implementation Plans (MSIP) to manage Environmental and Social (ES) risks.
  3. The Authority reviewed the Request for Proposals document and noted that ITP 30.2 provided that preliminary examination of the technical part of a proposal shall be carried out to identify proposals that are incomplete, invalid or substantially nonresponsive to the requirements of the Request for Proposals documents. A substantially responsive proposal is one that materially confirms to the requirements of the Request for Proposals document without material deviation, reservation, or omission. A material deviation, reservation, or omission is one that if accepted, would:
    - i. Affect in any substantial way the scope, quality, or performance of the works specified in the contract; or
    - ii. Limit in any substantial way, inconsistent with the Request for Proposals document, the Purchaser's rights or the proposer's obligations under the proposed contract; or
    - iii. Limit in any substantial way, inconsistent with the Request for Proposals document, the Purchaser's rights or the proposer's obligations under the proposed contract; or
    - iv. If rectified, would unfairly affect the competitive position of other proposers presenting substantially responsive proposals.
  4. The Authority found that omission of information or documentation related to Management Strategies and Implementation Plans (MSIP) to manage Environmental and Social (ES) risks

as provided under ITP 11.2 (j) (iv) in the Request for Proposals document was a material deviation in accordance with ITP 30.2 as it would limit in any substantial way the proposer's obligations under the proposed contract and would unfairly affect the competitive position of other proposers presenting substantially responsive proposals.

5. MTN Uganda Limited did not meet the requirements set out in ITP 11.2 (j) (iv) of the Request for Proposals document.

### **Conclusion**

The Authority found that the failure to submit Management Strategies and Implementation Plans (MSIP) to manage Environmental and Social (ES) risks implied that MTN Uganda Limited did not meet the preliminary evaluation criteria and was in accordance with ITP 30.3, correctly eliminated during evaluation of bids.

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

### **2.3 Sombha Solutions Store Ltd in Joint Venture with Tanzania Telecommunications Corporation**

The Authority reviewed the evaluation report and noted that Sombha Solutions Store Ltd in Joint Venture with Tanzania Telecommunications Corporation was eliminated during preliminary evaluation of bids on the following grounds:

- i. Submission of inadequate Management Strategies and Implementation Plans (MSIP) to manage Environmental and Social (ES) risks;
- ii. Provision of an inadequate proposal validity period; and
- iii. Provision of an inadequate proposal security.

#### **2.3.1 Management Strategies and Implementation Plans (MSIP) to manage Environmental and Social (ES) risks**

1. The Authority reviewed the Request for Proposals document issued to bidders and noted that ITP 11.2 (j) (iv) provided as follows:
  - i. Bidders shall submit Management Strategies and Implementation Plans (MSIPs) to manage the following key Environmental and Social (ES) risks:
    - a) Increased e-waste generation and energy consumption as noise pollution from installation of equipment and backup generators identified during the preparation of the project Environmental and Social Management Framework (Occupational, Health and Safety risks, potential for exploitation and unfair wages, discrimination at work and exposure to GBV/ SEA/ SH); and
    - b) Poor working conditions as identified in the Labor Management Procedures and Environmental and Social Management Framework of the Project.
  - ii. The provider and its workers shall be required to submit for approval before commencement of installation works, and subsequently implement, the Supplier's Environment and Social Management Plan (C-ESMP), in accordance with the

Particular Conditions of Contract Sub-Clause 9.1, that includes the agreed Management Strategies and Implementation Plans described below:

- a) Transportation management plan for the construction materials and associated risks of accidents, contamination of environment, noise and dust emissions, traffic congestion.
  - b) Water Resource Protection Plan to prevent contamination of drinking water.
  - c) Waste Management Plan for management of hazardous and non-hazardous waste streams, noise, dust, soil erosion, runoffs, storm water during construction, outbreak of diseases, aesthetic impact, and potential contamination of surface and groundwater sources, etc.
  - d) Emergency Prepared Plan to guide management of any emergency situations during implementation of project construction activities and this will include but not limited to, response to incidents/accidents, accident log, etc.: and Grievance Redress Mechanisms.
  - e) Health and Safety Management Plan to enforce the use of Personal Protection Equipment (PPE), place safety signs to avoid accidents to community and workers, and protect workers' health, among others.
2. The Authority reviewed the bid submitted by Sombha Solutions Store Ltd in Joint Venture with Tanzania Telecommunications Corporation and noted that the bidder submitted a Management Strategies and Implementation Plan (MSIP).
  3. The Authority however noted from a review of the Management Strategies and Implementation Plan (MSIP) that the bidder did not propose any specific measures or strategies to address and mitigate identified environmental and social risks. The bidder replicated the contents of the Environmental and Social Commitment Plan (ESCP) provided in the Request for Proposals document without proposing specific measures or strategies to address environmental and social risks. Therefore, the Entity has no means to determining of how identified risks would be mitigated or managed effectively within the project.
  4. The Authority reviewed the Request for Proposals document and noted that ITP 30.2 provided that preliminary examination of the technical part of a proposal shall be carried out to identify proposals that are incomplete, invalid or substantially nonresponsive to the requirements of the Request for Proposals documents. A substantially responsive proposal is one that materially confirms to the requirements of the Request for Proposals document without material deviation, reservation, or omission. A material deviation, reservation, or omission is one that if accepted, would:
    - i. Affect in any substantial way the scope, quality, or performance of the works specified in the contract; or
    - ii. Limit in any substantial way, inconsistent with the Request for Proposals document, the Purchaser's rights or the proposer's obligations under the proposed contract; or
    - iii. Limit in any substantial way, inconsistent with the Request for Proposals document, the Purchaser's rights or the proposer's obligations under the proposed contract; or
    - iv. If rectified, would unfairly affect the competitive position of other proposers presenting substantially responsive proposals.

5. The Authority found that omission of information or documentation related to mitigation or management of identified risks in the Management Strategies and Implementation Plans (MSIP) as provided under ITP 11.2 (j) (iv) in the Request for Proposals document was a material deviation in accordance with ITP 30.2 as it would limit in any substantial way the proposer's obligations under the proposed contract in regards to management and mitigation of environmental and social risks and would unfairly affect the competitive position of other proposers who presented substantially responsive proposals.
6. Sombha Solutions Store Ltd in Joint Venture with Tanzania Telecommunications Corporation did not meet the requirements set out in ITP 11.2 (j) (iv) of the Request for Proposals document.

### ***2.3.2 Proposal validity period***

1. The Authority reviewed the Request for Proposals document issued to bidders and noted that ITP 19.1 provided as follows:
  - i. Proposals shall remain valid until the date specified in the PDS or any extended date if amended by the purchaser in accordance with ITP 8. A proposal that is not valid until the date specified in the PDS, or any extended date if amended by the purchaser in accordance with ITP 8, shall be rejected by the purchaser as nonresponsive.
  - ii. Proposals shall be valid for a period of 120 days up to 9<sup>th</sup> November 2024.
2. The Authority noted that on 19<sup>th</sup> June 2024, Addendum No. 1 was issued to all bidders extending the deadline for submission of bids from 9<sup>th</sup> July 2024 to 22<sup>nd</sup> July 2024 and the proposal expiry date from 9<sup>th</sup> November 2024 to 22<sup>nd</sup> November 2024.
3. The Authority reviewed the proposal submitted by Sombha Solutions Store Ltd in Joint Venture with Tanzania Telecommunications Corporation and noted that the bidder provided its proposal expiry date as 9<sup>th</sup> November 2024 instead of 22<sup>nd</sup> November 2024 as provided in Addendum No. 1.
4. The Authority found that the submission of a proposal validity period that was less than that specified in Addendum No. 1 implied that Sombha Solutions Store Ltd in Joint Venture with Tanzania Telecommunications Corporation was in breach of ITP 19.1 of the Request for Proposals document and the proposal submitted was correctly determined as non-responsive.

### ***2.3.3 Proposal Security***

1. The Authority reviewed the Request for Proposals document issued to bidders and noted that:
  - i. ITP 20.1 provided that the proposer shall furnish as part of the technical part of its proposal, either a proposal-securing declaration or a proposal security as specified in the PDS, in original form and, in the case of a proposal security, in the amount and currency specified in the PDS. A bid security worth UGX 600,000,000 in a freely convertible currency and valid up to 7<sup>th</sup> December 2024 was required.
  - ii. ITP 20.3 (a) provided that the bid security would be in the form of an unconditional guarantee issued by a bank and shall be submitted either using the proposal security

- form included in Section IV, Proposal Forms or in another substantially similar format approved by the purchaser prior to proposal submission.
- iii. ITP 20.4 provided that if a proposal security or a proposal-securing declaration is specified pursuant to ITP 20.1, any proposal not accompanied by a substantially responsive proposal security or proposal-securing declaration shall be rejected by the purchaser as non-responsive.
2. The Authority noted that on 19<sup>th</sup> June 2024, Addendum No. 1 was issued to all bidders extending the deadline for submission of bids from 9<sup>th</sup> July 2024 to 22<sup>nd</sup> July 2024 and the proposal security expiry date from 7<sup>th</sup> December 2024 to 20<sup>th</sup> December 2024.
  3. The Authority reviewed the bid submitted by Sombha Solutions Store Ltd in Joint Venture with Tanzania Telecommunications Corporation and noted that the bidder submitted a proposal security issued by Bank of Baroda (U) Ltd worth UGX 600,000,000.
  4. The Authority however found from a review of the proposal security submitted by Sombha Solutions Store Ltd in Joint Venture with Tanzania Telecommunications Corporation that the security was not in the format provided in Section IV, Proposal Forms and was valid up to 7<sup>th</sup> December 2024 instead of 20<sup>th</sup> December 2024.
  5. The Authority further found from a review of the proposal security submitted by Sombha Solutions Store Ltd in Joint Venture with Tanzania Telecommunications Corporation that the clauses included in the proposal security differed from those included in the format provided in Section IV, Proposal Forms as indicated below:
    - i. The proposal security made reference to ITB Clause 20.2 which as per the request for proposal document refers to proposal securing declaration instead of ITP 20.3 in reference to the proposal security;
    - ii. The proposal security made reference to ITB Clause 43 which in the Request for Proposals document refers to contract award criteria;
    - iii. The proposal security made reference to ITB Clause 44 which in the Request for Proposals document refers to the purchaser's right to vary quantities at time of award instead of ITP 48.1 in reference to the performance security instead; and
    - iv. The proposal security made reference to ITB Clause 31 which in the Request for Proposals document refers to eligibility and qualifications of the proposer instead of ITP 29 on corrections to proposals.
  5. The Authority found that the use of a different format inclusive of clauses not related to the proposal security or the Request for Proposals document as submitted by Sombha Solutions Store Ltd in Joint Venture with Tanzania Telecommunications Corporation put the Entity at a risk of failure to cash the proposal security in the event that the bidder failed to meet any of the conditions indicated in ITP 20.7 of the Instructions to Proposers. Consequently, the omission was correctly found to be material in nature. The bidder was not substantially responsive in contravention of ITP 20.4.

### **Conclusion**

The Authority found that the omissions in proposal submitted by Sombha Solutions Store Ltd in Joint Venture with Tanzania Telecommunications Corporation related to Management Strategies

and Implementation Plans (MSIP), provision of an inadequate proposal validity period and provision of an inadequate proposal security implied that the bid submitted by the bidder did not meet the preliminary evaluation criteria. The bidder was correctly eliminated during evaluation of bids.

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

### ***3.0 Whether the technical proposal submitted by Samanga Solutions Limited in Joint Venture with Liquid Telecommunications Uganda Ltd was correctly evaluated***

The Authority reviewed the procurement action file and the technical proposal submitted by Samanga Solutions Limited in Joint Venture with Liquid Telecommunications Uganda Ltd and noted as follows:

#### ***3.1 Preliminary evaluation***

The Authority compared the evaluation criteria in the Request for Proposals document, clarifications No. 1 and 2 and the proposal submitted by Samanga Solutions Limited in Joint Venture with Liquid Telecommunications Uganda Ltd and found that the bidder was correctly determined to have met the preliminary evaluation criteria as indicated in table 1 below:

*Table 1: Comparison of preliminary evaluation criteria against contents of the proposal submitted by Samanga Solutions Limited in Joint Venture with Liquid Telecommunications Uganda Ltd*

<b>No</b>	<b>Criteria</b>	<b>Samanga Solutions Limited in Joint Venture with Liquid Telecommunications Uganda Ltd</b>
1.	Technical offer is signed by the authorized person	Technical proposal submission sheet was signed by Mr. Rahel Nkya who had been granted Powers of Attorney by the JV
2.	Manufacturer Authorization	Manufacturer's authorisation from Netscout as the provider of the DDOS detection and mitigation software.
3.	Management Strategies and Implementation Plans (MSIP)	Detailed MSIP included in Volume II of the bid inclusive of risks and associated plans as indicated below: <ul style="list-style-type: none"> <li>i. Transportation management plan.</li> <li>ii. Water Resource Protection Plan.</li> <li>iii. Waste Management Plan.</li> <li>iv. Emergency Preparedness Plan.</li> <li>v. Health and Safety Management Plan.</li> </ul>
4.	Joint venture agreement or a letter of intent to execute a Joint Venture Agreement must be submitted, as applicable;	Letter of intent to form a JV signed by Mr. Rahel Nkya and Mr. Michael Ntambi Mukasa.

No	Criteria	<b>Samanga Solutions Limited in Joint Venture with Liquid Telecommunications Uganda Ltd</b>
5.	Articles of Incorporation (or equivalent documents of constitution or registration documents of the legal entity including relevant certifications.	Certificates of Incorporation and articles of memorandum for both parties to the JV seen on file. Liquid Telecommunications Uganda Ltd was first incorporated and registered in Uganda on 16 <sup>th</sup> August 1993 Samanga Solutions Limited was incorporated on 11 <sup>th</sup> December 2011.
6.	Proposal validity period (120 days) up to 22 <sup>nd</sup> November 2024.	Proposal was valid up to 22 <sup>nd</sup> November 2024
7.	Proposal security amounting to UGX 600,000,000 or equivalent amount in a freely convertible currency in form of a Bank guarantee.	Bid security from Bank of Baroda amounting to UGX 600 Million in the name of the JV.
8.	Proposal security validity period up to 20 <sup>th</sup> December 2024.	Proposal security issued by Bank of Baroda (U) Ltd was valid up to 20 <sup>th</sup> December 2024.
9.	Conformity of address of the bid security with the address stated in the Proposal data sheet	Proposal security was addressed to NITA-(U)
10.	Unconditionality of proposal security	The proposal security was in the format prescribed in Section IV, Proposal Forms
11.	The Proposal Security is pledged by the bidder who submitted its offer/ in the name of the JV if bid is submitted in JV	Bid security from Bank of Baroda amounting to UGX 600 Million in the name of the JV.
12.	Submission of a complete proposal	All sections of the proposal and forms were submitted.
13.	Delivery schedule / implementation schedule	Delivery schedule is indicated as one year with 2 years post implementation support.
14.	Minimum technical requirements of the solution	Technical compliance sheet seen indicating compliance with the technical requirements of the proposed solution.
15.	Nationality	Both bidders are registered and incorporated in Uganda.
16.	No conflicts of interests as described in ITP 4.2.	Bidder indicated in its proposal submission letter that it did not have a conflict of interest.
17.	Not having been declared ineligible by the Bank as described in ITP 4.5.	Bidder indicated in its proposal submission letter that it had not been declared ineligible by the Bank.
18.	State owned Entity of the Borrower country (Compliance with conditions of ITP 4.6)	None of the members to the JV are stated owned enterprises,
19.	United Nations resolution or Borrower's country law (Not having been excluded	Indicated in the proposal submission sheet that the bidder has not been excluded as a

No	Criteria	Samanga Solutions Limited in Joint Venture with Liquid Telecommunications Uganda Ltd
	as a result of prohibition in the Borrower's country laws or official regulations against commercial relations with the Proposer's country, or by an act of compliance with UN Security Council resolution, both in accordance with ITP 4.8)	result of prohibition in the Borrower's country laws or official regulations against commercial relations with the Proposer's country, or by an act of compliance with UN Security Council resolution, both in accordance with ITP 4.8
20.	History of non-performing contracts (non-performance of a contract <sup>1</sup> did not occur as a result of Proposer's default since 1 <sup>st</sup> January 2021)	Bidder submitted Form CON – 2 for both members of the JV indicating compliance.
21.	Suspension (not under suspension based on execution of a proposal securing declaration or proposal securing declaration pursuant to ITP 4.7 and ITP 20.10)	Indicated in the proposal submission sheet that the bidder has not been suspended based on execution of a proposal securing declaration or proposal securing declaration pursuant to ITP 4.7 and ITP 20.10.
22.	Pending litigation (Proposer's financial position and prospective long-term profitability still sound according to Sub-Factor 2.3.1 and assuming that all pending litigation will be resolved against the proposer.)	Bidder submitted Form CON – 2 for both members of the JV indicating compliance.
23.	Litigation History (no consistent history of court/arbitral award decisions against the proposer <sup>2</sup> since 1 <sup>st</sup> January 2021)	Bidder submitted Form CON – 2 for both members of the JV indicating compliance.
24.	Bank's SEA and/or SH disqualification <sup>3</sup> (at the time of contract award, not subject to disqualification by the Bank for non-compliance with SEA/ SH obligations)	Bidder submitted Form CON – 3 for both members of the JV indicating compliance.

<sup>1</sup> Nonperformance, as decided by the Purchaser, shall include all contracts where (a) nonperformance was not challenged by the contractor, including through referral to the dispute resolution mechanism under the respective contract, and (b) contracts that were so challenged but fully settled against the contractor. Nonperformance shall not include contracts where Purchaser decision was overruled by the dispute resolution mechanism. Nonperformance must be based on all information on fully settled disputes or litigation, i.e. dispute or litigation that has been resolved in accordance with the dispute resolution mechanism under the respective contract and where all appeal instances available to the applicant have been exhausted.

<sup>2</sup> The Proposer shall provide accurate information on the related Letter of Proposal about any litigation or arbitration resulting from contracts completed or ongoing under its execution over the last five years. A consistent history of awards against the Proposer or any member of a joint venture may result in failure of the Proposal.

No	Criteria	Samanga Solutions Limited in Joint Venture with Liquid Telecommunications Uganda Ltd
25.	Historical financial performance (submission of audited balance sheets or if not required by the law of the proposer's country, other financial statements acceptable to the purchaser, for the last three (2020-2021, 2021-2022, 2022-2023) years to demonstrate the current soundness of the proposer's financial position and its prospective long-term profitability)	Bidder submitted Form FIN – 1.3.1 and audited books of accounts for both bidders for the FY 2023, 2022 and 2021 indicating liquidity ratios of 2.1 and 2.5.
26.	Average annual turnover (minimum average annual turnover of UGX 24,000,000,000 or equivalent calculated as total certified payments received for contracts in progress or completed, within last three years (2020-2021, 2021-2022, 2022-2023))	Bidder submitted Form FIN – 1.3.1 and audited books of accounts for both bidders for the FY 2023, 2022 and 2021 indicating average annual turnovers of UGX 29,749,391,109 and UGX 32,289,304,580.83.
27.	Financial resources (the proposer must demonstrate access to, or availability of, financial resources such as liquid assets, unencumbered real assets, lines of credit, and other financial means independent of any contractual advance payments to meet the cash-flow requirement of UGX 5,000,000,000 or equivalent. This will be assessed from letters of comfort from bankers indicating lines of credit or facilities available for the proposer)	Letters of comfort from Bank of Baroda (U) Ltd and Stanbic Bank (U) Ltd each indicating a willingness to offer credit up to UGX 5 Billion.
28.	General experience (experience under Information Communications Technology (ICT) and/or Telecommunication Systems contracts in the role of prime supplier, management contractor, JV member, or subcontractor for the last seven years prior to the applications submission deadline)	The bidder submitted Form EXP-1.4.1 indicating and contracts indicating that both bidders have more than seven years of experience in Information Communications Technology (ICT) and Telecommunication Systems.
29.	Specific experience: A sole proposer and all members of a Joint Venture must meet the requirement of a minimum of two similar contracts, each of minimum value of UGX 24,000,000,000 or equivalent as a prime supplier,	i. Supply and installation of a tactical and strategic satellite monitoring system worth EUR 12,797,900 between Samanga Solutions Limited

No	Criteria	Samanga Solutions Limited in Joint Venture with Liquid Telecommunications Uganda Ltd
	<p>management contractor, or sub-contractor between 1st January 2014 and bid submission deadline. The similarity of the contracts shall be based on the characteristics, scope, methods/technology, and key activities described in Section VII, Purchaser's requirements. The key focus areas include the following:</p> <ol style="list-style-type: none"> <li>i. IPT Services</li> <li>ii. Backhaul Services</li> <li>iii. Information Security</li> <li>iv. Services, including DDoS Attack and Mitigation Solutions</li> <li>v. ICT and Telecommunication Services)</li> </ol>	<p>and Ministry of Defence and Veteran Affairs; and</p> <ol style="list-style-type: none"> <li>ii. Supply of brand new Motorola VHF radio equipment and accessories worth USD 6,652,673.60 between Samanga Solutions Limited and Uganda Prisons Service.</li> <li>iii. Indefeasible right of use agreement between Liquid Telecommunications Ltd and Telekom Networks Malawi Plc worth USD 19,845,000.</li> <li>iv. Provision of ethernet private line between Liquid Telecommunications Ltd and China Telecom (Africa and Middle East) Limited worth USD 13,370,040.</li> </ol>

### 3.2 Technical evaluation

The Authority compared the evaluation criteria in the Request for Proposals document, clarifications No. 1 and 2 and the proposal submitted by Samanga Solutions Limited in Joint Venture with Liquid Telecommunications Uganda Ltd and found that the bidder was correctly determined to have met the technical evaluation criteria as indicated in table 2 below:

*Table 2: Comparison of technical evaluation criteria against contents of the proposal submitted by Samanga Solutions Limited in Joint Venture with Liquid Telecommunications Uganda Ltd*

Technical Requirement	Requirement Description	Solution Offered	Compliance Status
TSF 1.1 IP Interface and Terminal Devices	Provide IP connectivity via 40GE Interfaces or higher on terminal devices. Scalability for future expansion and service availability of 99.9%.	The solution utilizes high-performance terminal devices such as CISCO ASR-9006 routers, supporting 400GE interfaces.	Complies
TSF 1.2 IPT Capacity	Provide a minimum of 20 Gbps of dedicated, uncontented, and symmetrical Internet capacity.	20 Gbps IPT provided through multiple routes from Dar-es-Salaam, ensuring high capacity.	Complies
TSF 1.3 Protected Routes	Provide multiple high-capacity, low-latency protected routes.	Two protected routes from Dar-es-Salaam via Mutukula and Kikagati border points.	Complies

<b>Technical Requirement</b>	<b>Requirement Description</b>	<b>Solution Offered</b>	<b>Compliance Status</b>
TSF 1.4 Service Availability	Ensure protected circuits that guarantee 99.9% service availability	99.9% service availability ensured through network redundancy and dual routes.	Complies
TSF 1.5: Latency	Maintain RTD to European IXPs of less than 160ms.	Round-Trip Delay (RTD) of less than 160ms to major IXPs in Europe.	Complies
TSF 1.6 MTTR	Average time to restore service after failure should be less than 4 hours.	A 24/7 network operations center ensures MTTR of less than 4 hours.	Complies
TSF 1.7 MTBF	The Mean Time Between Failures (MTBF) for IRU Bandwidth shall exceed 30 days.	MTBF exceeds 30 days through proactive maintenance and redundant network architecture.	Complies
TSF 1.8: Maintenance	Conduct routine and non-routine maintenance, with notifications to NITA-U 7 days prior to planned work.	Maintenance and monitoring tools are provided with 7-day prior notification of planned maintenance.	Complies
TSF 1.9: Network Configuration & Monitoring	Provide Open Architecture monitoring solutions, including SNMP support, and configure terminal equipment within 2 working days.	Monitoring using tools such as Zabbix and Nagios, which support SNMP and ensure rapid configuration.	Complies
TSF 1.10: Network Monitoring and Support	Provide 24/7 network monitoring and real-time fault reporting, with senior engineers available for troubleshooting.	24/7 network monitoring provided, with comprehensive incident reporting and support.	Complies
TSF 1.11: SLAs	Penalties will apply for failure to meet guaranteed SLAs.	SLAs are provided, including penalties for non-compliance with performance guarantees.	Complies
TSF 1.12: Peering Location	The peering location shall be at the MAN Centre in Kampala.	Peering established at the MAN Centre (Statistics House).	Complies
TSF 1.13: Co-Location Services	Co-location for the termination equipment	Co-location services considered.	Complies

<b>Technical Requirement</b>	<b>Requirement Description</b>	<b>Solution Offered</b>	<b>Compliance Status</b>
	shall be provided free of charge for NITA-U purposes only.		
TSF I.14: Termination Devices	The provider shall take full responsibility for the maintenance of termination devices used for Internet bandwidth.	Full maintenance responsibility for termination devices.	Complies
TSF 1.15: IRU Period	The IRU period shall be 15 years after the initial activation of the full bandwidth caoacitv.	15-year IRU period provided.	Complies
TSF I.16 Round Trip Delay to European IXPs	Maintain RTD of less than 160 ms to major European IXPs (Amsterdam, Frankfurt, London)	RTD of less than 160 ms to European IXPs through established routes.	Complies
TSF 2. I: Deployment Location	The DDoS infrastructure shall be deployed on-premise at the Disaster Recovery Site.	DDoS infrastructure deployed at the MAN Centre (Statistics House) in Kampala.	Complies
TSF 2.2: Performance	Ensure zero latency during normal operation and minimal latency during DDoS attacks.	Proposed Arbor Sightline and TMS with minimal latency (<48μs) during attack mitigation.	Complies
TSF 2.3 Scalability	The solution must be scalable to meet the Government ICT backbone network's future needs.	Scalability up to 40G per appliance through software licensing increments.	Complies
TSF 2.4: Attack Detection	Real-time detection and mitigation of DDoS attacks.	Real-time detection and mitigation through Arbor Sightline and TMS systems.	Complies
TSF 2.5: Traffic Visibility	Provide in-depth traffic analysis and visibility.	The proposed solution offers in-depth analysis of traffic events and alerts, with advanced filtering capabilities.	Complies
TSF 2.6 Traffic Diversion	Divert malicious traffic while ensuring legitimate traffic continues.	Malicious traffic is diverted to scrubbing appliances with minimal	Complies

<b>Technical Requirement</b>	<b>Requirement Description</b>	<b>Solution Offered</b>	<b>Compliance Status</b>
		latency for legitimate traffic.	
TSF 2.7: Rate Limiting and Throttling	Implement rate limiting and traffic shaping to manage excessive traffic floods.	Rate limiting and throttling provided via system GUI and templates for traffic control.	Complies
TSF 2.8: Behavioral Analytics	Use behavioral analysis and machine learning to detect emerging threats.	Adaptive behavioral analytics enabled by machine learning to detect new and emerging DDoS threats.	Complies
TSF 2.9: Multilayered Approach	Deploy multilayered protection strategies to defend against various DDoS attack types.	Multilayered protection provided, including traffic cleaning by upstream providers.	Complies
TSF 2.10: High Availability	Ensure redundancy and high availability configurations.	High availability achieved through active-active and active-standby configurations with seamless failover mechanisms.	Complies
TSF 2.11: Anycast Support	Utilize anycast technology to distribute traffic across scrubbing centers.	Anycast IPs used for seamless reachability of mitigation appliances.	Complies
TSF 2.12 Reporting and Analytics	Provide comprehensive reporting and analytics tools for attack monitoring and traffic analysis.	Detailed reporting with over 400 reports out-of-the-box, with advanced filtering capabilities.	Complies
TSF 2.14: Integration with Security Ecosystems	Integrate with existing security ecosystems and SIEM platforms.	Full integration with SEIMS through REST API and SNMP protocols.	Complies
TSF 2.16 Policy-Based Configuration	Provide customizable security policies and rules.	Customizable security policies with policy-based management of configurations.	Complies
TSF 2.17: Real-Time Monitoring and Alerting	Provide real-time alerting and notification mechanisms for ongoing attacks.	Real-time monitoring and alerting through integration with network flow and SNMP	Complies
Management Strategies and	The Bidder shall submit Management Strategies	The proposer submitted detailed MSIP and	Complies

<b>Technical Requirement</b>	<b>Requirement Description</b>	<b>Solution Offered</b>	<b>Compliance Status</b>
Implementation Plans (MSIP) to manage Environmental and Social (ES) risks	and Implementation Plans (MSIPs) to manage key Environmental and Social (ES) risks. These risks include increased e-waste generation, energy consumption, noise pollution from equipment installation and backup generators, occupational health and safety concerns, exploitation and unfair wages, discrimination at work, and exposure to GBV/SEA/SH. The MSIP shall also address poor working conditions as identified in the Labor Management Procedures and the Environmental and Social Management Framework of the Project.	attended plans that include waste management, fire management plan, occupational health and safety management plan, Emergency preparedness plan among others The bidder also submitted a draft ESMP highlighting both positive and negative impacts and their enhancement and mitigation measures respectively He also proposed key safeguards personnel who will be key in implementing this plan	
Transportation Management Plan	Manage construction materials and mitigate associated risks such as accidents, environmental contamination, noise and dust emissions, and traffic congestion.	The proposer submitted detailed transport management plan and has been found adequate at this level	Complies
Water Resource Protection Plan	Plan to prevent contamination of drinking water sources.	The proposer submitted Water Resource and Protection especially when some digging or trenching will be involved	Complies
Waste Management Plan	Handle hazardous and non-hazardous waste, noise, dust, soil erosion, runoffs, stormwater, disease outbreaks, aesthetic impacts, and potential contamination	The proposer submitted and responsive to the requirement.	Complies

Technical Requirement	Requirement Description	Solution Offered	Compliance Status
	of surface and groundwater sources.		
Emergency Preparedness Plan	Guide the management of emergency situations during project construction, including incident/accident responses, accident logs, and grievance redress mechanisms.	The proposer submitted and detailed including contact persons in case of any emergency.	Complies
Health and Safety Management Plan	Enforce the use of Personal Protection Equipment (PPE), safety signage, and worker health protection measures to avoid accidents and safeguard the community and workforce.	The proposer submitted a detailed plan including training and induction requirements	Complies
Environmental and Social Management Plan (C-ESMP)	The Bidder and its workers are required to submit for approval, prior to the commencement of installation works, the Supplier's Environment and Social Management Plan (C-ESMP), which includes the agreed Management Strategies and Implementation Plans (MSIPs) listed here. This plan must be implemented in accordance with the Particular Conditions of Contract Sub-Clause 9.1 to manage key Environmental and Social risks throughout the project lifecycle.	The proposer submitted a detailed MSIP in Volume II of its bid encompassing the areas provided in ITP 11.2 (j) (iv).	Complies

## **Conclusion**

In light of the above, the technical proposal submitted by Samanga Solutions Limited in Joint Venture with Liquid Telecommunications Uganda Ltd was correctly evaluated by the Evaluation Committee. Consequently, the Authority found **no merit** in the Ground raised.

## **4.0 CONCLUSION**

The Authority found that Airtel Uganda Limited, MTN Uganda Limited and Sombha Solutions Store Ltd in Joint Venture with Tanzania Telecommunications Corporation were correctly eliminated during preliminary evaluation of their proposals in accordance with ITP 30.3 of the request for proposals document.

The Authority further found that the evaluation of the proposal submitted by Samanga Solutions Limited in Joint Venture with Liquid Telecommunications Uganda Ltd was conducted in accordance with the PPDA Act, Cap. 205, the World Bank Procurement Regulations for IPF Borrowers, 2023 and the solicitation document.

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



Dr. Aloysius M. Byaruhanga

**FOR: EXECUTIVE DIRECTOR**

**Disclaimer.** The Authority did not interview bidders as part of the inspection and only relied on documentation provided by the Entity in course of the exercise.