



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

**Our Ref: PPDA/UNRA/113**

13<sup>th</sup> August 2024

The Accounting Officer  
Uganda National Roads Authority  
P.O. Box 28487  
**KAMPALA**

**BID PREPARATORY AUDIT EXERCISE FOR PROCUREMENT OF  
CONSULTANCY SERVICES FOR UGANDA NATIONAL ROADS AUTHORITY**

Reference is made to the above subject.

The Public Procurement and Disposal of Public Assets Authority (PPDA) on 6<sup>th</sup> August 2024 conducted a bid preparatory audit into the procurement of the following consultancy services:

1. Consultancy services for the construction supervision of the design and build of Kotido – Moroto (96.4Km) Road Upgrading project (UNRA/CONS/23-24/00088);
2. Consultancy services for mainstreaming, awareness, creation, nutrition and prevention of HIV for UNRA Staff (UNRA/SRVCS/23-24/00064);
3. Consultancy services for the construction supervision for the design and build of Kotido – Kaabong (69.2Km) road upgrading project (UNRA/CONS/23-24/00089);
4. Consultancy services for the design check, works contract review and construction supervision for the rehabilitation of Kikorongo – Bwera -Mpondwe Road (38.2Km) (UNRA/CONS/23-24/00091);
5. Consultancy services for design check, works contract review and construction supervision of Nabumali – Butaleja – Namutumba Road (72.0km) from gravel to paved (bituminous) standard (UNRA/CONS/23-24/00089); and
6. Consultancy services for the design check, works contract review, detailed design for town roads (10km) and construction supervision for the upgrading of Lira Abim Road (125Km) and town roads (10Km) from gravel to paved (bituminous) standard (UNRA/SRVCS/23-24/00064).

The audit exercise involved a review of the procurement planning, requisition/initiation and solicitation document issued to bidders following the Public Procurement and Disposal of Assets Act, Cap 205, the PPDA Regulations, 2023 and PPDA Guidelines.

The objectives of the audit were to:

1. Ensure that public procurement planning and requisition was conducted in a manner which promotes transparency, accountability and fairness in accordance with the PPDA Act, Cap 205, the PPDA Regulations, 2023 and attendant Guidelines; and

HKM/Ae/pt

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2. Establish whether the solicitation documents issued to bidders were prepared in accordance with the provisions of the PPDA Act, Cap 205, the PPDA Regulations, 2023 and attendant Guidelines.

The Authority identified some exceptions for the attention of management. The purpose of this letter therefore is to communicate the following findings and recommendations for your attention and action.

***Objective One: To establish whether the public procurement planning and requisition process was conducted in a manner which promotes transparency, accountability and fairness in accordance with the Public Procurement and Disposal of Public Assets Act 2003, the PPDA Regulations 2014 and relevant guidelines***

#### **1. Format of the procurement plan**

The Authority noted that the Entity submitted the procurement plan for the Financial Year 2024/25 on 24<sup>th</sup> July 2024 but found that it was in the format issued by the Authority on 13<sup>th</sup> June 2021 and not the revised multi-year procurement plan format as issued by the Authority on 28<sup>th</sup> June 2024.

#### **Risk**

Use of a wrong procurement format impedes implementation and monitoring of some elements of the procurement plan.

#### **Recommendation**

The procurement plan should be revised taking into consideration the format issued by the Authority on 28<sup>th</sup> June 2024 and should be resubmitted by 21<sup>st</sup> August 2024.

***Objective Two: To establish whether the solicitation documents issued to bidders were prepared in accordance with the provisions of the PPDA Act, 2003, the PPDA Regulations, 2023 and attendant guidelines.***

#### **2.1 Consultancy services for the construction supervision for the design and build of Kotido – Kaabong (69.2Km) road upgrading project (UNRA/CONS/23-24/00089)**

##### **1. Specific experience**

The Authority reviewed the solicitation document and noted that Clause 5.2 (i) of the evaluation criteria and methodology provided that bidders should submit evidence of at least four similar projects undertaken within the last ten years (2013-2023) for which a maximum of 10 merit points would be awarded.

The Authority found that the criterion was restrictive as only a few bidders could feasibly meet this requirement given that the contract duration and complexity of the services to be provided are of a long term nature.

#### **Risk**

The use of restrictive evaluation criteria affects competition and the achievement of value for money.

**Recommendation**

Clause 5.2 (i) of the evaluation criteria and methodology should be amended to a maximum of two similar assignments within the last ten years to promote competition and value for money.

**2. Ambiguous criteria**

The Authority reviewed the solicitation document and noted that Clause 5.2 (v) of the evaluation criteria and methodology provided that a maximum of five merit points would be awarded for participation by Nationals among proposed key staff (total no. of man-months input for local staff/total number of man-months inputs for all key staff).

The Authority found that the exact requirement (for example 50% of man months) for achievement of the maximum of five merit points for participation by Nationals among proposed key staff required for bidders was not provided.

**Risk**

This could lead to subjectivity in the award of merit points for the criterion.

**Recommendation**

Clause 5.2 (v) of the evaluation criteria and methodology should be amended to indicate the exact requirement for achievement of the maximum merit points for the criterion (for example 50% of man months).

**3. Miscellaneous expenses**

The Authority reviewed the solicitation document and noted that Form 4.2.5 provided for a breakdown of miscellaneous expenses including office costs (IT equipment, office equipment, furniture, supplies, communication, rent and clerical assistance).

The Authority reviewed the solicitation document and noted that Clause 6.1(vi) of the statement of requirements on facilities to be provided by the Client provided that the Employer will provide the Consultant with office facilities, supplies, furniture and equipment as required for efficient execution of the project. Materials laboratory facilities, survey equipment, vehicles and hard furnished living accommodation including refrigerators, cookers, electricity and water supply will be provided by the Contractor under the works contract.

The Authority found that the requirement for provision of miscellaneous costs under Form 4.2.5 was unjustified as the same were to be provided by both the Employer and the civil works Contractor.

**Risk**

This could lead to nugatory expenses on miscellaneous items.

**Recommendation**

Form 4.2.5 of the solicitation document should be amended to remove any and all facilities to be provided by the Employer and the civil works Contractor in order to avoid duplication and nugatory expenses.



#### **4. Fédération Internationale des Ingénieurs-Conseils (FIDIC) Conditions of Contract**

The Authority reviewed the solicitation document and noted that the statement of requirements under various sections referred to the use of the Conditions of Contract for Plant and Design-Build for Electrical and Mechanical Works and For Building and Engineering Works Designed by the Contractor,” First Edition, 1999, as prepared by the Fédération Internationale des Ingénieurs-Conseils (“FIDIC”).

The Authority found that the Conditions of Contract as provided in the statement of requirements were obsolete as they have been superseded by the FIDIC Conditions of Contract for plant and Design-Build for Electrical and Mechanical Plant, and for Building and Engineering Works, Designed by the Contractor, Second Edition, 2017 Reprinted 2022 with amendments.

#### **Risk**

The Conditions of Contract may not be applicable which could lead to arbitration and delays in contract execution.

#### **Recommendation**

The Conditions of Contract should be revised from the Conditions of Contract for Plant and Design-Build for Electrical and Mechanical Works and For Building and Engineering Works Designed by the Contractor,” First Edition, 1999, as prepared by the Fédération Internationale des Ingénieurs-Conseils (“FIDIC”) to the FIDIC Conditions of Contract for plant and Design-Build for Electrical and Mechanical Plant, and for Building and Engineering Works, Designed by the Contractor, Second Edition, 2017 Reprinted 2022 with amendments.

#### **5. Environmental Monitoring Reports**

The Authority reviewed the solicitation document and noted that Clause 4.1.5 of the statement of requirements provided that Environmental Monitoring Reports are to be submitted every three months after the commencement of the construction supervision phase, presenting the environmental impacts and implementation of environmental mitigation measures during and at the completion of the construction stage. Environmental monitoring forms shall be completed and attached to the reports.

The Authority found that in order for the Entity to keep abreast of the Environmental, Social, Health and Safety issues affecting the project given the inherent risks, the quarterly reporting requirement was too long. The Environmental Monitoring Reports should be submitted on a monthly basis.

#### **Risk**

The Entity may not be kept abreast of the Environmental, Social, Health and Safety issues affecting the project.

#### **Recommendation**

Clause 4.1.5 of the statement of requirements in the solicitation document should be amended to provide for monthly submission of Environmental Monitoring Reports.

## **6. Price adjustment**

The Authority reviewed the solicitation document and noted that GCC 18.1 provided that the completion period for the services would be 60 months while GCC 32.1 provided that the contract price including the remuneration rates is subject to price variation for fluctuations in market, commodity or other variable rates.

The Authority found that the maximum or minimum adjustment under GCC 32.1 of the solicitation document was not provided.

### **Risk**

Failure to provide a cap on variations of price may lead to escalations in overall costs beyond the Entity's budget.

### **Recommendation**

GCC 32.1 of the solicitation document should be amended to provide for a ceiling of plus or minus 10% of the contract price in accordance with Clause C of Schedule 1 of the PPDA (Contracts) Regulations, 2023.

## **2.2 Consultancy services for mainstreaming, awareness, creation, nutrition and prevention of HIV for UNRA Staff (UNRA/SRVCS/23-24/00064)**

### **1. Specific experience**

The Authority reviewed the solicitation document and noted that Clause 5.2 (i) of the evaluation criteria and methodology provided that bidders should submit evidence of at least Five (5) integrated HIV/AIDS and awareness, sensitization, treatment, counselling, training and nutrition assignments in the last ten years for staff in excess of 400 for which a maximum of 10 merit points would be awarded.

The Authority found that the criterion was restrictive as only a few bidders could feasibly meet this requirement. The number of staff as 400 was irrelevant as a provider who had undertaken similar assignments in an organisation with 100 staff could provide the services while the number of similar assignments was unjustifiably high.

### **Risk**

The use of restrictive evaluation criteria affects competition and the achievement of value for money.

### **Recommendation**

Clause 5.2 (i) of the evaluation criteria and methodology should be amended to three similar assignments for 100 staff within the last ten years to promote competition and value for money.

### **2. Curriculum Vitae (CV) of Key Professional Staff**

The Authority reviewed the solicitation document and noted that Clause 5.2 (iii) of the evaluation criteria and methodology provided that each CV of Key Professional Staff must be submitted in the format provided in Form 4.1.6 of Section 4 of the request for proposals document and must be signed by both the expert and the authorised representative.

The Authority found that failure to sign the CVs by both the proposed experts and authorised representative should not be a basis for disqualification of the key expert or consultant as the same criterion provided that only staff whose CVs have been approved as part of the evaluation process shall be permitted to participate in the assignment under the contract and replacement or temporary substitution shall not be permitted unless in emergency or under exceptional circumstances, subject to the approval of the UNRA Project Manager in accordance with GCC 46.

**Risk**

Elimination of bidders on minor deviations that could be verified.

**Recommendation**

Clause 5.2 (iii) of the evaluation criteria and methodology should be adjusted to remove the mandatory requirement for both the proposed experts and authorised representatives to sign the curriculum vitae for key experts.

**3. Ambiguous criteria**

The Authority reviewed the solicitation document and noted that Clause 5.2 (v) of the evaluation criteria and methodology provided that a maximum of five merit points would be awarded for participation by Nationals among proposed key staff (total no. of man-months input for local staff/total number of man-months inputs for all key staff).

The Authority found that the exact requirement (for example 50% of man months) for achievement of the maximum of five merit points for participation by Nationals among proposed key staff required for bidders was not provided.

**Risk**

This could lead to subjectivity in the award of merit points for the criterion.

**Recommendation**

Clause 5.2 (v) of the evaluation criteria and methodology should be amended to indicate the exact requirement for achievement of the maximum merit points for the criterion (for example 50% of man months).

**4. Price adjustment**

The Authority reviewed the solicitation document and noted that GCC 18.1 provided that the completion period for the services would be 36 months while GCC 32.1 provided that the contract price including the remuneration rates is subject to price variation for fluctuations in market, commodity or other variable rates.

The Authority found that the maximum or minimum adjustment under GCC 32.1 of the solicitation document was not provided.

**Risk**

Failure to provide a cap on variations of price may lead to escalations in overall costs beyond the Entity's budget.

### **Recommendation**

GCC 32.1 of the solicitation document should be amended to provide for a ceiling of plus or minus 10% of the contract price in accordance with Clause C of Schedule 1 of the PPDA (Contracts) Regulations, 2023.

## **2.3 Consultancy services for the construction supervision of the design and build of Kotido – Moroto (96.4Km) Road Upgrading project (UNRA/CONS/23-24/00088)**

### **1. Ambiguous criteria**

The Authority reviewed the solicitation document and noted that Clause 5.2 (v) of the evaluation criteria and methodology provided that a maximum of five merit points would be awarded for participation by Nationals among proposed key staff (total no. of man-months input for local staff/total number of man-months inputs for all key staff).

The Authority found that the exact requirement (for example 50% of man months) for achievement of the maximum of five merit points for participation by Nationals among proposed key staff required for bidders was not provided.

### **Risk**

This could lead to subjectivity in the award of merit points for the criterion.

### **Recommendation**

Clause 5.2 (v) of the evaluation criteria and methodology should be amended to indicate the exact requirement for achievement of the maximum merit points for the criterion (for example 50% of man months).

### **2. Curriculum Vitae (CV) of Key Professional Staff**

The Authority reviewed the solicitation document and noted that Clause 5.2 (iii) of the evaluation criteria and methodology provided that each CV of Key Professional Staff must be submitted in the format provided in Form 4.1.6 of Section 4 of the RFP document and must be signed by both the expert and the authorised representative.

The Authority found that failure to sign the CVs by both the proposed experts and authorised representative should not be a basis for disqualification of the key expert or consultant as the same criterion provided that only staff whose CVs have been approved as part of the evaluation process shall be permitted to participate in the assignment under the contract and replacement or temporary substitution shall not be permitted unless in emergency or under exceptional circumstances, subject to the approval of the UNRA Project Manager in accordance with GCC 46.

### **Risk**

Elimination of bidders on minor deviations that could be verified.

### **Recommendation**

Clause 5.2 (iii) of the evaluation criteria and methodology should be adjusted to remove the mandatory requirement for both the proposed experts and authorised representatives to sign the curriculum vitae for key experts.

### **3. Miscellaneous expenses**

The Authority reviewed the solicitation document and noted that Form 4.2.5 provided for a breakdown of miscellaneous expenses including office costs (IT equipment, office equipment, furniture, supplies, communication, rent and clerical assistance).

The Authority reviewed the solicitation document and noted that Clause 6.1(vi) of the statement of requirements on facilities to be provided by the Client provided that the Employer will provide the Consultant with office facilities, supplies, furniture and equipment as required for efficient execution of the project. Materials laboratory facilities, survey equipment, vehicles and hard furnished living accommodation including refrigerators, cookers, electricity and water supply will be provided by the Contractor under the works contract.

The Authority found that the requirement for provision of miscellaneous costs under Form 4.2.5 was unjustified as the same were to be provided by both the Employer and the civil works Contractor.

#### **Risk**

This could lead to nugatory expenses on miscellaneous items.

#### **Recommendation**

Form 4.2.5 of the solicitation document should be amended to remove any and all facilities to be provided by the Employer and the civil works Contractor in order to avoid duplication and nugatory expenses.

### **4. Fédération Internationale des Ingénieurs-Conseils (FIDIC) Conditions of Contract**

The Authority reviewed the solicitation document and noted that the statement of requirements under various sections referred to the use of the Conditions of Contract for Plant and Design-Build for Electrical and Mechanical Works and For Building and Engineering Works Designed by the Contractor,” First Edition, 1999, as prepared by the Fédération Internationale des Ingénieurs-Conseils (“FIDIC”).

The Authority found that the Conditions of Contract as provided in the statement of requirements were obsolete as they have been superseded by the FIDIC Conditions of Contract for plant and Design-Build for Electrical and Mechanical Plant, and for Building and Engineering Works, Designed by the Contractor, Second Edition, 2017 Reprinted 2022 with amendments.

#### **Risk**

The Conditions of Contract may not be applicable which could lead to arbitration and delays in contract execution.

#### **Recommendation**

The Conditions of Contract should be revised from the Conditions of Contract for Plant and Design-Build for Electrical and Mechanical Works and For Building and Engineering Works Designed by the Contractor,” First Edition, 1999, as prepared by the Fédération Internationale des Ingénieurs-Conseils (“FIDIC”) to the FIDIC Conditions of Contract for plant and Design-



Build for Electrical and Mechanical Plant, and for Building and Engineering Works, Designed by the Contractor, Second Edition, 2017 Reprinted 2022 with amendments.

#### **5. Environmental Monitoring Reports**

The Authority reviewed the solicitation document and noted that Clause 4.1.5 of the statement of requirements provided that Environmental Monitoring Reports are to be submitted every three months after the commencement of the construction supervision phase, presenting the environmental impacts and implementation of environmental mitigation measures during and at the completion of the construction stage. Environmental monitoring forms shall be completed and attached to the reports.

The Authority found that in order for the Entity to keep abreast of the Environmental, Social, Health and Safety issues affecting the project given the inherent risks, the quarterly reporting requirement was too long. The Environmental Monitoring Reports should be submitted on a monthly basis.

#### **Risk**

The Entity may not be kept abreast of the Environmental, Social, Health and Safety issues affecting the project.

#### **Recommendation**

Clause 4.1.5 of the statement of requirements in the solicitation document should be amended to provide for monthly submission of Environmental Monitoring Reports.

#### **6. Price adjustment**

The Authority reviewed the solicitation document and noted that GCC 18.1 provided that the completion period for the services would be 60 months while GCC 32.1 provided that the contract price including the remuneration rates is subject to price variation for fluctuations in market, commodity or other variable rates.

The Authority found that the maximum or minimum adjustment under GCC 32.1 of the solicitation document was not provided.

#### **Risk**

Failure to provide a cap on variations of price may lead to escalations in overall costs beyond the Entity's budget.

#### **Recommendation**

GCC 32.1 of the solicitation document should be amended to provide for a ceiling of plus or minus 10% of the contract price in accordance with Clause C of Schedule 1 of the PPDA (Contracts) Regulations, 2023.

### **2.4 Consultancy services for the design check, works contract review and construction supervision for the rehabilitation of Kikorongo – Bwera -Mpondwe Road (38.2Km) (UNRA/CONS/23-24/00091)**

#### **1. Powers of Attorney**

The Authority reviewed the solicitation document and noted that Clause 3.2 of the evaluation methodology and criteria provided that bidders must submit registered Powers of Attorney if

drawn and signed in Uganda or notarized Powers of Attorney if drawn and signed outside Uganda, nominating a representative to conduct all business on its behalf during the proposal preparation, request for proposal process and contract execution in case of award of the contract.

The Authority found that the requirement was too prescriptive. The Donor should determine what extent of power they wish to give to the Donee. Prescription of the extent of powers granted to a Donee as per Powers of Attorney is not a remit of the Entity.

#### **Recommendation**

Clause 3.2 (i) of the evaluation methodology and criteria should be amended to provide for the submission of registered Powers of Attorney if drawn and signed in Uganda or notarized Powers of Attorney if drawn and signed outside Uganda and not the prescription of the extent of powers granted to the Donee.

#### **2. Ambiguous criteria**

The Authority reviewed the solicitation document and noted that Clause 5.2 (v) of the evaluation criteria and methodology provided that a maximum of five merit points would be awarded for participation by Nationals among proposed key staff (total no. of man-months input for local staff/total number of man-months inputs for all key staff).

The Authority found that the exact requirement (for example 50% of man months) for achievement of the maximum of five merit points for participation by Nationals among proposed key staff required for bidders was not provided.

#### **Risk**

This could lead to subjectivity in the award of merit points for the criterion.

#### **Recommendation**

Clause 5.2 (v) of the evaluation criteria and methodology should be amended to indicate the exact requirement for achievement of the maximum merit points for the criterion (for example 50% of man months).

#### **3. Miscellaneous expenses**

The Authority reviewed the solicitation document and noted that Form 4.2.5 provided for a breakdown of miscellaneous expenses including office costs (IT equipment, office equipment, furniture, supplies, communication, rent and clerical assistance).

The Authority reviewed the solicitation document and noted that Clause 6.1(vi) of the statement of requirements on facilities to be provided by the Client provided that the Employer will provide the Consultant with office facilities, supplies, furniture and equipment as required for efficient execution of the project. Materials laboratory facilities, survey equipment, vehicles and hard furnished living accommodation including refrigerators, cookers, electricity and water supply will be provided by the Contractor under the works contract.

The Authority found that the requirement for provision of miscellaneous costs under Form 4.2.5 was unjustified as the same were to be provided by both the Employer and the civil works Contractor.

**Risk**

This could lead to nugatory expenses on miscellaneous items.

**Recommendation**

Form 4.2.5 of the solicitation document should be amended to remove any and all facilities to be provided by the Employer and the civil works Contractor in order to avoid duplication and nugatory expenses.

**4. Fédération Internationale des Ingénieurs-Conseils (FIDIC) Conditions of Contract**

The Authority reviewed the solicitation document and noted that the statement of requirements under various sections referred to the use of the Conditions of Contract for Plant and Design-Build for Electrical and Mechanical Works and For Building and Engineering Works Designed by the Contractor,” First Edition, 1999, as prepared by the Fédération Internationale des Ingénieurs-Conseils (“FIDIC”).

The Authority found that the Conditions of Contract as provided in the statement of requirements were obsolete as they have been superseded by the FIDIC Conditions of Contract for plant and Design-Build for Electrical and Mechanical Plant, and for Building and Engineering Works, Designed by the Contractor, Second Edition, 2017 Reprinted 2022 with amendments.

**Risk**

The Conditions of Contract may not be applicable which could lead to arbitration and delays in contract execution.

**Recommendation**

The Conditions of Contract should be revised from the Conditions of Contract for Plant and Design-Build for Electrical and Mechanical Works and For Building and Engineering Works Designed by the Contractor,” First Edition, 1999, as prepared by the Fédération Internationale des Ingénieurs-Conseils (“FIDIC”) to the FIDIC Conditions of Contract for plant and Design-Build for Electrical and Mechanical Plant, and for Building and Engineering Works, Designed by the Contractor, Second Edition, 2017 Reprinted 2022 with amendments.

**5. Environmental Monitoring Reports**

The Authority reviewed the solicitation document and noted that Clause 4.2.4 of the statement of requirements provided that Environmental Monitoring Reports are to be submitted every three months after the commencement of the construction supervision phase, presenting the environmental impacts and implementation of environmental mitigation measures during and at the completion of the construction stage. Environmental monitoring forms shall be completed and attached to the reports.

The Authority found that in order for the Entity to keep abreast of the Environmental, Social, Health and Safety issues affecting the project given the inherent risks, the quarterly reporting requirement was too long. The Environmental Monitoring Reports should be submitted on a monthly basis.

**Risk**

The Entity may not be kept abreast of the Environmental, Social, Health and Safety issues affecting the project.

**Recommendation**

Clause 4.2.4 of the statement of requirements in the solicitation document should be amended to provide for monthly submission of Environmental Monitoring Reports.

**6. Price adjustment**

The Authority reviewed the solicitation document and noted that GCC 18.1 provided that the completion period for the services would be 33 months while GCC 32.1 provided that the contract price including the remuneration rates is subject to price variation for fluctuations in market, commodity or other variable rates.

The Authority found that the maximum or minimum adjustment under GCC 32.1 of the solicitation document was not provided.

**Risk**

Failure to provide a cap on variations of price may lead to escalations in overall costs beyond the Entity's budget.

**Recommendation**

GCC 32.1 of the solicitation document should be amended to provide for a ceiling of plus or minus 10% of the contract price in accordance with Clause C of Schedule 1 of the PPDA (Contracts) Regulations, 2023.

**2.5 Consultancy services for design check, works contract review and construction supervision of Nabumali – Butaleja – Namutumba Road (72.0km) from gravel to paved (bituminous) standard (UNRA/CONS/23-24/00089)****1. Ambiguous criteria**

The Authority reviewed the solicitation document and noted that Clause 5.2 (v) of the evaluation criteria and methodology provided that a maximum of five merit points would be awarded for participation by Nationals among proposed key staff (total no. of man-months input for local staff/total number of man-months inputs for all key staff).

The Authority found that the exact requirement (for example 50% of man months) for achievement of the maximum of five merit points for participation by Nationals among proposed key staff required for bidders was not provided.

**Risk**

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**Recommendation**

Clause 5.2 (v) of the evaluation criteria and methodology should be amended to indicate the exact requirement for achievement of the maximum merit points for the criterion (for example 50% of man months).



## **2. Curriculum Vitae (CV) of Key Professional Staff**

The Authority reviewed the solicitation document and noted that Clause 5.2 (iii) of the evaluation criteria and methodology provided that each CV of Key Professional Staff must be submitted in the format provided in Form 4.1.6 of Section 4 of the request for proposals document and must be signed by both the expert and the authorised representative.

The Authority found that failure to sign the CVs by both the proposed experts and authorised representative should not be a basis for disqualification of the key expert or consultant as the same criterion provided that only staff whose CVs have been approved as part of the evaluation process shall be permitted to participate in the assignment under the contract and replacement or temporary substitution shall not be permitted unless in emergency or under exceptional circumstances, subject to the approval of the UNRA Project Manager in accordance with GCC 46.

### **Risk**

Elimination of bidders on minor deviations that could be verified.

### **Recommendation**

Clause 5.2 (iii) of the evaluation criteria and methodology should be adjusted to remove the mandatory requirement for both the proposed experts and authorised representatives to sign the curriculum vitae for key experts.

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The Authority found that the requirement for provision of miscellaneous costs under Form 4.2.5 was unjustified as the same were to be provided by both the Employer and the civil works Contractor.

### **Risk**

This could lead to nugatory expenses on miscellaneous items.

### **Recommendation**

Form 4.2.5 of the solicitation document should be amended to remove any and all facilities to be provided by the Employer and the civil works Contractor in order to avoid duplication and nugatory expenses.

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#### **5. Environmental Monitoring Reports**

The Authority reviewed the solicitation document and noted that Clause 4.2.4 of the statement of requirements provided that Environmental Monitoring Reports are to be submitted every three months after the commencement of the construction supervision phase, presenting the environmental impacts and implementation of environmental mitigation measures during and at the completion of the construction stage. Environmental monitoring forms shall be completed and attached to the reports.

The Authority found that in order for the Entity to keep abreast of the Environmental, Social, Health and Safety issues affecting the project given the inherent risks, the quarterly reporting requirement was too long. The Environmental Monitoring Reports should be submitted on a monthly basis.

#### **Risk**

The Entity may not be kept abreast of the Environmental, Social, Health and Safety issues affecting the project.

#### **Recommendation**

Clause 4.2.4 of the statement of requirements in the solicitation document should be amended to provide for monthly submission of Environmental Monitoring Reports.

## **6. Price adjustment**

The Authority reviewed the solicitation document and noted that GCC 18.1 provided that the completion period for the services would be 51 months while GCC 32.1 provided that the contract price including the remuneration rates is subject to price variation for fluctuations in market, commodity or other variable rates.

The Authority found that the maximum or minimum adjustment under GCC 32.1 of the solicitation document was not provided.

### **Risk**

Failure to provide a cap on variations of price may lead to escalations in overall costs beyond the Entity's budget.

### **Recommendation**

GCC 32.1 of the solicitation document should be amended to provide for a ceiling of plus or minus 10% of the contract price in accordance with Clause C of Schedule 1 of the PPDA (Contracts) Regulations, 2023.

## **2.6 Consultancy services for the design check, works contract review, detailed design for town roads (10km) and construction supervision for the upgrading of Lira Abim Road (125Km) and town roads (10Km) from gravel to paved (bituminous) standard (UNRA/SRVCS/23-24/00064)**

### **1. Powers of Attorney**

The Authority reviewed the solicitation document and noted that Clause 3.2 of the evaluation methodology and criteria provided that bidders must submit registered Powers of Attorney if drawn and signed in Uganda or notarized Powers of Attorney if drawn and signed outside Uganda, nominating a representative to conduct all business on its behalf during the proposal preparation, request for proposal process and contract execution in case of award of the contract.

The Authority found that the requirement was too prescriptive. The Donor should determine what extent of power they wish to give to the Donee. Prescription of the extent of powers granted to a Donee as per Powers of Attorney is not a remit of the Entity.

### **Recommendation**

Clause 3.2 (i) of the evaluation methodology and criteria should be amended to provide for the submission of registered Powers of Attorney if drawn and signed in Uganda or notarized Powers of Attorney if drawn and signed outside Uganda and not the prescription of the extent of powers granted to the Donee.

### **2. Ambiguous criteria**

The Authority reviewed the solicitation document and noted that Clause 5.2 (v) of the evaluation criteria and methodology provided that a maximum of five merit points would be awarded for participation by Nationals among proposed key staff (total no. of man-months input for local staff/total number of man-months inputs for all key staff).

The Authority found that the exact requirement (for example 50% of man months) for achievement of the maximum of five merit points for participation by Nationals among proposed key staff required for bidders was not provided.

**Risk**

This could lead to subjectivity in the award of merit points for the criterion.

**Recommendation**

Clause 5.2 (v) of the evaluation criteria and methodology should be amended to indicate the exact requirement for achievement of the maximum merit points for the criterion (for example 50% of man months).

**3. Curriculum Vitae (CV) of Key Professional Staff**

The Authority reviewed the solicitation document and noted that Clause 5.2 (iii) of the evaluation criteria and methodology provided that each CV of Key Professional Staff must be submitted in the format provided in Form 4.1.6 of Section 4 of this RFP document and must be signed by both the expert and the authorised representative.

The Authority found that failure to sign the CVs by both the proposed experts and authorised representative should not be a basis for disqualification of the key expert or consultant as the same criterion provided that only staff whose CVs have been approved as part of this evaluation process shall be permitted to participate in the assignment under this contract and replacement or temporary substitution shall not be permitted unless in emergency or under exceptional circumstances, subject to the approval of the UNRA Project Manager in accordance with GCC 46.

**Risk**

Elimination of bidders on minor deviations that could be verified.

**Recommendation**

Clause 5.2 (iii) of the evaluation criteria and methodology should be adjusted to remove the mandatory requirement for both the proposed experts and authorised representatives to sign the curriculum vitae for key experts.

**4. Miscellaneous expenses**

The Authority reviewed the solicitation document and noted that Form 4.2.5 provided for a breakdown of miscellaneous expenses including office costs (IT equipment, office equipment, furniture, supplies, communication, rent and clerical assistance).

The Authority reviewed the solicitation document and noted that Clause 6.1(vi) of the statement of requirements on facilities to be provided by the Client provided that the Employer will provide the Consultant with office facilities, supplies, furniture and equipment as required for efficient execution of the project. Materials laboratory facilities, survey equipment, vehicles and hard furnished living accommodation including refrigerators, cookers, electricity and water supply will be provided by the Contractor under the works contract.



The Authority found that the requirement for provision of miscellaneous costs under Form 4.2.5 was unjustified as the same were to be provided by the Employer and the civil works Contractor.

**Risk**

This could lead to nugatory expenses on miscellaneous items.

**Recommendation**

Form 4.2.5 of the solicitation document should be amended to remove any and all facilities to be provided by the Employer and the civil works Contractor in order to avoid duplication and nugatory expenses.

**5. Fédération Internationale des Ingénieurs-Conseils (FIDIC) Conditions of Contract**

The Authority reviewed the solicitation document and noted that the statement of requirements under various sections referred to the use of the Conditions of Contract for Plant and Design-Build for Electrical and Mechanical Works and For Building and Engineering Works Designed by the Contractor,” First Edition, 1999, as prepared by the Fédération Internationale des Ingénieurs-Conseils (“FIDIC”).

The Authority found that the Conditions of Contract as provided in the statement of requirements were obsolete as they have been superseded by the FIDIC Conditions of Contract for plant and Design-Build for Electrical and Mechanical Plant, and for Building and Engineering Works, Designed by the Contractor, Second Edition, 2017 Reprinted 2022 with amendments.

**Risk**

The Conditions of Contract may not be applicable which could lead to arbitration and delays in contract execution.

**Recommendation**

The Conditions of Contract should be revised from the Conditions of Contract for Plant and Design-Build for Electrical and Mechanical Works and For Building and Engineering Works Designed by the Contractor,” First Edition, 1999, as prepared by the Fédération Internationale des Ingénieurs-Conseils (“FIDIC”) to the FIDIC Conditions of Contract for plant and Design-Build for Electrical and Mechanical Plant, and for Building and Engineering Works, Designed by the Contractor, Second Edition, 2017 Reprinted 2022 with amendments.

**6. Environmental Monitoring Reports**

The Authority reviewed the solicitation document and noted that Clause 4.3.4 of the statement of requirements provided that Environmental Monitoring Reports are to be submitted every three months after the commencement of the construction supervision phase, presenting the environmental impacts and implementation of environmental mitigation measures during and at the completion of the construction stage. Environmental monitoring forms shall be completed and attached to the reports.

The Authority found that in order for the Entity to keep abreast of the Environmental, Social, Health and Safety issues affecting the project given the inherent risks, the quarterly reporting

requirement was too long. The Environmental Monitoring Reports should be submitted on a monthly basis.

**Risk**

The Entity may not be kept abreast of the Environmental, Social, Health and Safety issues affecting the project.

**Recommendation**

Clause 4.2.4 of the statement of requirements in the solicitation document should be amended to provide for monthly submission of Environmental Monitoring Reports.

**7. Price adjustment**

The Authority reviewed the solicitation document and noted that GCC 18.1 provided that the completion period for the services would be 51 months while GCC 32.1 provided that the contract price including the remuneration rates is subject to price variation for fluctuations in market, commodity or other variable rates.

The Authority found that the maximum or minimum adjustment under GCC 32.1 of the solicitation document was not provided.

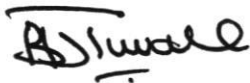
**Risk**

Failure to provide a cap on variations of price may lead to escalations in overall costs beyond the Entity's budget.

**Recommendation**

GCC 32.1 of the solicitation document should be amended to provide for a ceiling of plus or minus 10% of the contract price in accordance with Clause C of Schedule 1 of the PPDA (Contracts) Regulations, 2023.

This is to communicate to you the findings and recommendations of the Authority. You are requested to submit to the Authority a status of implementation of the recommendations within two weeks from the date of this letter.



Benson Turamye

**EXECUTIVE DIRECTOR**

cc: Chairperson, Contracts Committee  
cc: Head Procurement and Disposal Unit