



**INSPECTION REPORT INTO THE COMPLAINT ON ALLEGED
IRREGULARITIES IN THE TENDERING PROCESS FOR STREET
PARKING**

ENTITY: BUSHENYI-ISHAKA MUNICIPAL COUNCIL

COMPLAINANT: WHISTLEBLOWER:

MARCH 2025

TABLE OF CONTENTS

SUMMARY OF FACTS.....	1
LAW APPLICABLE:	2
OBJECTIVE:	2
METHODOLOGY	3
FINDINGS OF THE AUTHORITY	3

LIST OF TABLES

Table 1: Evaluation Committee Membership	1
Table 2: Record of issue of bidding document	1
Table 3: Record of bid opening	1

LIST OF ACRONYMS

CC	:	Contracts Committee
Cap.	:	Chapter
Ltd	:	Limited
MC	:	Municipal Council
PPDA	:	Public Procurement and Disposal of Public Assets Authority
UGX	:	Uganda Shillings

1.0. SUMMARY OF FACTS

1. On 30th April 2024, the Finance Officer for Bushenyi-Ishaka Municipal Council initiated the procurement process for the collection of street parking fees in Ishaka Division with an estimated total cost of UGX 50,400,000.
2. On 7th August 2024, the Contracts Committee approved the open bidding procurement method, solicitation document and the Evaluation Committee members as indicated in Table 1 below:

Table 1: Evaluation Committee Membership

No.	Name	Designation
1.	Mr. Arthur Muhumuza	Treasurer- Ishaka Division (Chair)
2.	Mr. Wilber Katungye	Assistant Procurement Officer
3.	Ms. Joventa Nimusiima	Accounts Assistant- Ishaka
4.	Ms. Shakira Nagasha	Finance Officer

3. On 12th August 2024, Bushenyi-Ishaka Municipal Council advertised in the Daily Monitor Newspaper the procurement for the collection of revenue from street parking fees with a deadline for bid submission of 30th August 2024.
4. The record of issue of solicitation document dated 12th August 2024 indicated that four firms picked the bidding document for the collection of revenue from street parking fees as indicated in Table 2 below:

Table 2: Record of issue of bidding document

No.	Name of bidder
1.	Turi Clear Technologies Limited
2.	Bushenyi Lorries Drivers Association Ltd
3.	Ntambiko Financial Services Ltd
4.	Fueless Technologies Ltd

5. On 30th August 2024, the Entity opened the bids for the collection of revenue from street parking fees as indicated in Table 3 below:

Table 3: Record of bid opening

No.	Name of bidder	Bid price (UGX)
1.	Turi Clear Technologies Limited	5,600,000
2.	Bushenyi Lorries Drivers Association Ltd	8,100,000
3.	Ntambiko Financial Services Ltd	5,700,000
4.	Fueless Technologies Ltd	5,500,000

6. On 3rd September 2024, the Evaluation Committee, in its evaluation report, confirmed that, out of the four bidders who submitted proposals, Turi Clear Technologies Limited and Fueless Technologies Ltd were compliant during both the preliminary and technical evaluation stages. As a result, both companies proceeded to the financial evaluation phase. Turi Clear

Technologies Ltd submitted a bid of UGX 5,600,000 per month, which led the Evaluation Committee to recommend the company for the award of the contract.

Table 4: Firms disqualified at evaluation

No.	Name of bidder	Bid price (UGX)	Reasons for disqualification
1.	Bushenyi Lorries Drivers Association Ltd	8,100,000	Not submitting the bid security and evidence of payment of the non-refundable fees
2.	Ntambiko Financial Services Ltd	5,700,000	Not submitting bid security of UGX 2,000,000
3.	Fueless Technologies Ltd	5,500,000	Lowest priced bid

7. On 5th September 2024, the Contracts Committee reviewed the evaluation report and awarded the contract for the collection of revenue from street parking fees in Ishaka Division to Turi Clear Technologies Limited at a contract value of UGX 5,600,000 per month.
8. On 5th September 2024, the notice of best-evaluated bidder was displayed on the procurement notice board at the Entity with a removal date of 20th September 2024.
9. On 20th September 2024, the Entity issued the letter of bid acceptance to Turi Clear Technologies Limited for the collection of revenue from street parking fees at a total contract price of UGX 5,600,000 per month.
10. On 20th September 2024, the Authority received a complaint from a whistle-blower alleging that there were irregularities in the tendering process for street parking at Bushenyi-Ishaka Municipal Council.
11. On 14th October 2024, the Authority launched an inspection and requested the Town Clerk of Bushenyi-Ishaka Municipal Council to submit the procurement action file for review in accordance with Section 8 (1) of the PPDA Act, Cap 205.
12. On 25th October 2024, the procurement action file was submitted to the Authority for review and interviews were held with key stakeholders in the procurement process.

2.0. LAW APPLICABLE:

- i. The Public Procurement and Disposal of Public Assets Act Cap, 205;
- ii. The PPDA (Evaluation) Regulations, 2023;
- iii. The PPDA (Contracts) Regulations, 2023;
- iv. The PPDA (Rules and Methods for Procurement of Supplies, Works, and Non-Consultancy Services) Regulations, 2023;
- v. The PPDA (Procuring and Disposing Entities) Regulations, 2023; and
- vi. PPDA Guidelines.

3.0. OBJECTIVE:

The objective of the inspection was to establish whether:

- i. The notice of the best-evaluated bidder for the collection of street parking was published by Bushenyi-Ishaka Municipal Council;
- ii. There were irregularities in the tendering process for the collection of revenue from street parking fees in Bushenyi-Ishaka Municipal Council; and
- iii. The Senior Procurement Officer received kickbacks and was on the monthly payroll, and/or has a conflict of interest with Turi Clear Technologies Ltd, as well as whether the firm was harassing community members and using forged printed receipts from the Council.

4.0. METHODOLOGY

4.1. The Authority adopted the following methodology:

The Authority reviewed the following documentation submitted by the Entity:

- i. Procurement requisition;
- ii. Contracts Committee approvals;
- iii. Bid notice;
- iv. Record of issue of bidding document;
- v. Record of receipt of bidding document
- vi. Bids submitted by all bidders;
- vii. Evaluation report; and
- viii. All correspondences on file related to this matter.

4.2. The Authority interviewed the following persons in Table 4 below:

Table 5: Persons interviewed by the Authority

No.	Name	Designation	Entity
1.	Mr. Roberto Nuwagira	Senior Procurement Officer	Bushenyi-Ishaka Municipal Council
2.	Mr. Derrick Kazooba	Senior Planner	Bushenyi-Ishaka Municipal Council
3.	Mr. Dan Mugenyi	Municipal Education Officer	Bushenyi-Ishaka Municipal Council
4.	Mr. Arthur Muhumuza	Treasurer- Ishaka Division	Bushenyi-Ishaka Municipal Council

5.0. FINDINGS OF THE AUTHORITY

5.1. Whether the notice of the best-evaluated bidder for the collection of street parking was published by Bushenyi-Ishaka Municipal Council

PPDA findings

1. The complainant alleges that the deadline for display of the best-evaluated bidder notice was 5th September 2024 but it was not displayed by Bushenyi-Ishaka Municipal Council.
2. Regulation 17 (1) of the PPDA (Procuring and Disposing Entities) Regulations, 2023 states that *“(1) A Procuring and Disposing Entity shall position its procurement and disposal notice board at a location within its premises which is freely accessible to members of the*

public.” The Authority noted that the Entity’s procurement and disposal notice board was placed in a suitable and accessible location.

3. Regulation 17 (2) (f) of the PPDA (Procuring and Disposing Entities) Regulations, 2023 requires *Procuring and Disposing Entities to display notices of the best-evaluated bidders on the procurement and disposal notice board.* In addition, Regulation 3 (1) of the PPDA (Contracts) Regulations, 2023 states that “*A Procuring and Disposing Entity shall, within five working days after the award decision of the Contracts Committee, display a notice of best-evaluated bidder on the notice board of the Procuring and Disposing Entity for ten working days.*”

The Authority observes that the contract for the collection of revenue from street parking fees was awarded by the Contracts Committee on 5th September 2024. The notice of the best-evaluated bidder was also published on the same date, as per the Contracts Committee Decision Form and the notice dated 5th September 2024, both of which are available in the procurement action file.

Additionally, the documentation indicates that the notice of the best-evaluated bidder was displayed for a period of 15 days, from 5th September 2024 to 20th September 2024. This display period meets the minimum requirement of 10 days stipulated in Regulation 3 (1) of the PPDA (Contracts) Regulations, 2023.

During interviews, the Senior Procurement Officer confirmed that the notice was displayed on 5th September 2024 and removed on 20th September 2024, in accordance with Regulation 3 (1) of the PPDA (Contracts) Regulations, 2023. The Chairperson of the Contracts Committee further confirmed that the notice was displayed immediately following the Contracts Committee meeting on 5th September 2024.

Based on the review of the provided documentation and corroborated information, the Authority concludes that the notice of the best-evaluated bidder was displayed in compliance with Regulation 17 (2) (f) of the PPDA (Procuring and Disposing Entities) Regulations, 2023 and Regulation 3 (1) of the PPDA (Contracts) Regulations, 2023.

4. Regulation 3 (4) of the PPDA (Contracts) Regulations, 2023 states that “*A Procuring and Disposing Entity shall deliver a copy of the notice of best-evaluated bidder to all bidders who participated in the bidding process in any of the following ways- (i) by electronic mail; (ii) by post or courier; or (iii) in person.*” Furthermore, Regulation 3 (5) of the PPDA (Contracts) Regulations, 2023 states that “*A Procuring and Disposing Entity shall obtain proof of delivery of the notice of best-evaluated bidder to all bidders.*” The Authority notes that the best-evaluated bidder notice on file had four signatures appended against each bidder who participated in the bidding process (**Annex 1**).

A review of the notice of the best-evaluated bidder on file by the Authority revealed that the notice was displayed and shared with all participating bidders, as representatives of the four participating firms signed against the names of their respective firms, indicating that

they had received a copy of the notice in accordance with Regulation 3 (4) of the PPDA (Contracts) Regulations, 2023.

The Authority found **no merit** in Objective 1.

5.2. Whether there were irregularities in the tendering process for the collection of revenue from street parking fees in Bushenyi-Ishaka Municipal Council
PPDA findings

1. The complainant alleged that there were irregularities in the tendering process for the collection of revenue from street parking fees. Particularly, the complainant alleged the passing of a non-compliant bidder and unfair evaluation.
2. Regulation 69 (6) of PPDA (Rules and Methods for Procurement of Supplies, Works, and Non-Consultancy Services) Regulations, 2023 states that *“The closure of the process of submission of bids shall be managed by at least one member of the Procurement and Disposal Unit and shall be witnessed by a member of the Contracts Committee or a member of the User Department nominated by the User Department.”* According to the record of bid opening dated 30th August 2024, the Procurement and Disposal Unit and a representative of the Contracts Committee were present when bids were received from the following firms:

Table 6: Firms registered on the record of bid opening

No.	Name of bidder	Bid price (UGX)
1.	Turi Clear Technologies Limited	5,600,000
2.	Bushenyi Lorries Drivers Association Ltd	8,100,000
3.	Ntambiko Financial Services Ltd	5,700,000
4.	Fueless Technologies Ltd	5,500,000

3. The Authority noted that the bid submitted by Turi Clear Technologies Limited had their price, both figures and words, overwritten in the price schedule. The bid submission sheet did not indicate the price for cross referencing. The initial bid price was UGX 4,200,000 (four million, two hundred thousand shillings) which was overwritten to read UGX 5,600,000 (five million six hundred thousand shillings) (**Annex 2**).
4. The Authority further noted that, a one Ronald had appended his signature against the overwritten figures and words (**Annex 2**).
5. During interviews, the Head Procurement and Disposal Unit explained that Ronald was a representative of Turi Clear Technologies Limited at bid opening and he was the person who appended his signature to confirm the over writing.
6. Regulation 5 of the PPDA (Evaluation) Regulations, 2023 states that *“a substantially compliant and responsive bid shall conform to all the instructions, requirements, terms, and conditions of the bid documents without material deviation, or omission.”* The Authority

noted that the Evaluation Committee did not mention or comment on the bid price but proceeded and recommended Turi Clear Technologies Limited as the best evaluated bidder.

7. Regulation 2 of the PPDA (Contracts) Regulations, 2023 states that *“After evaluation, a Procurement and Disposal Unit shall submit to the Contracts Committee, a recommendation to award a contract. The Contracts Committee shall consider the recommendation to award a contract and make a decision as may be appropriate.”*

A review of the Contracts Committee minutes dated 5th September 2024 under Minute Agenda 5, Minute Number: 034/CC/2023-2024, it was stated that “Members noted that on the bid submission sheet, there was a change in the figure counter-signed by a one Ronald who was the representative of the company at bid opening not the Director of the company (Turi Clear Technologies), hence the bid was not tampered with by internal mechanism. A letter was requested from the Director clarifying the figure as UGX 5,600,000 and this was received to enable the Committee to proceed.” (Annex 3).

8. During interviews, the Chairperson of the Evaluation Committee acknowledged that they were in agreement that the alterations were not done internally since all bids were opened in the presence of the HPDU and a representative of the Contracts Committee. Therefore, the Evaluation Committee assumed that the counter-signature was sufficient and valid.
9. The Chairperson Contracts Committee concurred with the submission made by the Chairperson Evaluation Committee that the changes were made before submission of the bid by Turi Clear Technologies Limited. The Chairperson concurred noting that, whereas the modification was discussed in the meeting, members were reassured by the counter signature made by one Ronald.
10. The Authority reviewed documentation and collaborated its findings with the Evaluation Committee, Contracts Committee and Head Procurement and Disposal Unit. However, whereas all of them concurred that the bid submitted by Turi Clear Technologies Limited had been tampered with, they proceeded to recommend and award the tender for collection of revenue from street parking fees in Bushenyi-Ishaka Municipal Council.
11. The Authority could not ascertain when and where the bid for Turi Clear Technologies Limited was tampered with. The Authority further notes that the person counter-signing against the tampered figures and words, a one Ronald, was not the donee to the bid. The authorized person who was granted the Powers of Attorney was Mr. Yasin Kyota. It was also irregular that the bid submission sheet was silent about the bid price contrary to the standard bid submission sheet provided by the Authority. Therefore, one could not collaborate the price schedule with the bid submission sheet.

The Authority found **merit** in Objective 2 since the bid submitted by Turi Clear Technologies Limited was tampered with and the person counter-signing was not the authorized representative of the firm in the procurement process for collection of revenue from street parking fees in Bushenyi-Ishaka Municipal Council.

5.3 Whether the Senior Procurement Officer received kickbacks and was on the monthly payroll, and/or has a conflict of interest with Turi Clear Technologies Ltd, as well as whether the firm was harassing community members and using forged printed receipts from the Council.

1. According to documentation provided (*Item 4.1 of this report*) and the collaborative information from the Entity, the Authority could not establish and determine whether the Senior Procurement Officer received kickbacks and/or is on the monthly payroll; and has a conflict of interest with Turi Clear Technologies Ltd.
2. In respect to whether the firm has been harassing community members and using forged printed receipts from the Council, the Treasurer- Ishaka Division and Head Procurement and Disposal Unit confirmed that receipts were issued by the Entity.

6.0. RECOMMENDATIONS

In light of the above findings, the Authority would like to recommend as follows:

1. The Accounting Officer should:
 - i. Not proceed to sign a contract on a tampered bid for the collection of revenue from street parking fees in Bushenyi-Ishaka Municipal Council; and
 - ii. Take overall responsibility on whether to retender the procurement or use an in house team to collect revenue from street parking in the Entity.
2. The Head Procurement and Disposal Unit should always issue to bidders the standard bid submission sheet to avoid unnecessary irregularities.

ANNEXES

Annex 1: Best-evaluated bidder notice with signatures of participating bidders

NOTICE OF BEST EVALUATED BIDDER
(For Procurements of works, supplies and non - consultancy services)

The bidder named below has been evaluated as the best evaluated bidder for the Procurement detailed below. It is the intention of the Procuring and Disposing Entity to place a contract with the bidder named after 10 working days from the date for the display given below:

Procurement Reference number	Subject of Procurement	Method of Procurement	Best Evaluated Bidder	Total Contract Price
BIMC 703/Srvcs/2024/2025/00019	Collection of revenue from Street Parking fees on Kagamba road, a stretch from ishaka. Leisure park along Basajabalaba Road up to Caltex on both sides of the road and along kizinda road upto the road leading to the kizinda market on both sides of the road in Ishaka Division	Open Bidding	M/s.Turi Clear Technologies Ltd <i>Received by Kyem Yassin on 12th Sept 24</i>	Ugx.5,600,000= Per Month V.A.T Inclusive

Unsuccessful bidders

No.	Procurement Reference number	Bidder	Stage of Elimination	Reason for Elimination
1	BIMC 703/Srvcs/2024/2025/00019	M/s. Ntambiko Financial Services Ltd	Preliminary Examination stage on a basis of pass or fail	Never submitted the Bid security of Ugx. 2,000,000/= in form Bank Draft addressed to Bushenyi-Ishaka Municipal Council from reputable financial institution <i>Noted by 12/11/24</i>
2	BIMC 703/Srvcs/2024/2025/00019	M/s. Bushenyi Lorries Drivers Association	Preliminary Examination stage on a basis of pass or fail	Never submitted the Bid security of Ugx. 2,000,000/= in form Bank Draft addressed to Bushenyi-Ishaka Municipal Council from reputable financial institution Never submitted a copy of receipt as evidence of payment of non-refundable fee for purchase of bid document <i>Noted by 12/11/24</i>
3	BIMC 703/Srvcs/2024/2025/00019	M/s.Fueless Technologies Uganda Ltd	Financial comparison to determine the evaluated price of Bids stage	M/s.Fueless Technologies Uganda Ltd Ugx.5,500,000= per month, lower than the best evaluated bidder <i>Called</i>

Date for Display:	5 th September,2024
Date for Removal:	20 th September,2024

Display of this notice does not constitute a contract. The contract shall be signed in accordance with the PPDA (Contracts) Regulations, 2024.

Authorized for display on the Procurement & Disposal Notice Board

Signature: *[Signature]*
Position: TOWN CLERK

Name: Mukobi Seleverio Byarufu
Date: 05/09/2024

FOR THE TOWN CLERK
BUSHENYI - ISHAKA MUNICIPAL COUNCIL

ANNEX 2: Alterations to the bid price for Turi Clear Technologies Limited

TURI CLEAR TECHNOLOGIES LTD

List of Services and Price Schedule

Procurement Reference Number: BIMC 703/Srvcs/2024/2025/00019

[Complete the currency of your bid. Complete the unit and total rates for each item listed below. Authorise the rates quoted in the signature block below.]

Currency of Bid: Uganda Shillings

Procurement Reference Number	Subject of Procurement	Monthly Quoted Amount
BIMC 703/Srvcs/2024/2025/00019	Collection of revenue from Street Parking fees on Kagamba road, a stretch from ishaka. Leisure park along Basajabalaba Road up to Caltex on both sides of the road and along kizinda road upto the road leading to the kizinda market on both sides of the road in Ishaka Division	Ugx: 5,600,000. per Month 5,600,000 per month

Amount in words Five million Six hundred thousand shillings.

Note:

- The quoted prices should be V.A.T Inclusive.
- Bidders are advised to quote revenues after researching and being sure that they will be able to collect the quoted revenue.
- Remember (A bidder shall not apply for more than two sources of revenue) in this procurement process

List of Services and Price Schedule Authorised By:

Signature: Kyota Yassin Name: Kyota Yassin

Position: Managing Director

Date: 30th August, 2024

Authorised for and on behalf of:

Company: Turi Clear Technologies Ltd

Address: P.o Box 394, Bushenyi Tel:0702665603



ANNEX 3: Contracts Committee under minute Agenda 5, Minute Number: 034/CC/2023-2024 dated 5th September 2024

RECORD OF CONTRACTS COMMITTEE MEETING HELD ON 05 TH SEPTEMBER, 2024				RS3
Date of Meeting:	05 th September, 2024		Meeting Reference Number:	08
PART 2: Summary of Procurement or Disposal Considered and Contracts Committee Decisions				
Agenda No	Procurement Reference Number	Subject of Procurement	Decision (Approved/Rejected)	Notes (i.e. conditions to approvals, reasons for rejections)*
Agenda No.1 Minute No. 030/CC/2023-2024		Prayer	Prayer was Made.	The short Prayer was led by Ms. Bugendo Moses
Agenda No.2 Minute No. 031/CC/2023-2024		Communication from the chairperson	Communication was made	The chairperson welcomed members to the meeting and informed the committee on the agenda. Asked members to keep doing the right work. Ended by thanking members for commitment to serve.
Agenda No.3 Minute No. 032/CC/2023-2024		Communication from Secretary	Communication was made	Thanked members for being committed to contracts committee meetings Informed them of the submissions he received from user departments
Agenda No.4 Minute No. 033/CC/2023-2024		Review of the previous minutes	The previous minutes were reviewed	Contracts committee members reviewed previous minutes and passed as a true record.
Agenda No.5 Minute No. 034/CC/2023-2024	BMC 703/Sves /2023- 2024/00019	Request for the approval of Evaluation reports and a ward recommendation of Collection of revenue from Street Parking fees on Kagamba road; a stretch from Ishaka. Leisure park along Basajababala Road up to Callex on both sides of the road, Kabirisi road and along Kizinda road up to the road leading to the Kizinda market on both sides of the road in Ishaka Division	The Evaluation reports and a ward recommendations were approved	<p>The contracts committee awarded Collection of revenue from Street Parking fees on Kagamba road, a stretch from Ishaka. Leisure park along Basajababala Road up to Callex on both sides of the road, Kabirisi road and along Kizinda road up to the road leading to the Kizinda market on both sides of the road in Ishaka Division to Ms. Turu Clear Technologies with a total evaluated price of Ugx. 5,600,000= (Five million Six Hundred thousand shillings only) V.A.T Inclusive.</p> <p>Members noted that on the bid submission sheet, there was a change in the figure and counter signed by a one Ronald who was the representative of the company at bid opening not the director of the company (Turu Clear Technologies) hence the bid was not tampered with by internal mechanism. A letter was requested from the Director clarifying the figure as 5,600,000= and this was received to enable the committee proceed.</p>

PP Form Issued Mar. 2003

Continue on additional pages if necessary.