



**PUBLIC PROCUREMENT AND
DISPOSAL OF PUBLIC ASSETS
AUTHORITY (PPDA)**

**REPORT OF THE FIFTH PROCUREMENT
SECTOR REVIEW WORKSHOP HELD ON
29TH JUNE, 2005
AT SPEKE RESORT MUNYONYO**

JULY 2005

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ACKNOWLEDGEMENT

The Public Procurement and Disposal of Public Assets Authority wishes to thank all those who participated in the fifth Public Procurement Sector Review Workshop. Focused presentations, individual attendance, active participation and valuable contributions and recommendations contributed immensely to the success of the workshop.

I would, however, wish to apologise on behalf of the Board and staff of PPDA, for the inconvenience that has continued to be meted out on the participants, whenever they come to Munyonyo for these review workshops. The relevant organs within PPDA responsible for organizing these review workshops will work out modalities to ensure that this does not occur in future.

Special acknowledgement goes to those individuals who in one way or the other played very important roles in ensuring the success of the review meeting. These included:

CHAIRPERSONS OF THE PLENARY SESSIONS:

- Mr. Harman Idema, The outgoing First Secretary, Royal Netherlands Embassy.
- Mr. Edgar Agaba, Executive Director PPDA.
- Mr. Winston Manzi, President CIPS Uganda Chapter.

PRESENTERS FROM THE DONOR COMMUNITY

- Mr. Rogati Kayani, Lead Procurement Specialist, World Bank.
- Mr. Francis Lemoine, Programme Officer, Delegation of the European Commission.
- Mr. Harman Idema First Secretary, Royal Netherlands Embassy.

PRESENTERS FROM PROCURING AND DISPOSING ENTITIES

- Mr. C.T. Katarikawe, Representative of Ministry of Local Government.

PRESENTERS FROM OVERSIGHT AGENCIES

- Mr. Charles Ocici, Executive Director. Enterprise (Uganda).

PRESENTERS FROM PPDA

- MR. James Kahoza, Chairman PPDA.
- Mr. Edgar Agaba, Executive Director PPDA.
- Mr. Julius Mulera Director Audit and Investigations.
- Mr. Milton Tumutegereize, Director Training and Capacity Building.
- Mr. Marvin Baryaruha, Manager Legal Affairs.
- Mrs. Mary Sozi, Director Finance and Administration.
- Mr. Nigel Shipman, Technical Advisor.

Rappotuer:

- Mr. James Katarya Kiyonga.

I wish to thank all the participants for their dedication and constructive contributions throughout the workshop.

Edgar Agaba
EXECUTIVE DIRECTOR, PPDA.

ACRONYMS AND ABBREVIATIONS

AO	Accounting Officer
CAO	Chief Administration Officer
CC	Contract Committee
CID	Criminal Investigations Department
CPAR	Country Procurement Assessment Review
CTB	Central Tender Board
DLGTB	District Local Government Tender Board
DSC	District Service Commission
IG	Inspectorate of Government
IGG	Inspector General of Government
LGA	Local Government Act, 1997
LGDPII	Local Government Development Programme
LGFAR	Local Government Financial and Accounting Regulations 1998
LGFIAS	Local Government Financial Information and Analysis System
LGs	Local Governments
LOGICS	Local Government Information Communication System
M&E	Monitoring and Evaluation
MoLG	Ministry of Local Government
NGOs	Non-Government Organisations
OAG	Office of the Auditor General
OECD	Organization for Economic Co- operation and Development
PCM	Project Cycle Management
PDE	Procurement and Disposal Entity
PPDA	Public Procurement and Disposal of Public Assets Authority
SBDs	Standard Bidding Documents
SWOT	Strength, Weakness, Opportunity and Threats
TI	Transparency International
TOR	Terms of Reference
TOT	Training of Trainers
UNABCEC	Uganda National Association of Building, Civil Engineering and Contractors
UNDP	United Nations Development Programme
WB	World Bank

EXECUTIVE SUMMARY

It is my task at the present stage in our deliberations to report on how far the benchmarks that were set at our last workshop in December 2004 have been accomplished. I shall confine myself to noting the overall position, as each Director will deal in greater depth with those undertakings that concern his Department.

Good progress has been made in achieving harmonization of the local government procurement with the national standard. A Bill that is presently before Parliament, together with implementing Regulations that have been prepared, will put the legal framework in place. A coordinating committee has been established between the Ministry of Local Government and PPDA, with the participation of key donor partners, to ensure that proper preparations are made and support is given to local authorities in meeting these new obligations. We shall also be focusing our training and capacity building programme onto the needs of local government staff.

There are several parts of the PPDA Act and Regulations that would benefit from amendments in order to strengthen harmonization and to improve efficiency. We do not, however, want to put forward these amendments piecemeal but would prefer that they form part of a comprehensive revision of the existing legislation that addresses the concerns that Ministries and others have raised.

There was concern expressed at the last Workshop about the entry qualification for procurement officers being too narrow and thus excluding some potentially good candidates. The matter has been raised with the Ministry of public service. However, the Ministry feels that the status quo on person specialisations for procurement officers should remain until there are adequate numbers of procurements specialists in the labour market and that, when filling procurement posts, priority should be given to persons with professional qualifications in the procurement field. Discussions on the matter are continuing.

Good progress has continued to be made in delivering the training and capacity building programme. The training modules have been revised and extended, so that 11 modules are now available. Much thought has been put into developing a suitable programme for accrediting institutions as suitable to run courses in procurement and to award qualifications and for certifying individuals as suitable professional to practice procurement. My colleague, Mr. Milton Tumutegyereize, will deal with these matters in his presentation.

Turning to compliance assessment, some 90% of central government procuring and disposing entities have established contrast committees and procurement and disposal units, as required by law. A further 8% are partially compliant in this respect, leaving only 2%, or just 2 institutions, namely the NSSF and Bank of Uganda, that are not compliant.

Much of the work of the Procurement Audit, Inspection and Investigations Departments since the last workshop has been concerned with the preparations of the audits strategy, in which task consultants generously funded by DANIDA, assisted us. A main objective of the strategy has been to establish what the level of coverage of the audit programme. This strategy will form the main theme of the presentation that my colleague, Mr. Julius Mulera, will make shortly.

The reports of our administrative reviews and complaints investigations have been on our website.

I am pleased to reports that an effective working relationship has now been established between the Auditor General's Office and PPDA.

There is a legal obligation on procuring and disposing entities to display bid notices and other key information about the procurement and disposal process on the PPDA's website as well as on their notice boards. We have not so far had in place the facilities to receive such information but these will be provided through a contract for the redesign of the PPDA website. Guidelines have been gazetted and will issue to entities shortly.

At a round Table in Johannesburg last year a blueprint was presented describing the information that ought to be captured to facilitate proper performance monitoring and evaluation. Some of this information will be captured when statutory information is put on our website but other information will require special surveys to collect. The various arrangements to capture this information have been identified and we hope to launch these surveys in the course of the coming financial year. Plans are well advanced for a survey of perception of corruption in public procurement to be undertaken later this year.

It is accepted in principle that storage should continue to be a decentralized function but that it ought to be regulated centrally as an integrated part of the procurement cycle.

However, the implications need to be considered further. The PPDA will be undertaking a comprehensive review of the Act and Regulations over the coming months in order to enable it to play a more effective role in procurement regulation. The possibility of extending the PPDA's role to the storage function will be considered in the course of this review.

The planned review of the prequalification process is well advanced and is one of the subjects that my colleagues, Mr. Baryaraha, will cover in his presentation. We have made less progress in devising a standard format for procurement plans but will give greater attention to in the coming months.

Regarding the undertaking that plans would be prepared for sensitising the public on corruption and for enhancing civic education, I am informed by the Directorate for Ethics and Integrity that a 3-year action plan has been developed to involve the public through Civic Society Organisations and in other ways in the fight against corruption.

Finally, I would note that the aide-memoire prepared at the last workshop was agreed by the Working Group on Procurement on 28 January 2005 and subsequently signed between Mr. Idema and myself.

While substantial progress has been made on many of the undertakings agreed at the last workshop, I recognise that there has been some shortcomings. One factor has been that the PPDA staff has spent most of the past 6 months confined to deskwork because of insufficient resources to carry out important activities. The PPDA is a key component of the good governance programme and achievement of Uganda's undertakings under that important

programme will be jeopardized if we are not sufficiently resourced to carry out our mandate. It is essential to provide the PPDA with adequate budget for 2005-06 and to resolve the arrangements that will enable us to accept donors' funds. Mrs. Mary Sozi will describe these problems in greater detail during her presentation to the workshop.

Subject to the necessary finances being available, there are many important activities that we plan to undertake over the next 6 months. We will:

- Review the corporate plan to take account of recent thinking.
- Continue to implement the Country Procurement Assessment Report.
- Harmonise Local Governments' Procurement with the national standard and build Local Governments' capacity.
- Undertake National Public Procurement Surveys to assess perceptions of corruption in procurement.
- Generate data on public procurement outcomes and performance.
- Implement the audit strategy and provide for an increased number of audits.
- Make detailed plans for professional development, including a certification and accreditation scheme.
- Redesign the PPDA website with a facility to display the statutory data to be provided by PDEs and.
- Establish a basis for our longer-term financing that will include some revenue to be generated from the services we render.

These and other activities should be reflected in the benchmarks to be set at the conclusion of this workshop.

CHAPTER 1: OPENING REMARKS BY MR. JAMES KAHOZA, CHAIRMAN BOARD OF DIRECTORS, PPDA

The Chairman,
Development Partners,
Board Members,
Stakeholders,
Distinguished guests,
Ladies and Gentlemen.

We are again meeting here to review and make an assessment of the progress made in procurement reforms since the last meeting in December last year.

As you will see from the programme before you, most of the talking will be done by the officers of the Public Procurement and Disposal of Public Assets Authority. This is in order, because PPDA is at the center of the procurement reforms going on in the public service. However, I would have wanted more time to be devoted to the private sector with regard to their views on the reforms as they see them.

Mr. Charles Ocici, the Executive Director Enterprise, Uganda is going to give his thoughts, more people from the private sector should have been encouraged to say what they think about the reforms and the PPDA in particular. There is no doubt that PPDA has continued to make progress in terms of its mandate as follows: -

- i) Through its publicity efforts, PPDA is now well known both in the private sector as well as in the public service.
- ii) Procurement in the public service is largely being carried out according to the law although some procurement decisions are being made, mainly in the political sector, in disregard of the law.
- iii) The PPDA has made great effort in achieving the benchmarks agreed on at the last Review meeting even though PPDA continues to face financial constraints, as I will point out.
- iv) PPDA's, working with the Ministry of Local Government, has got through Cabinet the Amendment of the Local Governments Act bringing local governments procurement under the PPDA Act and its attendant Regulations. The amendment Act is now before Parliament.
- v) PPDA audits of procurement entities are now planned with the Office of the Auditor General so as to avoid duplication and also to ensure that PPDA reports reach Parliament through the Auditor General.

- vi) Operational difficulties relating to annual pre-qualification and tax clearance every time bidders submit bids for any job have been resolved.
- vii) The Authority still faces a number of problems in its regulatory mandate with regard to the procurement entities. These are as follows: -
 - i) Procurement entities are not compiling reports regularly as required by law in spite of the fact that we agreed on the abridged form of such reports.
 - ii) Our staff or third party procurement providers carrying out audits in procurement entities do not always get answers or documents they need. Many of these entities do not properly maintain records relating to procurement trail. There is no excuse for not keeping records. We need to be more serious especially as we are not demanding detailed reports.
 - iii) The disposal function is still weak in procurement entities. Many do not have stores, not because they do not value them, but because all government departments lack space even for offices leave alone stores.
 - iv) PPDA itself continues to face financing difficulties. Its financial autonomy is not always respected. Its subvention in the budget is treated as just any item in the Ministry of Finance Vote. It can be diverted to finance any other obligations in that vote. I hope this will stop. The law demands that PPDA gets its subvention in the national budget.
 - v) PPDA budget should have been raised substantially especially as we will soon need to regulate Local Government procurement and disposal system.

I would welcome comments from donors on the kind of assistance they plan for the Procurement and Disposal Sector in Public Service this financial year.

PPDA is planning a survey to help in the understanding of what people think about the effectiveness of the procurement reform in curbing corruption in public service, the level of transparency in handling of bids at the level of procurement entities both at the centre and at the local government, and the effectiveness of PPDA with regard to its regulatory mandate and in particular the management of administrative review. PPDA budget this financial year remains in doubt with regard to its level. The Inspector General of Government may not help us in this survey because that department faces its own budget constraints. It is however important that this survey be carried out if not now but certainly in the near future.

Lastly, let me say that the procurement reforms introduced in this country are taking root. At the Board level we think good progress is being made. That is not to say that problems are all overcome. We will continue to have a few cases of non-compliance especially at the political level. Recently, we have had such cases in the Energy and Service sectors – both at a political level.

At the professional level, instances of non-compliance are many in the procurement entities and cases of corruption and fraud do exist, but this is the reason why we meet every six months to address them and move forward.

**CHAPTER 2: PROGRESS IN ACHIEVING THE BENCHMARKS IN THE AIDE-MEMOIRE,
MR. EDGAR AGABA, EXECUTIVE DIRECTOR, PPDA**

HARMONISATION OF LOCAL GOVERNMENT PROCUREMENT WITH THE NATIONAL STANDARD.

- There should be an urgent high-level meeting between PPDA, MoFPED and MoLG to identify the best way forward on amendments to the Local Government Act and the PPDA Act (January 2005).
- Undertaking met. A meeting was held with MoLG and Legislative Drafting Consultant on 11th January 2005 at which agreement was reached in principle that harmonisation be achieved through amendment of the Local Governments Act but that the Amendment Bill should provide that the PPDA Act should apply to local government procurement. The Bill has been introduced to Parliament. Implementation regulations are being discussed between PPDA and MoLG.
- The PPDA Act should be amended to provide that the Secretary to the Contracts Committee should not be a voting member (PPDA, by next review).
- As harmonisation is to be achieved through amendment of the Local Governments Act, it is not clear at present when an opportunity will arise to revise the PPDA Act. This proposed amendment will be considered with other proposals for amendment of the PPDA Act.

CAPACITY BUILDING

- MoFPED should review manpower requirements in the various PDUs and take appropriate action (by next review).
- The Ministry of Public Service has not agreed to a proposed broadening of entry qualifications for Procurement Officers. Discussions on the matter are continuing.
- A progress report should be made at the next review on the establishment of a certification and accreditation system (PPDA, by next review).
- Director of Training and Capacity Building will report in his speech on the progress made.

COMPLIANCE ASSESSMENT

- All central government PDEs to have fully functioning Contracts Committees and Procurement and Disposal Units (PPDA, by June 2005).
- The percentage of fully compliant PDEs has risen to 90% and a further 8% are partially compliant. Only 2% are not compliant.

AUDIT AND INVESTIGATION

- The auditing strategy should be completed (PPDA, April 2005).
- The draft audit strategy report is available and the highlights will form part of Director Procurement Audit's presentation.
- Plans should be made for a substantial increase in audits (PPDA, April 2005)

- A substantial increase in the number of audits forms part of the DANIDA strategy but implementation will depend on availability of resources. Complaints data should be published (PPDA, by next review).
- Reports relating to administrative reviews and investigations of complaints are posted on the PPDA website.
- Measures to be taken to establish open lines of communication and a collaborative approach between the Auditor General's Office and the PPDA (AG and PPDA, by March 2005).
- Undertaking already met. There have been meetings and correspondence and a representative of AG's Office now attends the Working Group on Procurement.

REPORTING

- PPDA should have in place arrangements for collecting statutory data for display on the PPDA's website (PPDA, June 2005).
- Accepted as a priority item. Guidelines have been gazetted on PDEs' obligations to display statutory information and on access to the PPDA's website. A contract has been issued to provide PDEs with access to the PPDA's website for posting the requisite data. A plan should be prepared for bringing Uganda's performance monitoring and evaluation system up to the international standard (PPDA, by next review).
- Plans have been prepared for the requisite performance monitoring and evaluation data to be obtained through the statutory returns and through surveys to be carried out in accordance with undertakings given in the Johannesburg Declaration.

OTHER UNDERTAKINGS

- A paper should be prepared on whether storage should be regulated as an integrated part of the procurement cycle (MoFPED, together with Ministry of Public Service and PPDA, by next review).
- Responsibility of the PPDA for regulation of the storage function should be considered as part of future revisions of the PPDA Act and Regulations.
- The pre-qualification process should be reviewed (PPDA, by next review).
- A meeting was held on 20 December 2004 with PDEs at which proposals were put forward on the frequency of review and the management of lists. The Board has approved guidelines.
- A format should be prepared for procurement plans (PPDA, together with the proposed pilot ministries of Works, Education, Health and Water, by next review).
- The review of the format is continuing. The training module on procurement planning has been revised.
- Plans should be prepared for sensitising the public on corruption and for enhancing civic education (Directorate for Ethics and Integrity, by next review).
- 3-year action plan has been developed to involve the public through Civil Society Organisations and in other ways in the fight against corruption.
- Aide-memoire should be agreed among stakeholders (PPDA, January 2005)
- Undertaking already met. The aide-memoire was agreed by the Working Group on Procurement on 28 January 2005 and subsequently signed between Mr Agaba and Mr Idema.

FINANCIAL POSITION

- The PPDA had to suspend activities during January – June 2005 due to financial shortfall.
- Essential to provide PPDA with adequate budget for 2005-06 and to resolve arrangements for accepting donors' funds.

WAY FORWARD

- Review of Corporate Plan.
- Continued implementation of Country Procurement Assessment Report (CPAR).
- Harmonisation of local governments' procurement with national standard.
- Capacity building in local governments.
- National Public Procurement Surveys.
- Generate data on public procurement outcomes and performance.
- Implementation of audit strategy with increased number of audits.
- Detailed plan for professional development, including certification and accreditation scheme.
- Redesign PPDA website with facility for displaying statutory data from PDEs.
- Establish suitable financing basis including revenue generated from services rendered.

CHAPTER 3: IMPLEMENTATION OF ACTION PLAN FOR THE 2004 COUNTRY PROCUREMENT ASSESSMENT REPORT BY MR ROGATI KAYANI, WORLD BANK

Summary of Presentation

- Background.
- Implementation Follow-up Mission.
- Pillar 1 – Legislative and Regulatory Framework (1).
- Pillar 2 – Central Institutional Framework and Capacity.
- Pillar 3 – Procurement Operations and Market Place.
- Pillar 4 – Integrity of the Procurement system.
- Issues for Discussion.

IMPLEMENTATION OF THE ACTION PLAN FOR 2004 CPAR

Background

- The 2004 CPAR is a result of collaborative work between the Government, the private sector and development partners undertaken between October 2003 and June 2004.
- CPAR issued to Government on June 15, 2004.
- Final CPAR approved by Government on September 22, 2004, after Government's comments had been incorporated. Government also gave a "No Objection" for public disclosure.

The CPAR findings and recommendations are streamlined along four pillars of sound public procurement as agreed by the World Bank and the OECD/DAC:

- Legislative and Regulatory Framework.
- Central Institutional Framework and Capacity.
- Procurement Operations and Market Place.
- Integrity of the Public Procurement System.

An Action Plan for implementing the recommendations was drawn along the four pillars.

Implementation Follow-up Mission:

- Following the Government's approval and no objection to public disclosure of the CPAR, dated September 22, 2004, the Second CPAR implementation follow-up mission was carried June 13-22, 2005.
- The mission consisted of: Rogati Kayani (Team Leader); Richard Olowo (Procurement Specialist); Isaac Mutenyio (Procurement Specialist, Uganda WB Office), Wedex Ilunga (Procurement Specialist, Zambia WB Office), Nigel Shipman (Technical Adviser, PPDA) and Charles Oleja (African Development Bank).

- This presentation is based on the findings and recommendations of this mission.

Pillar 1: Legislative and Regulatory Framework (1)

There are 2 Actions under this pillar.

A. The IGG, whenever he deems appropriate, should appoint a specialist procurement agency to handle complaints in cases where the PPDA has been advising party or complaints about PPDA itself.

- No need has arisen for implementing this action.
- Wording slightly revised by replacing “agency” by “consultant.”
- IGG now referring most procurement complaints to PPDA.
- Need to inform public that procurement complaints related to the central government and its agencies should be sent to PPDA.
- Stakeholders have to be reminded through the press on the roles of PPDA and IGG in the complaints mechanism.

Pillar 1: Legislative and Regulatory Framework (2)

B. Regulations for local government should be harmonized with those at the central government including giving to the Chief Administrative Officer the authority to appoint and remove tender board members.

- Amended Local Government Bill has been presented to Parliament. Already gone through the Parliamentary Committee and preparations are under way for the final reading and approval.
 - In the meantime no new district tender boards being appointed.
 - Their terms are only being extended when they expire.
- Local Government is preparing New Regulations.
- Local Government has requested PPDA to assist in preparing the Regulations to ensure consistency with those of the Central Government.
- **Main issue:** Working arrangements between PPDA and the Local Government Inspectorate Department need to be defined to ensure efficient oversight of the procurement function at the local government level.

Pillar 2 – Central Institutional Framework and Capacity (1)

- The actions under this pillar essentially deal with strengthening the policy role of the MoFPED, and procurement capacity at the PPDA and at procuring and disposing entities. 5 actions under this pillar.
- C. The MoFPED should resume its policy making role for the public procurement sector and as a minimum assign staff or a unit responsible for this task.**

- Commendable Progress has been made on this Action.
- Procurement Desk Officer appointed (David Kabataraine) He has also been appointed Board member of PPDA.
 - MoFPED to continue playing its role of parent ministry for the procurement cadre responsible for its development. To this effect, there is a need for MoFPED to develop the Scheme of Service for this cadre.

Issue: Presence and role of desk officer not known by other government organs. MoFPED to issue a circular to inform other government organs about the policy role of the MoFPED and appointment of a desk officer.

Pillar 2: Central Institutional Framework and Capacity (2)

D. PPDA should prepare a detailed implementation plan for the capacity building strategy and commence its implementation.

- Done. An Implementation plan is part of the Procurement Capacity Development Strategy of August 2004.

E. The PPDA should address the general lack of the fundamental understanding of the key public procurement principles, including the ethical aspects of procurement

- The PPDA is aware that this should be one of the aims of the regular training program.
- PPDA urged to ensure that emphasis is made on the principles behind every Procurement Regulation.

Pillar 2: Central Institutional Framework and Capacity (3)

F. HR measures, including individual career development plans, performance measures, and training, etc. for the development of the PPDA staff should be introduced.

- There is a training plan for each department and each PPDA staff.
- A training needs assessment has been drawn up.
- Performance appraisals are being conducted.

G. PPDA to initiate accreditation system, linking this to capacity building and career development measures

- PPDA should certify certain training providers who would each issue certificates to those who completed its courses successfully.
- However, a registration board would need to be established for purposes of accreditation. PPDA has developed preliminary proposals for accreditation and certification.
- **Issue:** Should this be a function of the MoFEPD?

Pillar 2: Central Institutional Framework and Capacity (4)

Qualifications for the Recently Recruited Procurement Specialists

- Basic academic qualifications and other qualifications stipulated by the Public Service Commission for the recently recruited procurement specialists appear too restrictive.
- The advertisement for these positions required a basic degree in commerce, business or economics and as a necessary condition, the individual must be a member of CIPS.
- For future recruitment, need to broaden the basic academic requirement to any basic degree and to emphasize more on the number of years of practical experience in public procurement rather than CIPS. As emphasized in the CPAR, CIPS is a qualification better suited for private sector purchasing and supplies but seriously lacking for public procurement
- CIPS qualified procurement specialists who had no experience in public procurement must receive intensive training in public procurement

Pillar 2: Central Institutional Framework and Capacity (5)

- PS for MPS has written to PPDA to defend the restrictive nature of the required qualifications
- Issue: Effort to meet the PS for discussion failed.

Pillar 2: Central Institutional Framework and Capacity (6)

Donor Financing for Capacity Building

- UNDP financing general capacity development
 - Financing to continue during the next program (2006-2010) probably through the proposed basket fund
- DANIDA is funding capacity building in procurement audit in the context of its overall support for anti-corruption measures
- USAID is supporting procurement capacity building in the local government in the context of decentralization. The program extends to 2007. USAID financed a capacity assessment study of the local government but has suspended further activities until the local government Act is amended and New Local Government Regulations issued.
- The Dutch Government is financing procurement curriculum development at Kyambogo and Makerere University Business School (MUBS).
- African Development Bank (AfDB) has provided about US\$50 million of earmarked budget support for Health Education, Auditor General and Procurement

Pillar 2: Central Institutional Framework and Capacity (7)

- First phase of US\$25 million has been disbursed. Second phase of US\$25 million will be released before September 2005.
- EU financing US\$5 million for institutional support of which US\$ 900,000 is for PPDA

Main Issues:

- Allocation of funds to the earmarked sectors is not clear
- PPDA only allocated US\$ 1.5 billion for FY05/06
- An additional US\$ 2.4 billion has been promised
- Need to coordinate financing especially at local government level

PPDA to prepare a financing plan for all capacity building activities

- Financing Plan to include strategy for revenue generation

Pillar 3 – Procurement Operations and Market Place

- This pillar deals with compliance with the Procurement Regulations by procuring and disposing entities and functioning of the market place (suppliers, consulting firms and contractors). There are 7 Actions for strengthening compliance and 5 Actions for strengthening the market place

H. Enforce existing rules on advertising, pre-qualification, submission and opening of bids, and the use of appropriate evaluation criteria through regular procurement audits and application of effective sanctions

- PPDA has carried out six procurement audits in the ministries of water, health, agriculture and education; NMS; and Mulago hospital. Only two (Education and Health) have been published. Progress has been slow
- Inadequate capacity at PPDA has been the main problem
- PPDA has completed preparation of draft audit Strategy

Pillar 3: Procurement Operations and Market Place (1)

I. PPDA to step up enforcement of procurement planning as required in the Regulations including integrating it in the budget process

- Circular issued to Procuring entities but follow-up appears weak
- PPDA has prepared a draft format for procurement plans

J. The PPDA should issue guidelines on the proper application of the registration lists

- A workshop was held on December 20, 2004
- Guidelines and standard bidding documents have been prepared on the basis of the recommendations of the workshop

Pillar 3: Procurement Operations and Market Place (2)

K. Access to negotiations should be restricted in open competitive bidding

- Enforcement dependent on regular audits as in H. above

L. Local Preferences should be abolished

- These have now been abolished in the draft local government Regulations.

M. The records and Archive Act should be fully implemented

- Although the Act was passed in 2001, hardly anything seems to have been done towards its implementation.
- Major issue is funding
- Funds have already been secured for a new building for the Records and Archives Centre

Pillar 3: Procurement Operations and Market Place (3)

N. The PPDA should monitor and enforce the proper use of the “procurement file” through its procurement audits

- Enforcement dependent on regular audits as in H. above

O. Full implementation of ASYCUDA++ should move forward quickly, including access for importers to lodge data into ASYCUDA++ prior to entry and the blue, green, yellow, red line classification

- URA has made good progress in this through the Modernization Project being financed by DFID

Procurement Operations and Market Place (4)

P. An education and certification programme for forwarding and clearing agents should be established.

- No progress made so far in implementing this action
- Main issue has been the lack of champion to initiate action. This action needs coordination between URA, MTTI and MoFPED. MTTI has undertaken to review its role in this and decide on the course of action

Q. The Customs Act of 1971 should be revised and brought up to the required modern standards

- The Customs Act has been revised under the New EAC Customs Act.
- URA and MTTI to follow up on the trade aspects as far as they relate to procurement.

Pillar 4 – Integrity of the Procurement System (1)

- This pillar deals with anti-corruption. The actions proposed under this pillar are meant to facilitate the prevention and detection of corruption and enforcement of sanctions against perpetrators. There are 5 actions proposed in the CPAR

R. The AG and the PPDA to establish open lines of communication and a collaborative, strategic approach for the monitoring, audit and oversight functions

- The AG and PPDA are now working very well together All ambiguities on their roles and responsibilities in the audit function have been ironed out.

Pillar 4 – Integrity of the Procurement System (2)

S. Government should enact and make effective the Amended Prevention of Corruption Act

- The Bill is now with Cabinet

T. Government should enact and implement the Right of Access to Public Information law

- The bill has been approved by Parliament
- Awaiting Presidential Assent

U. Government should enact and implement the joint Whistleblower Protection and Qui Tam law (He who sues does it for him and the State)

- Extensive consultations have started with 12 districts
- The policy is expected to be presented to Cabinet before the end of this fiscal year

Pillar 4 – Integrity of the Procurement System (3)

V. The IGG and the PPDA should collaborate (with other stakeholders) to conduct regular National Public Procurement Surveys

The IGG has undertaken to carry out the first survey before end of FY06.

- Draft TOR for the survey prepared

Estimated cost of Study

- Consultancy services: \$100,000
- Dissemination: \$20,000

Issues for Discussion

- Roles and Responsibilities of PPDA and the Inspectorate Department at the local government level.
- Do stakeholders know the role of the MoFEPD in procurement?
- Has the PPDA have the required capacity to train
- Who should accredit procurement professionals, PPDA or MoFEPD?
- Entry Qualifications for procurement staff remains an issue. What should be the next steps/

- How could PPDA finance itself?
- What should be the minimum frequency of procurement audits? How can this be implemented given the capacity of PPDA?

CHAPTER 4: THE ORGANIZATIONAL STRUCTURE OF AUDIT DEPARTMENT- MANDATE OF THE AUDIT DEPARTMENT, BY JULIUS MULERA, DIRECTOR, PROCUREMENT AUDIT, INSPECTION AND INVESTIGATIONS, PPDA

Mandate of the Audit Department

The Department is mandated under sections 7 and 8 of the PPDA Act to carry out:

- Audits,
- Inspections
- Investigations in all Procurement and Disposal Entities (PDEs) in order to ensure adherence to best practices in public procurement and disposal processes.

PROCUREMENT AUDIT APPROACH

- Out sourcing from the pre-qualified firms, and
- In-house

STRATEGIC FOCUS

Vision

- A fraud - free, transparent and value for money – led procurement environment.

Mission

- Increased efficiency and effectiveness in the PDEs through application of the established procurement and disposal practices.

Departmental Objectives:

- Main objective is to carry out inspections, audits, and investigations to ensure that PDEs spend public funds in a transparent and accountable manner.
- Strengthen PDEs' procurement systems
- Create an environment that is deterrent to negligence in procurement management.
- Build bidders' confidence through running an effective complaints review mechanism
- “taking stock” of the implementation status of the PPDA Act and Regulations.

Core Values

- Integrity
- Professionalism
- Transparency and Accountability
- Independence
- Reliability
- Team work

PROCUREMENT AUDIT OBJECTIVES

- To ensure proper planning processes;
- To ensure that proper procurement procedures were followed;
- To ensure proper and effective negotiations;
- To ensure proper awarding and commencement of the contract;
- To ensure that procurement of contracts (the tender process is in terms with the PPDA Act);
- To ensure that awarding of contracts is fair, equitable and cost effective;
- To ensure that all contracts are valid/properly authorized and approved;
- To ensure that there is adequate performance measurement criteria to enforce deliverables;
- To ensure that all invoice charges are valid, reasonable and accurate according to the contract terms and conditions;
- To monitor over time whether adherence by PDEs to legal requirements and good practise has improved;

UNDERTAKINGS

- Auditing Strategy by April 2005
- Plans for substantial increase in audits
- Publication of complaints data
- Establishment of lines of communication with Auditor General's office.

CURRENT STATUS

- Audit Strategy: only awaiting feedback from the international consultants and then Board approval.
- Audit Strategy outlines a strategy for increased audits.
- Administrative Reviews, Investigation and Inspection reports are now available on the PPDA website.
- A working committee of officials from OAG and PPDA has been established.

AUDIT STRATEGY

- Developed with funding by DANIDA under the Anti-Corruption Programme in Uganda
- Main objective: "A fully functional procurement audit and inspection division in operation, able to audit, inspect and investigate in accordance with its legal mandate".
- Domestic consultants: Pricewaterhouse Coopers Ltd.
- International consultants: RAMBOLL

Terms of Reference:

- Capacity assessment identifying regulatory constraints, qualifications and competence gaps;
- Re- evaluation of task descriptions;
- Needs assessment of tools;
- Training strategy and programme;

- Identify and specify co-operation modalities with stakeholders;
- Strategy for outsourcing audits;
- Main deliverable: An organisational development plan

KEY SUCCESS FACTORS

- An appropriate law
- Sufficient finances
- Strategic alliances with key stakeholders
- Re-organisation of the key functions in the dep't
- Capacity (numbers and skills)
- Appropriate and sufficient tools
- Linkages with other departments

BUILDING CAPACITY

Recommendations:

- Strategic alliance with outsourced firms
- Increase number of firms
- Outsource 75% - to reduce with time
- Develop skills – secondment, classroom training, study tours etc
- Training plan developed
- Recruitment of additional staff

RE-ORGANISATION

Recommendations:

- Organisation of the department on the basis of PDE's.
- Pyramid structure
- Refined job descriptions
- Annual declaration of private interests
- Quarterly staff performance review meetings
- Work plans to be drawn up annually
- Decision on which PDEs to outsource should be based on size, risk and any other peculiarity
- Each PDE should be audited at least once every 3 years
- Number of audits to increase progressively
- Sample size: 20% of the procurements but could be bigger for the larger PDE's
- Time frame: 2 months.
- Recommendations to be followed up – at most within six months
- Investigations to be carried out in-house
- “log-in” system for all investigations to be set up

STRATEGIC ALLIANCE

Recommendations:

- Working group – PPDA, OAG, IGG
- Meetings at least quarterly
- TOR s to be formalised

- Harmonisation of audit programmes
- Mechanism for exchange of information
- Leverage of competencies
- Some cases to be referred to the CID and DPP
- OAG to place reliance on the work of the departments
- Harmonised Acts
- Documented process of sharing information
- Documented process for the review of work of DPAII by OAG

FINANCES

Recommendations:

- Ear-marked funding
- Release against agreed upon programmes
- Tied to performance indicators

RESOURCES

Recommendations:

- Procurement of all necessary hardware
- Procurement of an audit package
- Manuals (have been developed by the consultants)
- Transport – payment of mileage to staff for official travel

DEPARTMENTAL LINKAGES

Recommendations:

- Harmonisation with other departments' plans – joint annual planning.
- Monthly meetings
- Sharing of reports

PERFORMANCE REVIEW

PROCUREMENT AUDITS:

Procurement audit of the following PDE's has been carried out:

- Ministry of Education & Sports
- Ministry of Water, Lands and Environment,
- Ministry of Agriculture, Animal Industries
- Ministry of Health
- National Medical Stores
- Mulago Hospital

INVESTIGATIONS:

- The department successfully investigated all the reported cases (26).

INSPECTIONS:

18 PDE's have been inspected

MONITORING AND FOLLOW UP:

- Now done routinely following inspections and audits.

CONSTRAINTS

- Staffing
- Finances
- Transport
- Enforcement powers

WAY FORWARD

- Intensify Inspections of all PDEs
- Conduct investigations and reviews of complaints as and when they arise.
- Expedite the implementation of the Audit strategy and Organisational Development Plan after Board approval.
- Strengthen collaboration with key stakeholders.

Our sincere gratitude goes to DANIDA and other development partners for their support. Our appreciation also goes to the WORLD BANK specifically for sharing professional information with us thus enhancing our skills.

CHAPTER 5: PROGRESS ON THE IMPLEMENTATION OF THE PROCUREMENT REFORMS BY THE DEPARTMENT OF TRAINING AND CAPACITY BUILDING, Mr. MILTON G. TUMUTEGYEREIZE, DIRECTOR, TRAINING AND CAPACITY BUILDING

OUTLINE OF PRESENTATION

- Purpose of the presentation;
- Background on Capacity Building Strategy (CBS);
- Key activities for Jan - June 2005;
- Challenges during implementation;
- Way forward from July 2005

PURPOSE OF PRESENTATION

To Inform the Procurement Sector Review (PSR) workshop of the progress made on the implementation of the procurement reforms by the PPDA Training and Capacity Building Department for the period Jan - June 2005

Background information on the CBS

- PPDA developed a Capacity Building Strategy (CBS), together with its implementation plan, in 2004;
- The strategy covers a 3-years' period i.e 2004/5 – 2006/7;
- Implementation started in July 2004 and has so far been on for one year;
- Implementation is mainly funded by GOU and partially by the UNDP;

Key activities undertaken from Jan – June 2005

Development of new and review of old modules:

- **Old modules reviewed:**
 - The new public procurement and disposal framework;
 - Procurement and Disposal Planning;
 - Standard Bidding Documents;
 - The Disposal Process;
 - Contracts & Contract Management;
- **New modules developed (outline):**
 - Public procurement & disposal principles;
 - Statement of requirements (involving specs, TOR and scope of works);
 - Prequalification and Bidding Process;
 - Bid Evaluation;
 - E-Procurement Strategies;
 - Ethics & Corruption;
 - International public procurement

Other activities

- Carrying out sensitisation programs for staff of PDEs and providers of works, services and supplies;
- Developing TOR and selection of the consultants to conduct a Training-of-Trainers program;
- Offering on-the-job support to PDEs and providers;
- Carrying out sensitisation programs for the media and other CSOs;
- Working on the TCB Operations Manual.
- Consultations on the process of developing a certification and/or accreditation system;
- Upgrading the PPDA training database;
- Conducting training of PPDA staff in all the modules on the new system;
- Review of the implementation plan of the CBS;
- Rolling out the CBS, and its implementation plan, into the new financial year, 2005/6.

Deliverables

- Sensitization and conducting of skills - based training for 1,330 persons as follows:
 - 33 Accounting Officers and Board members;
 - 55 members of the contracts committee;
 - 862 members of the user departments;
 - 92 members of the procurement cadre;
 - 72 providers and members of civil society organisations;
 - 216 local government personnel;
- Total number of PDEs trained:
 - 86 from central government
 - 59 from local governments
- Initiated the process for training of trainers (TOT) and contracted a Consultant to carry it out (which will be carried out next week i.e. early next financial year 2005/6)
- Held a stakeholders' workshop on the process of developing a certification and/or accreditation system;
- Agreed on a system of sharing information with other departments;
- Completed the TCB Operations Manual;
- Rolled out the Capacity Building Strategy;
- Conducted a Training Needs Assessment (TNA) in PPDA;

Stakeholders who benefited

- Government Institutions (PDEs);
- Staff under Institutional structures: AOs, CC members, User departments in Central & Local governments and Statutory bodies, PPDA staff;
- Institutions of higher learning : Nuffic twinning project covering Kyambogo university and MUBS;
- Providers of supplies, services and works;
- The media and civil society.

Challenges faced

- Increased demand for training;
- Low participant attendance, esp. from central government PDEs;
- Delayed harmonization of LG Regulations, hence, delayed implementation of the PPDA's LG sensitisation and training programs;
- Low levels of Publicity on PPDA mandate & activities due to lack of funds;
- Effective Monitoring & Evaluation the Training & capacity building activities;
- Demand for allowances for participants from both Central and Local governments;

Way Forward

- Continue the review and update of training modules;
- Continue conducting skills- based training programs;
- Conducting the training-of-trainers;
- Management (quality assurance) of post TOT training;
- Training of PPDA staff;
- Development of an effective M & E system (this is one of the TORs for the TOT Consultant);
- Continue consultations, with stakeholders, on the certification and/or accreditation system;
- Extension of UNDP project up to Dec. 2005;
- Explore ways of charging for training and capacity building activities rendered;
- Consider use of e-learning in training and capacity building;
- Agreement on action-plan of LG training by PPDA and MOLG;
- Increased publicity on PPDA mandate & activities;
- Conducting of Training Needs Assessment (TNA) in PDEs;
- Funding mobilization and Donor support follow up.

Summary

- PPDA (TCB) has been implementing a Capacity Building Strategy since July 2004;
- Highlighted progress made in implementation of the CBS for the period Jan-June 2005;
- Summarized the challenges so far met in the implementation process;
- Way forward for the CBS from July 2005.

CHAPTER 6: LEGAL AND COMPLIANCE DEPARTMENT: ACHIEVEMENTS MADE TO-DATE AND CURRENT PROGRAMMES BY MR. MARVIN BARYARUHA, MANAGER, LEGAL AND COMPLIANCE

BACKGROUND

- The department of Legal and Compliance had the following benchmarks from the last sector review in December 2004:
 - Harmonisation of Local Government procurement with the National Standard;
 - Compliance Assessment: All PDEs to have fully functioning contracts committees and procurement and disposal units;
 - Reporting of Procuring and Disposing Entities;
 - Pre-qualification;

BENCHMARKS

HARMONISATION OF LOCAL GOVERNMENT PROCUREMENT WITH THE NATIONAL STANDARD:

- Local Government Amendments Bill approved by Cabinet. (The department participated in reviewing the Bill. Comments were submitted to the Solicitor General and Ministry of Local Government);
- Local Government Procurement and Disposal Regulations in place. (The department participated in reviewing the Regulations. Comments have been forwarded to the Ministry of Local Government for Solicitor General's consideration);
- Amendments to the PPDA Act are being compiled.

COMPLIANCE ASSESSMENT:

All PDEs to have fully functioning contracts committees and procurement and disposal units:

- 90% are compliant: Have a fully functioning Contracts Committee and Procurement and Disposal Unit. (*Schedule 1 Attached*);
- 8% are Partially compliant: Have a contracts committee but no Procurement and Disposal Unit;
- 2% are Non-Compliant: Do not have a Contracts Committee or a Procurement Disposal Unit. (NSSF and Bank of Uganda);
- NSSF has commenced on the process of establishing a Contracts Committee and a Procurement and Disposal Unit.

MONITORING COMPLIANCE:

- Compliance assessment was conducted in 59 PDEs. The general findings were:
 - Lack of procurement plans;
 - Monthly reports are not submitted on a timely basis as required by the Law;.
 - User Departments require constant training (due to turn over of staff);
 - PDEs have pre-qualified lists of providers;
 - Independence of functions (Referral Hospitals, Defence and Security Organisations).

REPORTING OF PROCURING AND DISPOSING ENTITIES:

- The Guideline on collecting statutory data from PDEs to display on the PPDA's Website was gazetted on 27th May 2005. It is being printed at the UPPC;
- Of the 100 PDEs, 58 are fully compliant. They have submitted monthly reports on procurement and disposal up to April or May 2005. (*Schedule 2 Attached*);
- 33 PDEs are partially compliant. They have submitted some monthly reports on procurement but are not up-to-date. (All of them have submitted reports up to December 2004);
- 9 PDEs are non – compliant. They have not submitted reports since July 2004 to-date.

MONTHLY REPORTING: FINDINGS/PROBLEM AREAS:

- Motor Vehicle repairs;
- Splitting of procurements;
- Purchase of Air tickets (direct procurement);
- Fuel and Lubricants (direct procurement);
- Hotel and Conference facilities (direct procurement);
- Purchase of foodstuffs;
- Procurement thresholds in the Guidelines not observed;
- Non pre-qualified providers are used to provide goods, works and services;
- Commercial units in Universities;
- Non-Rotation of Providers;
- Contract amendments and variations above 15%. (Fourth Schedule of the Act).

REVIEW OF THE PRE-QUALIFICATION PROCESS:

- A workshop on pre-qualification for PDEs was held on 20th December 2004;
- The Board approved a Guideline on Pre-qualification: Providers will be pre-qualified for a period of 3 years;
- A Standard Bidding Document and User Guide on pre-qualification was prepared.

OTHER ACTIVITIES CONDUCTED

STANDARD BIDDING DOCUMENTS FOR CENTRAL GOVERNMENT

- The standard Bidding Documents for Central Government entities were approved by the Solicitor General and are due for printing;
- The categories are:
 - **Works:** Open/Restricted & Request For Quotations;
 - **Services:** Open/Restricted & Request For Proposals;
 - **Supplies:** Open/Restricted & Request For Quotations/PO;
 - **Disposal:** Public Bidding & Sale to Public Officials;

SIX GUIDELINES WERE GAZETTED ON 27TH MAY 2005. DUE FOR PRINTING:

- Procurement and Disposal Guideline for Schools - Guideline 1/2004;

- Notice Formats under 7th Schedule to PPDA Regulations - Guideline 2/2004;
- Monthly Reports Guideline - 3/2004;
- Procedure for use of PPDA's website by PDEs- Guideline 4/2004;
- Appointment of members of Contracts Committee - Guideline 5/2004;
- Third Party Procurement or Disposal Providers – Guideline 6/2004.

USER GUIDE ON THE PPDA ACT AND REGULATIONS FOR CENTRAL GOVERNMENT

- One thousand (1,000) copies of the User Guide on the PPDA Act and Regulations were printed and circulated to Procuring and Disposing Entities.

LIST OF COMMON USER ITEMS FOR PROCURING AND DISPOSING ENTITIES

- A report on the common user items under services and supplies including a price list was compiled;
- A report on common user items under works is being compiled.

CONSTRAINTS

LACK OF FINANCIAL RESOURCES: The following activities could not be undertaken:

- A workshop for commercially oriented and small Procuring and Disposing Entities;
- Development of a National Providers' Registration system;
- Publication of procurements in excess of US\$ 200,000 (*Poverty Reduction Sector Credit requirement*);
- Uganda's Performance Monitoring and Evaluation System up to the international standard.

PLANNED ACTIVITIES FOR THE NEXT FINANCIAL YEAR

- Continue monitoring compliance;
- Organise a workshop for commercially oriented and small procuring and disposing entities;
- Develop a National Providers' Register;
- Organise a workshop on amendments to the PPDA Act and Regulations;
- Print Standard Bidding Documents for Central Government;
- Publication of procurements in excess of US\$ 200,000;
- Issuance of the Pre-qualification Guideline.

DEFENCE CLASSIFIED LIST:

- Discussions are to be held with Ministry of Defence on the modalities for the operation of a dual classified list.

LOCAL GOVERNMENTS:

- Standard Bidding Documents, Guidelines and User Guides for local governments to be developed;
- Monitoring compliance of local governments to be conducted.

CONCLUSION

- The department is committed to ensuring Procuring and Disposing Entities' full compliance with the Law through continued monitoring of compliance activities as enshrined in the Law.

SCHEDULE I

PROCURING AND DISPOSING ENTITIES' COMPLIANCE ASSESSMENT (INSTITUTIONAL STRUCTURES) AS AT JUNE 2005

NO	NAME OF ENTITY	CONTRACTS COMMITTEE	PROCUREMENT AND DISPOSAL UNIT	COMPLIANCE ASSESSMENT DATE	LEVEL OF COMPLIANCE
1	AMNESTY COMMISSION	YES	YES	5 th May 2005	COMPLIANT
2	ARUA REGIONAL REFERRAL HOSPITAL	YES	YES	-	COMPLIANT
3	BANK OF UGANDA	NO	NO	-	NOT COMPLIANT
4	BUTABIKA HOSPITAL	YES	YES	-	COMPLIANT
5	CAPITAL MARKETS AUTHORITY	YES	YES	5 th April 2005	COMPLIANT
6	CIVIL AVIATION AUTHORITY	YES	YES	29 th April 2005	COMPLIANT
7	COTTON DEVELOPMENT ORGANISATION	YES	YES	-	COMPLIANT
8	COURTS OF JUDICATURE	YES	YES	16 th March 2005	COMPLIANT
9	DAIRY DEVELOPMENT AUTHORITY	YES	YES	30 th March 2005	COMPLIANT
10	DIRECTORATE PUBLIC PROSECUTION	YES	YES	-	COMPLIANT
11	EDUCATION SERVICE COMMISSION	YES	YES	27 th April 2005	COMPLIANT
12	ELECTORAL COMMISSION	YES	YES	27 th January 2005	COMPLIANT
13	ELECTRICITY REGULATORY AUTHORITY	YES	YES	30 th May 2005	COMPLIANT
14	FORT PORTAL REGIONAL HOSPITAL	YES	YES	-	COMPLIANT
15	GULU REGIONAL HOSPITAL	YES	YES	24 th May 2005	COMPLIANT
16	GULU UNIVERSITY	YES	YES	26 th April 2005	COMPLIANT
17	HEALTH SERVICE COMMISSION	YES	YES	-	COMPLIANT
18	HOIMA REGIONAL REFERRAL HOSPITAL	YES	YES	-	COMPLIANT
19	INSPECTORATE OF	YES	YES	7 th March 2005	COMPLIANT

	GOVERNMENT				
20	JINJA REFERRAL HOSPITAL	YES	YES	7 th April 2005	COMPLIANT
21	JUDICIAL SERVICE COMMISSION	YES	YES	7 th June 2005	COMPLIANT
22	KABALE REGIONAL HOSPITAL	YES	NO	18 th April 2005	PARTIALLY COMPLIANT
23	KYAMBOGO UNIVERSITY	YES	YES	28 th January 2005	COMPLIANT
24	LAW DEVELOPMENT CENTRE	YES	YES	10 th February 2005	COMPLIANT
25	LIRA REGIONAL HOSPITAL	YES	YES	-	COMPLIANT
26	LOCAL GOVERNMENT FINANCE COMMISSION	YES	YES	-	COMPLIANT
27	MAKERERE UNIVERSITY	YES	YES	-	COMPLIANT
28	MAKERERE UNIVERSITY BUSINESS SCHOOL	YES	YES	31 st January 2005	COMPLIANT
29	MANAGEMENT TRAINING AND ADVISORY CENTRE	YES	YES	12 th April 2005	COMPLIANT
30	MASAKA REGIONAL HOSPITAL	YES	YES	13 th May 2005	COMPLIANT
31	MBALE REGIONAL HOSPITAL	YES	YES	8 th June 2005	COMPLIANT
32	MBARARA UNIVERSITY OF SCIENCE AND TECHNOLOGY	YES	YES	-	COMPLIANT
33	MINISTRY OF AGRICULTURE, ANIMAL INDUSTRY AND FISHERIES	YES	YES	-	COMPLIANT
34	MINISTRY OF DEFENCE	YES	YES	18 th May 2005	COMPLIANT
35	MINISTRY OF EDUCATION AND SPORTS	YES	YES	27 th April 2005	COMPLIANT
36	MINISTRY OF ENERGY AND MINERAL DEVELOPMENT	YES	YES	-	COMPLIANT
37	MINISTRY OF FINANCE, PLANNING AND ECONOMIC DEVELOPMENT.	YES	YES	-	COMPLIANT
38	MINISTRY OF FOREIGN AFFAIRS	YES	YES	5 th May 2005	COMPLIANT
39	MINISTRY OF GENDER, LABOUR	YES	YES	-	COMPLIANT

	AND SOCIAL DEVELOPMENT.				
40	MINISTRY OF HEALTH	YES	YES	17 th May 2005	COMPLIANT
41	MINISTRY OF INTERNAL AFFAIRS	YES	YES	11 th March 2005	COMPLIANT
42	MINISTRY OF JUSTICE AND CONSTITUTIONAL AFFAIRS	YES	YES	7 th March 2005	COMPLIANT
43	MINISTRY OF LOCAL GOVERNMENT	YES	YES	17 th May 2005	COMPLIANT
44	MINISTRY OF PUBLIC SERVICE	YES	YES	16 th March 2005	COMPLIANT
45	MINISTRY OF TOURISM, TRADE & INDUSTRY	YES	YES	22 nd March 2005	COMPLIANT
46	MINISTRY OF WATER, LANDS AND ENVIRONMENT	YES	YES	-	COMPLIANT
47	MINISTRY OF WORKS, HOUSING AND COMMUNICATIONS	YES	YES	22 nd April 2005	COMPLIANT
48	MOVEMENT SECRETARIAT	YES	YES	25 th April 2005	COMPLIANT
49	MULAGO HOSPITAL	YES.	YES	10 th May 2005	COMPLIANT
50	NATIONAL AGRICULTURAL ADVISORY SERVICES	YES	YES	-	COMPLIANT
51	NATIONAL COUNCIL FOR CHILDREN	YES	YES	1 st June 2005	COMPLIANT
52	NATIONAL COUNCIL FOR HIGHER EDUCATION	YES	NO	-	PARTIALLY COMPLIANT
53	NATIONAL CURRICULUM DEVELOPMENT CENTRE	YES	YES	29 th March 2005	COMPLIANT
54	NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY	YES	YES	1 st March 2005	COMPLIANT
55	NATIONAL FORESTRY AUTHORITY	YES	YES	4 th April 2005	COMPLIANT
56	NATIONAL HOUSING AND CONSTRUCTION CO LTD	YES	YES	10 th March 2005	COMPLIANT
57	NATIONAL INSURANCE CORPORATION	YES	YES	-	COMPLIANT

58	NATIONAL MEDICAL STORES	YES	YES	-	COMPLIANT
59	NATIONAL PLANNING AUTHORITY	YES	YES	9 th May 2005	COMPLIANT
60	NATIONAL AGRICULTURAL RESEARCH ORGANISATION	YES	YES	22 nd June 2005	COMPLIANT
61	NATIONAL SOCIAL SECURITY FUND	NO	NO	-	NOT COMPLIANT
62	NATIONAL WATER AND SEWERAGE CORPORATION	YES	YES	-	COMPLIANT
62	NATIONAL DRUG AUTHORITY	YES	YES	12 th April 2005	COMPLIANT
64	OFFICE OF CLERK TO PARLIAMENT	YES	YES	-	COMPLIANT
65	OFFICE OF THE AUDITOR GENERAL	YES	YES	19 th January 2005	COMPLIANT
66	OFFICE OF THE PRESIDENT	YES	YES	-	COMPLIANT
67	OFFICE OF THE PRIME MINISTER	YES	YES	9 th May 2005	COMPLIANT
68	POPULATION SECRETARIAT	YES	NO	31 st March 2005	PARTIALLY COMPLIANT
69	POSTA UGANDA	YES	YES	18 th May 2005	COMPLIANT
70	ROAD AGENCY FORMATION UNIT	YES	NO	20 th April 2005	PARTIALLY COMPLIANT
71	SOROTI HOSPITAL	YES	YES	12 th April 2005	COMPLIANT
72	STATE HOUSE	YES	YES	3 rd May 2005	COMPLIANT
73	THE PUBLIC SERVICE COMMISSION	YES	YES	6 th April 2005	COMPLIANT
74	UGANDA AIDS COMMISSION SECRETARIAT	YES	YES	20 th May 2005	COMPLIANT
75	UGANDA BUREAU OF STATISTICS	YES	YES	10 th March 2005	COMPLIANT
76	UGANDA COFFEE DEVELOPMENT AUTHORITY	YES	YES	-	COMPLIANT
77	UGANDA COMMUNICATION COMMISSION	YES	YES	16 th May 2005	COMPLIANT
78	UGANDA ELECTRICITY BOARD	YES	YES	18 th March 2005	COMPLIANT
79	UGANDA ELECTRICITY DISTRIBUTION	YES	YES	-	COMPLIANT

	CO.LTD.				
80	UGANDA ELECTRICITY GENERATION COMPANY LTD.	YES	NO. Due to limited staff.	7 th June 2005	PARTIALLY COMPLIANT
81	UGANDA ELECTRICITY TRANSMISSION COMPANY LTD.	YES	YES	-	COMPLIANT
82	UGANDA EXPORT PROMOTION BOARD	YES	YES	12 th April 2005	COMPLIANT
83	UGANDA HUMAN RIGHTS COMMISSION	YES	YES	7 th April 2005	COMPLIANT
84	UGANDA INSURANCE COMMISSION	YES	YES	-	COMPLIANT
85	UGANDA INVESTMENT AUTHORITY	YES	YES	-	COMPLIANT
86	UGANDA LAND COMMISSION	Uses the MWLE CC	Uses the MWLE PDU	-	COMPLIANT
87	UGANDA MANAGEMENT INSTITUTE	YES	YES	4 th May 2005	COMPLIANT
88	UGANDA NATIONAL BUREAU OF STANDARDS	YES	YES	11 th May 2005	COMPLIANT
89	UGANDA NATIONAL EXAMINATIONS BOARD	YES	YES	2 nd May 2005	COMPLIANT
90	UGANDA POLICE FORCE	YES	YES	-	COMPLIANT
91	UGANDA PRINTING AND PUBLISHING CORPORATION	YES	NO	30 th March 2005	PARTIALLY COMPLIANT
92	UGANDA PRISONS SERVICE	YES	YES	-	COMPLIANT
93	UGANDA PROPERTY HOLDINGS	YES	NO. Total staff is 5	-	PARTIALLY COMPLIANT
94	UGANDA RAILWAYS CORPORATION	YES	YES	-	COMPLIANT
95	UGANDA LAW REFORM COMMISSION	YES	YES	-	COMPLIANT
96	UGANDA REVENUE AUTHORITY.	YES	YES	-	COMPLIANT
97	UGANDA TOURIST BOARD	YES	YES	9 th May 2005	COMPLIANT
98	UGANDA VETERANS ASSISTANCE BOARD	YES	YES	-	COMPLIANT
99	UGANDA WILDLIFE	YES	YES	-	COMPLIANT

	AUTHORITY				
100	UGANDA WILDLIFE EDUCATION CENTRE	YES	NO	-	PARTIALLY COMPLIANT
	KEY:				
	COMPLIANT: (CC & PDU)				90%
	PARTIALLY COMPLIANT: (CC ONLY, NO PDU)				8%
	NOT COMPLIANT: (NO CC & PDU)				2%
	TOTAL				100%

SCHEDULE II

PROCURING AND DISPOSING ENTITIES' COMPLIANCE ASSESSMENT (MONTHLY REPORTING) AS AT JUNE 2005

NO	NAME OF ENTITY	MONTHLY REPORTS	LEVEL OF COMPLIANCE
1	AMNESTY COMMISSION	MAY 2005	COMPLIANT
2	ARUA REGIONAL REFERRAL HOSPITAL	MAY 2005	COMPLIANT
3	BANK OF UGANDA	NONE	NOT COMPLIANT
4	BUTABIKA HOSPITAL	APRIL 2005	COMPLIANT
5	CAPITAL MARKETS AUTHORITY	NONE	NOT COMPLIANT
6	CIVIL AVIATION AUTHORITY	APRIL 2005	COMPLIANT
7	COTTON DEVELOPMENT ORGANISATION	APRIL 2005	COMPLIANT
8	COURTS OF JUDICATURE	FEBRUARY 2005	PARTIALLY COMPLIANT
9	DAIRY DEVELOPMENT AUTHORITY	MAY 2005	COMPLIANT
10	DIRECTORATE PUBLIC PROSECUTION	MAY 2005	COMPLIANT
11	EDUCATION SERVICE COMMISSION	APRIL 2005	COMPLIANT
12	ELECTORAL COMMISSION	APRIL 2005	COMPLIANT
13	ELECTRICITY REGULATORY AUTHORITY	MAY 2005	COMPLIANT
14	FORT PORTAL REGIONAL HOSPITAL	MARCH 2005	PARTIALLY COMPLIANT
15	GULU REGIONAL HOSPITAL	MARCH 2005	PARTIALLY COMPLIANT
16	GULU UNIVERSITY	APRIL 2005	COMPLIANT
17	HEALTH SERVICE COMMISSION	MAY 2005	COMPLIANT
18	HOIMA REGIONAL REFERRAL HOSPITAL	JANUARY 2005	PARTIALLY COMPLIANT
19	INSPECTORATE OF GOVERNMENT	APRIL 2005	COMPLIANT
20	JINJA REFERRAL HOSPITAL	APRIL 2005	COMPLIANT
21	JUDICIAL SERVICE COMMISSION	JUNE 2004	NOT COMPLIANT
22	KABALE REGIONAL HOSPITAL	MARCH 2005	PARTIALLY COMPLIANT
23	KYAMBOGO UNIVERSITY	DECEMBER 2004	PARTIALLY COMPLIANT
24	LAW DEVELOPMENT CENTRE	MAY 2005	COMPLIANT

25	LIRA REGIONAL HOSPITAL	MARCH 2005	PARTIALLY COMPLIANT
26	LOCAL GOVERNMENT FINANCE COMMISSION	MAY 2005	COMPLIANT
27	MAKERERE UNIVERSITY	MARCH 2005	PARTIALLY COMPLIANT
28	MAKERERE UNIVERSITY BUSINESS SCHOOL	FEBRUARY 2005	COMPLIANT
29	MANAGEMENT TRAINING AND ADVISORY CENTRE	NONE	NOT COMPLIANT
30	MASAKA REGIONAL HOSPITAL	MARCH 2005	PARTIALLY COMPLIANT
31	MBALE REGIONAL HOSPITAL	APRIL 2005	COMPLIANT
32	MBARARA UNIVERSITY OF SCIENCE AND TECHNOLOGY	MAY 2005	COMPLIANT
33	MINISTRY OF AGRICULTURE, ANIMAL INDUSTRY AND FISHERIES	APRIL 2005	COMPLIANT
34	MINISTRY OF DEFENCE	DECEMBER 2005	PARTIALLY COMPLIANT
35	MINISTRY OF EDUCATION AND SPORTS	MARCH 2005	PARTIALLY COMPLIANT
36	MINISTRY OF ENERGY AND MINERAL DEVELOPMENT	MARCH 2005	PARTIALLY COMPLIANT
37	MINISTRY OF FINANCE, PLANNING AND ECONOMIC DEVELOPMENT	MARCH 2005	PARTIALLY COMPLIANT
38	MINISTRY OF FOREIGN AFFAIRS	OCTOBER 2004	PARTIALLY COMPLIANT
39	MINISTRY OF GENDER, LABOUR AND SOCIAL DEVELOPMENT	MARCH 2005	PARTIALLY COMPLIANT
40	MINISTRY OF HEALTH	MARCH 2005	PARTIALLY COMPLIANT
41	MINISTRY OF INTERNAL AFFAIRS	MAY 2005	COMPLIANT
42	MINISTRY OF JUSTICE AND CONSTITUTIONAL AFFAIRS	APRIL 2005	COMPLIANT
43	MINISTRY OF LOCAL GOVERNMENT	APRIL 2005	COMPLIANT
44	MINISTRY OF PUBLIC SERVICE	APRIL 2005	COMPLIANT
45	MINISTRY OF TOURISM, TRADE & INDUSTRY	MARCH 2005	PARTIALLY COMPLIANT
46	MINISTRY OF WATER, LANDS AND ENVIRONMENT	MARCH 2005	PARTIALLY COMPLIANT

47	MINISTRY OF WORKS, HOUSING AND COMMUNICATIONS	APRIL 2005	COMPLIANT
48	MOVEMENT SECRETARIAT	MAY 2005	COMPLIANT
49	MULAGO HOSPITAL	JANUARY 2005	PARTIALLY COMPLIANT
50	NATIONAL AGRICULTURAL ADVISORY SERVICES	FEBRUARY 2005	PARTIALLY COMPLIANT
51	NATIONAL COUNCIL FOR CHILDREN	MAY 2005	COMPLIANT
52	NATIONAL COUNCIL FOR HIGHER EDUCATION	MARCH 2005	PARTIALLY COMPLIANT
53	NATIONAL CURRICULUM DEVELOPMENT CENTRE	APRIL 2005	COMPLIANT
54	NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY	DECEMBER 2004	PARTIALLY COMPLIANT
55	NATIONAL FORESTRY AUTHORITY	MARCH 2005	PARTIALLY COMPLIANT
56	NATIONAL HOUSING AND CONSTRUCTION CO LTD	MARCH 2005	PARTIALLY COMPLIANT
57	NATIONAL INSURANCE CORPORATION	NONE	NOT COMPLIANT
58	NATIONAL MEDICAL STORES	APRIL 2005	COMPLIANT
59	NATIONAL PLANNING AUTHORITY	FEBRUARY 2005	PARTIALLY COMPLIANT
60	NATIONAL AGRICULTURAL RESEARCH ORGANISATION	APRIL 2005	COMPLIANT
61	NATIONAL SOCIAL SECURITY FUND	NONE	NOT COMPLIANT
62	NATIONAL WATER AND SEWERAGE CORPORATION	MARCH 2005	PARTIALLY COMPLIANT
62	NATIONAL DRUG AUTHORITY	APRIL 2005	COMPLIANT
64	OFFICE OF CLERK TO PARLIAMENT	MARCH 2005	PARTIALLY COMPLIANT
65	OFFICE OF THE AUDITOR GENERAL	FEBRUARY 2005	PARTIALLY COMPLIANT
66	OFFICE OF THE PRESIDENT	MAY 2005	COMPLIANT
67	OFFICE OF THE PRIME MINISTER	APRIL 2005	COMPLIANT
68	POPULATION SECRETARIAT	APRIL 2005	COMPLIANT
69	POSTA UGANDA	MAY 2005	COMPLIANT
70	ROAD AGENCY FORMATION UNIT	MARCH 2005	PARTIALLY COMPLIANT

71	SOROTI HOSPITAL	APRIL 2005	COMPLIANT
72	STATE HOUSE	APRIL 2005	COMPLIANT
73	THE PUBLIC SERVICE COMMISSION	APRIL 2005	COMPLIANT
74	UGANDA AIDS COMMISSION SECRETARIAT	MAY 2005	COMPLIANT
75	UGANDA BUREAU OF STATISTICS	APRIL 2005	COMPLIANT
76	UGANDA COFFEE DEVELOPMENT AUTHORITY	MAY 2005	COMPLIANT
77	UGANDA COMMUNICATION COMMISSION	MAY 2005	COMPLIANT
78	UGANDA ELECTRICITY BOARD	APRIL 2005	COMPLIANT
79	UGANDA ELECTRICITY DISTRIBUTION CO. LTD.	APRIL 2005	COMPLIANT
80	UGANDA ELECTRICITY GENERATION COMPANY LTD.	APRIL 2005	COMPLIANT
81	UGANDA ELECTRICITY TRANSMISSION COMPANY LTD.	MAY 2005	COMPLIANT
82	UGANDA EXPORT PROMOTION BOARD	MAY 2005	COMPLIANT
83	UGANDA HUMAN RIGHTS COMMISSION	MAY 2005	COMPLIANT
84	UGANDA INSURANCE COMMISSION	MAY 2005	COMPLIANT
85	UGANDA INVESTMENT AUTHORITY	MAY 2005	COMPLIANT
86	UGANDA LAND COMMISSION	MARCH 2005	PARTIALLY COMPLIANT
87	UGANDA MANAGEMENT INSTITUTE	APRIL 2005	COMPLIANT
88	UGANDA NATIONAL BUREAU OF STANDARDS	APRIL 2005	COMPLIANT
89	UGANDA NATIONAL EXAMINATIONS BOARD	APRIL 2005	COMPLIANT
90	UGANDA POLICE FORCE	MARCH 2005	PARTIALLY COMPLIANT
91	UGANDA PRINTING AND PUBLISHING CORPORATION	APRIL 2005	COMPLIANT
92	UGANDA PRISONS SERVICE	MAY 2005	COMPLIANT
93	UGANDA PROPERTY HOLDINGS	NONE	NOT COMPLIANT
94	UGANDA RAILWAYS CORPORATION	MARCH 2005	PARTIALLY COMPLIANT
95	UGANDA LAW REFORM COMMISSION	APRIL 2005	COMPLIANT
96	UGANDA REVENUE AUTHORITY	MAY 2005	COMPLIANT

97	UGANDA TOURIST BOARD	MARCH 2005	PARTIALLY COMPLIANT
98	UGANDA VETERANS ASSISTANCE BOARD	NONE	NOT COMPLIANT
99	UGANDA WILDLIFE AUTHORITY	MAY 2005	COMPLIANT
100	UGANDA WILDLIFE EDUCATION CENTRE	NONE	NOT COMPLIANT
	KEY:		
	COMPLIANT: (REPORTED UP TO APRIL OR MAY 2005)		58%
	PARTIALLY COMPLIANT: (REPORTED UP TO DECEMBER 2004)		33%
	NOT COMPLIANT: (NONE EVER FILED)		9%
	TOTAL		100%

CHAPTER 7: THE IMPORTANCE OF FINANCIAL STABILITY TO THE WORK OF PPDA BY MARY P. SOZI (MRS), DIRECTOR FINANCE AND ADMINISTRATION

BACKGROUND

- PPDA is the successor entity of the Central Tender Board (CTB).
- The CTB was a department under Ministry of Finance.
- When procurement reforms were commenced on, the original CTB was dissolved and an interim agency, the Reformed Central Tender Board was set up by the Minister of Finance.
- The CTB and the rCTB were both under the vote of Ministry of Finance.
- When the rCTB was promoted to a self accounting status by the creation of PPDA, the Ministry seems not to have acknowledged this fact and retained it as a project.

OUR CURRENT SITUATION

- The budget of PPDA is substantially (about 75%) under funded
- The PPDA Estimates to undertake program activities in the current year 2004/05, were shs 5.3 billion and Ministry of Finance allocated shs 1.33billion
- A supplementary Budget request for shs 3.874billion was submitted in February 2005 and was wholly approved by Parliament.

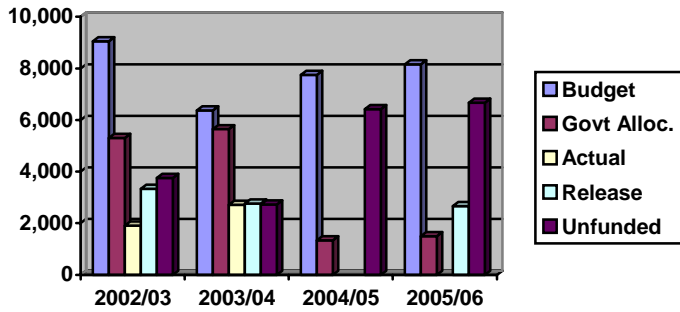
However, the Ministry on 17th May 2005, just a month and 13 days to the end of the financial year, released only Shs 2.667 billion.

- Funds that are remitted to government as budget support are presumed to be directly accessible by PPDA.
- From January 2005, all program activities were suspended.
- Planned activities could not be fully undertaken. Of the 12 major categories of programs planned for current the year soon ending, only portions (about 40%) of 3 programs were visibly tackled. These included Capacity Building which is a Project partly managed by UNDP and some procurement audits.
- Staff have concentrated only on desk work and are technically unproductive.
- The budget for 2005-06 is not yet confirmed. It is difficult to firmly set performance targets for the year.
- PPDA’s estimate including carried forward program activities is shs 8.1 billion.

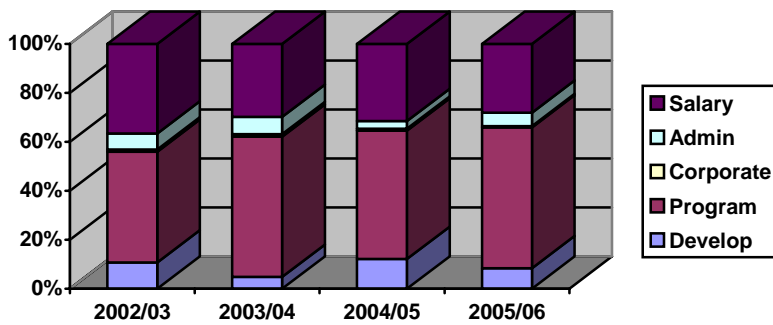
Highlights:

(In millions shillings)	2002/03	2003/04	2004/05	2005/06
Budgeted expenditure	9,049	8,370	7,747	8,163
Government exp. Allocation	5,300	5,645	1,330	1,500
Actual Expenditure	1,909	2,715	*3,000	
Government Releases	3,331	2,766	*1,330, 2,667	
Un funded Activities	3,749	2,725	6,417	6,663

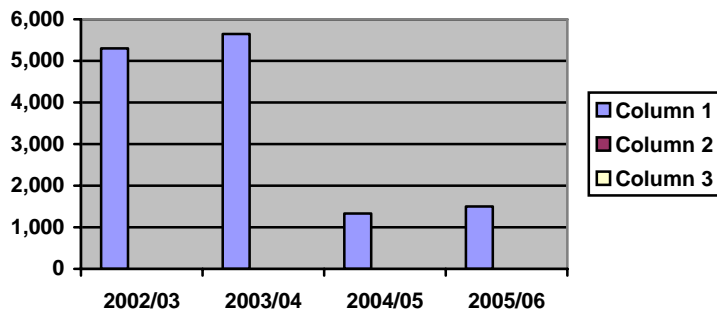
Chart of Financial Highlights



Budget



Government Budget Allocation



THE CHALLENGE:

SETTING PERFORMANCE TARGETS THAT ARE NOT MET:

- Excite the stakeholders for seemingly impressive targets.
- Work the Authority staff to draw up plans that would not be undertaken.

POSSIBLE OUTCOMES OF PRESENT SITUATION

- Non-realisation of purpose for which PPDA was set up.
- Inadequate checks and balances in the procurement and disposal system in the country.

- Expected return from investment in staff and other fixed costs is not realized
- Run a risk of losing staff and then be made to go thru the learning curve and all the associated costs.

HOW DID THIS HAPPEN?

- Ministry of Finance has continued to treat PPDA as a project under the Ministry and allocated funds to it in line with its own MTEF ceiling
- The MTEF allocation is according to the Ministry's priorities.
- Ministry of Finance advises then PPDA of the Budget Allocation to it on the basis of the MTEF Ceiling for the Ministry as a whole.

RECOMMENDATION OR DECISION

- The Ministry of Finance to recognize the independence of PPDA and give it its deserved status.
- S 5 of the PPDA Act makes PPDA an autonomous body corporate that can sue and be sued in its corporate name.
- The PS/ST to create a vote for PPDA so that the monies annually appropriated by Parliament for PPDA is put on the vote and so managed.

OUR VISION FOR THE FUTURE

- Make government more aware of the importance of public procurement regulation, knowing that procurement constitutes about 70% of the Annual Public Expenditure Budget.
- Follow up more closely on the obtaining a vote for PPDA from PS/ST preferably in 2005/06.
- Draw up project proposals for major programs to be undertaken and obtain funding from willing development partners
- Review the PPDA Act to widen areas of revenue sources

SUMMARY

- PPDA is substantially under funded and therefore cannot carry out its planned activities and implement various recommendations including those arising out of workshops like this one
- PPDA should be given its own vote so that Parliament appropriates revenue to it independently
- The PPDA Act should be reviewed to widen areas of revenue generation.

CHAPTER 8: A PRIVATE SECTOR VIEW OF GOVERNMENT PROCUREMENT BY MR. OCICI CHARLES, EXECUTIVE DIRECTOR, ENTERPRISE UGANDA

FACTS ABOUT GOVERNMENT PROCUREMENT:

- By far offers big ticket deals – education, health, defence, infrastructure;
- Predictable and widespread;
- Prone to influence of personalities/financier as opposed to value for money;
- Guided by bureaucracy and red tape rather than past relationship/truck record; and
- Premised on principle winner takes all.

COMPLAINTS OF MOST PRIVATE SECTOR PLAYERS

- Large contracts but unpredictable payment schedules;
- Pointing out of strong complaints almost certainly closes door to future deals;
- Government failure to negotiate favorable terms from donors partners;
- Non uniformity in quality and amount of information due to insider dealings;
- Costly procurement process that tends to exclude local bidders;
- Limited move towards promoting local bidders;
- Contracts held till last minute – later rushed.

RECOMMENDATIONS

- Private sector to participate in negotiating grants and loans for government procurement;
- Government needs to have officers with training in both project and procurement training;
- Rotate officers involved in management of projects and procurement activities and assess performance trends;
- Have a policy for each contract beyond say \$0.5m to have a Ugandan owned counterpart to build local capacity;
- Firms caught in illicit deals be suspended for say 5 years. Do not allow individuals to resurface under another name or outfit;
- All government contracts to have compensation clause for delayed payments. Officers in charge be held accountable for cost overruns from this.

CHAPTER 9: THE LOCAL GOVERNMENT (AMENDMENT) BILL 2005 AND THE LOCAL GOVERNMENT (PROCUREMENT AND DISPOSAL OF ASSETS) REGULATIONS, BY MR. CHARLES T. KATARIKAWA ASST. COMMISSIONER, LOCAL COUNCILS DEPARTMENT/MINISTRY OF LOCAL GOVERNMENT

Introduction

Government under the Decentralization Policy devolved a number of functions, powers and services to Local Governments in the following areas:

- Political
- Administrative
- Fiscal
- Legislative
- Judicial

PROCUREMENT IN LOCAL GOVERNMENTS

Procurement in LGs is provided for under Part VIII Sections 91-94 of LGA Cap 243, and in the LG Financial and Accounting Regulations 1998. Sections 91-94 provide for the following:

- (a) Establishment of LG Tender Boards
- (b) Qualifications of a member of the DTB
- (c) Removal of a member of the DTB
- (d) Modus Operandi of the DTB

THE LOCAL GOVERNMENT (AMENDMENT) BILL 2005:

MOLG has developed a Bill to amend the Provisions of the LGA relating to Procurement in LGs. The objectives of the Bill are:

- To make miscellaneous amendments to the LGA in order to provide for the replacement of Tender Boards of LGs with Contracts Committees
- To provide for a procurement and disposal unit for every district and municipality to give effect to sections 31 and 32 of the PPDA Act 2003.
- To bring the procurement and disposal of assets in LGs under the PPDA act, 2003 so as to harmonise it with the procurement for the Central Government
- To provide for composition of Contracts Committee
- To streamline the accountability process in respect of the Contracts Committees
- To regulate procurement by project units and community groups working under the authority of a procuring and disposing entity hitherto not regulated
- To provide for a LG to use the services of a Contracts Committee of another LG where need arises
- The bill is now before Parliament for debate

THE LGS (PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS) REGULATIONS 2005

These Regulations have been made and will be issued by the Minister responsible for LGs in accordance with Section (6) 175 (1) of the LGA which states that “The Minister may, by statutory instrument make regulation for the better carrying into effect the Provisions of this Act.

Highlights of the Regulations:

- The Regulations are intended to guide and regulate LG Councils, Administrative Units and other entities using public funds in functions and operations relating to procurement of goods, services, works and disposal of public assets under the LGA and the PPDA Act
- Where there is a conflict between these regulations and any earlier regulations or circulars relating to procurement in LGs, these will prevail
- LGs procuring and disposing and disposing organs namely the Accounting Officer, the Contracts Committees, the Procurement and Disposal Unit, the User Department and Evaluation Committee. These act independently.

Functions of each organ and modus operandi

Procurement Practices: Guides on use of any of the following procurement practices:

- Pre-qualification
- Registration
- Open national tendering
- Open international tendering
- Selective national tendering
- Direct procurement
- Micro-procurement
- Community purchase

Choice of the procurement method and details on each method are given in the Regulations

Procurement Rules: Regulations give basic public procurement and disposal principles. These include:

- Eligibility
- Record keeping
- Language of communication
- Tender documents
- Tender validity
- Procurement processes
- Contract management
- Disposal of Council assets
- Administrative review process

WAY FORWARD

Once the regulations have been approved by Cabinet, the Ministry will develop and issue guidelines in the following areas:

- Threshold's for procurement methods
- Procedures for detailed evaluation under different evaluation methodologies
- Standard bidding documents for Local Governments
- A user guide to the regulations

Lastly, we thank all stakeholders with whom we have worked to draft the Bill and to produce the Regulations.

CHAPTER 10: EU SUPPORT TO PROCUREMENT REFORMS, BY MR. FRANCIS LEMOINE, PROGRAMME OFFICER

BACKGROUND

Support implemented in the context of EU's new Budget support operation:

- Direct Budget support (Euro 87 mil)
- Institutional support (Euro 5 mil)

INSTITUTIONAL SUPPORT:

- Budget Directorate
- UBOS
- OPM
- PPDA

INSTITUTIONAL SUPPORT TO PPDA:

PROJECT COMPONENTS:

- Training and equipment support to assist local governments in establishing independent procurement units
- Technical support to assist the legal and compliance Department in developing standards and guidelines and monitoring compliance
- Developing Human resources management systems.

SUPPORT COMPOSED OF:

- One long-term procurement expert
- One long-term human resource management expert
- Short-term experts
- Funding of training and equipment
- Overall budget: Euro 0.9 mil.

MONITORING OF PROCUREMENT REFORMS

- Budget support triggers:
 - Fixed tranche
 - IMF programme in place
 - Variable tranche
- 11 outcome indicators in Education, Health and PFM sectors

Procurement indicators:

Indicator	Status 2005	Target 2005	Target 2006
%PDEs having established Contract committees and PDUs	68	90	50
%PDEs displaying statutory information on PPDA website		40	60

CHAPTER 11: REFLECTIONS ON THE WAY AHEAD - PROCUREMENT REFORMS IN UGANDA, BY MR. HARMAN IDEMA, FIRST SECRETARY, ROYAL NETHERLANDS GOVERNMENT

BACKGROUND TO ROYAL NETHERLANDS GOVERNMENT-SUPPORT

- CPAR 2001 and Task Force report basis for Dutch support to PPDA:
 - Part of our efforts to support the fight against corruption (development reason)
 - Measure to mitigate risks in our development aid (fiduciary reason)

OTHER DONORS JOINED IN

- UNDP – capacity building project
- EU – local levels (budget support)
- Danida – support to audit department
- African Development Bank???
- But modalities not without problems

ACHIEVEMENTS OVER THE LAST 4 YEARS

- New Procurement Law and regulations
- Overworked, corrupt CTB changed into PPDA
- Lots of procurement training
- Good cooperation with OAG and IGG
- Several donors involved in support
- Structure set up for local government
- WB: in set up Uganda is ahead in Africa

OBSTACLES AFTER 4 YEARS

- Harmonisation local government taking much longer than anticipated
- Pace of reforms in general slower than anticipated
- PPDA=toothless tiger? Lack of monitoring
- Set up vs. Practice and compliance
- Impact? (and how do we measure that?)
- Support from GoU-leadership? How supportive is environment of PPDA?
- Budget/Funding!
- Donor funding modalities not without problems

FUNDING

- There may not be a problem of under funding the sector but of under funding the PPDA?
- Or: not a problem of under funding but a problem of modalities?
- Financing Plan including generation of revenues

2ND PHASE: PLANS FOR A BASKET FUND

- Danida, Dutch and (probably) UNDP preparing to sign MoU with GoU for period of three years
- Releases based on common indicators (progress reports PPDA)
- Harmonized, using PPDA's reporting mechanism
- Donors' contribution conditional on amount of GoU contribution?
- Donors' contribution decreasing, GoU contribution decreasing?

FOCUS FOR THE NEXT YEARS IN LINE WITH THE PRINCIPLE OUTCOMES OF THE CPAR 2004

Two major priorities:

1. Strongly increase focus on monitoring and auditing
2. Continue to invest in capacity building

MONITORING/SANCTIONING

- Audit strategy: need for many audits ASAP!
- Audits: lack of records big obstacle
- Audits: scope and number of audits (what is an audit and what is inspection?)
- Limited Compliance assessment (institutional)
- Investigations
- Complaints
- Local levels: strengthen cooperation with LG Inspectorate (and IGG)

CAPACITY BUILDING

- Continue to implement capacity building strategy
- NPT-Program Makerere/Kyambogo and Maastricht School of Management/Twente University of the Netherlands
- Certification and accreditation
- Entry qualifications

AFTERTHOUGHTS

- Where is the private sector?
- Where is civil society? Can NGO's like UDN play a role in civil accountability on the local levels?
- Where is the press? (Publicity)
- Opportunities for strengthening coalitions with development of accountability sector
- Demonstrate Impact!! (A.o. procurement surveys)
- Ministry of Defence
- Chairman: Non-compliance at political level?

CHAPTER 12: SUGGESTED BENCHMARKS, BY MR. NIGEL SHIPMAN, TECHNICAL ADVISER, PPDA

* = Key benchmark

A) CORPORATE

1. To complete a review of the Corporate Plan (PPDA, by October 2005)
2. To carry out the National Public Procurement Survey on perceptions of corruption in public procurement (PPDA together with IGG, by next review)*
3. To complete the baseline indicators assessment to gauge the extent to which Uganda's public sector procurement system possesses the key elements of a well-functioning public procurement system that were identified at the Johannesburg Round Table of December 2004 (PPDA, by next review)
4. To prepare detailed plans to generate and analyse data that will enable the performance of public procurement at the national level to be measured and managed on the lines proposed at the Johannesburg Round Table of December 2004 (PPDA, by next review)
5. To prepare a publicity strategy (PPDA, by next review)*

B) LEGAL AND COMPLIANCE

1. To complete the drafting of the Local Governments (Public Procurement and Disposal of Public Assets) Regulations 2005 (PPDA together with the Ministry of Local Government, by next review)*
2. To approve a detailed implementation plan for the new local government procurement legislation (PPDA together with the Ministry of Local Government, by next review)*
3. To issue the Standard Bidding Documents (SBDs) and additional Guidelines (PPDA, by October 2005)
4. To prepare SBDs, Guidelines and User Guide for local government (PPDA, by next review)
5. To complete the review of the pre-qualification process (PPDA, by next review)
6. To resume publication of procurements in excess of US\$200,000 (PPDA, by next review)
7. To launch the Providers' Register (PPDA, by next review)
8. To have reached agreement with Ministry of Defence on the dual classified list (PPDA together with MoD, by next review)
9. To initiate review of the PPDA Act and Regulations (PPDA, by next review)

C) PROCUREMENT AUDIT

1. To draw up a detailed implementation plan for the audit strategy, including a simplification of the audit process (PPDA, by October 2005)*
2. To complete a minimum of 4 new procurement audits (PPDA, by next review)*

D) TRAINING AND CAPACITY BUILDING

1. To identify the target group in procuring and disposing entities at all levels for skills-based training and the skills development that they require and to launch a programme for meeting these needs (PPDA, by next review)
2. To require PDEs to draw up plans for training in procurement (MoFPED, by next review)
3. To draw up action plan for training and capacity building in local government (PPDA together with MoLG, by next review)*
4. To prepare a detailed plan for a certification and accreditation scheme (PPDA together with Uganda National Council for Higher Education, Education Standards Agency and other stakeholders, by next review)

E) INFORMATION TECHNOLOGY

1. To have completed the redesign of the PPDA website (PPDA, by next review)
2. To have in place arrangements for collecting statutory data for display on the PPDA website and to have achieved compliance on the part of at least 30% of central government procuring and disposal entities (PPDA, by next review)*

F) FINANCE

1. To have prepared and reached agreement on proposals for establishing a Parliamentary Vote for the PPDA (PPDA and MoFPED, by next review)*
2. To review the organisation of the PPDA to improve capacity for training and audit (PPDA, by next review)
3. To have completed a financing plan, including new arrangements for donor financing and a review of ways to generate revenue from services rendered by the PPDA (PPDA, by next review).*

CHAPTER 13: CLOSING REMARKS, MR. EDGAR AGABA, EXECUTIVE DIRECTOR, PPDA

First and foremost, I would like to thank all the participants for coming and for the views, issues and comments they have made. I would like on behalf of PPDA to say that PPDA is committed to implementation of the law. With your assistance, PPDA is committed to improving accountability, efficiency in procurement and development of professionalism in the area of procurement and disposal.

As much as we have talked about so many things today, and we have shared ideas, PPDA has the overall responsibility to go back, work and report back in the next six months.

This is a challenge, as the chairman of the Board has said. This is a big challenge, considering the fact that PPDA does not work in isolation. We welcome the Local government in terms of people to be regulated but it is also going to be very challenging.

Issues of collecting of statistical data, evaluation and monitoring are very challenging. Issues of development of procurement plans are important in terms of planning for procurement. We obviously have new issues which are also very important for us to determine and to continue working on schemes for procurement officers, is very very important. But for us at PPDA, we take all these as challenges and we should be able to undertake all these activities funds permitting, and working closely with you.

So I would, first and foremost, like to thank the Government of Uganda for the assistance they have given PPDA and our development partners who have been playing an important role, both financial and material. I would like to thank the members of the Board of Directors of PPDA for the guidance they have given to PPDA management and staff. I would like to thank the Private sector for useful comments and I would also like to thank the local Government for the good work they have done in harmonising the Local Government Procurement Regulations with the Procurement and Disposal Act governing procurement and disposal work in the Central Government so far. Last but not list, I would like to thank the staff of PPDA specifically the directors and managers who presented papers, which were very good papers, and I would therefore like to thank them for that wonderful effort. I would like to thank the organisers of this workshop and the ladies who are in the background recording the proceedings of this workshop, and I would like to thank the press who are here, and I thank you all for coming. But before we end there is one ceremony to be performed.

Specifically I would like to recognize Mr. Harman Idema, who all of you by now know that is leaving this country on Saturday. He has been working very closely with PPDA. Whenever we had a problem, Harman would not hesitate to our help whether it was a human resource issue as long as it concerned procurement problems.

We have a small token of appreciation that we would like to present to Mr Harman Idema at this workshop and I would, therefore, like to invite the Chairman of the Board and Mr. Idema to come up here so that the Chairman of the Board can present the plaque to Mr. Idema. The Plaque is from the board and staff of PPDA in recognition of his effort. We are consoled, however, that his next posting is actually a promotion, you deserves it and we look forward to your coming

back here as an ambassador. When you come back as an ambassador then we know what bigger things will come. I wish you and your family the best stay here until you leave for Guatemala.

CHAPTER 14: CLOSING REMARKS BY MR. JAMES KAHOZA, CHAIRMAN, BOARD OF DIRECTORS, PPDA

There are two non-Ugandans who have helped PPDA since its inception. I will not talk of Mr. Rogati Kayani because he is still here.

Mr. Harman Idema came here five years ago. Mr. Idema is regarded as a friend but not as a diplomat. Whenever diplomats have any problem they talk of concern, but Mr. Idema points out the problem. In spite of being a senior diplomatic officer, he comes to the Chairman's office and helps in solving some budgets problems.

PPDA considers his transfer as a loss to PPDA. However PPDA hopes that Mr. Idema's success will succeed him in every thing he has been doing for the PPDA. I wish Mr. Harman Idema and family all the good wishes in his new assignment in Guatemala.

Mr. Harman Idema was presented with a plaque in appreciation for the good services rendered to PPDA and Uganda as a whole.

ANNEX 1: PROGRAMME FOR THE 5TH PROCUREMENT SECTOR REVIEW WORKSHOP

Time	Subject	Speaker
	Morning session: Current programmes and Achievements	
8:15 – 8:30	Registration	PPDA Staff
Session 1	Chairman	Mr. Harman Idema
8:30 – 8:45	Opening remarks	Mr James Kahoza, Chairman PPDA
8:45 – 9:05	Progress in achieving the benchmarks in the Aide-Memoire	Mr Edgar Agaba, Executive Director PPDA
9:05 – 9:25	Implementation of the Country Procurement Assessment Report	Mr Rogati Kayani, Lead Procurement Specialist, World Bank
9:25 – 10:25	Departmental reports: Achievements made since the last Workshop and current programmes: a. Procurement Audit, Inspection and Investigations Department b. Training and Capacity Building Department c. Legal and Compliance Department	a. Mr Julius Mulera, Director b. Mr Milton Tumutegereize, Director c. Mr Marvin Baryaruha, Manager
10:25 – 11:00	Discussion	
11:00 – 11:30	Coffee break	
Session 2	Chairman	Mr. Winston Manzi
11:30 – 11:50	The importance of financial stability to the work of the PPDA	Mrs Mary Sozi, Director Finance and Administration Department
11:50 – 12:10	A private sector view of government procurement	Mr Charles Ocici, Executive Director, Enterprise (Uganda)
12:10 – 12:45	Discussion	
12:45 – 14:00	Lunch	
	Afternoon session: Future developments	
Session 3	Chairman	Mr. Edgar Agaba
14:00 – 14:20	Local Government (Amendment) Bill 2005 and the Local Government (Procurement and Disposal of Assets) Regulations	Representative of Ministry of Local Government
14:20 – 14:40	The European Union programme of assistance to strengthen local government procurement capacity	Mr Francis Lemoine, Programme Officer, Delegation of the European Commission
14:40 – 15:00	Reflections on the way ahead	Mr Harman Idema, First Secretary, Royal Netherlands Embassy
15:00 – 15:30	Discussion	
15:30 – 16:00	Plenary discussion: Benchmarks for the next 6 months	
16:00 – 16:30	Coffee break	
16:30 – 17:15	Presentation and adoption of the new benchmarks	
17:15 – 17:30	Concluding remarks	Mr Edgar Agaba, Executive Director PPDA
17:45	Cocktail reception	Courtesy of Royal Netherlands Embassy

ANNEX 2: ATTENDANCE LIST FOR THE 5TH PROCUREMENT SECTOR REVIEW WORKSHOP

NO	NAME	ORGANIZATION	DESIGNATION	TEL/EMAIL CONTACT
PPDA BOARD MEMBERS				
1.	James Kahoza	PPDA	Chairman, Board of Directors	220276
2.	Joseph Mukasa	PPDA	Board Member	077-451685
3.	Ms Sarah Lubega	PPDA	Board Member	077-664492
4.	Mr. J.B.O. Wabwire	PPDA	Board Member	078-451704
5.	David Kabateraine	PPDA	Board Member	077-418854/041-707151
6.	Edgar Agaba	PPDA	Executive Director	031-261231/2
DONORS				
7.	Harman Idema	Netherlands Embassy	First Secretary	077-611776
8.	Rogati Kayani	World Bank	Procurement Specialist	rkayani@worldbank.org
9.	Richard Olowo	World Bank	Procurement Specialist	041-302266
10.	Noeline Kitonsa	World Bank	Program Assistant	230094
11.	Issac Mutenyo	World Bank	Procurement Specialist	077-416042
12.	Charles Oleja	African Development Bank	Administrative Officer	078-405658
13.	Solomon Ossiya	DANIDA	Programme Co-ordinator	077-749311
14.	Francis Lemoine	European Union	Programme Officer	francis.lemoine@cec.en.nt
15.	Donald Rukare	Ireland Embassy	Governance/Legal Advisor	077-11500
16.	Anka Kitunzi	SDUII/USAID	Deputy Chief of Party	077-551006 akitundi@sdu.coug
17.	Kevin C.	SDUII/USAID	COP	078-505289
18.	Alfred Obwani	SDUII/USAID	FOS/SP	077-610679
19.	Enid Nabunya	UNDP	Program Analyst	071-995613
20.	Sam Ibanda	UNDP	Assistant Resident Representative	077-370646
MINISTRIES				
21.	Joan Muruum	Ministry of Gender, Labour and Social Development	Principal Assistant Secretary	041-344477
22.	Serugo Patrick	Ministry of Defence	Senior Procurement Officer	077-482900
23.	C. T. Katarikawe	Ministry of Local Government	Assistant Commissioner Local Councils Department	077-377960
24.	Bonnie Kiconco	Ministry of Ethics and Integrity	Ethics Officer	
25.	Mike Tumwikirize	Ministry of Water, Lands and	Senior Procurement Officer	077-408951

		Environment		
26.	Yerusa Nyangoma	Ministry of Finance, Planning and Economic Development	Senior Procurement Officer	077-633775
27.	Robert Rwanga	Ministry of Works, Housing and Communications	Secretary, Contracts Committee	077-457605
STATUTORY BODIES				
28.	Godfrey L. Matovu	Civil Aviation Authority	Manager Procurement	071-620059
29.	A.B. Nkata	National Water and Sewerage Cooperation	Manager Procurement	077-396032
30.	Jovita Byamugisha	Electoral Commission	Chairperson, Contract Committee	
31.	Patrick Mwesigwa	Uganda Communications Commission	Technical Manager	pmwesigwa@ucc.co.ug
32.	Kizito David	Uganda Communications Commission	Procurement Officer	077-595887 kizito@ucc.co.ug
33.	Naiga Justine Viola	Makerere University Business School	Ag. Procurement and Disposal Unit	justinenaiga@yahoo.com
34.	Nkwasi Robert	Uganda Debt Network	Accounts Assistant	077-471586
35.	Faith .P. Akello	National Advisory Agricultural Services		077-461547
36.	Dr. Kikampikaho G.	Mulago Hospital	Ag Director	077-499889
37.	Teddy Nakakeeto	Uganda Child Rights NGO Network	Networking Officer	077512576 ucrn@utlonline.co.ug
38.	Magyei R	ULGA	Secretary General	041-347575
PRIVATE SECTOR/ PROVIDERS				
39.	Benedict Muhigo	PriceWaterhouseCoopers Ltd	Consultant	041-236018 benedictmuhigo@ug.price.com
40.	Arch. Joel Kateregga	Architects Registration Board	Chairman	077-500046
41.	Winston Manzi	Chartered Institute of Purchasing and Supplies	President	077-431662
42.	Stuart Raine	Crown Agents	Manager	235312 info@crowagents-ug.com
43.	Henry Muguzi	Anti Corruption Coalition Uganda	Ag. Coordinator	077-910862
44.	Charles Ocici	Enterprise Uganda	Executive Director	ocici@enterrprise.co.ug
45.	James K. Kiyonga	International Procurement Consultants	Lead Consultant	077-565815
46.	Sseppuya Mikeili	New Vision	Reporter	071-805375
47.	Paddy Ntalumbwa	East African Procurement News	Correspondent	075-996747

OVERSIGHT AGENCIES				
48.	Linda Mugisha Tumusiime	Directorate of Ethics and Integrity	Director Legal Affairs	077-484247 lmugishat@yahoo.co.uk
49.	Paul Beggan	Directorate of Ethics and Integrity		077-700067
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53.	Mary P. Sozi	PPDA	Director, Finance and Administration	mpsozi@ppda.go.ug
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58.	Aloysius Byaruhanga	PPDA	Manager, Procurement Audit, Inspections and Investigations	077-583791
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60.	Ruth Nakitto	PPDA	Manager, Internal Audit	031-261231/2
61.	Opowo Mack	PPDA	Ag .MFA	077-631933
62.	Hilda K. Mwesigwa	PPDA	Officer, Legal and Compliance	077-448936
63.	Brenda Walusimbi	PPDA	Library and Documentation Officer	077-361318
64.	Deborah K. Bamwesigye	PPDA	Assistant Administrative Officer	077-657692
65.	Agaba Charity	UNDP/PPDA	Training Coordinator	077-408599
66.	Florence W. Bukenya	PPDA	Personal Assistance to Executive Director	071-507934
67.	Jennifer Kaggwa	PPDA	Database Clerk	
68.	Patience Turyatemba	PPDA	Secretary	077-924889

