



**PUBLIC PROCUREMENT AND DISPOSAL
OF PUBLIC ASSETS AUTHORITY**

"Procurement That Delivers"

Your Ref:

Our Ref: PPDA/DPP/133

21st December 2022

The Undersecretary/Accounting Officer
Office of the Director of Public Prosecution
P.O. Box 1550
KAMPALA

BID PREPARATORY AUDIT EXERCISE FOR THE PROCUREMENT OF MOTORVEHICLES FOR ODPP (DPP/SUPLS/2022-2023/00014); CONSTRUCTION OF ODPP RO OFFICE IN FORTPORTAL (DPP/WRKS/2022-2023/00006) AND SUPPLY OF COMPUTER WORKSTATION, UNINTERRUPTIBLE POWER SUPPLIES (UPS) AND LAPTOPS (DPP/SUPLS/2022-2023/00026)

Reference is made to the above subject.

On 9th December 2022, the Public Procurement and Disposal of Public Assets Authority (PPDA) in accordance with Section 7 (j) (i) of the PPDA Act 2003 as amended, conducted a bid preparatory audit for the procurement of motor vehicles for Office of the Directorate of Public Prosecutions (ODPP); construction of ODPP RO office in Fort Portal; and supply of computer workstation, uninterruptible power supplies (UPS) and laptops.

The objectives of the audit were to:

1. Establish whether the public procurement planning and requisitioning processes were conducted in a manner which promotes transparency, accountability and fairness in accordance with the PPDA Act 2003 as amended, PPDA Regulations 2014 and PPDA Guidelines; and
2. Establish whether the solicitation documents issued to the bidders were prepared in accordance with the provisions of the PPDA Act 2003 as amended, PPDA Regulations 2014 and PPDA Guidelines.

The scope of the bid preparatory audit included review of the procurement requisition forms, solicitation documents, bid notices and the Contracts Committee approval of the procurement method. Evaluation Committee and solicitation documents. The areas of the solicitation

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document analyzed were - Instructions to Bidders, Bid Data Sheet, Evaluation Methodology and Criteria, Bidding Forms and the Special and General Conditions of Contract.

The Authority identified the following exceptions with regard to the procurement planning and requisition processes, and the solicitation document for the attention of management:

1.0 To establish whether the public procurement planning and requisitioning processes were conducted in a manner which promotes transparency, accountability and fairness in accordance with the Public Procurement and Disposal of Public Assets Act 2003 as amended, the PPDA Regulations 2014 and relevant guidelines

1.1 Discrepancy on pre-bid meeting information on the EGP Portal and the Bidding Document

According to Section 7 of the Bid Notice under Instruction to Bidders in the bidding document for the supply of computer workstation, Uninterruptible Power Supplies (UPS) and laptops, no pre-bid meeting has been scheduled for this procurement. This contradicted the information uploaded onto the EGP Portal which scheduled a pre-bid meeting for 20th December 2022 at midday at Office of the DPP Boardroom 12th Floor. Such contradicting information is likely to bring confusion among the bidders and raise unnecessary complaints.

The Authority recommends that ODPP should in future ensure consistency of information provided on the EGP Portal and bidding document.

2.0 To establish whether the solicitation document issued to bidders was prepared in accordance with the provisions of the Public Procurement and Disposal of Public Assets Act, 2003 as amended, the PPDA Regulations 2014 and relevant guidelines

2.1 Evaluation Methodology and Criteria

The following inconsistencies were observed in the Evaluation Methodology and Criteria in the bidding document and the criteria uploaded on the EGP Portal:

Part 1: Section 3, Evaluation Methodology and Criteria (B (3) Eligibility Criteria), and Part 1: Section 3, Evaluation Methodology and Criteria (B (4) Administrative Compliance Criteria) provided the documentation required as evidence of eligibility and administrative compliance. It was observed that there were discrepancies between the documents for eligibility and administrative compliance in the bidding document and the eligibility and administrative compliance documents uploaded on the EGP Portal, as shown in **Table 1 (attached)**.

These discrepancies in the evaluation criteria may create challenges during bid evaluation, as to which criteria should be applied and may cause unnecessary complaints from bidders.

The Authority recommends that the ODPP should ensure that there is no discrepancy between the **evaluation criteria** stated in the **bidding document** with that provided on **EGP**, in order to eliminate subjectivity during bid evaluation.

The purpose of this letter is to forward the findings of the bid preparatory audit exercise. In order to administer and enforce compliance with the provisions of the PPDA Act 2003 as amended, Regulations 2004 and Guidelines 2008, the Entity is required to implement the recommendations of the Authority contained in this letter.



Dr. Aloysius M. Byaruhanga (PhD)

For: EXECUTIVE DIRECTOR

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

Table 1: Discrepancies between the documents for eligibility and administrative compliance in the Bidding Document; and the documents uploaded on the EGP Portal

Procurement of motor vehicles for ODPP-DPP/SUPLS/2022-2023/00014	
Criteria as Per Section 3 (B) 3.2 and 4 of the Standard Bidding Document	Criteria as put on the EGP Portal
<p>Eligibility Criteria</p> <ul style="list-style-type: none"> • A certificate of registration issued by the Authority for bidders currently registered with the Authority or a copy of the Bidder’s Trading license or equivalent and a copy of the Bidder’s Certificate of Registration or equivalent for bidders not currently registered with the Authority; • A statement in the Bid Submission Sheet that the bidder meets the eligibility criteria stated in ITB 4.1; • A declaration in the Bid Submission Sheet of nationality of the Bidder; • A declaration in the Bid Submission Sheet that the Bidder is not under suspension by the Authority; • Fulfillment of obligations to pay taxes and social security contributions in Uganda where applicable (which must be the most current Clearance) <p>Administrative Compliance Criteria</p> <ul style="list-style-type: none"> • The evaluation of Administrative Compliance shall be conducted in accordance with ITB Sub-Clauses 32.3 and 32.4. • The following documents were asked for under ITB 11(h); • Evidence of 2 of similar contracts for each lot with government entity executed in the last 3 years demonstrating provider’s experience amounting to: For Lot 1: UGX 3,000,000,000/= each contract for Lot 2: UGX. 1,000,000,000/= each contract for Lot 3: UGX. 2,000,000,000/= each contract for Lot 4: UGX. 600,000,000/= each contract • Documents evidencing completion of the above mentioned contracts • Current and Valid Trading License • Current and Valid Tax Clearance Certificate addressed to ODPP • Registered and Commissioned Powers of Attorney 6) URA Certificate of Registration • Certificate of Incorporation or Equivalent • Filled and Signed Beneficial Ownership Declaration Form • Audited books of Accounts for the last 3 years 	<p>Eligibility Criteria</p> <ul style="list-style-type: none"> • Current and valid tax clearance certificate addressed to ODPP • NSSF Clearance Certificate • Bid Participation Fee • Certificate of Incorporation • Current and valid Trading License • URA Certificate of Registration <p>Administrative Compliance Criteria</p> <ul style="list-style-type: none"> • Compliance with Quantity Specified • Registered and Commissioned Powers of Attorney • Signed Bid Submission Sheet • Signed Code of Ethical Conduct • Signed Compliance Sheet • Signed Price Schedule • Valid Bid Security (with The Right Amount for Each Lot) Lot 1: 162,000,000/= Lot 2: 30,600,000/= Lot 3: 61,200,000/= Lot 4: 13,680,000/= • Filled and Signed Beneficial Ownership Declaration Form • Audited Books Of Accounts For The Last 3 Year
Construction of ODPP RO office Fort Portal-DPP/WRKS/2022-2023 /00006	
<p>Eligibility Criteria</p> <ul style="list-style-type: none"> • A certificate of registration issued by the Authority for bidders currently registered with the Authority • A copy of the bidder’s current and valid trading license 	<p>Eligibility Criteria</p> <ul style="list-style-type: none"> • Bid Participation Fee • Valid Trading License

<ul style="list-style-type: none"> • or equivalent • A copy of the bidder’s certificate of registration or equivalent • A statement in the bid submission sheet that the bidder meets the eligibility criteria stated in ITB 4.1 and 4.4; • A declaration in the bid submission sheet of nationality of the bidder • A declaration in the bid submission sheet that the bidder is not under suspension by the authority • Fulfillment of obligations to pay taxes and Social Security contributions in Uganda where applicable (which must be the most current Clearance <p>Administrative Compliance Criteria</p> <ul style="list-style-type: none"> • The Bid Submission Sheet duly signed by the authorized representative of the bidder, including; A brief description of the works and related services offered; and the total price of the bid; and the appropriate duration of the bid validity; • The Price Schedule (Priced Bill of Quantities for the whole works) • A Power of Attorney in accordance with ITB 22.2; and • An authentic Bid Security in the appropriate form and amount. • A duly signed Code of Ethical Conduct for Bidders and Providers • A duly filled and signed Beneficial Ownership Declaration Form 	<ul style="list-style-type: none"> • Valid Bid Security with the right amount in the format provided in the attached Standard Bidding Document • Certificate of Incorporation • Current and Valid Tax Clearance Certificate addressed to ODPP • NSSF Clearance Certificate which must be the most Recent • URA Certificate of Registration <p>Administrative Compliance Criteria</p> <ul style="list-style-type: none"> • Compliance with Quantity Specified • Registered Powers of Attorney • A Duly Signed Submission Sheet • Duly Signed Priced Bill of Quantities for all the Works • A Duly Signed Ethical Code of Conduct for Bidders and Providers • Duly Signed and Valid Bid Securing Declaration • Bid Validity • A Preliminary Description of the Proposed Work Method and Schedule • Site Visit Certificate • A Duly Filled And Signed Beneficial Ownership Declaration Form
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Supply of Computer workstations, Uninterruptible Power Supplies (UPS) and Laptops-DPP/SUPLS/2022-2023/00026

<p>Eligibility Criteria</p> <ul style="list-style-type: none"> • A certificate of registration issued by the Authority for bidders currently registered with the Authority or a copy of the Bidder’s Trading license or equivalent and a copy of the Bidder’s Certificate of Registration or equivalent for bidders not currently registered with the Authority. • A statement in the Bid Submission Sheet that the bidder meets the eligibility criteria stated in ITB 4.1; • A declaration in the Bid Submission Sheet of nationality of the Bidder; • A declaration in the Bid Submission Sheet that the Bidder is not under suspension by the Authority; • Fulfillment of obligations to pay taxes and social security contributions in Uganda where applicable (which must be the most current Clearance) <p>Administrative Compliance Criteria</p> <p>The evaluation of Administrative Compliance shall be conducted in accordance with ITB Sub-Clauses 32.3 and 32.4.</p>	<p>Eligibility Criteria</p> <ul style="list-style-type: none"> • Current and Valid Tax Clearance Certificate Addressed to ODPP • NSSF Clearance Certificate Which Must Be the Most Recent • Bid Participation Fee • Certificate of Incorporation • Current and Valid Trading License • Registration and Certification by NITA U • URA Certificate of Registration <p>Administrative Compliance Criteria</p> <ul style="list-style-type: none"> • Compliance with Quantity Specified • Registered Powers of Attorney
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<p>The following documents were asked for under ITB 11(h):</p> <ul style="list-style-type: none"> • Evidence of Authorization by the manufacturer of the Equipment • Evidence of registration and certification by NITA-U as IT service provider for supplies, Maintenance of ICT equipment and software. • The bidder must have at least two technical personnel certified to support and maintain the equipment and software. • The bidder must provide proof of employment of the technical staff who is going to support the Equipment. Attach employee ID and CV signed by employee • The bidder must show evidence of similar experience with two government (MDA) and two big Enterprise. Provide evidence of Satisfaction of good work done. • Current and Valid Trading License • Current and Valid Tax Clearance Certificate addressed to ODPP • Registered Powers of Attorney • URA Certificate of Registration • Certificate of Incorporation or Equivalent • Filled and signed Beneficial Ownership Declaration Form • Audited book of Accounts for the last 3 years 	<ul style="list-style-type: none"> • A Valid Bid Security with The Right Amount in The Right Format as Provided for in The Standard Bidding Document • Fill in and Sign the Beneficial Ownership Declaration Form • Audited Book of Accounts for The Last 3 Years • A Duly Signed Submission Sheet • A Duly Signed Code of Ethical Conduct for Bidders and Providers • A Duly Signed Price Schedule • A Duly Signed Compliance Sheet 10 Bid Validity
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