



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

**INVESTIGATION INTO ALLEDGED IRREGULARITIES IN THE PROCUREMENT OF ASSORTED SURVEY AND MAPPING EQUIPMENT FOR THE PHYSICAL PLANNING DEPARTMENT (PPD), INSTITUTE OF SURVEY AND LAND MANAGEMENT (ISLM) AND DEPARTMENT OF GEOMATICS AND LAND MANAGEMENT (DGLM), MAKERERE UNIVERSITY (UG-MLHUD-310557-GO-RFB)**

**ENTITY: MINISTRY OF LANDS, HOUSING AND URBAN DEVELOPMENT**

**COMPLAINANT: MICHEAL OKELLO**

**AUGUST 2023**

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## ACRONYMS

BANK	-	World Bank
CEDPAF	-	Competitiveness and Enterprise Development Project Additional Financing
DGLM	-	Department of Geomatics and Land Management
CC	-	Contracts Committee
CG	-	Central Government
ISLM	-	Institute of Survey and Land Management
PPDA	-	Public Procurement and Disposal of Public Assets Authority
PPD	-	Physical Planning Department
SLAAC	-	Systematic Land Adjudication and Certification Contract
SSD	-	Surveys and Mapping Department
MLHUD	-	Ministry of Lands, Housing and Urban Development
MUK	-	Makerere University
LTD	-	Limited
UGX	-	Uganda Shillings

## 1.0 SUMMARY OF FACTS

- 1.1 On 29<sup>th</sup> August 2022, Mr. Ibrahim Mageseso, Senior Staff Surveyor, MLHUD raised a request for approval of procurement (Form 5) for the supply of assorted equipment for Surveys and Mapping Department (SSD), Institute of Survey and Land Management (ISLM) and Department of Geomatics and Land Management (DGLM) – Makerere University at UGX. 3,194,062,500.
- 1.2 On 21<sup>st</sup> September 2022, the Contracts Committee approved the bidding document, procurement method (International Competitive Bidding) and Evaluation team comprising of Mr. John Obore, Procurement Specialist/ CED-AF, Mr. Emmanuel Owino, Procurement Officer, MLHUD, Mr. Richard Oput, Technical Advisor, CEDP-AF, Mr. Godfrey Toko, Technical User, and Mr. Peter Wandera, GIS Expert.
- 1.3 On 7<sup>th</sup> November 2023, the Ministry of Lands, Housing and Urban Development under the Competitiveness and Enterprise Development Project Additional Funding (CEDP AF) published the advert for the procurement of assorted survey and mapping equipment for the Physical Planning Department (PPD), Institute of Survey and Land Management (ISLM) and Department of Geomatics and Land Management (DGLM), Makerere University, with the timelines provided as tabulated in table 2 below;

**Table 1: Timelines provided by MLHUD for the procurement of assorted survey and mapping equipment**

Activity	Date
Publish bid notice	7 <sup>th</sup> November 2022
Bid closing	5 <sup>th</sup> December 2022
Evaluation process	23 <sup>rd</sup> December 2022
Display and Communication of Best Evaluated Bidders	6 <sup>th</sup> January 2023
Contract signing	20 <sup>th</sup> January 2023

- 1.4 Between 8<sup>th</sup> November 2022 to 2<sup>nd</sup> December 2022, the Entity issued bidding documents to 12 bidders as shown in table 3 below:

**Table 2: Bidding documents issued to bidders by MLHUD**

S/N	Bidder	Date of issuance
1.	Geo Information Communication (GIC)	8 <sup>th</sup> November 2022
2.	Achelis Uganda Ltd	8 <sup>th</sup> November 2022
3.	Balton (U) Ltd	9 <sup>th</sup> November 2022
4.	Aeroprecisa	9 <sup>th</sup> November 2022
5.	Benefit Worldwide Ltd	10 <sup>th</sup> November 2022
6.	Supply Masters (U) Ltd	15 <sup>th</sup> November 2022
7.	Pynet Technologies Ltd	16 <sup>th</sup> November 2022
8.	Phirez International Ltd	16 <sup>th</sup> November 2022
9.	Boniface Mwalimu	24 <sup>th</sup> November 2022
10.	Spot Surveyors & Engineering Consultants	25 <sup>th</sup> November 2022
11.	Samanga Solutions Ltd	29 <sup>th</sup> November 2022
12.	DSN International Ltd	2 <sup>nd</sup> December 2022

1.5 On 15<sup>th</sup> November 2022, the Contracts Committee approved addendum No.1 for change of specifications for the mapping UAV Drone under Lot 1 of the Request for Bids Document.

1.6 On 5<sup>th</sup> December 2022, the Entity received bids from 10 of the 12 bidders who were issued bidding documents and were opened on the same day as tabulated below:

**Table 3: Details of bids received and opened by MLHUD**

S/N	Bidder	Lots	Bid security	Amount bid	VAT inclusive
1.	Achelis (U) Ltd	Lot 1	Yes	UGX. 842,565,205	Yes
		Lot 2	Yes	UGX. 2,530,000,635	No
2.	DSN International Ltd	Lot 1	Yes	USD. 385,625.3	Yes
		Lot 2	Yes	USD. 1,180,482.62	Yes
3.	Aeroprecisa Ltd	Lot 1	Yes	USD 337,334.66	Yes
		Lot 2	Yes	USD. 511,437.16	Yes
4.	Samanga Solutions Ltd	Lot 1	Yes	UGX. 1,440,485,024	Yes
5.	Pynet Technologies Ltd	Lot 1	Yes	UGX. 1,517,074,000	No
		Lot 2	Yes	UGX. 5,056,367,400	No
6.	Supply Masters (U) Ltd	Lot 2	Yes	UGX. 1,954,450,000 (All taxes)	Yes
7.	Phirez International	Lot 1	Yes	UGX. 1,417,363,755.5	Yes
		Lot 2	Yes	UGX. 5,138,727,510.55	Yes
8.	Spot Surveyors Engineering Consultants	Lot 1	Yes	UGX. 1,873,455,480	N/A
		Lot 2	Yes	UGX. 6,702,123,000	N/A
9.	Geo Information Communication Ltd	Lot 1	Yes	UGX. 1,043,171,136	N/A
		Lot 2	Yes	UGX. 5,109,417,395	N/A
10.	Balton (U) Ltd	Lot 1	Yes	UGX. 970,233,786	Yes

1.7 On 24<sup>th</sup> February 2023, the Entity requested bidders to extend their bid validity period from 6<sup>th</sup> March 2023 to 31<sup>st</sup> May 2023 to enable the Entity complete the procurement process.

1.8 As per the evaluation report dated 24<sup>th</sup> March 2023, the Evaluation Committee recommended that the contract for Lot 1 – UAV Mapping Drone be awarded to Geo-Information Communication (GIC) at UGX 1,043,171,136. In this lot, four bidders were eliminated at the preliminary examination stage while four other bidders were eliminated at detailed technical evaluation stage.

1.9 For Lot 2 – assorted surveys and mapping equipment, Achelis Uganda Limited was the best evaluated bidder at UGX 2,530,007,635. Five bidders were eliminated at preliminary examination while two bidders were eliminated at detailed technical evaluation stage.

1.10 On 18<sup>th</sup> April 2023, the Contracts Committee approved the evaluation report and awarded the contracts for lots 1 and 2 to Geo-Information Communication (GIC) at UGX 1,043,171,136 and Achelis Uganda Limited at UGX 2,530,007,635 respectively. The Best Evaluated Bidder Notice

for the same was published on 28<sup>th</sup> April 2023. The Authority has noted that the contracts for the 2 lots are yet to be signed.

## **2.0 PETITION TO THE AUTHORITY**

The PPDA received a complaint from Mr. Micheal Okello, a Ugandan citizen, alleging irregularities in the procurement process for the supply of assorted surveys and mapping equipment for the Physical Planning Department (PPD), Institute of Survey and Land Management (ISLM) and Department of Geomatics and Land Management (DGLM), Makerere University which is being undertaken by the Ministry of Lands, Housing and Urban Development under Competitiveness and Enterprise Development Project Additional Funding (CEDP AF) project.

Specifically, the following allegations were made:

- i) The Evaluation Committee unfairly eliminated more competent bidders at preliminary evaluation on flimsy grounds without seeking clarification from the bidders or the manufacturers; and
- ii) The Evaluation Committee irregularly awarded the contracts to bidders who did not meet the specifications indicated in the bidding document.

## **3.0 OBJECTIVES OF INVESTIGATION**

The investigation was conducted with the view of establishing whether:

- i) The Evaluation Committee irregularly awarded the contracts to bidders who did not meet the specifications indicated in the bidding document; and
- ii) The Evaluation Committee unfairly eliminated more competent bidders at preliminary evaluation on flimsy grounds without seeking clarification from the bidders or the manufacturers.

## **4.0 LAWS APPLICABLE**

- i) World Bank Procurement Regulations for IPF borrowers.
- ii) PPDA Act, 2003.
- iii) PPDA Regulations, 2014.

## **5.0 SCOPE**

The investigation focused on the procurement process for the supply of assorted surveys and mapping equipment for the Physical Planning Department (PPD), Institute of Survey and Land Management (ISLM) and Department of Geomatics and Land Management (DGLM), Makerere University and was carried out at the Ministry of Lands, Housing and Urban Development.

## **6.0 METHODOLOGY**

❖ **Documents retrieval and analysis:** The following documents were retrieved and analyzed from Ministry of Lands, Housing and Urban Development:

- i. The procurement requisition;
- ii. Record of issue and receipt of bids;
- iii. Record of bid opening;
- iv. Copy of solicitation document issued to bidders;
- v. Bids submitted by bidders;

- vi. Evaluation report;
- vii. Contracts committee minutes; and
- viii. Procurement Plan.

❖ **Interviews;** The following officials were interviewed:

**Table 4: MLHUD officials interviewed**

<b>S/N</b>	<b>Name of interviewee</b>	<b>Title</b>	<b>Date of Approval</b>
1	Mr. John Richard Oput	Technical Advisor, CEDPAF	30/06/2023
2	Mr. John Obore	Procurement Specialist, CEDPAF	30/06/2023
3	Mr. Wandera Peter	GIS Specialist	30/06/2023
4	Mr. Owino Emmanuel	Procurement Officer	30/06/2023
5	Mr. Toko Godfrey	Cartographer	30/06/2023

## 7.0 FINDINGS AND CONCLUSION

### **Whether the Evaluation Committee irregularly awarded the contracts to bidders who did not meet the specifications indicated in the bidding document**

7.1 The complainant alleged that the Evaluation Committee awarded contracts to bidders who did not meet the specification requirements as per the bidding document.

7.2 Regulation 19 (2) of the PPDA (Evaluations) Regulations 2014 provides that:

*“The detailed evaluation shall compare the details of a bid with the criteria stated in the bidding document.”*

7.3 Similarly, Regulation 19 (3) (c) of the PPDA (Evaluations) Regulations 2014 provides that:

*“The detailed evaluation shall for a bid for supplies, determine whether the bid complies with the minimum technical specification stated in the bidding document.”*

### **Entity’s response**

7.4 The Evaluation Committee revealed that Geo Information Communication (GIC) Ltd emerged as the best evaluated bidder for lot 1 because it met all the requirements indicated in the bidding document.

7.5 That for lot 2, Achelis (U) Ltd met most of the technical specification requirements for the assorted surveys and mapping equipment.

### **PPDA Findings**

7.6 Analysis of minutes of the Contracts Committee meeting held on 18<sup>th</sup> April 2023 revealed that the Committee awarded the contracts for lot 1 and Lot 2 to Geo-Information Communication (GIC) at UGX 1,043,171,136 and Achelis Uganda Limited at UGX 2,530,007,635 respectively.

### **Lot 1: UAV Mapping Drone**

7.7 In Section VI – Schedule of Requirements of the bidding document, the Entity was noted to have provided the technical specifications for the UAV Mapping Drone in Lot 1, which was further revised in addendum 1.

7.8 Analysis of the DeltaQuad brochure which Geo-Information Communication (GIC) Ltd attached to their bid indicates that the bidder proposed the “DeltaQuad Pro #MAP” as the UAV mapping drone. The attached brochure was however noted to have provided insufficient information as to the technical specifications of the drone. The brochure instead provided links to [www.deltaquad.com](http://www.deltaquad.com), which is the Manufacturer’s website.

- 7.9 An online search for the product on the manufacturer's site revealed that the technical specifications of the DeltaQuad Pro #MAP were exactly the same as the technical specifications provided to the bidders by the Entity in the bidding document (**Annex 1**).
- 7.10 Despite meeting all the technical specifications of the UAV mapping drone, the Authority noted that Geo-Information Communication (GIC) Ltd only provided audited financial statements for the last 3 years, instead of the last 5 years as required, but were erroneously passed by the Evaluation Committee. This was contrary to Section 3.1(a) (Section III-Evaluation Criteria and Methodology) in the bidding document which required that;
- "The bidder shall submit audited financial statements or, if not required by the law of the Bidder's country, other financial statements acceptable to the purchaser, for the last 05 years prior to bid submission deadline, demonstrating the current soundness of the bidder's financial position."*
- 7.11 When interviewed, the members of the Evaluation Committee revealed that they passed GIC Ltd because the company's average annual turnover for the last three years of UGX 2,285,850,727 was above the required annual turnover of not less than twice the bid price.
- 7.12 The Authority also noted that technical specifications for the UAV mapping drone which the Entity provided to the bidders were restrictive. The Entity adopted the exact technical specifications for the DeltaQuad Pro #MAP as shown in **Annex 1 above**, and did not provide the ranges within the technical specifications for the bidders. For example, the Entity asked for a drone with a wingspan of 235 cm, length of 90 cm and empty weight of 3.3 Kgs among others.
- 7.13 This meant that any bidder who proposed another mapping drone outside of the DeltaQuad Pro #MAP drone would not have met the technical specifications provided.
- 7.14 Mr. Godfrey Toko, Cartograher, MLHUD revealed that the technical specifications for the UAV mapping drone in lot 1 was obtained from the sites of different companies including Deltaquad, Phantom and Quantum. He could not however specifically mention the mapping drones for the mentioned companies, whose specifications were used in coming up with the technical specifications provided to the bidders.

**Lot 2: Assorted surveys and mapping equipment**

- 7.15 The technical specifications for the assorted survey and equipment in Lot 2, were for the below listed items in Table 5 below:

**Table 5: List of assorted survey equipment under Lot 2**

S/N	Equipment	Quantity
1.	Rugged Handheld GPSEquipment	51
2.	Total Stations	5
3.	Multi-frequency GNSSEquipment	11
4.	Digital Levels	2
5.	Mechanical Total Stations	2
6.	Automatic Levels	2

7.	Digital Levels	6
8.	Tapes - Steel Bands	10
9.	Metal Detector	2
10.	Range Finder	2
11.	Surveyor's Nails	10
12.	Ranging Rod	20
13.	Levelling Staff	4

7.16 The Authority noted that Achelis Uganda Limited did not meet majority of the specifications for the 13 assorted survey equipment which were provided in the bidding document as detailed in **Annex 2**. For example, in the supply of the rugged handheld GPS equipment, the bidder did not meet some of the technical specifications as shown below:

**Table 6: Excerpt of the technical specifications for the rugged handheld GPS equipment provided by Entity and the bidder**

Specification	Entity's specifications	Achelis' specification	Comments
Display resolution	Acceptable range 170 x 250pixels	160x240 pixels	Does not comply
Battery life	Atleast 18 hours	16 hours	Does not comply
Waypoints/favorites/locations	6000	5,000	Does not comply
Routes	400	200	Does not comply

7.17 The Authority further noted that the bidder did not have the specific experience requirement indicated in the bidding document where bidders were required to show evidence of successfully and substantially completing contracts of similar nature, scope and value. The high value contracts provided by Achelis Uganda Limited were for the supply of construction and drilling equipment such as rollers, graders, excavators and drilling rigs among others, which are not similar in nature and scope to the supply of assorted survey equipment.

7.18 The Purchase Orders submitted by Achelis Uganda Limited for survey related equipment from Food and Agriculture Organization (FAO), C&G Andijes Group Limited, Multiplex Limited, and Sogea Satom were EUR. 1025, EUR 38,190.70, EUR 86,226 and EUR 64,366.64 respectively, were noted to have been below the UGX 500,000,000 value that was required. These were contrary to Sections 3.1(b) and 3.1(c)(i) (Section III-Evaluation Criteria and Methodology) in the bidding document which required the following:

*“Specific Experience: The bidder shall demonstrate that it has successfully completed at least 03 contracts within the last 05 years prior to bid submission deadline, each with a value of at least UGX 500 million that have been successfully and substantially completed and that are similar in nature and complexity to the goods and related services under the contract.”*

*“The bidder shall furnish documentary evidence to demonstrate that the bidder meets the following experience requirement(s): A minimum of three (3) contracts of similar nature, type, scope and*

*value to the offered goods executed by the bidder in the last three (3) years supported by copies of delivery notes and certificates of acceptance and/or good performance from the previous clients.”*

- 7.19 The Evaluation Committee members stated that they considered the high value road construction and drilling equipment supplied by Achelis Uganda Limited as contracts of similar nature, scope and value, and hence found that the company met the specific experience requirement.
- 7.20 The Authority further noted restrictive technical specifications in the case of mechanical station where the Entity specified the “Trimble” brand name, thereby making any bidder who did not quote such a brand to be non-compliant.

### **Conclusion**

- 7.21 The Authority noted that the Evaluation Committee recommended the award of contracts to bidders who did not meet the technical requirements provided in the bidding document. The Authority therefore finds merit in this allegation.

### **Whether the Evaluation Committee unfairly eliminated more competent bidders at preliminary evaluation on flimsy grounds without seeking clarification from the bidders or the manufacturers**

- 7.22 The complainant alleged that the Evaluation Committee eliminated the most qualified bidders at the preliminary stage on grounds which they ought to have sought clarity from the bidders or even the manufacturers of the products who have full authority and knowledge of the Manufacturer’s Authorization letters.

- 7.23 According to Regulation 16 (1) (a) and 16 (1) (b) of the PPDA Evaluation Regulations, 2014;

*“A preliminary examination shall be conducted to determine that— (a) the bidder is eligible in accordance with Regulation 17 and as specified in the bidding document; and (b) the bid is administratively compliant with the basic instructions and requirements specified in Regulation 18 and in the bidding document.”*

- 7.24 Regulation 16 (2) (a) of the PPDA Evaluation Regulations, 2014 provides that:

*“Eligibility and administrative compliance shall be determined on a pass or fail basis and a bid which is not eligible or administratively compliant shall be rejected at the preliminary stage of evaluation.”*

### **The Entity’s response**

- 7.25 The Evaluation Committee members stated that the preliminary examination was properly carried out and that the Committee correctly failed bidders who did not provide the required information.

### **PPDA Findings**

- 7.26 The Authority noted that 4 out of the 9 companies that bid for lot 1 were eliminated at the preliminary examination by the Evaluation Committee, while 5 out of the 8 companies that bid for lot 2 were also eliminated at the same stage, as shown below in Table 7 below:

**Table 7: Bidders eliminated at the preliminary stage of evaluation for Lot 1 &2**

	<b>Company</b>	<b>Reason for elimination in Lot 1</b>
1	Aeroprecisa Limited	Bid security submitted was in the names of 2 companies i.e Aeroprecisa Limited/ KSA Electric offshore SAL and yet they were not a joint venture
2	Samanga Solutions Limited	The Power of Attorney document lacked the specimen signature of the person signing the bid. Thus, the signature of the person committing the bid could not be verified
3	Pynet Technologies Ltd	Did not provide Manufacturer's Authorization letter for the UAV Mapping Drone whose Country of origin is USA
4	Balton (U) Ltd	Did not provide Manufacturer's Authorization Letter for the Sony A7R Mark III Mapping Kit (camera, lens, two batteries, SD Card, Mount and Trigger), whose Country of origin is China
6	Spot Surveyors and Engineering Consultants	Passed preliminary examination
7	Geo-Information Communication (GIC) Ltd	Passed preliminary examination

	<b>Company</b>	<b>Reason for elimination in Lot 2</b>
1	Aeroprecisa Limited	Bid security submitted was in the names of 2 companies i.e Aeroprecisa Limited/ KSA Electric offshore SAL and yet they were not a joint venture
2	Pynet Technologies Ltd	Lot 2: Did not provide Manufacturer's Authorization letter for the Range Fine (whose Country of origin is China) and Ranging Rode and Leveling Staff (whose Country of origin is India)
3	Supply Masters (U) Ltd	Did not provide Manufacturer's Authorization from Trimble for the proposed items to be supplied, including Trimble S9 and C5 TS, Trimble R10 GNSS whose country of origin is China. -Did not attach brochures for rest of the items i.e. digital levels, automatic levels, Range finder, Ranging Rod and leveling staff. The same could not therefore be evaluated.
4	Spot Surveyors and Engineering Consultants	Did not provide Manufacturer's Authorization Letters for the Leveling Staff & Ranging Rod whose Country of origin is UK and India respectively.
5	Geo-Information Communication (GIC) Ltd	Did not provide Manufacturer's Authorization Letters for the Range Finder and Ranging Rod whose proposed Country of origin is China.

## **Detailed Analysis on elimination of bidders under Lot 1 & 2**

### **7.27 Balton Uganda Ltd – Lot 1**

ITB 17.2 of the Bid Data Sheet and Section 3.1 (e) (Section III – Evaluation Criteria) required bidders to provide Manufacturer's Authorization in their bids as evidence of being duly authorized by a manufacturer.

The bidder was eliminated because they did not provide a Manufacturer's Authorization Letter for the Sony A7R Mark III Mapping Kit (camera, lens, two batteries, SD Card, Mount and Trigger), whose Country of origin is China.

Analysis of Balton Uganda Limited's bid established that the bidder provided a Manufacturer's Authorization from DronesLab B.V./ DeltaQuad who are the official manufacturers of DeltaQuad UAV and are based in Netherlands. The Company committed to manufacture a Mapping UAV Drone and to extend full guarantee and warranty for the same.

The Authority noted that Geo-Information Communication Ltd, which emerged as the Best Evaluated Bidder also provided a similar Authorization from DronesLab B.V./ Vertical Technologies.

The Authority further noted that in the price schedule comprising of 12 components for the mapping drone worth UGX 811,529,090, the bidder (Balton Uganda) included Sony A7R mark III mapping kit (camera, lens, two batteries, SD Card, Mount and Trigger) worth UGX. 142,170,775. This same Sony Camera options were noted to have been provided in the DeltaQuad brochure in the bid.

Since Balton Uganda Limited provided the Manufacturer's Authorization Letter for the supply of a complete Mapping UAV Drone from DronesLab B.V./ DeltaQuad, it was not necessary for the bidder to provide a separate manufacturer's authorization for the Sony A7R mark III mapping kit because the kit was a component of the drone to be supplied by the Manufacturer. It was further prudent for the Evaluation Committee to seek further clarification from the bidder in this case, instead of eliminating the bidder.

The Authority noted that the Evaluation Committee unfairly failed Balton Uganda Limited at preliminary examination.

### **7.28 Samanga Solutions Ltd – Lot 1**

ITB 20.3 of the Bid Data Sheet in the bidding document required bidders to "*provide Powers of Attorney as written confirmation of authorization to sign on behalf of the Bidder.*"

Samanga Solutions Ltd was failed because the Power of Attorney provided lacked the specimen signature of the person signing the bid.

The Authority noted that the letter of bid and initials in the bidding document submitted by Samanga Solutions Ltd belonged to Ms. Gloria Kairaba, the Chief Executive Officer of the Company.

Whereas her name was mentioned in the Power of Attorney alongside Mr. George Ladsen Nkya, the Authority noted that there was no provision for Ms. Gloria Kairaba to sign as a Donee. Instead, Ms. Acilo Jane Francis and Mr. George Ladsen Nkya, the Company's Directors, were indicated as Donors, without any mention of a Donee.

The Authority noted that the Evaluation Committee correctly failed Samanga Solutions Ltd at preliminary examination.

#### **7.29 Aeroprecisa Limited – Lots 1 & 2**

ITB 19.1 of the Bid Data Sheet required bidders to *“provide bid security in the form of an unconditional demand guarantee issued by a bank.”*

The bidder was failed in Lots 1 and Lot 2 because the bid security submitted was in the names of 2 companies i.e. Aeroprecisa Limited/ KSA Electric offshore SAL and yet they were not a joint venture.

On analysis of the bid securities Ref No. MD2232708412 and Ref. No. MD2232708413 dated 23<sup>rd</sup> November 2022 from KCB Bank which were submitted by the bidder for Lots 1 and 2 respectively, the Authority noted that they were issued in the names of Aeroprecisa Limited/ KSA Electric offshore SAL, with the latter being referred to as a local representative agent.

Whereas ITB 4.1 of the Bid Data Sheet in the bidding document allowed for Joint Ventures, it was noted that Aeroprecisa Limited did not bid for this procurement as a Joint Venture. The Authority noted that the Evaluation Committee correctly failed the bidder.

#### **7.30 Pynet Technologies – SMC Ltd Lots 1 & 2**

The bidder was eliminated because they did not provide Manufacturer's Authorization letter for the UAV Mapping Drone (Lot 1) and Manufacturer's Authorization letter for the Range Fine (whose Country of origin is China) and Ranging Rode and Leveling Staff (Lot 2) whose countries of origin were India and China respectively.

The Authority noted that the bidder applied for administrative review and the same was handled by the Entity, who did not find merit in the bidder's complaint. As such, the Authority did not investigate this since their complaint had already been addressed

#### **7.31 Supply Masters (U) Ltd – Lot 2**

The company was failed because they did not provide a Manufacturer's Authorization letter from Trimble for the proposed items to be supplied, including Trimble S9 and C5 TS, Trimble R10 GNSS whose country of origin is China. The bidder was also failed because they did not attach brochures for the rest of the items i.e. digital levels, automatic levels, Range finder, Ranging Rod and levelling staff, and could not therefore be evaluated on the same by the Committee.

The Authority noted that whereas Supply Masters (U) Ltd provided a Manufacturer's Authorization letter for Shanghai Newdi Navigation Technology Co. Ltd, the bidder did not provide the Manufacturer's Authorization letter for the Trimble equipment whose specifications were provided in the brochures attached by the bidder. This included Trimble S9/S9 HP for Total Station, Trimble C5 Mechanical Total Station and Trimble R10 Model 2 GNSS System.

Whereas it is true that the bidder did not attach the brochures for the digital levels, automatic levels, tapes, metal detector, Range Finder, Ranging Rod and Surveyor's Nails, the Evaluation Committee could have sought for clarification from the bidder on the specifications of the proposed equipment. Declining to assess the bidder on that basis was therefore irregular because the provision of brochures was not listed among the requirements in the evaluation criteria.

The Authority noted that the Evaluation Committee correctly disqualified the bidder for not providing the Manufacturer's Authorization Letter for Trimble. The Committee is however faulted for failing to seek clarification from the bidder on the brochures in accordance with Regulation 17 (3)(d) and 17 (6) of the PPDA (Evaluation) Regulations, 2014.

### **7.32 Spot Surveyors and Engineering Consultants – Lot 2**

According to the evaluation report, the bidder did not provide Manufacturer's Authorization Letters for the Leveling Staff & Ranging Rod whose Countries of origin is UK and India respectively

Analysis of Spot Surveyors and Engineering Consultants' bid revealed that the bidder provided a Manufacturer's Authorization Letter from Trimble which covered 11 of the 12 assorted equipment worth UGX. 6,079,475,520. The bidder did not however provide Manufacturer's Authorization Letter for Ranging Rod worth UGX 35,568,000 and Leveling Staff worth UGX 1,778,400.

Considering that the bidder provided a Manufacturer's Authorization Letter for 11 of 13 which totaled to UGX 6,042,129,120 (99.4% of total bid price), it was prudent for the Evaluation Committee to further seek clarification from the bidder before eliminating the Company for not providing the Manufacturer's Authorization for 2 equipment comprising only 0.006% of the total bid price.

The Authority noted that the Evaluation Committee incorrectly disqualified the bidder without seeking clarification on the 2 equipment whose Manufacturer's authorization was not provided. This was contrary to Regulation 17 (3)(d) and 17 (6) of the PPDA (Evaluation) Regulations, 2014.

### **7.33 Geo-Information Communication (GIC) Ltd – Lot 2**

The bidder was failed because they did not provide a Manufacturer's Authorization Letters for the Range Finder and Ranging Rod whose proposed Country of origin is China.

From the analysis of the Company's bid, the Authority noted that the bidder provided Manufacturer's Authorization Letter from Trimble Inc for Lot 2. Majority of the assorted survey equipment were noted to have been covered by this Authorization, except for Range Finder and

Ranging Rod which was costed at a combined UGX. 15,085,392 out of the quoted UGX. 5,109,417,395 (VAT exclusive) for lot 2. This meant that the 2 equipment, whose Manufacturer's Authorization was not provided by the Company, only translated to 0.003% of the total bid price provided by the bidder.

It was therefore prudent for the Evaluation Committee to seek clarification from the bidder considering that the Manufacturer's Authorization covered most of the assorted equipment.

The Authority noted that the Evaluation Committee incorrectly disqualified the bidder without seeking clarification on the 2 equipment whose Manufacturer's authorization was not provided. This was contrary to Regulation 17 (3)(d) and 17 (6) of the PPDA (Evaluation) Regulations, 2014.

### **Conclusion**

- 7.34 The Authority noted that the Evaluation Committee unfairly eliminated Balton Uganda Limited at preliminary examination of Lot 1 since the Sony Camera they were disqualified for was simply a component of the DeltaQuad Pro #MAP mapping drone proposed by the bidder, whose Manufacturer's Authorization had already been provided. In doing so, the Evaluation Committee denied the Entity the opportunity to award the contract to the lowest bidder since the bidder was noted to have bided to supply the drone at UGX. 811,529,090, which was UGX. 231,642,046 less than Geo-Information Communication (GIC) Ltd (best evaluated bidder) which quoted for the same mapping drone at UGX 1,043,171,136.
- 7.35 Similarly, the Evaluation Committee should have further sought for clarification for Lot 2 from Spot Surveyors and Engineering Consultants and Geo-Information Communication (GIC) Ltd who had provided Manufacturer's Authorization that covered more than 99% of the 13 assorted surveys and mapping equipment.
- 7.36 The Authority therefore finds merit that some bidders were unfairly eliminated at preliminary evaluation on flimsy grounds without seeking clarification from the bidders or the manufacturers.

### **8.0 RECOMMENDATIONS**

In light of the above, the Authority recommends the following;

- 8.1 The Entity should expeditiously re-evaluate the bids submitted using a different Evaluation Committee with the view of fairly applying the evaluation criteria to all bidders.
- 8.2 The Accounting Officer, Ministry of Lands, Housing and Urban Development should caution the Evaluation Committee members for; recommending that the Contracts Committee awards the contract for the supply of assorted survey and mapping equipment to bidders who did not meet the technical specifications and requirements provided in the evaluation criteria; and for unfairly eliminating some bidders at preliminary examination.
- 8.3 The Entity should in the future ensure that the technical specifications issued to bidders are not restrictive or particular to certain brands.