



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

**APPLICATION FOR ADMINISTRATIVE REVIEW IN  
RESPECT TO THE PROCUREMENT FOR SUPPLY OF  
INSTRUCTION MATERIALS FOR UPPER PRIMARY  
SCHOOLS (P5-P7) AND PRIMARY TEACHERS COLLEGES  
FOR FIVE YEARS UNDER FRAMEWORK CONTRACT  
(MOES/SUPLS/2018-19/00096)**

**ENTITY: MINISTRY OF EDUCATION AND SPORTS**

**COMPLAINANT: MK PUBLISHERS LTD**

**JUNE 2020**

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## 1.0 SUMMARY OF FACTS

1. On 21<sup>st</sup> November 2018, Ministry of Education and Sports (MOES) initiated the procurement for prequalification of publishers for supply of instruction materials for primary schools (P5-P7) and Primary Teachers Colleges for five years under framework contract at an estimated cost of USD 14,402,745.
2. On 28<sup>th</sup> March 2019, the Contracts Committee in its 17<sup>th</sup> meeting approved the Open Domestic Bidding method and the bidding document for the above procurement. The procurement comprised the following 22 lots:

**Table 1: Lots Indicated in the Bidding Document Issued to bidders**

<b>Lot No.</b>	<b>Content in the bidding document</b>	<b>Quantity (No. of Copies)</b>
1	Maths P5 (Pupils Book and Teachers Guide)	319,701
2	Maths P6 (Pupils Book and Teachers Guide)	263,467
3	Maths P7 (Pupils Book and Teachers Guide)	163,701
4	English P5 (Pupils Book and Teachers Guide)	319,701
5	English P6 (Pupils Book and Teachers Guide)	263,467
6	English P7 (Pupils Book and Teachers Guide)	163,701
7	Social Studies P5 (Pupils Book and Teachers Guide)	319,701
8	Social Studies P6 (Pupils Book and Teachers Guide)	263,467
9	Social Studies P7 (Pupils Book and Teachers Guide)	163,701
10	Science P5 (Pupils Book and Teachers Guide)	319,701
11	Science P6 (Pupils Book and Teachers Guide)	263,467
12	Science P7 (Pupils Book and Teachers Guide)	163,701
13	CRE P6 (Pupils Book and Teachers Guide)	263,467
14	CRE P7 (Pupils Book and Teachers Guide)	163,701
15	Islamic Religious Studies P5	319,701
16	Islamic Religious Studies P6	263,467
17	Islamic Religious Studies P7	163,701
18	Primary School Atlas	319,701
19	Local language Education	18,000
20	Religious Education	18,000
21	Music, Dance and Drama Education	18,000
22	Integrated Science Education	18,000

3. On 9<sup>th</sup> April 2019, the Entity published a bid notice for the procurement under Open Domestic Bidding in the New Vision newspaper with the deadline for bid submission of 30<sup>th</sup> July 2019. The bidding document was issued to 31 potential bidders.
4. On 20<sup>th</sup> May 2019, the deadline for bid submission was extended under addendum No. 1 to 20<sup>th</sup> August 2019. The addendum was issued together with the minutes of the pre-bid meeting held on 24<sup>th</sup> April 2019.

5. On 6<sup>th</sup> June 2019, clarification No. 1 was issued to bidders.
6. On 3<sup>rd</sup> August 2019, clarification No. 2 was issued to bidders.
7. On 16<sup>th</sup> August 2019, the deadline for bid submission was further extended under addendum No. 2 to 3<sup>rd</sup> September 2019.
8. On 30<sup>th</sup> August 2019, the Entity issued a final clarification to the bidders which stated that, “all charts will be supplied in a set of 3 per school per class” and “the readers will be treated as sub-lots in the English and Religious Education lots. Please price appropriately showing the components of the price for these lots”.
9. On 3<sup>rd</sup> September 2019, the Entity received and opened bids from 24 bidders for various lots. Bid prices and bid security amounts were read out at the opening.
10. On 19<sup>th</sup> November 2019, the Contracts Committee approved the evaluation committee. It comprised 9 members and 112 teachers and tutors (for the pedagogical evaluation).
11. On 29<sup>th</sup> January 2020, the evaluation committee concluded bid evaluation and signed the evaluation report.
12. On 18<sup>th</sup> February 2020, the evaluation report was submitted to the Contracts Committee for approval.
13. On 28<sup>th</sup> February 2020, the Contracts Committee approved the recommended publishers and unit prices for the different lots in order of ranking based on their total combined scores.
14. On 28<sup>th</sup> February 2020, the Entity displayed the Best Evaluated Bidder Notice with a removal date of 12<sup>th</sup> March 2020. The following were the best evaluated bidders ranked number 1:

**Table 2: Bidders Awarded and Ranked No. 1**

<b>Lot No</b>	<b>Description in the bidding document</b>	<b>Description in the Best Evaluated Bidder Notice</b>	<b>Bidder Awarded and ranked No.1</b>	<b>Prices (UGX/USD)</b>
1	P.5 Math - PB <sup>1</sup> & TG <sup>2</sup>	P.5 Math - PB & TG	Fountain Publishers Ltd	PB USD 1.7 TG USD 0.90
		P.5 Math Wall charts	New Vision Printing & Publishing	UGX 8,057.60

<sup>1</sup> PB: Pupils Guide

<sup>2</sup> TG: Teachers Guide

<b>Lot No</b>	<b>Description in the bidding document</b>	<b>Description in the Best Evaluated Bidder Notice</b>	<b>Bidder Awarded and ranked No.1</b>	<b>Prices (UGX/USD)</b>
			Company Ltd	
2	P.6 Math - PB & TG	P.6 Math - PB & TG	New Vision Printing & Publishing Company Ltd	PB UGX 3,878.74 TG UGX 2,650.66
3	P.7 Math - PB & TG	P.7 Math - PB & TG	New Vision Printing & Publishing Company Ltd	PB UGX 3,878.74 TG UGX 2,650.66
4	P.5 English - PB & TG	P.5 English - PB & TG	MTK Bookshop & Stationers Ltd JV Rachna Sagna PVT Ltd	PB USD 1.3 TG USD 1.2
		P.5 Readers for English	Elimu Publishers Ltd	USD 0.4
5	P.6 English - PB & TG	P.6 English - PB & TG	Baroque Publishers Ltd	PB USD 1.80 TG USD 0.99
		P.6 Readers for English	Fountain Publishers Ltd	USD 1.16
6	P.7 English - PB & TG	P.7 English - PB & TG	Baroque Publishers Ltd	PB USD 1.90 TG USD 0.986
		P.7 Readers for English	New Vision Printing & Publishing Company Ltd	UGX 804.24
7	P.5 Social Studies - PB & TG	P.5 Social Studies - PB & TG	New Vision Printing & Publishing Company Ltd	PB UGX 3,878.74 TG UGX 2,650.66
8	P.6 Social Studies - PB & TG	P.6 Social Studies - PB & TG	Goodluck Publishers Ltd	PB USD 1.5 TG USD 2
9	P.7 Social Studies - PB & TG	P.7 Social Studies - PB & TG	Fountain Publishers Ltd	PB USD 1.5 TG USD 0.6
10	P.5 Integrated Science - PB & TG	P.5 Integrated Science - PB & TG	New Vision Printing & Publishing Company Ltd	PB UGX 3,878.74 TG UGX 2,650.66
		P.5 Wall charts	New Vision Printing	UGX 1,611.51

<b>Lot No</b>	<b>Description in the bidding document</b>	<b>Description in the Best Evaluated Bidder Notice</b>	<b>Bidder Awarded and ranked No.1</b>	<b>Prices (UGX/USD)</b>
		for integrated science	& Publishing Company Ltd	
11	P.6 Integrated Science - PB & TG	P.6 Integrated Science - PB & TG	Long Horn Publishers Ltd	PB UGX 4,316 TG UGX 3,976
		P.6 Charts Integrated Science	Baroque Publishers Ltd	USD 23.7
12	P.7 Integrated Science - PB & TG	P.7 Integrated Science - PB & TG	Fountain Publishers Ltd	PB USD 1.5 TG USD 0.64
		P.6 Charts Integrated Science	New Vision Printing & Publishing Company Ltd	UGX 1,611.51
13	P.6 Christian Religious Education - PB & TG	P.5 CRE - PB & TG	Fountain Publishers Ltd	PB USD 1.34 TG USD 0.80
		P.5 Readers for CRE	MK Publishers Ltd	USD 1.5
14	P.7 Christian Religious Education - PB & TG	P.6 CRE - PB & TG	Fountain Publishers Ltd	PB USD 1.48 TG USD 0.86
		P.6 Readers for CRE	MK Publishers Ltd	USD 1.5
15	P.5 Islamic Religious Studies - PB & TG	P.7 IRE- PB & TG	Fountain Publishers Ltd	PB USD 1.39 TG USD 0.90
		P.7 Readers for IRE	MK Publishers Ltd	USD 1.5
16	P.6 Islamic Religious Studies - PB & TG	P.5 IRE - PB & TG	Fountain Publishers Ltd	PB USD 0.84 TG USD 0.73
		P.5 Readers for IRE	Fountain Publishers Ltd	USD 0.83
17	P.7 Islamic Religious Studies - PB & TG	P.6 IRE - PB & TG	Elimu Publishers Ltd	PB USD 1:00 TG USD 0.780
18	Primary School Atlas	P.7 IRE - PB & TG	Long Horn Publishers Ltd	PB UGX 5,760 TG UGX 3,960
		P.7 IRE Readers	Fountain Publishers Ltd	USD 0.86
19	Local language Education	Primary School Atlas	Long Horn Publishers Ltd	PB UGX 7,221 TG UGX 3,986

Lot No	Description in the bidding document	Description in the Best Evaluated Bidder Notice	Bidder Awarded and ranked No.1	Prices (UGX/USD)
20	Religious Education	-	-	-
21	<b>Music, Dance and Drama Education</b>	<b>Religious Education</b>	Long Horn Publishers Ltd	Yr 1: 5,400 Yr 2: 5,400
22	<b>Integrated Science Education</b>	<b>Music, Dance and Drama Education</b>	Long Horn Publishers Ltd	Yr 1: 5,400 Yr 2: 5,400

## 2.0 APPLICATION FOR ADMINISTRATIVE REVIEW TO THE ACCOUNTING OFFICER

1. On 4<sup>th</sup> March 2019, MK Publishers Ltd applied for administrative review to the Accounting Officer and attached a cheque of UGX 10 Million (No. 005997, dated 5<sup>th</sup> March 2020) as administrative review fees. The Applicant raised three grounds at the Entity level as follows: **Annex 1**
  - i. *ITB 1.1 states that:.....the proportion of each lot that a bidder may bid for is one complete lot. Lots are indivisible. The best evaluated bidder notice for this tender has a number of lots divided between textbooks and readers and textbooks and charts whereas these were single lots supported by single bid securities. Had they been separate lots, each should have had a separate bid security.*
  - ii. *There are a number of discrepancies between the prices read out during the bid opening and the prices given in the best evaluated bidder notice for the tender.*
  - iii. *The submission of bids was based on an existing curriculum for which a number of our books had been previously evaluated and found to meet the requirements of the curriculum. We only made improvements and additions on most of the books. We thus don't believe that a number of our books could have failed to meet the requirement of the curriculum since they previously did.*
2. On 6<sup>th</sup> March 2020, the Authority advised the Accounting Officer to handle the Administrative Review.
3. On 18<sup>th</sup> March 2020, the Accounting Officer requested the Authority to handle the Administrative Review, citing inability of the Entity to handle it due to constraints in constituting the administrative review team because many of the officials of the Entity including the technical staff in the Instruction Materials Unit and Ag. Head PDU were involved in the evaluation. The letter was copied to MK Publishers Ltd. **Annex 2**

4. On 25<sup>th</sup> March 2020, the Authority requested the Entity to deliver the records of proceedings for the procurement which were delivered on 14<sup>th</sup> May 2020.

### **3.0 APPLICATION FOR ADMINISTRATIVE REVIEW TO THE AUTHORITY**

1. On 23<sup>rd</sup> March 2020, MK Publishers Ltd applied for administrative review to the Authority on the following grounds: **Annex 3**
  - i. *ITB 1.1 states that: .....the proportion of each lot that a bidder may bid for is one complete lot. Lots are indivisible. The best evaluated bidder notice for this tender has a number of lots divided between textbooks and readers and textbooks and charts whereas these were single lots supported by single bid securities. Had they been separate lots, each should have had a separate bid security.*
  - ii. *There are a number of discrepancies between the prices read out during the bid opening and the prices given in the best evaluated bidder notice for the tender.*
  - iii. *The submission of bids was based on an existing curriculum for which a number of our books had been previously evaluated and found to meet the requirements of the curriculum. We only made improvements and additions on most of the books. We thus don't believe that a number of our books could have failed to meet the requirement of the curriculum since they previously did.*
  - iv. *Our bid opening records show that bidder; Precise Education Publishers Ltd submitted lot 15 but did not submit lot 16 but the best evaluated bidder notice awards lot 16 Precise Education Publishers among others, yet they did not submit this lot.*

### **4.0 DISPOSAL OF THE ADMINISTRATIVE REVIEW APPLICATION**

1. In investigating the application for Administrative Review, the Authority analysed the following documents:
  - i) Bidding document;
  - ii) Record of bid opening;
  - iii) Bids submitted by the bidders;
  - iv) The evaluation report and minutes;
  - v) Minutes of the Contracts Committee;
  - vi) Notice of Best Evaluated Bidder;
  - vii) Application for Administrative Review by MK Publishers Ltd ; and
  - viii) Correspondences with respect to the Administrative Review.
2. On 2<sup>nd</sup> June 2020, the Authority convened an Administrative Review hearing which was attended by the following officials from the Entity and MK Publishers Ltd:

**Table 3: Attendance of the Hearing**

<b>No.</b>	<b>Name</b>	<b>Institution</b>	<b>Title</b>
1.	Ms. Grace Tusiime	Ministry of Education and Sports	For Permanent Secretary
2.	Ms. Yerusa Nyangoma	Ministry of Education and Sports	Principal Procurement Officer
3.	Mr. Simon Peter Tukei	Ministry of Education and Sports	Acting Commissioner/Instructional Materials Unit
4.	Mr. Samuel Musoke Majwega	MK Publishers Ltd	Chief Executive Officer
5.	Mr. Ronald Kironde Majwega	MK Publishers Ltd	General Manager
6.	Mr. Suuna Zakaria	MK Publishers Ltd	Operations Officer
7.	Ms. Zaina Nabukenya	MK Publishers Ltd	Secretary

## **5.0 SUBMISSIONS BY THE PARTIES**

### **5.1 SUBMISSIONS BY THE APPLICANT**

1. The Entity irregularly sub-divided lots and awarded them to different bidders contrary to the requirement of ITB 1.1 (page 20) of the bidding document which stated that bidders were to bid for one complete lot and that lots were indivisible. In addition, single bid securities were submitted by bidders for the divided lots contrary to the requirement of the bidding document which stated that bid security was to be submitted for each lot.
2. There were discrepancies between prices at bid opening and those displayed on the Notice of Best Evaluated Bidder for some bidders whereas there was no communication of correction of arithmetic errors to bidders.
3. MK Publishers Ltd failed on content in ten lots yet the current tender requires updating the existing curriculum where the firm was approved and is a publisher.
4. Precise Education Publishers Ltd did not submit a bid for lot 16 but the firm was awarded this lot as per the results on the Notice of Best Evaluated Bidder.

### **5.2 SUBMISSIONS BY THE ENTITY**

The Entity submitted at the hearing that:

- i. Item No. 4 of addendum No. 2 issued to bidders clarified on divisibility of lots. It stated that “the readers will be treated as sub-lots in the English and Religious Education lots. Please price appropriately showing the components of the price for these lots”.

- ii. The sub-division of charts for science and math were erroneously omitted in addendum No. 2.
- iii. It was an omission for the Entity not to request bidders to submit separate bid securities for the sub-lots.
- iv. During conversion of prices into Uganda Shillings, the prices were rounded off thus causing variances between the prices at bid opening and prices in the best evaluated bidder notice. However, this was corrected later.
- v. There was no correction of arithmetic errors during financial evaluation of bids.
- vi. Evaluating the text books and readers in past curriculum was conducted by National Curriculum Development Centre. The evaluation for the current tender was undertaken by the Ministry and the criteria were clearly stated in the bidding document. Bidders were required to obtain 80% of 50 marks for the pedagogical evaluation.

## 6.0 RESOLUTION BY THE AUTHORITY

**Ground 1: *Whether the Entity erred in splitting lots during award contrary to ITB 1.1 which indicated that the lots were indivisible and single bid securities were required for each lot***

### **Findings:**

The Authority studied the bidding document, the addenda issued and submissions of both parties and found that:

1. The bidding document stated under the Bid Data Sheet 1.1 that: *“the number and identification of lots comprising the bidding document is 22 lots. The proportion of each lot that a bidder may bid for is **one complete lot. Lots are indivisible.** The minimum and maximum number of lots a bidder may bid for is: minimum of one complete lot and maximum of twenty two”*.
2. The bidding document stated under the Bid Data Sheet 21.1 that: *“a bid security amount of Uganda shillings 2,000,000 Million, for **each lot** shall be required in form of an unconditional Bank Guarantee only”*.
3. The Entity under the final clarification issued to bidders on 30<sup>th</sup> August 2019 stated that: *“the readers will be treated as sub-lots in the English and religious education lots, please price appropriately showing the components of the price of these lots”*. **Annex 4**
4. The above clarification however, did not explicitly state that these lots were to be separated and awarded as different lots. It was also not clarified that separate bid securities were to be submitted for these lots. In addition, the above clarification did not mention that charts were to be treated as “sub-lots”.

5. The Entity divided 12 lots indicated in table 4 and awarded them to different bidders:

**Table 4: Lots Awarded to Different Bidders**

Lot No	Description in the bidding document	Description in the NOBEB	Bidder awarded and ranked No.1	Prices (UGX/USD)
1	P.5 Math - PB <sup>3</sup> & TG <sup>4</sup>	P.5 Math - PB & TG	Fountain Publishers Ltd	PB USD 1.7 TG USD 0.90
		P.5 Math Wall charts	New Vision Printing & Publishing Company Ltd	UGX 8,057.60
4	P.5 English - PB & TG	P.5 English - PB & TG	MTK Bookshop & Stationers Ltd JV Rachna Sagna PVT Ltd	PB USD 1.3 TG USD 1.2
		P.5 Readers for English	Elimu Publishers Ltd	USD 0.4
5	P.6 English - PB & TG	P.6 English - PB & TG	Baroque Publishers Ltd	PB USD 1.80 TG USD 0.99
		P.6 Readers for English	Fountain Publishers Ltd	USD 1.16
6	P.7 English - PB & TG	P.7 English - PB & TG	Baroque Publishers Ltd	PB USD 1.90 TG USD 0.986
		P.7 Readers for English	New Vision Printing & Publishing Company Ltd	UGX 804.24
10	P.5 Integrated Science - PB & TG	P.5 Integrated Science - PB & TG	New Vision Printing & Publishing Company Ltd	PB UGX 3,878.74 TG UGX 2,650.66
		P.5 Wall charts for integrated science	New Vision Printing & Publishing Company Ltd	UGX 1,611.51
11	P.6 Integrated Science - PB & TG	P.6 Integrated Science - PB & TG	Long Horn Publishers Ltd	PB UGX 4,316 TG UGX 3,976
		P.6 Charts Integrated Science	Baroque Publishers Ltd	USD 23.7
12	P.7 Integrated Science - PB & TG	P.7 Integrated Science - PB & TG	Fountain Publishers Ltd	PB USD 1.5 TG USD 0.64

<sup>3</sup> PB: Pupils Guide

<sup>4</sup> TG: Teachers Guide

<b>Lot No</b>	<b>Description in the bidding document</b>	<b>Description in the NOBEB</b>	<b>Bidder awarded and ranked No.1</b>	<b>Prices (UGX/USD)</b>
		P.6 Charts Integrated Science	New Vision Printing & Publishing Company Ltd	UGX 1,611.51
13	<b>P.6</b> Christian Religious Education - PB & TG	<b>P.5</b> CRE - PB & TG	Fountain Publishers Ltd	PB USD 1.34 TG USD 0.80
		<b>P.5</b> Readers for CRE	MK Publishers Ltd	USD 1.5
14	<b>P.7</b> Christian Religious Education - PB & TG	<b>P.6</b> CRE - PB & TG	Fountain Publishers Ltd	PB USD 1.48 TG USD 0.86
		<b>P.6</b> Readers for CRE	MK Publishers Ltd	USD 1.5
15	<b>P.5</b> Islamic Religious Studies - PB & TG	<b>P.7</b> IRE- PB & TG	Fountain Publishers Ltd	PB USD 1.39 TG USD 0.90
		<b>P.7</b> Readers for IRE	MK Publishers Ltd	USD 1.5
16	<b>P.6</b> Islamic Religious Studies - PB & TG	<b>P.5</b> IRE - PB & TG	Fountain Publishers Ltd	PB USD 0.84 TG USD 0.73
		<b>P.5</b> Readers for IRE	Fountain Publishers Ltd	USD 0.83
18	<b>Primary School Atlas</b>	<b>P.7</b> IRE - PB & TG	Long Horn Publishers Ltd	PB UGX 5,760 TG UGX 3,960
		<b>P.7</b> IRE Readers	Fountain Publishers Ltd	USD 0.86

6. The bidders in table 4 above that were awarded sub-lots for readers and charts did not submit separate bid securities for the “sub-lots” contrary to the Bid Data Sheet 21.1.
7. The Entity therefore erred in splitting and awarding the above lots to different bidders since bidders did not adhere to the requirement in the bidding document of Bid Data Sheet 21.1 on submission of separate bid securities for each lot.

### **Decision of the Authority on the Ground**

The Authority found **merit** in the ground. The Entity should have clearly stated that readers and charts were to be considered and awarded as separate lots. Accordingly, separate bid securities should have been submitted by bidders for these lots. The above notwithstanding, the Authority noted that the separation and awarding of lots to different bidders was applied across the board and did not unfairly disadvantage any bidder.

**Ground 2: Whether the prices awarded differed from those read out at bid opening**

**Findings:**

The Authority studied the record of bid opening and prices read out and the best evaluated bidder notice and found that:

1. There were discrepancies in prices quoted by 14 bidders in the lots indicated in table 5:

**Table 5: Discrepancies in Prices Read out and in Best Evaluated Bidder Notice**

Lot No	Name of Bidder	Price at Bid Opening (UGX/USD)	Evaluated Price (UGX)	NOBEB Price (UGX/USD)
10: P5 SCI	Doxa in JV with Pearsons Publishers	PB: UGX 7,420	UGX 8,340	UGX 8,340
8: P6 SST	Good Luck Publishers Ltd	TG: USD 1.73	UGX 6,385.79 <sup>5</sup>	USD 2
2: P6 Math	Baroque Publishers (U) Ltd	TG: USD 0.986	UGX 3,639.5	USD 0.99
3: P7 Math		TG: USD 0.986	UGX 3,639.5	USD 0.99
4: P5 English		ER: USD 0.75x3= 2.25	Readers: UGX 8,305.2	USD 2.64
5: P6 English		TG: USD 0.986	UGX 3,639.5	USD 0.99
SUB Lot 5 (Readers)		ER: USD 0.75x3=2.25	UGX 8,305.2	USD 2.70
10: P5 SCI		PB: USD 1.65 TG: USD 0.986	UGX 6,090.5 UGX 3,639.5	USD 1.7 USD 0.99
11: P6 SCI		TG: USD 0.986	UGX 3,639.5	USD 1
4: P5 English		Elimu Publishers Ltd	-	Readers: UGX 1,476.48
11: P6 SCI	PB: USD 1.478 TG: USD 1.06		UGX 5,488.83 UGX 3,920.07	USD 1.48 USD 1.02
11: P6 SCI	Precise Education Publishers Ltd	TG: USD 1.90	UGX 7,013.30	USD 2
16		-	PB: UGX 5,905.94 TG: UGX 5,905.94	PG: USD 1.60 TG: USD 1.6

<sup>5</sup> For conversion to a single currency, an exchange rate of UGX 3,691.21 of 3<sup>rd</sup> September 2019, the date bid of opening was used during evaluation

Lot No	Name of Bidder	Price at Bid Opening (UGX/USD)	Evaluated Price (UGX)	NOBEB Price (UGX/USD)
3: P7 Math	MKT Bookshop & Stationers Ltd JV Rachna Sagna PVT Ltd	TG: USD 1.04	UGX 3,838.86	USD 1.0
4: P5 English		PB: USD 1.25 TG: USD 1.16	UGX 4,614.01 UGX 4,281.80	USD 1.3 USD 1.2
10: P5 SCI	New Vision Printing & Publishing Company Ltd	TG: UGX 2,929.34	UGX 2,650.66	UGX 2,650.66
11: P6 SCI	Longhorn Publishers Ltd	PB: UGX 4,506 TG: UGX 3,962	UGX 4,316 UGX 3,976	UGX 4,316 UGX 3,976
14: P6 CRE		PB: UGX 5,760 TG: UGX 3,960	UGX 6,275.06 UGX 4,429.45	UGX 6,275.06 UGX 4,429.45
15: P7 CRE		TG: UGX 3,960	UGX 5,400	UGX 5,400
3: P7 Math	Fountain Publishers Ltd	PB: USD 1.65 TG: USD 1.19	UGX 6,090.50 UGX 4,392.54	USD 1.7 USD 1.2
9: P7 SST		PB: USD 1.51 TG: USD 0.64	UGX 5,573.73 UGX 2,362.37	USD 1.5 USD 0.6
11: P6 SCI		PB: USD 1.57 TG: USD 0.93	UGX 5,795.20 UGX 3,432.83	USD 1.51 USD 1.03
12: P7 SCI		TG: USD 1.03	UGX 3,801.95	USD 0.64
10: P5 SCI	River Flow International Ltd	PB: USD 7.93 TG: USD 6.24	UGX 29,271.3 UGX 22,033.2	USD 7.9 USD 6.2
11: P6 SCI		TG: USD 6.75	UGX 24,915.7	USD 6.8
11: P6 SCI	Crystal Holdings Ltd	PB: USD 2.72	UGX 10,040.09	USD 2.7
9: P7 SST	Mukono Bookshop Printing and Publishing Co. Ltd	PB: USD 2.2 TG: USD 1.5	UGX 8,120.66 UGX 5,536.82	USD 1.5 USD 1.92
3: P7 Math	Mastep General Supplies Ltd	PB: UGX 7,115	UGX 7,050	UGX 7,050
10: P5 SCI		PB: UGX 6,685	UGX 7,550	UGX 7,550
7: P5 SST	St. Bernard Publishers Ltd	TG: USD 1.75	UGX 6,459.62	USD 1.8
9: P7 SST		PB: USD 1.8 TB: USD 1.92	UGX 6,644.18 UGX 7,087.12	USD 2.20 USD 2

2. The reasons for the discrepancies in the above bid prices were not stated in the evaluation report.
3. There were no discrepancies in prices in lots 1, 6, 13, 17, 18, 19, 20, 21 and 22.
4. The Entity confirmed at the hearing that no arithmetic errors were corrected in any bid during financial evaluation. However, during conversion of prices into a single currency (Uganda Shillings), the prices were rounded off thus causing variances between prices at bid opening and those stated on the notice of best evaluated bidder. The Entity indicated that this was corrected later. However, the document availed to the Authority did not show evidence of correction of the prices.

### **Decision of the Authority on the Ground**

The Authority found **merit** in the ground since discrepancies were noted in prices quoted by 14 bidders as indicated in table 5 and there were no correction of arithmetic errors during financial evaluation. There is no evidence that the prices that were rounded off were later corrected as claimed by the Entity. The evaluation committee should have adhered to the bid opening prices quoted by the bidders to deter possible financial loss.

**Ground 3: *Whether the Entity rejected the books submitted by MK Publishers Ltd based on an existing curriculum yet the same had been previously accepted and the curriculum improved***

### **Findings:**

The Authority studied the submissions of both parties and found that:

1. The bidding document indicated under Section 3 Evaluation criteria (pages 25-29) that detailed evaluation will apply pedagogical evaluation in accordance with the criteria indicated in table 6: **Annex 5**

**Table 6: Criteria for Pedagogical Evaluation**

<b>No</b>	<b>Factors for Technical Quality</b>	<b>Maximum Mark</b>
1	<b>Conformity to curriculum/Coverage</b> 1.1 Does the manuscript sample meet the appropriate themes/topics? 1.2 Does the abstract cover the curriculum	5
2.0	<b>Content (Minimum score of 80% of 50 marks)</b>	50 marks
2.1	<b>Value of the content</b> <ul style="list-style-type: none"> <li>• Correctness and clarity of information</li> <li>• Quality of examples, maps, grids and readings</li> <li>• Quality of the practical activities (exercise, questions)</li> <li>• General and specific educational quality of the content</li> </ul>	20
2.2	<b>Language level</b> <ul style="list-style-type: none"> <li>• The language is correct, level is adequate to the subject and</li> </ul>	10

No	Factors for Technical Quality	Maximum Mark
	accessible to the pupils <ul style="list-style-type: none"> <li>• The model of language contributes to developing the vocabulary of the pupils</li> <li>• The length of sentences and of the paragraphs and frequency of the new terms is appropriate</li> <li>• The assimilation of new terms is ensured by the frequency with which they are practiced</li> </ul>	
2.3	<b>Pedagogical approach</b> <ul style="list-style-type: none"> <li>• Organization and gradation of the scientific content</li> <li>• The way the scientific approach is backed up by examples and practical activities</li> <li>• The contribution of text and of the applications to form and develop certain skills and to stimulate pupils' creativity</li> <li>• The possibilities of graded approach</li> <li>• The pedagogical quality of the ways of assessment</li> </ul>	20
3	<b>Quality of presentation and design</b> <ul style="list-style-type: none"> <li>• The clarity of page layout and of the printing</li> <li>• General readability: variety of types; the dimension of the lines and the space between them</li> <li>• Highlighting of the essential elements of the text</li> </ul>	5
4	<b>Illustrations</b> <ul style="list-style-type: none"> <li>• The variety of technical quality of the drawings/pictures</li> <li>• The illustrations are functional and adequate to the objectives</li> <li>• The artistic quality of the illustrations and color harmony</li> <li>• The balance text/illustrations; how the illustrations fit in text</li> </ul>	5
5	<b>Originality</b> <ul style="list-style-type: none"> <li>• The content of the subject is expressed in an original way (selection of texts, of the language, of the examples, of the experiments)</li> <li>• The way the text, the illustrations, the exercises and tests create situations of learning</li> <li>• Developing cognitive interest as well as interest for the protection of the environment and of human life</li> <li>• The capitalization of the connections between the subjects and between components of the subject</li> <li>• Originality in using illustrations and design</li> </ul>	5
<b>The total technical scores per lot shall carry 70% of the total scores available and the financial score shall carry 30% of the total scores available.</b>		

2. Evaluation of books based on an existing curriculum did not form part of the evaluation criteria.

3. The evaluation report indicated that MK Publishers Ltd was successful in the following lots indicated in table 7:

**Table 7: Scores and Ranking of MK Publishers Ltd in various lots**

Lot No	Category	Technical Score	Financial Score	Combined Score	Rank
1	P5 Math	64.5	17.72	82.22	4
	P5 Math wall charts	42.6	14.36	56.96	5
2	P6 Math	64.7	12.63	77.33	4
3	P7 Math	62.9	12.63	75.53	6
4	P5 English	60.32	18.07	78.39	4
	Readers for English P5	39.43	13.3	52.76	6
5	P6 English	59.6	18.61	78.21	4
	Readers for English P6	38.87	38.66	77.53	2
10	P5 Integrated Science	58.4	13.60	72	8
	P5 Integrated Science wall charts	43.3	13.64	56.94	2
11	Integrated Science P6	61.6	14.34	75.94	7
12	Integrated Science P7	59.1	23.09	82.19	3
13	P5 CRE Readers	45.46	50	95.46	1
14	P6 CRE Readers	45.43	50	95.43	1
15	P7 CRE Readers	45.93	48.76	94.69	1
16	P5 IRE	62.4	14.27	76.67	2
17	P6 IRE	61.6	15.26	76.86	4
18	P7 IRE	62.4	22.57	85	2
	Readers P7 IRE	40.5	28.66	69.16	2
19	Primary School Atlas	41.9	34.5	76.4	2

4. The Best Evaluated Bidder Notice indicated that bids by MK Publishers Ltd failed in the following ten lots due to the reasons indicated in table 8:

**Table 8: Reasons for failure of MK Publishers Ltd's Bids**

Lot No	Subject category	Sub-category	Marks scores %	Stage of elimination	Reason for Failure
6	P7 English	PB	50	Technical	The pupil's book did not meet the minimum technical score of 80% of 50 marks in criteria 2.0. So the teacher's guide was not evaluated. The material did not proceed to the next level of evaluation.

<b>Lot No</b>	<b>Subject category</b>	<b>Sub-category</b>	<b>Marks scores %</b>	<b>Stage of elimination</b>	<b>Reason for Failure</b>
		RB <sup>6</sup>	58.78	Technical	The material did not meet the minimum technical score of 80% of 30 marks in criteria 1.0.
7	P5 Social Studies	PB	71.4	Technical	The pupil's book did not meet the minimum technical score of 80% of 50 marks in criteria 2.0. So the teacher's guide did not proceed to the next level of evaluation.
8	P6 Social Studies	PB	62.8	Technical	The pupil's book did not meet the minimum technical score of 80% of 50 marks in criteria 2.0. So the teacher's guide was not evaluated. The material did not proceed to the next level of evaluation.
9	P7 Social Studies	PB	62.6	Technical	The pupil's book did not meet the minimum technical score of 80% of 50 marks in criteria 2.0. So the teachers guide was not evaluated. The material did not proceed to the next level of evaluation.

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<sup>6</sup> Readers Book

<b>Lot No</b>	<b>Subject category</b>	<b>Sub-category</b>	<b>Marks scores %</b>	<b>Stage of elimination</b>	<b>Reason for Failure</b>
13	P5 CRE	PB	63.8	Technical	The pupil's book did not meet the minimum 80% of 50 marks in criteria 2.0. So the teacher's guide was not evaluated. The materials did not proceed to the next level of evaluation.
14	P6 CRE	PB	64.4	Technical	The pupil's book did not meet the minimum technical score of 80% of 50 marks in criteria 2.0. So the teacher's guide was not evaluated. The material did not proceed to the next level of evaluation.
15	P7 CRE	PB	76.8	Technical	The pupil's book did not meet the minimum technical score of 80% of 50 marks in criteria 2.0. So the teacher's guide was not evaluated. The material did not proceed to the next level of evaluation.
16	P5 IRE	RB	58.33	Technical	The reader did not meet the minimum technical score of 80% of 30 marks in criteria 1.0. The material did not proceed to the next level of evaluation.
17	P6 IRE	RB	58.33	Technical	The reader did not meet minimum technical score of 80% of 30 marks in criteria 1.0. The material did not proceed to the next level of evaluation.

Lot No	Subject category	Sub-category	Marks scores %	Stage of elimination	Reason for Failure
20	Local language education	RB	58.33	Technical	The reader did not meet the minimum technical score of 80% of 30 marks in criteria 1.0. The material did not proceed to the next level of evaluation.

5. The bids submitted by MK Publishers Ltd for lots 16, 17 and 20 failed at the technical evaluation stage because the reading material did not meet the minimum technical score of 80% of 30 marks in criteria 1.0. The material did not proceed to the next level of evaluation.
6. The requirement that the reading material should meet the minimum technical score of 80% of 30 marks in criteria 1.0 in order for the material to proceed to the next level of evaluation was not among the evaluation criteria stated in the bidding document.
7. The evaluation committee unfairly introduced and applied evaluation criteria at bid evaluation that was not communicated to bidders in the bidding document.

### **Decision of the Authority on the Ground**

The Authority found **merit** in the ground since the requirement that the reading material should meet the minimum technical score of 80% of 30 marks in criteria 1.0 in order for the material to proceed to the next level of evaluation was not among the evaluation criteria stated in the bidding document.

### **New Ground**

The complainant raised a new ground that was not raised at the Accounting Officer's level namely; *our bid opening records show that bidder; Precise Education Publishers Ltd submitted lot 15 but did not submit lot 16 but the best evaluated bidder notice awards lot 16 Precise Education Publishers among others, yet they did not submit this lot.*

The Authority did not consider this ground since it is a new ground that was not raised at Accounting Officer's level.

## 7.0 DECISION OF THE AUTHORITY

In accordance with Section 91 (4) of the PPDA Act, 2003 and in light of the findings above, the application for Administrative review by MK Publishers Ltd is upheld.

The Entity is directed to:

1. Re-evaluate all the bids in the following four lots where the requirement that the reading material should meet the minimum technical score of 80% of 30 marks in criteria 1.0 in order for the material to proceed to the next level of evaluation was not among the evaluation criteria stated in the bidding document:

**Table 9: Lots where new evaluation criteria for reading materials was introduced**

<b>Lot No</b>	<b>Subject category</b>
6	P7 English (Readers book)
16	P5 IRE (Readers book)
17	P6 IRE (Readers book)
20	Local language education (Readers book)

2. Proceed with the other lots where re-evaluation is not to be conducted. The Entity should ensure that the prices indicated on the Best Evaluated Bidder Notice reflect the prices quoted by the bidders.
3. Refund the Administrative Review fees to the Applicant in accordance with Regulation 11 (2) of the PPDA (Administrative Review) Regulations, 2014.