

PPDA officially Opens Mbarara Regional Office



Hon. David Bahati - Minister of State for Finance and planning, PPDA Board Chairman - Assoc.Prof. Simeon Wanyama (L), and PPDA Executive Director Ms. Cornelia Sabiti cut a ribbon to officially open PPDA Mbarara Regional Office.

The Public Procurement and Disposal of Public Assets Authority (PPDA) has opened offices in Mbarara. The office was officially

opened on 26th August, 2016, by the Hon. Minister of State for Planning, Hon. David Bahati and will cover 35 procuring and Disposing Entities (PDEs) in Western

Uganda. The 35 PDEs include; 22 districts, 10 Municipalities, 3 Regional Referral Hospitals and 2 Public Universities.

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**Promoting
value for
money**

Vision:-

A centre of excellence for regulation of public procurement and disposal

Mission:-

To promote the achievement of value for money in public procurement so as to contribute to national development.

Core Values:-

- Reliability:
- Integrity:
- Professionalism:
- Transparency and Accountability:
- Commitment & Teamwork:
- Partnership:

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from the Editor

Welcome to the first issue of our Quarterly newsletter this financial year. In this issue, we appraise you of what transpired at the Authority. In line with our plan to bring services closer to our stakeholders and the public, we launched Mbarara Regional Office, the second of its kind, after the Gulu Regional Office that was opened last year.



We also report on our engagement with stakeholders on the proposed amendments to the PPDA Local Government Regulations 2006 and training the Civil Society Organisations (CSOs) to empower them monitor public procurement activities.

The Authority also participated in the Accountability sector Review workshop where we dialogued with our stakeholders on public procurement emerging issues, priority actions, and undertakings over the next period. We also carried out a site visit to the Karuma Hydro Power dam construction.

I hope you find the newsletter both interesting and informative. We always welcome any feedback and stories from you.

You can email us on: info@ppda.go.ug

Kirabo Sylvia Kyalo
Senior Public Relations Officer;
PPDA

Executive Director's Message

Dear reader,

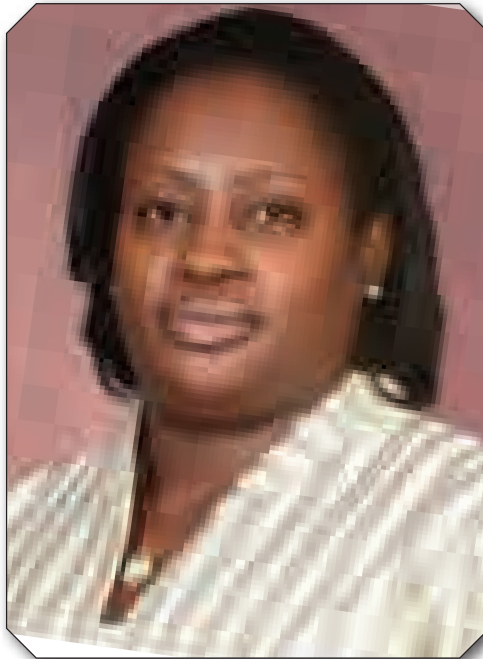
As we focus our energies to tackle what is ahead in this new financial year (FY) 2016/17, I believe the time is also ripe to reflect on our performance in the past FY. Public procurement today constitutes one of the biggest spenders of public funds. The efficient and effective use of these funds can therefore not be over emphasized if we are to avoid wastage.

As the regulator of public procurement, we are well aware of the need for more accountability in the manner in which public funds are utilized. We hope that this will help Procuring & Disposing Entities (PDEs) continue with proper execution of their work plans and budgets and minimize on 'emergencies' in the procurement process.

At PPDA, we are committed to building capacity of the PDEs because we know that an efficient and effective PDE is the key to transparency, accountability and value for money in public procurement.

In FY 2015/16, the key achievements include:

- **Monitoring the performance of Entities:** We conducted procurement audits in 114 Entities. Findings revealed a score of 73% on compliance level of the procurement system. 77% on process; and 58% for procurement performance indicators.
- **Investigations;** The Authority issued 59 investigations reports on a number of procurements, handled, 12 Administrative Review applications and 24 Suspensions.
- **Promoting Local Content:** The Authority, through the Inter Institutional Taskforce, developed a draft implementation Local Content strategy with proposed interventions for the Government of Uganda to adopt in promoting local content in Uganda.
- **Training and capacity building;** PPDA conducted training for 1,483 stakeholders at Central and Local Government level targeted to address the specific capacity gaps identified during procurement audits.
- **3rd Procurement Integrity Survey** Shared the results of the survey which revealed that the perception index about existence of corruption in public procurement was 71.8%, which was up from 69.8% in the previous survey (2009).



- **Bid Receipt/opening** Evaluation of Bids and contract award persist to be perceived as the stages most susceptible to corruption and therefore require more oversight to limit such opportunities.
- **Roll out of the Government Procurement Portal (GPP)** to about 100 Entities. The GPP has improved the timeliness of submission of procurement plans to the Authority and on the transparency of the procurement process where Entities provide real time information on the current tender openings, the Best Evaluated bidders and the awarded contracts.

And our Focus in FY 2017/18 will be;

- Implemented the new organisational structure and recruited additional 15 staff.
- Closely monitored performance of 15 High Speed Entries to improve budget absorption and procurement outcomes.
- Strengthening Transparency and Accountability in Public Procurement through implementation of the G.P.
- Increasing Competition and Contributing to Domestic Industry Development through local content implementation.
- Enhancing the Efficiency of the Public Procurement Process.
- Strengthening Contract Management and Performance.
- Leveraging Technology to Improve Procurement Outcomes.
- Enhancing the Effectiveness of Capacity Building, Research and Knowledge Management.
- Strengthening the Internal PPDA Capacity to Deliver Improved Performance of Public Procurement.
- Leveraging and Enhancing PPDA's Partnerships and Collaborations.

I wish you a nice reading and I hope this quarterly magazine leaves you more informed of the work we are doing in this important field of public procurement.

Cornelia K. Sabiiti
Executive Director

PPDA Opens Mbarara Regional Office

Continued from Page 1

The Regional Office is located on the RDC's Building, Bishop Stretcher Road, Opposite Bank of Uganda Currency Centre Mbarara – Kabale Road. The office is the second of its kind, after the Gulu Regional Office that was opened last year. This is in line with PPDA's strategic plan that sets the opening of regional offices as an avenue for the Authority to move its services closer to the Procuring and Disposing Entities (PDEs) and other stakeholders such as bidders to serve them better in terms of providing the Authority's oversight functions and to ensure efficient and accountable use of public resources as a basis for improved service delivery. **Entities covered by Mbarara Regional Office;**

Coverage of Regional Office:

The Mbarara Regional office shall cover 22 District Local Governments, 10 Municipal Councils, 3 Regional Referral Hospitals and 2 Public Universities as indicated below:-

DISTRICTS

1. Buhweju
2. Bushenyi
3. Sheema
4. Rukungiri
5. Rubirizi

6. Ntungamo
7. Ntoroko
8. Mitooma
9. Mbarara
10. Kyenjonjo
11. Kyegegwa
12. Kisoro
13. Kiruhura
14. Kasese
15. Kanungu
16. Kamwenge
17. Kabarole
18. Kabale
19. Isingiro
20. Ibanda
21. Bundibugyo
22. Rubanda

MUNICIPALITIES

1. Ntungamo
2. Bushenyi-Ishaka
3. Rukungiri
4. Fort Portal
5. Kabale
6. Kasese
7. Mbarara
8. Kisoro
9. Kabwohe Itendero
10. Ibanda

REGIONAL REFERRAL HOSPITALS

1. Mbarara RRH
2. Kabale RRH
3. Fort Portal RRH

UNIVERSITIES

1. Mbarara University of Science and Technology
2. Kabale University

Key activities of the Regional Offices

- Provide advice to the PDEs within this region
- Monitor the performance of the PDEs through the Government Procurement Portal. Undertake registration of Providers
- Carry out procurement and disposal audits
- Carry out training and capacity building
- Handle complaints and investigations
- Follow up of recommendations from Procurement Audits; Investigations; Administrative Reviews; Suspensions and Accreditations.

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Group photo of stakeholders during the official opening of PPDA Mbarara offices

PPDA MBARARA REGIONAL OFFICE OPENING

Continues

In their own words:-



Hon. David Bahati - Minister of State for Finance and planning;
"I task all government officials to address the negative work ethic, corruption, influence peddling and issues of inefficiency in the approach to procurement and project delivery."



Mbarara Municipality MP- Hon. Tusiime Michael
"I will support PPDA even at parliamentary level but appeal to the Authority to address the recurring delays in the procurement process".



PPDA Board Chairman - Assoc. Prof. Simeon Wanyama:
"It is our hope that in the financial year 2016/2017, a third regional office will be established in Mbale District in Eastern Uganda in addition to Gulu and Mbarara".



PPDA Executive Director; MS Cornelia Sabiiti;
"We have moved our services closer to the Procuring and Disposing Entities and other stakeholders such as bidders in order to serve them better in terms of providing the Authority's oversight functions and to ensure efficient and accountable use of public resources as a basis for improved service delivery."



Deputy RDC Mbarara - Mr. Kamugisha Vincent;
"We should build capacity of all stakeholders in order to improve procurement in Uganda and avoid corruption related to procurement."



District Chairman - Mr. John Bosco Bamaturaki;
"The Authority should consider Capacity Building of Politicians especially the new entrants in procurement related issues and the amendments to the PPDA Law".

PPDA Opens Mbarara Regional Office



PPDA Staff registering participants at the launch



PPDA and other stake holders in a procession led by the Army Brass Band along Mbarara Town before officially opening the Office.

PPDA Meets Civil Society Organisations (CSOs) in Rwenzori Sub-Region

PPDA engaged Civil Society Organizations (CSOs) in the Rwenzori sub region on their role in monitoring the public procurement process. This is in line with PPDA's deliberate effort to partner with Civil Society Organisations to monitor the implementation of government contracts in order to achieve value for money. According to Mr. Dan Atuhaire, the Senior Capacity Building Officer at PPDA, meeting the CSOs is meant to promote participation of non- state actors in monitoring public procurement work for efficient service delivery.



PPDA's Dan Atuhaire (Senior Capacity Building Officer) training participants on the Roles and Responsibilities in the procurement Cycle at Fort Portal Municipal Council Hall.



PPDA's Mary Akiror (Senior Advisory Services Officer) trains CSOs on the Complaints handling procedures and Legal implications of the PPDA Law.

Amendment of the PPDA Local Government Regulations 2006

The Public Procurement and Disposal of Public Assets Authority (PPDA) is currently undertaking the process of amending the Local Government Regulations 2006. The amendments are geared towards making the procurement process efficient at the local government level to facilitate service delivery to the masses. Consultative meetings have been conducted in Mbarara for Western and Central regions and in Lira for Northern and Eastern regions. Proposals to amend the regulations can be send to info@ppda.go.ug



Local Government Procurement Cadres during group work discussions on the proposed amendments

Amendment Continues...



PPDA Director Corporate Affairs, Mr. Bradford Ochieng officially opens the workshop



PPDA's Director Capacity Building and Advisory Services Mr. Moses Ojambo gives highlights on the Amendments



Mr. Ronald Tumuhairwe, Manager Capacity Building engaging the participants during the consultative meeting



PPDA'S Dan Atuhaire (Senior Capacity Building Officer) Moderating the Discussion



Local Government procurement cadres pose for a group photo with PPDA officials after the consultative workshop

PPDA visit to Karuma Hydro Power Project (KHHP)



The visit to the Karuma Dam Project was jointly conducted by 3 heads of institutions; The Auditor General (AG), The Inspector General of Government (IGG) and the Executive Director – PPDA.

The meeting was chaired by the Chief Executive Officer of Uganda Electricity Generation Company (UEGCL), Mr. Harrison Mutikanga.

The UEGCL is a government entity responsible for concession monitoring of existing hydropow-

er projects and development and maintenance of new ones, Karuma dam inclusive. The KHHP contractor, Sinohydro Corporation, a Chinese company, made a presentation showing the progress so far made after which the project consultant responsible for quality assurance, on behalf of UEGCL, also made his presentation.

The major area of focus for the UEGCL consultant was on the key challenges of project implementation which included: Engineering,

Procurement, and Construction (EPC) contract form; Adherence to International Standards/Technical Specifications; Quality Assurance (QA) and Quality Control (QC) Issues; Project implementation progress; Health, Safety & Environment (HSE) issues; Local Content issues; Community Development Action Plan (CDAP), among other issues.

The main purpose of the physical site to appreciate the ongoing works.

PPDA Participates in the Joint Accountability Sector Review meetings

As a member of the accountability sector, PPDA participated in the 2nd Joint Accountability Sector Review Workshop on September 15-16, 2016 at Office of the President Conference Hall. The workshop run under the theme: **“Deepening reforms and partnerships for enhanced accountability, transparency, effectiveness and efficiency in service delivery”**.

The main purpose of the sector review was to reflect on the sector’s achievements, challenges, constraints experienced during the financial year FY2015/16, and discuss and agree recommendations and key actions to be undertaken in the subsequent year to sustain the achievements and remediate the Sector challenges and constraints. The workshop mainly focused on;

- Accountability Sector performance and achievements since the last sector review.
- Progress on implementation of the first Sector review undertakings and recommendations.
- Accountability Sector Institutions’ reforms, progress, challenges and future plans.
- Targets / Recommendations for the 3rd review.



Participants at the Joint Accountability Sector review workshop at the PPDA Exhibition Stall. PPDA displayed Public Procurement Products and reforms during the Workshop.



LESSON: Instructions To Bidders (ITB) Section 22.1 in the standard bidding document stipulates the required time for submission of bids and this MUST be adhered to by all bidders.

PPDA staff tipped on Crime prevention



The Assistant Inspector General of Police and Director of Criminal Investigation and Crime Interlligence (CICI), at Uganda Police, Ms.Grace Akullo engaging PPDA staff on how to avoid crimes in everyday life. PPDA undertakes such initiatives to equip staff with relevant interpersonal skills.

NEW FACES AT PPDA



**Mulindwa Andrew Bernard;
Senior Internal Auditor;**

He holds a Bachelor’s of Science in Accounting and Finance from Kyambogo University, CPA Uganda from the Institute of Certified Public Accountants of Uganda. Prior to joining PPDA; he worked with State-wide Insurance Company and FINCA Uganda.



**Patrick Mujuni Tuwangye;
Senior Officer Investigations.**

He is a Lawyer and Certified Procurement Practitioner, he holds a first degree in LLB from Makerere University, a Master’s degree in Financial Management and Graduate Diploma in Purchasing and Supply (CIPS-UK). He joins PPDA after a wealth of experience in procurement management and advisory services under the PPDA Legal framework.

PPDA in Press

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business & tenders

Daily Monitor
www.monitor.co.ug

The benefits of engaging contractors in competitive bidding far outweighs the drawbacks. **Delfhin Mugo** writes.

Getting the right contractor for the job is the first step towards the successful completion of a construction project. So it is important to carefully consider the bids by the different contractors to get the most competitive. Yet, many developers do not know what to look out for in the bids they receive.

Even though competitive bidding might take time, Mr John Wainaina, a construction manager with Pleng Ltd says, that the benefits of engaging contractors in competitive bidding far outweighs the drawbacks.

"It provides an opportunity to go through a variety of bids and choose the best. It brings the aspect of diversity since one is bound to receive bids from companies of different origins. Also, with competitive bidding, the developer can get quality work done at the best price. This is because the bids give the developer an opportunity to evaluate the materials to be used by the different companies and the cost implication," says Mr Wainaina.

He said the five factors that should guide an individual in choosing the best bid are:

Cost

With price, the rule of the thumb is to give priority to the lowest bidder. However, that should not be the

only consideration in deciding whom to give the job.

"You should do an in-depth analysis and check the rates given for the materials and labour against the prevailing market rates," says Mr Wainaina.

"Maybe the contractor is offering lower quality cement, but on the flip side, he or she might be a partner in a cement manufacturing company and is thus able to get cement at a discounted price.

Ideally, you should contact the bidder to get a plausible explanation about the low unit rate. If he or she cannot explain it, consider another bidder," says Mr Wainaina.

Litigation

Mr Wainaina says it is also necessary for the developer find out the contractors' legal history. Has the contractor been involved in a lawsuit before? If yes, is the case over or continuing? Which legal issues does the contractor and what are his/her or preferred dispute resolution methods? These are the questions one should ask, Mr Wainaina says.

If given the job, Mr Wainaina says, the contractor should complete the task within the specified time, which is enforceable under contractual obligations. Failure to deliver in the specified time could create a dispute between the contractor and the client.

If this happens, the contractor's and the client's lawyers should meet and solve the dispute through arbitration or mitigation (court process); the contractor's lawyer will be seeking extension of time or addition of money.

How to get the right contractor



Getting the right contractor for the job is the first step towards the successful completion of a construction project. So it is important to carefully consider the bids by the different contractors to get the most competitive. FILE PHOTO

"Avoid contractors who always asked for extension of time in their previous projects as this might mean they are lazy," says Mr Wainaina, adding that the bid should stipulate dispute resolution mechanisms.

Plant and equipment

"When making a bid, the contractor should provide the documents for all the plants and equipment his or her company owns, or has leased," says Mr Wainaina. For example, if a contractor has a 1996 model of a piece of equipment and the project is to take

five years, while another contractor has a 2002 model of the same equipment, go for the latter. This is because the older equipment is more prone to wear and tear, which could raise the construction cost due to high maintenance costs.

Though contractors sometimes lease plants and equipment because it is cheaper than buying their own, Mr Wainaina says most clients tend to shy off from contractors who indicate that they have leased almost every plant and piece of equipment in their bid.

COMPANY PROFILE

The company profile shows the contractor's experience since it indicates the projects he or she has undertaken, as well as those in progress. Mr Wainaina adds that it also says something about the contractor's capacity to undertake your project.

"If you invite tenders for a property construction project and you have two tenders, where one contractor has done 10 road construction projects and five property construction projects while the other has successfully completed 10 property construction projects and five road construction projects, opt for the contractor who has undertaken more property construction projects," he advises.

"It insinuates the contractor's lack of capacity to undertake the project and thus tends to scare the client away. However, the client should check the company's profile to see previous projects that the contractor has undertaken," Mr Wainaina says.

The financial statement

The contractor should also show the client their financial statement and tax compliance certificate. "The statement of account demonstrates the company's ability to carry out a project worth a certain amount of money," Mr Wainaina concludes.

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When should you sub-contract?

Subcontracting involves assigning part of the obligations and tasks under a contract to another party known as a subcontractor. **Joseph Bahingwire** explores when one should hire a sub-contractor.

Subcontractors are hired by the project's general contractor, who continues to have overall responsibility for project completion and execution within its stipulated parameters and deadlines.

Mr Jimmy Mwebaze, a procurement specialist at Makerere University, says every contractor should ensure that before hiring a subcontractor, the procuring entity or client is in agreement to avoid future misunderstandings.

This is because in case the sub-contractor fails to perform in line with the initial agreement, the client can terminate the contract or sue the main contractor for breach of contract.

In sub-contracting, the risk for breach of contract is high since the company or person subcontracted may not be in the knowledge of



CICO construction workers working on a road section in Arua Town. Subcontracting usually happens in complex projects such as construction. PHOTO BY CLEMENT ALUMA

the initial terms of agreement between the first two parties under contract.

Mr Mwebaze adds that this should be done by making the company or person to subcontract aware of the initial terms of agreement between the main contractor and the client or employer.

Subcontracting is very useful in situations where the range of required capabilities for a project is too diverse to be possessed by

PERFORMANCE TERMS

If the subcontractor fails to perform according to the initial terms of the agreement; the main contractor should either terminate the contract or sue for damages.

a single contractor. In such cases, subcontracting parts of the project that do not form the general

contractor's core competences may assist in keeping costs under control and mitigating project risks.

"At the time of bidding there is always a provision for showing that you will hire subcontractors who must follow the agreed terms and in case there is no provision the main contractor should put it in his or her agreement with the subcontractor," he says.

Mr Dennis Wandera, a construction manager, says during subcontracting, the contractor is supposed to transfer the previous terms of agreement with the client or employer and give them to the subcontractor without setting new terms.

He says if the subcontractor fails to perform according to the initial terms of the agreement, the main contractor should either terminate the contract or sue for damages.

He describes subcontracting as the practice of assigning part of the obligations and tasks under a contract to another person or company.

"In any project, if the main contractor does not inform the client or employer that he or she intends to involve a third party in the dealings, it is the contractor that is usually subjected to the courts of law to pay for damages to the aggrieved person or have the contract terminated," Mr Wandera adds.

bids >
sub-contracting

Cons of hiring sub-contractors

Most businesses sometimes lack the resources to complete their jobs.

In other cases, companies realise that they lack the required expertise to get the required results. That is why a procuring entity can determine that external suppliers who specialise in a particular field can carry out work at a lower cost than internal departments. In all these cases, companies look at subcontracting as a possible option. However, there are challenges of hiring sub-contractors.

Quality problems

The outsourcing company will be motivated by profit. Since the contract will fix the price, the only way for them to increase profit will be to decrease expenses. As long as they meet the conditions of the contract, you will pay. In addition, you will lose the ability to rapidly respond to changes in the business environment. The contract will be very specific and you will pay extra for changes.

Threat to security and confidentiality.

The life-blood of any business is the information that keeps it running. If you have payroll, medical records or any other confidential information that will be transmitted to the outsourcing company, there is a risk that the confidentiality may be compromised. [Joseph Bahingwire, Monitor]

What you need to know about PPDA

The Public Procurement and Disposal of Public Assets Authority (PPDA) is the regulatory body responsible for the monitoring and overseeing public procurement in Uganda. It is also responsible for harmonising existing Government procurement policies and practices by regulating, setting standards and developing the required legal frameworks as well as building professional capacity for public procurement management in Uganda.

Vision:-

The vision of PPDA is to be:
A centre of excellence for regulation of public procurement and disposal

Mission:- The mission of PPDA is:
To promote the achievement of value for money in public procurement so as to contribute to national development.

Goal:- The overall goal of PPDA is:
To ensure that the public procurement and disposal system in Uganda achieves value for money.

Core Values:-

PPDA's core values are:

Reliability: We are dependable for a good service in public procurement.

Integrity: We will convey a zero tolerance to corruption in our dealings and conform to the PPDA Act.

Professionalism: Competence and good behaviour can be expected from all our staff.

Transparency and accountability: We endeavour to act with fairness, openness and clarity. We acknowledge responsibility and are accountable to stakeholders.

Commitment and teamwork: We are highly committed to achieving team success. Our commitment reinforces

our teamwork.

Partnership: We cooperate with stakeholders to advance mutual interests.

Strategic Objectives:

PPDA's strategic objectives, as outlined in the Strategic Plan (2014-2019) are:

1. To strengthen transparency and accountability in procurement.
2. To increase competition and hence contribute to domestic industry development.
3. To enhance the efficiency of the public procurement process by reducing procurement lead time.
4. To strengthen contract management and performance.
5. To leverage technology through e-procurement to improve procurement outcomes.
6. To enhance the performance of public procurement beyond compliance.
7. To enhance the effectiveness of capacity building, research and knowledge management.
8. To strengthen internal capacity to deliver performance of public procurement.
9. To leverage and enhance PPDA's partnerships and collaborations.

Mandate;

The mandate of PPDA as reflected in the Authority's statutory functions and objectives (PPDA Act Sections 6 and 7) is: Effective and efficient procurement; Ensure the application of fair, competitive, transparent, non-discriminatory and value for money procurement and disposal standards and practices.

Advisory: Advise central government, local governments and statutory bodies on all public procurement and disposal policies, principles and practices; and where necessary on their harmonisation.

Monitoring, Audit and Compliance; Monitor, audit and ensure compliance of public procurement in order to ensure fairness, transparency, and efficiency.

Setting Standards:

Set, update, enforce, and advise on standards for procurement education and training, competence levels, certification requirements, procurement documents, and guidelines.

Building capacity:

Build capacity in public procurement for both the public sector and the bidding community.

Information Management:

Manage information generated in procurement and disposal process in a meaningful value adding way.

What PPDA DOES NOT DO

1. PPDA does NOT give out any tenders or contracts. Tenders and contracts are awarded by the respective Procuring and Disposing Entities (PDEs).
2. PPDA is NOT involved in the procurement process of any public entity. PPDA only gives an expert opinion when the parties involved request for guidance in accordance with the law.
3. PPDA does NOT and CANNOT influence the outcome of a procurement or disposal process. The different contracts committees at the respective Government PDEs decide on who the winning bidder is based on the procurement process and the PPDA law.
4. PPDA No longer grants waivers, rather the respective PDEs are expected to plan effectively.



Public Procurement & Disposal of Public Assets Authority

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