

PPDA Act 2003 as amended coming in force soon

On 12th May 2013 Parliament passed the PPDA Regulations which operationalise the PPDA Act 2003 as amended.

The Public Procurement and Disposal of Public Assets (PPDA) Amendment Bill, No. 8 of 2010 was gazetted on 7th May 2010.

It took a year to be debated and passed by Parliament on 10th May 2011. The PPDA Amendment Act was assented to by the His Excellency the President on 21st June 2011.

The PPDA Act 2003 as amended has been consolidated and is to receive a commencement date by the Minister of Finance, Planning & Economic Development for it to be operational.

Continue to page 4



Esther Busingye, Legal & Advisory Services Manager at PPDA addresses participants at a stakeholders meeting on the coming amendments to the PPDA Act and Regulations

Concern over councillor's influence

The Public Procurement and Disposal of Public Assets Authority (PPDA) is concerned with the continued decline in performance of the various Entities in Northern Uganda.

This concern was expressed during the tripartite outreach programme organised by the USAID-Governance, Accountability, Participation and Performance (GAPP) Programme in May in the districts of Oyam, Lira and Pader.

Continue to page 5

10
Years **PPDA**
2003 - 2013
promoting accountability in public procurement

PPDA @ ten
2003-2013
promoting
accountability

Executive Director's Message



Welcome to our final newsletter of the Financial Year 2012/13. Since the year began, we have achieved much through our staff and your support as a public procurement stakeholder.

One of the major events to open the FY 2012/13 year was the first ever public procurement symposium, which was a great success bringing us together from different public and private sector bodies. It was a year we invested in our partners-- to encourage best practice in public procurement and also increased our training and monitoring activities. All this is to continue this new financial year

It is now my pleasure to let you know that this new financial year too will take off with a major milestones and events.

First is the coming PPDA Act 2003 as amended and Regulations 2013. In 2009, the journey to amend the PPDA Act started. Some of you were among the different stakeholders consulted and involved in this process. The PPDA Amendment Act was passed by Parliament on 10th May 2011 and assented to on 21st June 2011.

With the amended Act in place, the Authority embarked on the revision of the PPDA Regulations, Standard Bidding Documents and the Guidelines. A process in which some of you were involved. And finally, the fruit of these joint efforts has come to pass. On 12th May 2013 Parliament passed the PPDA Regulations which operationalise the amended PPDA Act 2003. This will come in force once signed by the Minister of Finance, Planning and Economic Development. In this newsletter issues we bring you some of the highlights of the Act.

On the event calendar, PPDA is hosting the International Procurement Research Group and on the regional circuit public procurement professional and authorities will converge in Kampala under the East African Public Procurement Forum. These two events will benefit the profession not only in Uganda but the East African region.

It is because of events like these that public interest in the quality of our work, and our reputation has never been greater. So, part of our strategy in FY 2013/14 is to continue to invest in our staff and stakeholders while focusing on quality and delivering continuous improvements in our services.

This also means that in making our contribution to national development, we have to build on our achievements in a creative and innovative way and support Government by promoting greater responsibility and accountability in public procurement.

We cannot do this alone. I am therefore confident that with your support PPDA will continue to add great value with our steadfast commitment to quality and doing the right thing for our people and nation.

Cornelia K. Sabiiti
Executive Director

Contents

PPDA Act 2003 as Amended
Coming in Force Soon

1

1

Concern over councillor's
influence over contracts

8

What to expect from the PPDA Act
amendments

6

Karuma: Court clears PPDA

10

PPDA News In Brief
Building Partnerships

11

Business Opportunities

12

Suspended Providers

16

Register of Providers post growth
as private sector picks interest in
public procurement

18

Key Observations Noted on the
Deviations and AARs Handled
During FY June 2012 to July 2013

19

Administrative Reviews handled
2012-2013

26

Deviations handled 2012-2013

from the Editor



It only seems like yesterday when we began on the journey of this year. But this too has come to pass with the many success and challenges. Never before has public procurement been under such scrutiny. And as long as we use public funds to procure goods, works and services, we can never hide away from those on whose behalf we carry out these work.

It is on that note that we should all be interested in the PPDA Act 2003 as amended, that comes in force soon. In this publication, get get a glimpse of what is to be. One of the major highlights is that Accounting Officers are liable for their actions. From the bidders' side, firms will be able to withdraw their bids before the final date without having to seek the minister's permission.

All these changes are intended to improve procurement in the public sector.

In this newsletter issue, we also brief you on the suspensions, deviations, and accreditations carried out by the Authority through financial year 2012/13. Comments are welcome.

Vincent Mugaba

PUBLIC RELATIONS & COMMUNICATIONS OFFICER

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Understanding the amendments to PPDA Act

From page 1

Once operationalised, the PPDA Act 2003 as amended, shall have a new set of regulations passed by Parliament. It is therefore important that all stakeholders be aware of the changes in the both the Act and Regulations.

Parliament on 12th May 2013 passed the PPDA Regulations grouped in 11 sets namely:

1. The PPDA Regulations, 2013
2. The PPDA Procuring and Disposing Entities Regulations, 2013
3. The PPDA Rules and Methods for procurement of supplies, works and non consultancy services Regulations, 2013
4. The PPDA Evaluation Regulations, 2013
5. The PPDA Procurement of consultancy services Regulations, 2013
6. The PPDA Disposal of Public Assets Regulations, 2013
7. The PPDA Contracts Regulations, 2013
8. The PPDA Procurement of Medicines and other Health Supplies Regulations, 2013
9. The PPDA Force Account Mechanism Regulations, 2013
10. The PPDA Procuring and Disposing Entities outside Uganda Regulations, 2013
11. The PPDA Administrative Review Regulations, 2013

Highlights of the new provisions of the law and the intended benefits to the procurement sector

Objectives of the Amendments:

1. Ensure transparency and accountability by streamlining the functions of Accounting Officers and Contracts Committees. AO will be personally liable for their actions in the procurement process.
2. Guarantee public confidence in the procurement process and strengthen the administrative review process by establishing the PPDA Tribunal. Members of the Procurement & Disposal Entity

(PDE) are prohibited from entering into contracts with their Entities. All members will be required to disclose any conflict of interest at key stages.

3. Promote local and small enterprises through preference and reservation schemes.
4. Regulate procurement planning, accrediting alternative procedures and providing additional functions of Contracts Committees.
5. Provide for the making of regulations outside Uganda

Clarification of Definitions

• The definition of Accounting Officers under the Act is expanded beyond those appointed by Secretary to Treasury to include heads of statutory bodies or state enterprises. It will include heads of statutory bodies and government enterprises.

• The term emergency situation is now expanded to include a situation where a Government programme would be delayed or seriously compromised unless a procurement is undertaken within the required time frame.

However, an 'emergency' does not include an urgent situation caused by circumstances that:

1. Should have been foreseen by the Entity
2. Are a result of inadequate planning
3. Are a result of delays by or within the Entity.

• The definition of Public Asset includes property, land, shares owned by Government or an Entity but excludes land held by Uganda Land Commission, District Land Boards or land compulsorily acquired by Government. Hence the disposal of land excluded from the definition would not follow the PPDA Act 2003 and the Regulations, 2013.

• The definition of Supplies now includes land, assets and livestock. Therefore the procurement and disposal of such should be in

accordance with the Act.

Procurement and Disposal Activities of Bank of Uganda and Office of the Auditor General

• The PPDA Act is to apply to Bank of Uganda and the Office Auditor General except in the performance of their core mandate under the Constitution in Articles 162 and 163. Bank of Uganda had not been compliant to the PPDA Act in all its procurements and disposal activities.

Procurement Procedures under Bi-Lateral Tied Loans

Where there is a condition of a bi-lateral loan or negotiated grant that the provider should originate from the country of the donor, procurement of such a provider shall be in accordance with the PPDA Act.

However, if there is a there is a conflict between the Act, Regulations or any directions of the Authority and a condition imposed by the donor of funds, the condition shall prevail with respect to a procurement that uses those funds and no others.

Power of the Authority to Determine Prices of Common User Items

The Authority shall determine the price, where applicable, of works, services and supplies in common use by more than one Entity. Such procurements may be subject to common procurement.

Administrative Review

The Authority is now mandated to review the decision of an Accounting Officer of an Entity where an administrative review has been lodged within 15 working days before the Accounting Officer communicates it to the complainant.

The Authority is to make recommendations to the Entity, indicating any corrective measures to be taken. Where the Authority fails to give its recommendations, the AO may implement the decision.

Northern Uganda accounts

From page 4

Political interference from local leaders, specifically the councillors, has led to flawed procurement processes.

Councillors influence the award of tenders and contracts in favour of particular providers, which has affected the principle of fairness in public procurement. Worse still, favoured firms do not often have the capacity to pull off the projects. As a result, works have been abandoned before completion leading to financial loss of public resources and delay in implementation of development programmes.

The workshops were attended by accounting officers and district staff, district councillors, providers, civil society organisations, the media and local opinion leaders.

Pader District was represented by Mr. Oryono Grandfield Omondo; Oyam District by Mr. Tibugyenda while Lira District was represented by Mr. Benon Rwanuha.

Accounting Officers admitted that the audit reports presented by OAG and PPDA in the workshops were a true reflection of what was taking place in the districts.

Councillors in Oyam District confessed that they interfere with the procurement process(es) because their remuneration is meagre. The monthly pay of sh100,000 cannot meet their needs. They requested Parliament to enact laws that can enable councillors to be paid salaries from the Central Government.

Running over a period of five years, the USAID-GAPP programme is to enable local governments, communities, private sector, and civil society organisations to access and understand the information and data generated by the Office of the Auditor General (OAG) and PPDA audit reports.



Empowering stakeholders in procurement is a key objective of PPDA

The programme shall benefit the districts of Agago, Amolatar, Amuru, Apac, Kitgum, Gulu, Lamwo, Lira, Nebbi, Nwoya, Oyam, Pader and Koboko in northern Uganda.

In the west, Buliisa, Hoima, Kibaale and Masindi are on the programme

Some councillors confessed that they interfere with the procurement process(es) because their monthly pay of sh100,000 cannot meet their needs

while the central region districts of Kalungu, Kayunga, Kiboga, Masaka, Mityana, Mubende and Mukono are to benefit.

PPDA noted that the performance of all the three districts of Pader, Lira and Oyam was highly unsatisfactory. This poor performance has been attributed to, among other issues, insufficient capacity of the Procurement and Disposal Units, collusion of bidders and lack of transparency in the award of tenders.

Hiring of contractors without sufficient

capacity, failure to develop statement of requirements, and failure to conduct technical evaluation are some of the other reasons for the poor performance.

In many cases, it was also found that evaluations were based on financial comparisons and not the technical competencies of the bidders. This can lead to contracting incapable providers, which eventually leads to failure of projects.

The districts were also not appointing contract supervisors to monitor contracts against the contract terms and conditions. Subsequently, implementation plans were not developed to allow strict monitoring of contracts resulting into a number of projects being abandoned before completion.

The OAG noted that a lot of information could not be verified by the Auditor in Oyam District for the three consecutive financial years of 2009/10, 2010/2011 and 2011/12. This led to the Auditor General giving a disclaimer opinion to Oyam District for that period.

Continue to page 7

Karuma: Court clears PPDA



The Karuma Falls in northern Uganda will power the next national hydro project

On 16th November 2012, the High Court issued a ruling in the application for judicial review brought by Salini SpA against the Attorney General and PPDA in the procurement for the EPC Karuma Hydro Power Project.

The Court cancelled the evaluation report and the post evaluation process and ordered that all pre qualified bids be re-evaluated.

On 5th December 2012, the Contracts Committee of the Ministry of Energy and Mineral Development constituted a new Evaluation Committee to conduct the re-evaluation.

The re-evaluation process was completed on 17th January 2013 and the Ministry of Energy and Mineral Development wrote to the bidders who had failed the technical evaluation stage notifying them of the results.

The Ministry wrote to one of the bidders- Salini SpA notifying them that the Evaluation Committee found that they were not prequalified

and accordingly, their bid was not evaluated. In the said letter the bid for Salini SpA was returned together with the bid security.

Court Process

Salini SpA sued the respondents alleging that by the respondent's actions and or omissions, they are in contempt of the court order.

Issues agreed between the parties for determination by court

- i. Whether annexure "C" of the Applicant's affidavit (the Order extracted by the applicant from the ruling of the Court in Misc. Cause No. 121 of 2012) complies with the law of extraction of orders of the court.
- ii. Whether the 1st Respondent was in contempt of court's ruling by not re-evaluating the applicant's bid;
- iii. Whether the 2nd respondent was in contempt of court's ruling by not getting involved in the process of re-evaluation.
- iv. Whether the applicant is entitled to the remedies sought; and
- v. Costs of the Application

Arguments of the parties

In their argument, Salini SpA argued that the letter by the Attorney General returning the applicant's bid unopened and declaring that the Evaluation Committee did not evaluate the applicant's bid since the applicant was not a pre-qualified bidder, was in contempt of the court Order.

They went on to say that the Public Procurement & Disposal of Public Assets Authority (PPDA) was not involved in the re-evaluation process.

This was because PPDA did not appoint members of the evaluation committee nor did the Authority provide any guidance to the Ministry of Energy & Mineral Development (MEMD) at the meetings convened to discuss the implementation of the court order. Salini SpA claimed that the PPDA omissions were in contempt of the court order.

In their defense, the Attorney General said that the order extracted by Salini contravenes the rules on extraction of

Court Orders in Order 21 Rule 7 of the Civil Procedure Rules and therefore should be expunged from the court record.

More so, the Attorney General argued that they complied with the court order by constituting a new Evaluation Committee and re-evaluating all prequalified bids. That Evaluation Committee importantly noted that Salini SpA was not one of the pre-qualified bidders and that is why their bid was rejected unopened.

Meanwhile, PPDA argued that whereas court ordered the Authority to be “more involved” in the procurement process, court did not define the extent of this involvement.

PPDA also had to strike a balance between complying with the order of court on one hand and maintaining independence as a regulator of procurement on the other. It is the need to maintain this balance that guided the extent of PPDA involvement in the re-evaluation process.

The Authority made it clear that it complied with the ruling of Court by keenly monitoring the re-evaluation process, attending meetings and offering guidance to MEMD to ensure that the PPDA law is not flouted again.

Court’s ruling

In its ruling, the Court agreed with the submission that court had only advised the PPDA to be more involved in the

process which had been mishandled. In this, Court expected the Authority’s involvement to be within the law.

Based on the the affidavit of Cornelia Sabiiti, the PPDA Executive Director, and submissions of the Authority lawyers, court was convinced that the monitoring role that PPDA played was sufficient for purposes of ensuring that the process was within the confines of the PPDA Act.

Court found that no conduct that is contemptuous of the court ruling had been established by the applicant, Salini SpA.

Court therefore dismissed Salini’s application with costs.

Northern entities urged to promote transparency



Northern Uganda public servants and leaders have committed themselves to implement PPDA recommendations

From page 7

On the other hand, whereas Pader District had an ‘unqualified’ opinion during FY 2011/12, the district had their financial statements for the previous year 2010/2011 labelled as ‘qualified’ opinion by the Auditor.

An unqualified opinion

means that the financial statements have no material misstatements or errors. On the other hand, qualified opinion implies that the rest of the financial statements are ok ‘except for’.

In Lira District, the financial statements for both years – FY 2010/11 and FY

2011/12 – were qualified. The Chairman Parliamentary Local Government Accountability, Hon Jack Sabiiti, emphasised the need to activate district Public Accounts Committees (PACs) in order to enhance transparency in accountability. This was after noting that the

district PACs of Oyam, Lira and Pader were not fully functional and/or were not in existence.

On a hopeful note, the Accounting Officers in the three districts promised to implement OAG and PPDA recommendations so as to provide better services to the community.

What to expect in the amendments in the PPDA Act 2003

No.	Area	Amendment	Issue to be addressed	Present provision in the law
	Preparation of user departmental plan by the user department	34 (2) The User Department shall prepare a procurement plan based on the approved budget, which shall be submitted to the Procurement and Disposal Unit for implementation when required.	Clarification between a work plan and a procurement plan	34(2) The User Department shall prepare a work plan for procurement based on the approved budget, which shall be submitted to the Procurement and Disposal Unit for implementation when required.
	Procurement of medicines and medical supplies	(a) provide for the special nature of procurement of medicines and medical supplies; (b) provide for the specific attributes of medical supplies; (c) define the medical supplies which are subject to this section; (d) take into consideration developments, if any, in the procurement, storage and distribution of medicines and medical supplies	Provision for accreditation for procurement of medicines and medical supplies	Not in the law
	Contracts Committee to handle classified/ restricted procurements	42(5) The Defence and National Security Organs shall appoint Contracts Committees to handle the procurement and disposal of their classified items. (6) The members of the Contracts Committees of the Defence and National Security Organs shall be nominated by the respective accounting officers and approved by the Secretary to the Treasury.	Establishment of a Contracts Committee to handle classified/ restricted procurements	Not in the law
	Preference and reservation.	(1) Subject to the economic and social policies of Government and the international obligations of Government, preference shall be given to domestically manufactured goods and Ugandan contractors and Ugandan consultants, in order to promote their development, by giving them a competitive advantage when competing for public procurement contracts, with foreign manufactured goods, foreign contractors or foreign consultants. (2) To promote particular sectors within specified geographic areas, specified public procurement contracts or parts of a contract shall be subject to reservation schemes.	Provision for preference for domestically manufactured goods and Ugandan contractors and Ugandan consultants and for reservation of specified procurements.	50. (1) A procuring and disposing entity shall permit providers to participate in the procuring process without regard to nationality, except in cases in which the procuring and disposing entity decides to limit the participation on the basis of nationality on grounds specified either in regulations made under this Act or by any other competent authority. (2) A procuring and disposing entity that limits participation on the basis of nationality on grounds set out in sub-section (1) shall- (a) obtain prior written approval of the Authority; and (b) include the exception to nationality and the grounds relied on in the bidding documents as well as in the record of that procurement or disposal process.
	Reservation	59 B. (1) In accordance with section 50 (2), the Authority shall, in consultation with a competent authority, and the relevant stakeholders, specify the public procurement contracts to be subject to a reservation scheme and shall designate the particular sectors, within a specified geographical area, that are eligible to participate in the reservation scheme.	Requirements for who to initiate reservations	Not in the law

No.	Area	Amendment	Issue to be addressed	Present provision in the law
	Modification or withdrawal of bids	A bidder may modify or withdraw his or her bid at any time before the deadline for bid submission, using the method prescribed by regulations made under this Act.	Removal of the requirement of the Minister to allow withdrawal of the bids	68. A bidder may withdraw his or her bid at any time before the deadline for bid submission unless otherwise prescribed by the Minister by regulations made under this Act.
	Evaluation of bids	71 (4) A procuring and disposing entity shall ensure that this evaluation of bids is done expeditiously in accordance with regulations made under the Act.	Expedition of evaluation of bids	Not in the law
	Suspension of providers	94. The Authority may on the recommendation of a procuring and disposing entity or after investigations on its own initiative, suspend a provider from engaging in any public procurement or disposal process for a period determined by the Authority, where— (a) the provider breaches the Code of Ethics of providers; (b) the provider is debarred from the procurement processes of an international agency of which Uganda is a member; (c) after investigations by the Auditor General or an independent body appointed by the Auditor General, the provider is found to have a record of unsatisfactory performance; (d) the provider is convicted of a corrupt practice or a fraudulent practice under this Act; (e) the provider fails to substantially perform the obligations specified in the contract; (f) the provider is suspended by a professional body of the provider, for professional misconduct; or (g) the provider is found to have faulted on the obligations specified under the law.	Provision for grounds of suspension of providers by the Authority	94. A provider who does not comply with this Act, regulations or guidelines made under this Act, shall be suspended by the Authority from engaging in any public procurement or disposal function for a period to be determined by the Authority on a case by case basis.
	Offences and penalties for members of a PDE and the Authority	95 (1a) An Accounting Officer, a member of the Contracts Committee, a member of the evaluation committee, an employee of the Authority or of a procuring and disposing entity, who— (a) connives or colludes to commit a corrupt practice or a fraudulent practice during a procurement or disposal process; (b) engages in a corrupt practice or a fraudulent practice during a procurement or disposal process, commits an offence and is liable on conviction to a fine not less than two hundred and fifty currency points but not exceeding one thousand currency points or to imprisonment not exceeding five years, or both.	Creation of offences and penalties for members of the PDE and the Authority	Not in the law

PPDA Briefs

PPDA Act & Regulations

On 12th May 2013 Parliament passed the PPDA Regulations which operationalise the amended PPDA Act 2003. This will come in force once signed by the Minister of Finance, Planning and Economic Development.

East African Public Procurement Forum

In November, PPDA hosts the regional East African Procurement Forum in Kampala. The Forum brings together procurement officials from all the regional regulatory bodies, private and public sector practitioners In November

International Procurement Research Group Conference

PPDA in partnership with the International Procurement Research Group host an international conference on procurement. The conference will be the first of its kind in Kampala,

Uganda. Details of the conference will be availed in due course.

PPDA Annual Report

The PPDA Annual Report for financial year 2011/12 is now available online. Get a copy from the Authority website at www.ppda.go.ug

BUILDING partnerships



PPDA Executive Director, Cornelia Sabiiti, 2nd left, and PPDA manager IT, Monica Nyakaisiki, left, with World Bank officials and consultants for E-procurement and E-framework at the Ministry of Finance headquarters on 19th June 2013. PPDA plans to introduce e-procurement to flexibility and greater accountability in public procurement

Business Opportunities

Entities are encouraged to post their tenders online at www.ppda.go.ug/tenderportal where providers and any interested parties can find it. While this is a requirement to promote transparency and best public procurement practices, it also serves the Entity well. Providers can easily find what is available online thus saving the Entity and staff a lot of time.

Procurement Ref. No	Tender Description	Tender Category	PDE	Bid Submission Deadline	Expected Date of Award
URA-GDS-12-13-02525	Supply of IT Security Tools	GDS	Uganda Revenue Authority	14th August,	20th Sept 2013
MWE-SRVCS- 12-13-01707	Construction of Nyarwodho Gravity Flow Scheme Water Supply and Sanitation Project Lot 1-Oweko, Nyaravur & Alwi in Nebbi District	SRVCS	Ministry of Water & Environment	26th July, 2	After Solicitor General' Approval of Contract
----	(1) Fuel; Oils, Lubricants, Filters, Tyres, Tubes; Batteries; (3) Food stuffs; (4) Electrical Consumables; (6) Medicines and Medical Supplies [Retendered]		Fort Portal Hospital	24/7/2013	30/9/2013
FPH-SRVCS-2012-2013-00108	Various Services on Framework Contract Arrangement for Twelve Months [Retendered]	SRVCS	Fort Portal Hospital	24/7/2013	30/9/2013
UETCL-SUPLS-2013-00054	Supply, Installation, Testing & Commissioning of CCTV Cameras at Namanve & Lugazi Substation	SUPLS	Uganda Electricity Transmission Company	10/07/2013	30/08/2013
REA-ERTII-SRVCS- 12-13-00377	Consultancy Services for End-user Auditing and Verification of Solar PV Installations	SRVCS	Rural Electrification Agency	19/06/2013	N/A
REA-WRKS-12-13-00383	Construction of 33kV Medium Voltage Lines and Associated Low Voltage Networks under: Lot 1:Kasambira-Wangabo With Tee-Off To Busandha Lot 2: Kapchorwa - Bukwo - Suam Lot 3: Mayuge-Kaluba-Bwondha with tee-off's to Kasutaime, Bugoto And Bukoba Lot 4: Mitya	WRKS	Rural Electrification Agency	20/08/2013	after expiry of the Best Evaluated Bidder Notice a
REA-SRVCS-12-13-00352	Staff Medical Insurance	SRVCS	Rural Electrification Agency	27/06/2013	After expiry of BEB Notice
530-wrks/svcs/supls-2013/2014-kyen /530/pre/2013-2014/00001	Prequalification 2013/2014 and bid notice for markets and taxi park	wrks/svcs/supls	Kyenjojo	31/05/2013	29th June 2013
URA-N:2010-SRVCS-2012-13-259	The Services Support Enhancement Project/ Data Warehousing	SRVCS	Uganda Revenue Authority	12th June 20	1st December 2013
MWE-WRKS-12-13-01693	Power Extension Services to Sembabule Water Supply System	WRKS	Ministry of Water & Environment	19th June, 2	After Clearance from Solicitor General
kaba 757-srvcs-2013-14-000	Revenue sources and prequalification notice for FY2013/14	srvcs	Kabale Municipality	31/5/2013 11	20/6/2013

Find more business opportunities at www.ppda.go.ug/tenderportal

Recommendations to Suspend Providers

The Authority received 13 recommendations to suspend providers over the last two quarters. In accordance with Section 94 of the PPDA Act and Regulation 60 (7) (b) of the LG (PPDA) Regulations, 2006, the Authority instituted investigations into the cases. The investigations are still on-going. From the previous quarters, (Quarter I of FY 2012/2013 and Quarter IV of FY 2011/2012) there were 14 on-going investigations carried forward. Out of the 14, nine were suspended and five are still under investigation.

List of Suspended Providers

No	PROVIDER & DIRECTORS	REASON FOR SUSPENSION	DURATION OF SUSPENSION	PROCURING & DISPOSING ENTITY
1	M/s Allied Tec Engineering & Contractors Limited Directors 1. Mr. Ronald Menya 2. Mr. Fred Kabujeema 3. Ms. Cecilia Nakiranda Mufumba	Submitted forged Bid Security	3 years effective 23 rd April 2013	Uganda National Road Authority
2	M/s Texa Solutions Ltd Directors 1. Mr. Isaac Ibanda 2. Mr. Jonathan Wanume	Submitted forged Bid Security	2 years effective 23 rd April 2013	Uganda National Road Authority
3	M/s Miracle Construction Company Ltd Directors 1. Mr. Joel Ogarubo 2. Mr. Peter Alinga	Submitted forged Bid Security	2 years effective 23 rd April 2013	Uganda National Road Authority
4	M/s M.S.O Investments Ltd Directors 1. Mr. Moses Ongwech 2. Mr. Sam Alyenyo 3. Mr. Haggard Okello	Submitted forged Bid Security	2 years effective 23 rd April 2013	Uganda National Road Authority
	M/s Rodin Contractors Ltd Directors 1. Mr. Eddie Willie Miro 2. Ms. Stella Namutebi	Submitted forged Bid Security	2 years effective 23 rd April 2013	Uganda National Road Authority
	M/s Talimb (U) Limited Directors 1. Mr. Talisuma Cosmas 2. Mr. Mbalamwana Joseph	Submitted forged Bid Security	2 years effective 03 rd September 2012	Ministry of Education and Sports
	M/s Waala General Contractors Director 1. Ms. Mudondo Mariam	Submitted forged Bid Security	3 years effective 13 th August 2012	Ministry of Education and Sports
	M/s Goodwill (U) Ltd Directors 1. Mr. Fesseha H Giogiss 2. Ms. Chelangat Lydia	Submitted forged Bid Security	3 years effective 13 th August 2012	Ministry of Education and Sports
	M/s Mutro Construction Ltd Directors 1. Mr. Mutei Isaac 2. Ms. Chebet Stella	Submitted forged Bid Security	3 years effective 13 th August 2012	Ministry of Education and Sports
	M/s Eastern Sites Limited	Submitted forged Bid Security	5 years effective 3 rd August 2012	Ministry of Education and Sports
	M/s Katama & Sons Contractors and General Suppliers Ltd Directors 1. Mr. Zacharia Katama 2. Mr. Kalaba Moustapha 3. Ms. Fatumah Zawedde 4. Ms. Joweria Namukwaya	Submitted forged Bid Security	2 years effective 3 rd August 2012	Ministry of Education and Sports

Suspended Providers

No	PROVIDER & DIRECTORS	REASON FOR SUSPENSION	DURATION OF SUSPENSION	PROCURING & DISPOSING ENTITY
	M/s L/M Engineering Limited Directors: Mr. Busingo Bosco Mr. Ssenyonga David	Submitted forged Bid Security	2 years effective 22 nd May 2012	Ministry of Education and Sports
	M/s Global Construction Co. Ltd Directors: Mr. Ndagirro Innocent N Mr. Augustine Ndaaga.	Submitted forged Bid Security	2 years effective 22 nd May 2012	Ministry of Education and Sports
	M/s Winco General Merchandise Limited Directors: Mr. Mubiru Ismail Ms. Masagazi A	Submitted forged Bid Security	2 years effective 22 nd May 2012	Ministry of Education and Sports
	M/s Jackhim Enterprises General Company Ltd Directors: Mr. Mugasira Jackson Mr. Tumwebaze Mugasira	Submitted forged Bid Security	2 years effective 22 nd May 2012	Ministry of Education and Sports
	M/s JMS Co. Ltd Directors: Ms. Afua Thillit Mr. Stanley Watenga Mr. Ronald Mukasa Ms. Ruth Kaija.	Submitted forged Bid Security	2 years effective 22 nd May 2012	Ministry of Education and Sports
	M/s Ramex Furniture / Building Contractors Ltd Directors: Mr. Wabuko Aramazani Mr. Akim Wataka.	Submitted forged Bid Security	2 years effective 22 nd May 2012	Ministry of Education and Sports
	M/s Lenomat Technical Services Limited Directors: Mr. Mulumba Mathias Mr. Lule Martin Mr. Busingo Bosco	Submitted forged Bid Security	2 years effective 22 nd May 2012	Ministry of Education and Sports
	M/s. Hametex Services Ltd Directors: Mr. Tindyebwa Julius Mr. Turyamureeba Bruno	Submitted forged Bid Security	3 years effective 22 nd May 2012	Ministry of Education and Sports
	M/s Khabusi Building Contractors & Furniture Centre Limited Directors: Mr. Khayeki Andrew Mr. Busiku Rashid	Submitted forged Bid Security	3 years effective 22 nd May 2012	Ministry of Education and Sports
	M/s Dankik Enterprises Directors: Mr. Isiko Kahlifani Mr. Damba Bashir Ms. Naiga Salima	Submitted forged Bid Security	3 years effective 22 nd May 2012	Ministry of Education and Sports
	M/s Care International (U) Ltd Directors: Mr. Ocheeki Simon Etiang Mr. Mutumba Johnson Mr. Waiswa Baabu	Submitted forged Bid Security	3 years effective 22 nd May 2012	Ministry of Education and Sports
	M/s Daami Directors: Mr. Nandala Godfrey Fagayo – Fagayo	Submitted forged Bid Security	3 years effective 22 nd May 2012	Ministry of Education and Sports
	M/s SCD Enterprises Ltd Directors: Mr. Charles Soba Mr. Diffasi Sajjabi Mr. Azizi Mandanda	Submitted forged Bid Security	3 years effective 22 nd May 2012	Ministry of Education and Sports

Suspended Providers

No	PROVIDER & DIRECTORS	REASON FOR SUSPENSION	DURATION OF SUSPENSION	PROCURING & DISPOSING ENTITY
	M/s T-set Consult Limited Directors: Ms. Janelle faith Nakibuuka Mr. Robert Asimwe Rutukura Ms. Dorcas Barbara Khasalamwa Mr. innocent Karim Bwengye.	Submitted forged Bid Security	3 years effective 22 nd May 2012	Ministry of Education and Sports
	M/s RAPH II Contractors & Consultants Directors: Ms. Nafula Goreti Mr. Itongot Benard Mr. Kalalu Raphael Mr. Orone Raphael Mr. Mwangachi Margaret Mr. Osacha Raphael	Submitted forged Bid Security	3 years effective 22 nd May 2012	Ministry of Education and Sports
	M/s Kesa Innovations Limited Directors: Mr. Alan Ssenyonga Mr. Edward Kairania	Submitted forged Bid Security	3 years effective 22 nd May 2012	Ministry of Education and Sports
	M/s Giant Plumb Enterprises (U) Limited	Submitted forged Bid Security	5 years effective 22 nd May 2012	Ministry of Education and Sports
	M/s Samu General Contractors	Submitted forged Bid Security	5 years effective 22 nd May 2012	Ministry of Education and Sports
	M/s Madav Contra Limited Directors: Mr. Masereke David Mr. Kabugho Yolde	Deviating from the contract specifications without approval by the District Contracts Committee Using higher rates that those originally quoted in the bills of quantities Failure to refund UGX78,000,000 or rectify the works as requested	5 years effective 20th July 2010	Bundibugyo District Local Government
	M/s Sualf Construction Company Limited Directors: Mr. Kiiza Bernard Mr. Mugenyi Edward Mr. Ahimbisibwe Paddy	Failure to implement the construction of Kikyo Gravity Flow Scheme as per the terms, conditions, drawings and specifications of the contracts Invoicing for work not done	5 years effective 20th July 2010	Bundibugyo District Local Government
	M/s Kabu Auctioneers & Court Bailiffs Directors: Mr. Jomo Kashaija Mr. Herman Buyambi	Failure to remit auction funds worth UGX38,700,000	3 years effective 17 th September 2010	Ministry of Water and Environment
	M/s Ayemo Investments Ltd Directors: Mr. Opu Alex Ms Rwebuga Annet.	Breaching the Ethical Code of conduct for Providers by submitting forged Advance Payment Guarantee and Performance Guarantee of UGX207,905,879 and 103,952,940 respectively on the basis of which firm was paid UGX244,449,034 thus causing financial loss to entity.	3 years Effective 08 th October, 2010	Private Sector Foundation
	M/S Ibhaccon Services Ltd Directors: Mr. Isaac Ibanda	Submitting to MUBS forged bid securities on 2 occasions in 2009 and 2011, amounting to breach of the Code of Ethical conduct for bidders and providers	4 years, effective 05 th May 2011	Makerere University Business School

Suspended Providers

No	PROVIDER & DIRECTORS	REASON FOR SUSPENSION	DURATION OF SUSPENSION	PROCURING & DISPOSING ENTITY
	M/s Kabila Technical Services Limited Directors: Mr. Abila Tom Mr. Owani Charles Mr. Okech Jimmy.	Failure to fulfill contractual obligations; Abandoning the site; and Causing financial loss to the Government contract in respect to the tender for construction of a staff house at Kihagani Primary School in Masindi	4 years, effective 23 rd June 2011	Masindi DLG
	M/s Qualimax (U) Limited Directors: Mr. Obicho Samson Mr. Olado Francis Mr. Kwatum E. Peter Mr. Kirya Benard	Breach of contracts that were awarded to the Company by Dokolo District for construction of Kanchung HC II OPD block and construction of the Sub-County Chief's house.	4 years effective 23 rd June 2011	Dokolo DLG
	M/s Hoima Drivers' Forum (HODFRIFO) Directors: Mr. Bagonza Joab Mr. Busingye Ronald Mr. Mugenyi Francis Mr. Atuhairwe John Mr. Kaahwa Enock Mr. Tibenda Geoffrey	Submission of forged VAT registration certificate	2 years effective 26 th September 2011	Hoima Municipal Council
	SD – Agric Agri Hitech (U) Ltd Directors Ms. Kamira Doreen Ms. Nuwamanya	Submitted forged Bid Security	5 years effective 24 th October 2011	Uganda Electricity Distribution Company Ltd
	M/s Amman Industrial Tools & Equipment Ltd Directors Mr. Mohinder Singh Chal Ms. Nishita Maini Mr. Rajaserakan Arjun Mr. Andrew Kyangwa	For causing financial loss of USD 1,719,454.58 to Government	Indefinitely	Ministry of Local Government
	M/s Texa Solutions Ltd Director Mr. Isaac Ibanda	M/s Ibhaccon Services Ltd, Successor of Interest	3 years effective 5 th May 2011	Public Procurement & Disposal of Public Assets Authority

During the suspension period, the above Providers and their directors/partners are prohibited from participating in any public procurement or disposal proceedings with any central or local government procuring and disposing entity.

REMOVAL OF PROVIDERS FROM THE LIST OF SUSPENDED PROVIDERS

Under **PPDA Regulation 351. (7)** After the expiry of the period of a suspension, a provider may apply to the Authority, in writing, to be removed from the list of suspended providers and the Authority shall remove the provider from the list of suspended providers within 15 working days after the application.

It is the responsibility of the provider to apply to be removed from the list of suspended providers

Register of Providers posts growth as private sector picks interest

Under Section 7(h) of the Public Procurement and Disposal of Public Assets Act No. 1, 2003 and Regulation 22 of the Public Procurement and Disposal of Public Assets Authority (PPDA), the Authority is mandated to establish and maintain a Register of Providers of works, services and supplies. The establishment of a Register of Providers (RoP) is an important step in promoting a sound private business environment, enabling better procurement and fighting corruption.

During this period, the RoP Secretariat carried out the following activities:

- i. RoP Skills and Knowledge transfer project is ongoing. IT, Legal and Advisory services staff have been trained on the RoP.
- ii. An RoP User Manual has been compiled and submitted to legal and Advisory for review.
- iii. Demonstrations to providers on how to use the ROP website.
- iv. Responded to numerous inquiries from Providers and PDEs from Providers and PDEs on phone, email and in person.
- v. Visited a number of Entities in Kampala region to demonstrate how to use the online register to generate shortlist.
- vi. A total of 201 new providers have registered, 378 providers have renewed their profiles, and a total of 174 bids were received from IPSOSS Synovate link.

The summary of the ROP activities during the period is shown in Table 5.

Summary of ROP activities

ACTIVITY	CATEGORY	NUMBER OF PROVIDERS		
		APRIL	MAY	JUNE
Provider registration	Services	26	24	14
	Supplies	13	30	23
	Supplies + Services	2	8	1
	Services +works	1	1	1
	Supplies+ Works	2	4	1
	Supplies+ Services +Works	0	1	4
	Works	11	14	14
	Added new category	1	1	4
	Sub-Total		57	84
Provider renewals	Services	46	55	41
	Supplies	47	27	50
	Supplies+Services	6	6	4
	Services+Works	2	3	3
	Supplies+works	4	0	3
	Supplies+Services+Works	1	1	2
	Works	22	15	35
Sub-Total		128	107	143
PDE Registration	N/A	0	0	0
Sub-Total				
IPSOSS SYNOVATE LINK bids	N/A	174	201	0
Sub-Total		174	201	0

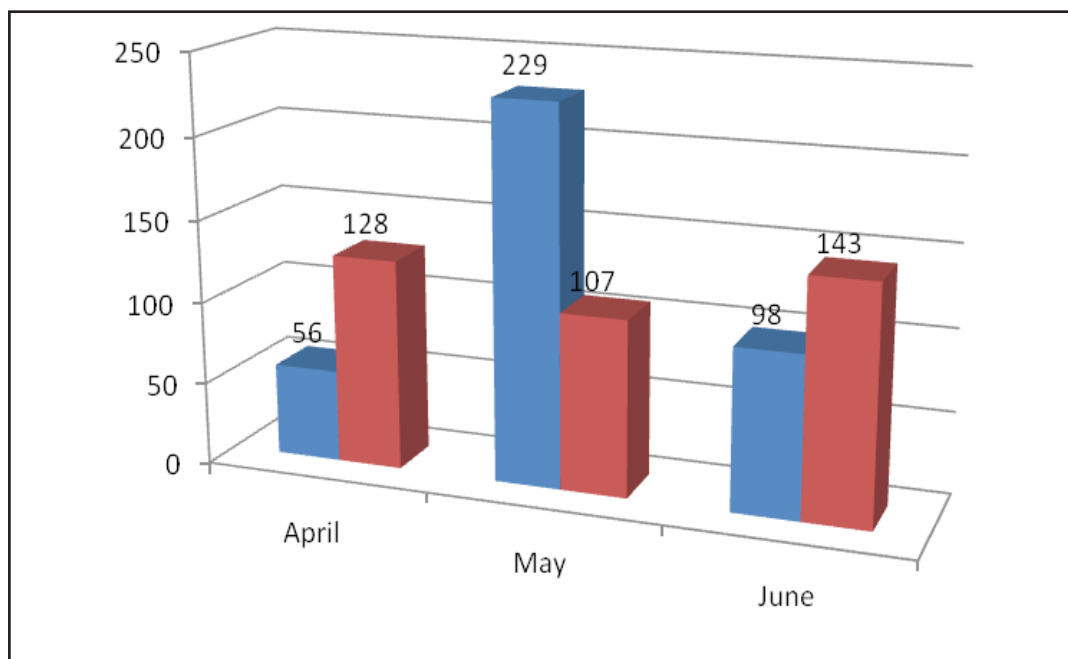
Analysis of the provider renewal trends

From the reports submitted by the Secretariat, it is apparent that only % of the expected renewals were realized for all the months reviewed as depicted in Table 6 and Figure 8.

Provider Renewals: Target and Actual

	Month	Target renewal	Actual renewal	Percentage renewals
1	April	56	128	34%
2	May	229	107	28%
3	June	98	143	38%
Total		383	378	

Provider renewal trends during the Quarter April – June 2013)



Revenues generated by the RoP during the period in review

A total of UGX 59,539,500 was generated from the Register of Providers during the period under review. Out of the total amount generated, UGX 42,189,500 (70.86%) was from registration of new providers and UGX 17,350,000 (29.14%) was from renewals. Table 7 and Figure 9 present the summaries of revenue generated by month either through renewals or from new registrations.

Revenues generated (UGX) by ROP

Activity	April	May	June	Total
Renewals	9,723,500	8,046,000	10,617,500	21,145,600
New Registrations	9,980,750	14,884,000	10,936,500	35,801,250
Grand Total				

Key Observations Noted on the Deviations and AARs Handled During the Financial Year June 2012 to July 2013

This table below shows the Authority's observations and recommendations on the AARs and Deviations handled during the quarter:

No.	Observation	Recommendation
1	Entities do not prepare procurement and disposal plans hence creating emergencies and increase in applications for deviation	Entities should abide by the provisions of the PPDA law
2	Entities submit applications for deviations in respect to procurements which have already been finalized or already in progress	Training of Technical officials in the Procuring and Disposal Entities
3	Failure of providers to adhere to the requirements of the bidding documents issued by the Entities	Procuring and Disposal Entities need hold pre bid meeting and also the providers to adhere to requirements of the bidding documents
4	Failure by both the Evaluation Committee and Contracts Committee members to adhere to the evaluation criteria stated in the solicitation document and conduct the evaluation process in a fair and transparent manner in accordance with PPDA law	Technical officials in the Procuring and Disposal Entities need to adhere to requirements of the bidding documents
5	Entities submit applications for waivers to the Authority to use the direct method or emergency procurement even in circumstances clearly provided for under the law	Entities should abide by the provisions of the PPDA law
6	Failure by the Procurement and Disposal Unit to manage the procurement process in accordance with the PPDA law in order to avoid any irregularities	Entities should abide by the provisions of the PPDA law
7	The issue of omission and miscalculation of applicable taxes has been presented by many Entities as a reason for contract variation. e. g. Kamuli District Local Government and Ministry of Water and Environment.	Training of Technical officials in the Procuring and Disposal Entities

ACCREDITATIONS: The Authority derives its mandate to handle Applications by Entities for Accreditation under PPDA Regulation 342. Applications for Accreditation are handled by the PPDA Board. During this period, the Authority received One Application for Accreditation from Uganda Investment in respect to the Bidding Period under the granted Accreditation of Alternative Public Procurement and Disposal System for Investment Land. Pending issuance of the decision of the Authority to the Entity.

Administrative Reviews

Applications for Administrative Review Handled by PPDA April to June 2013

The table below contains a summary of the Administrative Reviews received indicating the Entity, complainant, subject of procurement, estimated cost and the decision of the Authority.

No	Name of Entity & Applicant	Subject of Procurement	Estimated Cost	Grounds for the Application for Administrative Review	PPDA Decision
1	M/s Omega Construction Ltd Vs Ministry of Works and Transport:	Tender for the construction of 14 small bridges in Northern and Northern-Eastern Uganda; Procurement Reference No. MOW/WRKS/11-12/00128.	USD 3,001,128	<ul style="list-style-type: none"> According to the evaluation report, M/s Omega Construction Ltd. failed as a result of not providing a statement on their acceptance of the conditions of the proposed contract. M/s Omega Construction Ltd during the administrative review hearing also stated that their bid was disqualified for submitting 3 current contracts each of value greater than UGX. 500,000,000, yet the best evaluated bidder, M/s Pearl Engineering Company Ltd had more than 3 current contracts each of value greater than UGX. 500,000,000 and the bidder had not disclosed this. 	<p>Upheld.</p> <p>a) The complainant, M/s Omega Construction Co. Ltd, was wrongfully disqualified by the Entity since their signed bid submission sheet contained a statement of acceptance of the terms and conditions of the Bidding Document which include the conditions of the proposed contract; and</p> <p>b) The Best Evaluated Bidder, M/s Pearl Engineering Ltd, did not disclose in their bid the running contract they had with Ministry of Education and Sports valued at USD 3,584,944 contrary to Section 5.3(e) of the evaluation methodology.</p> <p>Entity directed to re-evaluate all the bids received for Lot 3 using a new Evaluation Committee and to undertake a due diligence exercise on all the bidders after the re-evaluation exercise and before the final contract award for Lot 3.</p> <p>The original Evaluation Committee was cautioned to always adhere to the disclosed evaluation methodology and criteria of the bidding document.</p> <p>The Accounting Officer should always adhere to the timeframe for responding to an application for administrative of the 10 working days.</p> <p>Administrative Review fee should be refunded to the complainant in accordance with the PPDA Guidelines no.6 of 2003 since their Application for Administrative Review was upheld by PPDA</p>

Administrative Reviews

No	Name of Entity & Applicant	Subject of Procurement	Estimated Cost	Grounds for the Application for Administrative Review	PPDA Decision
2	M/s Medisell UG Ltd Vs National Drug Authority	Procurement of laboratory equipment: Lot 1 and 2	USD 76,820.00 for Lot 1 and 2.	<ul style="list-style-type: none"> • Whether M/s Medisell Uganda Ltd met the technical specifications required by NDA and therefore all its bids should have been declared "technically compliant". • That M/s Medisell Uganda Ltd offered the lowest price for all 5 Lots and therefore should have been declared the Best Evaluated Bidder and won all the five lots. • That the "Best Evaluated Bidder Notice" issued by the NDA on 15th March 2013 did not show M/s Medisell Uganda Ltd among the unsuccessful bidders nor were the reasons for being unsuccessful given, and therefore the company should have qualified for financial evaluation. 	<p>Upheld.</p> <p>The Entity was directed to re-evaluate all the bids for Lot 1 and Lot 2, as per the evaluation criteria stated in the bidding document.</p> <p>The Administrative Review fee should be refunded to the complainant in accordance with the PPDA Guidelines no.6 of 2003 since their Application for Administrative Review was upheld by the Authority.</p>
3	M/s Mid-North Investment Company Limited Vs Kole District Local Government	Tender for construction of twin staff house at Ayer Primary School, procurement reference: Kole 607/WRKS/2012-13/00032	U G X 62,999,895.	<ul style="list-style-type: none"> • Unless M/s Mid-North Investment Limited's bid has been tampered with, they submitted documentary evidence of technical staff and the same was evaluated and found to meet the bid document requirement by the Evaluation Committee. • There was clear evidence of previous performance by our client and they were evaluated. Thus the insinuation that Agwai Supply and Construction Ltd had proven track performance and our client did not, is not correct and in fact erroneous and misleading. • Our client submitted clear strong evidence of adequate working capital which Agwai Supply and Construction Company Ltd did not. This was evaluated and is contained in the evaluation report of the evaluation committee. Agwai was weak. Besides and contrary to the Bid submission requirements, Agwai Company submitted a financial statement for the previous four (4) months while our client submitted financial statement for the previous six (6) months as was required. 	<p>Upheld.</p> <p>The Entity was directed to re-evaluate the three (3) bids in accordance with the evaluation criteria stated in the solicitation document and conduct a due diligence on all the bids prior to recommendation of award.</p> <p>The Administrative Review fee was to be refunded to the complainant in accordance with the PPDA Guidelines no.6 of 2003 since their Application for Administrative Review was upheld by the Authority.</p>

Administrative Reviews

No	Name of Entity & Applicant	Subject of Procurement	Estimated Cost	Grounds for the Application for Administrative Review	PPDA Decision
4	M/s Achelis (Uganda Ltd) Vs Ministry of Local Government	Procurement of milk coolers and generators	USD 217,000	<ul style="list-style-type: none"> The contract price for the best evaluated bidder, M/s Snowmans (U) Ltd as indicated in the best evaluated bidder notice of USD 217,000 (tax exclusive) was different from that read out at bid opening of USD 237,760. The final price was reduced by USD 20,760 which was the cost of the spare parts. The spare parts which were removed by the evaluation committee from the bid of M/s Snowmans (U) Ltd were an integral part of the requirements and could not be separated from the equipment. Separation would make the equipment specification non-responsive. 	<p>The Authority noted the following:</p> <ul style="list-style-type: none"> M/s Achelis Uganda Ltd sought clarification from the Entity on the procurement of milk coolers under CAIP – 2 which was provided on 8th April 2013 M/s Achelis Uganda Ltd did not formally apply for Administrative review at Entity level and no fees were paid to this effect. On 16th April 2013, the provider appealed to the Authority, stating that that the clarification provided by the PDE was not satisfactory. The matter was not handled as an Administrative Review, it was sent to PAI to be handled as an investigation because the Authority handles appeals against the Accounting Officer's decision which was not the case in this matter.
5	M/s Infrastructure Projects Limited Vs Uganda Investment Authority	Procurement for Consultancy services for construction supervision of roads in Soroti Industrial and Business Park	U G X 225,600,000	<ul style="list-style-type: none"> Whether the Entity intended to meet local transportation, project site office, project site accommodation and clerical assistance cost as per the notes on Table 4.2.4, breakdown reimbursable (Part 2. Section 4, bidding forms of the bidding documents) compared with ITB 15.1 (d) To establish how the "the VAT Exclusive" aspect of M/s Prome Consultants Limited's financial offer the evaluated and whether financial bids for road construction services that are VAT exempt must include input VAT. 	<p>Upheld</p> <p>The entity was directed to re-evaluate the financial proposals, as per the evaluation criteria stated in the bidding document and sticking to the notes under Table 4.2.4 of the solicitation document issued to the bidders, using an independent evaluation team and ensure equal treatment of all the bidders in this process.</p> <p>The Administrative Review fee to be refunded to the complainant in accordance with the PPDA Guidelines no.6 of 2003 since their Application for Administrative Review was upheld by the Authority.</p>

Administrative Reviews

No	Name of Entity & Applicant	Subject of Procurement	Estimated Cost	Grounds for the Application for Administrative Review	PPDA Decision
6	M/s Stanhope Construction and General Merchandise Vs Soroti Municipal Council	Tender for loading and off loading in Soroti Municipal Council	UGX 6,600,000.	<ul style="list-style-type: none"> • M/s Proverbs 27 Agency was wrongly awarded the loading and offloading revenue collection tender at UGX 8,108,000 which was high compared to the reserve price of 6,600,000 indicated in the bidding document. • M/s Proverb 27 Agency did not have experience in undertaking revenue collection or similar work. • M/s Proverb 27 Agency does not have an office and yet the firm was awarded a full mark for office allocation during evaluation. • Confidentiality was not observed by evaluation committee. Information that M/s Proverb 27 Agency was to be awarded the tender for the loading and off-loading revenue collection was disclosed before the contract award. • The Contracts Committee did not take independent decision but was coerced by the Deputy Town Clerk to award the tender to M/s Proverbs 27 Agency. • There was conflict of interest since Ms. Acako Margaret, one of the Evaluation Committee members had relatives employed by M/s Across the River which is a sister company to M.s Proverbs 27 Agency. 	<p>Rejected.</p> <p>The Entity was directed to proceed with the procurement process and refund the Administrative Review by M/s Stanhope Construction and General Merchandise.</p>
7	M/s Royal Techno Industries Ltd. Vs Manafwa District local Government	Tender for the procurement for drilling of boreholes Lot 1 and Lot 2	U G X 132,225,390	<ul style="list-style-type: none"> • The Best Evaluated Bidder does not qualify based on clause 9.1 (a) (b) in the solicitation document which was in respect to sufficient experience. • The Best Evaluated Bidder could not meet the commercial and technical qualifications in the solicitation document under clause 9.5 (e) which requested for financial performance in the last five (5) years. 	<p>Upheld.</p> <p>The entity was directed to re-evaluate the bids and strictly adhere to the evaluation criteria stated in the bidding document and issued to bidders and M/s Royal Techno Industries Ltd was to re-submit its bid security before the re-evaluation. The Administrative Review fee was to be refunded to the complainant in accordance with the PPDA Guidelines no.6 of 2003 since their Application for Administrative Review was upheld by the Authority</p>

Administrative Reviews

No	Name of Entity & Applicant	Subject of Procurement	Estimated Cost	Grounds for the Application for Administrative Review	PPDA Decision
8	M/s Junaco (T) Ltd. Vs Ministry of Water and Environment	Tender for water meters for the Ministry	USD z268,756.8	<ul style="list-style-type: none"> The report does not explain why the purported absence of linings was not noticed and recorded at bid opening nor does it show how the two un-engraved samples will affect the performance of the 15mm DN 8,000 and 20mm DN 2000 water metre to be supplied which shall be engraved according to our bid. The inscriptions are non-material and should be waived as per PPDA Regulation 183 for the sake of value for money. The Ministry should not spend USD 57,036 more for these two waive-able deviations. The issue at hand is the quality of the metre as per tender specifications which M/s Junaco Ltd fully met. The Ministry should not spend USD 57,036 more for these two waive-able deviations. The issue at hand is the quality of the metre as per tender specifications which M/s Junaco Ltd fully met. 	<p>Rejected.</p> <p>The Entity was directed to proceed with the procurement process on condition that the BEB undertakes to engrave the water metres to be supplied to MOWE with the correct words as stated in the bid document before signing the contract.</p>
9	M/s Gazzina Trading Vs Ministry of Water and Environment	Tender for water meters for the Ministry	USD 268,756.8	<ul style="list-style-type: none"> Why the five digits metre offered by the complainant could not serve the purpose because the Entity required particularly eight digits. No domestic water metre will ever record 99,999,999 cubic metres in its life time. <p>The complainant would like to know the difference in measuring sub cubic metres with digits and dials. Asking for 8 digits is an over specification or targeting a particular metre both of which are against the principles of fair competition.</p>	<p>Rejected.</p> <p>The Entity was directed to proceed with the procurement process on condition that the BEB undertakes to engrave the water metres to be supplied to MOWE with the correct words as stated in the bid document before signing the contract.</p>

Administrative Reviews

No	Name of Entity & Applicant	Subject of Procurement	Estimated Cost	Grounds for the Application for Administrative Review	PPDA Decision
10	M/s Kumi General Enterprises Vs Serere District Local Government:	Tender for the construction of 14 shallow hand dug wells	UGX 62,936,440	<ul style="list-style-type: none"> • That they carried out construction of 50 hand dug wells for districts and sub county local governments, NGOs and FBOs across the Teso sub region. Also given the fact that past experience in similar works was a requirement in bid document for this works, and very crucial in ensuring value for money in execution of Government projects, Kumi General Enterprises wonders how and why Agola Enterprises, a new entrant in hand dug wells construction was declared BEB. • That Kumi General Enterprises quoted UGX 62,537,242 and Agola Enterprises quoted 62,936,440. This implies quotation would have automatically been considered the best as it would allow the district a saving of UGX399,198 for other activities. • That on the day of bid opening, the Chairman of the CC openly and publically remarked that he had vested powers to overturn the decision of the Technical Evaluation Committee. 	<p>Upheld</p> <p>The entity was directed to re-evaluate the bids and follow the correct evaluation criteria and procedures as stated in the bid document and the complainant was to issue a new bid security.</p> <p>The Administrative Review fee was to be refunded to the complainant in accordance with the PPDA Guidelines no.6 of 2003 since their Application for Administrative Review was upheld by the Authority</p>
11	M/s Star Engineering Services Ltd Vs Bukedea District Local Government	Procurement for proposed labour based rehabilitation of Kocheka-Gagama road 13.3km	UGX 354,833,985	<ul style="list-style-type: none"> • Complied with provisions of the advert by among the many the mandatory requirement referred to in (3m) of the Advert and 30 (5.1d) of part 2: Evaluation Methodology and Criteria which was bold stating "Only firms and their personnel trained by MELTEC qualify for this bid. • Having provided all the required eligibility documentation we have all the belief and confidence that there was no item omitted which could create a material deviation to negate our bid in a fair exercise. HAVING OFFERED THE LOWEST PRICED BID amongst the TWO eligible bidders we could have been declared the best evaluated 	<p>Upheld.</p> <p>The Entity was directed to re-tender the procurement process and follow the correct procurement procedures.</p> <p>The Entity was to refund the Administrative Review fees to the complainant in accordance with the PPDA Guidelines.</p>

Administrative Reviews

No	Name of Entity & Applicant	Subject of Procurement	Estimated Cost	Grounds for the Application for Administrative Review	PPDA Decision
12	M/s Prism Vs Ministry of Works and Transport:	Construction of one border post at Malaba and Busia.	U G X 15,708,759.62	<ul style="list-style-type: none"> The Accounting Officer issued a decision in respect to the construction of the Mutukula boarder post which was dated 18th February 2013 and accompanies by an unsigned and undated Administrative Review report with the findings and conclusion for the construction of the Busia, Mutukula and Malaba border posts. The report was found irregular in as far as the purported author did not sign or date it. The 17 months duration indicated by the line/bar in the graph/chart was erroneous as opposed to the project period of 359 days in the work programme and should have been treated as a non-material deviation. 	<p>Upheld.</p> <p>The Entity was directed to re-evaluate all the bids received for Malaba and Busia Boarder Posts using a new Evaluation Committee.</p> <p>If the re-evaluation exercise was to be undertaken in UNRA, like the earlier one was done, the UNRA Contracts Committee was advised to apply the mechanism of the accredited Independent Parallel Bid Evaluation to provide credibility to the outcome of the re-evaluation process.</p>
13	M/s Excel Construction Ltd Vs. Ministry of Works and Transport	Application for administrative review in respect of the procurement process: <ul style="list-style-type: none"> Procurement reference no. Mow/wrks/2011-2012/000113 Procurement reference no. Mow/wrks/2011-2012/000114 Procurement reference no. Mow/wrks/2011-2012/000115 	U G X 15,708,759.62	Withdrawn.	The Complainant withdrew the application for administrative review and the Authority cancelled the Administrative Review process in respect to that.

Summary of the Applications for Deviations Handled in from April to June 2013

No	Entity	Subject matter	Cost	Method	Decision	Notice of PPDA decision
1	Bukedea District Local Government	Request for a waiver to vary the contract for the renovation of 8 classrooms at Akunguro Primary School.	UGX 34,847,840	Contract Variation	Granted. Entity was, however, advised to caution the District Engineer who prepared the original Bills of Quantities to ensure that such errors do not re-occur.	16.5.13
2	Bukedea District Local Government	Request for variation authorisation for construction of a theatre in HC IV.	UGX 57,396,600	Contract variation	Granted. Entity was cautioned on the delays taken to effect requests for variations from contractors and ensure that such does not re-occur.	14.6.13
3	Bulambuli District Local Government	Direct Procurement to acquire a vehicle for the council activities.	UGX 97,000,000	Direct Procurement	Granted. Entity was however advised to invite at least three firms i.e. M/s Toyota Uganda Ltd, M/s Victoria Motors Ltd and M/s Cooper Motors Ltd among others on PPDA Register of Providers.	22/4/13
4	Bulambuli District Local Government	Request for a waiver to use the direct procurement method to complete works on previous sites. <ul style="list-style-type: none"> Construction of a Mortuary at Muyembe HC IV; Construction of a Maternity ward at Bulungaya HC III Construction of chain Link fence at Muyembe HC IV Extension of Veterinary Diagnostic laboratory and plant clinic. Construction of a triple staff house at Muyembe HC IV. 	UGX 9,500,000 UGX 57,000,000 UGX 21,305,000 UGX 20,305,000 UGX 25,000,000	Direct Procurement	Granted. The works were advertised in the previous financial years but due to financial constraints, the projects were implemented in phases and contractors had completed phase one.	22.5.13
5	Bundibugyo District Local Government	Approval of contract amendment omitted works whose value is beyond 15% of the contract sum.	UGX 25,602,500	Contract variation	Granted on condition the unit rates used are the same.	9/4/13

Deviations

No	Entity	Subject matter	Cost	Method	Decision	Notice of PPDA decision
6	Civil Aviation Authority.	Request for a waiver to renew the agreements for the current concessionaires and the tenancies of Airlines, Government agencies and others for a period of ten (10) years	N/A	Contract renewal.	Granted. i. The renewal of the concessions will be for a period of two (2) years during which time the Entity should contract an independent Consultant to review their performance in light of their contractual objectives and adherence to international aviation industry standards; ii. In respect of the tenants required by ICAO or Government to have a presence at the Airport, their tenancies may be renewed in accordance with the rental rates approved; and iii. In respect of the shops where there is no aviation industry requirement, the Entity is advised to open up the tenancies since as stated in your letter, there is limited investment involved.	14.6.13
7	Courts of Judicature.	Request for the approval of the direct procurement method for the procurement of 48No. Computers and their accessories for the newly appointed Justices and Judges.	UGX 183,696,000.	Direct Procurement	Granted. Funds must be expended before closure of the financial year 2012/13. The Contracts Committee had already approved the award of contract for the supply of 29No. Desktop computers and their accessories to M/s PC World Computers Ltd which was procured competitively and the specifications are the same with the 48No.	6.6.13
8	Diary Development Authority.	Request to vary procurement rules in respect to Consultancy Services for the design of the proposed Diary Development Head Office Building.	N/A	Open bidding. Reduced period for opening of financials, one and two working days.	Granted. Opening of financial bids to two (2) working days and display of the BEB to one (1) working day. The Entity was advised to avail the proof of notification of change in the statutory time frames in respect to the opening of the financial bids to all the bidders to PPDA.	13.6.13

Deviations

No	Entity	Subject matter	Cost	Method	Decision	Notice of PPDA decision
9	Electoral Service Commission.	Provision of disaster recovery services.	USD 218,208	Direct Procurement	Rejected. There are other firms that are able to provide the same service at competitive rates. The Entity was advised to use the open bidding method with a reduced bidding period of fifteen (15) working days and a display period of five working days.	5.6.13
10	Entebbe Municipal Council	Request for a contract variation for the extra works in respect to furnishing the Municipal Office Block with aluminium doors and fixing the ceiling.	UGX 17,161,920	Contract variation	Granted. The aluminium doors and fixing of the ceiling were not included in the original contract and yet the delegation of Common Wealth Local Government delegates was to assemble in the Municipal Town Hall upon arrival on 14 th and 18 th May 2013.	9/5/13
11	Gulu District Local Government	Seeking for approval of contract variation above 15% of the contract sum for the construction of a mini laboratory under PMG funding	UGX 480,000,000	Contract Variation	Rejected. The Entity was non-complaint on the Procurement Performance Measurement System (PPMS) where data on contracts is required to be entered into the PPMS database.	9/5/13
12	Hoima Municipal council.	Request for a waiver to repair Motor Vehicle.	UGX 20,000,000	Direct Procurement	Rejected. The Entity was non-complaint on the Procurement Performance Measurement System (PPMS) where data on contracts is required to be entered into the PPMS database.	18/4/13
13	Iganga Municipal Council	Direct procurement of equipment for road works.	Not indicated.	Direct Procurement	Rejected. The Entity did not submit Contract Committee minutes and the estimated cost. However, in order to ensure value for money, competition and transparency, the Entity was advised to use the open domestic method of procurement.	12/4/13
14	Iganga Municipal Council	Request for use of shorter procurement method for the procurement of equipment and road construction materials from firms on the PPDA ROP.	Not Indicated	Direct Procurement	Rejected. The Entity was non-complaint on the Procurement Performance Measurement System (PPMS) where data on contracts is required to be entered into the PPMS database.	25/4/13

Deviations

No	Entity	Subject matter	Cost	Method	Decision	Notice of PPDA decision
15	Joint Clinical Research Centre.	Request for approval to dispose off Joint Clinical Research Centre (JCRC) annex under PPDA section 334.	UGX 2 billion	Direct Disposal	Granted as requested.	22/4/13
16	Kabale District local Government.	Direct/single sourcing from Nile Fresh Produce International Limited for the supply of 2000 packets of Chillies and 2000 Sackets of hot pepper seedlings worth UGX 200,000,000.	UGX 200,000,000	Direct Procurement	Granted. Direct Procurement of M/s Nile Fresh Produce International Limited.	9/4/13
17	Kalungu District Local Government.	Direct Procurement to procure 400,000 elite coffee seedlings.	UGX 200,000,000	Direct Procurement	Rejected. In order to ensure competition, transparency and value for money Entity advised to use restricted bidding method with reduced bidding period of five working days and a display period of three working days using at least three firms from the listed certified nursery operators from the Uganda Coffee Development Authority.	18/4/13
18	Kasese District Local Government.	Seeking for a waiver to use force account to complete the structure	UGX 234,935,775	Force Account.	The Entity was referred to circulars dated 21 st September 2012 and 21 st August 2008 that were distributed to all Local Government Entities on the use of Force Account. Prior to the use of Force Account, the Entity was required to obtain comprehensive guidance from the Ministry of Works and Transport on; 1. The assessment of the current condition of the building; and 2. Whether the Entity has competent personnel and equipment to complete the remaining works.	14.6.13
19	Kasese Municipal Council.	Request for a deviation to use force account for the construction of the administrative block phase 1	UGX 500,000,000	Force Account.	The Entity was referred to circulars dated 21 st September 2012 and 21 st August 2008 that were distributed to all Local Government Entities on the use of Force Account. In light of the need to ensure value for money, the Entity was advised to get technical advice and approval from the Ministry of Works and Transport as to whether the Entity had the capacity in-house (labourers and equipment) to undertake this project	27.5.13

Deviations

No	Entity	Subject matter	Cost	Method	Decision	Notice of PPDA decision
20	Koboko District Local Government	Restricted procurement for the supply of survey equipment for physical planning office under PRDP funding.	UGX 125,000,000	Restricted Bidding method of procurement.	Granted. The Entity was advised to use atleast three firms from the Authority's register of providers for the procurement of survey equipment.	15/4/13
21	Kyenjojo District Local Government.	Request for a waiver on the completion of Kataraza HC II staff house under Luwero Rwenzori Development Plan.	UGX 44,215,750	Direct Procurement	Granted. The time frame left to complete both phases before funds are returned to the treasury is less than two months. In addition, the competitive open bidding method would normally take not less than a month and there is an existing contract with the provider who is completing phase one.	16.5.13
22	Kyenjojo District Local Government.	Request to use Request for Quotations method of procurement for the procurement of a contractor for the completion of Kisojo HC III maternity ward under Luwero Rwenzori Development Plan	UGX 65,000,000	Request for Quotations	Granted. There was late release of funds and insufficient time for open bidding before the closure of the financial year and the open bidding method takes not less than 45 days to procure a contractor.	15.5.13
23	Lamwo District Local Government.	Direct Procurement for Construction of a low cost sealing of 1.5km from Palabek Kal to Lokung Sub County for FY 2012/13.	UGX 295,857,000	Direct Procurement	Granted as requested.	18/4/13
24	Lamwo District Local Government.	Direct Procurement for Supply of assorted Motor Cycles for FY 2012/13.	UGX 84,000,000	Direct Procurement	Rejected. After reviewing the additional information submitted by the Entity, it was noted that the two letters had varying figures for the same procurement. It was not clear what the actual estimated cost (UGX 84,000,000 & UGX 50,000,000) for the motorcycles was. Entity was advised to use Request for Quotations method for purposes of obtaining maximum competition and value for money. At least three firms should be invited from PPDA Register of Providers.	18/4/13

Deviations

No	Entity	Subject matter	Cost	Method	Decision	Notice of PPDA decision
25	Lwengo District Local Government.	Request for a deviation from open bidding process to selective bidding method of procurement for delegated procurement of 200,000 elite coffee seedlings.	UGX 100,000,000	Restricted bidding method of procurement.	Granted Restricted bidding method of procurement with a reduced bidding period of five working days and display period of three working days using at least three firms from the listed certified nursery operators from Uganda Coffee Development Authority (UCDA).	18/4/13
26	Makerere University	Request to use the direct procurement method for the procurement of research/ pilot scale Industrial Equipment for the School of Food Technology, Nutrition and Bioengineering.	Euros 303,715	Direct Procurement	Rejected. The need to ensure competition, transparency and value for money, the Entity was advised to use the International Restricted bidding method of procurement.	24.6.13
27	Makerere University.	Request for a waiver to use the direct procurement method for the procurement of 20,000 students' identity blank cards & 80 ribbons for Academic Registrar's department.	USD 133,46.33	Direct Procurement	Granted. The provider is willing to supply at the same unit rate and the re is need to provide lds to the 1 st year students and other students who need replacement of last and misplaced cards.	5.6.13
28	Makerere University.	Procurement of an ICT consulting firm to develop a multi-bank Application Program Interface (API) for the automation of student tuition collection and transfers.	USD 82,160.	Direct Procurement	Rejected. The need to ensure competition, transparency and value fro money, the Entity was advised to use the open international bidding method of procurement.	5.6.13
29	Ministry of Education and Sports.	Request for a waiver to directly procure printing services for monitoring learning achievement tests (Examinations) for P.2, P.4 and P.6 under the Directorate of Education Standards.	UGX 490,000,000	Direct Procurement	Rejected. It was noted that the Ministry of Internal Affairs authorised M/s Picfare in a letter dated 5 th November 2004, to print high-level security documents. The vetting Institution (ISO) should have vetted some other firms for doing such security sensitive jobs. The Entity was therefore advised to consult ISO for the latest list of vetting firms for printing sensitive documents and then use the Request for Quotation method with a reduced bidding period of three working days and a display period of one day.	5.6.13
30	Ministry of Energy and Mineral Development.	A deviation to use direct procurement method for the implementation of the resettlement action plan (RAP) for the acquisition of land for the oil refinery in Kabala, Hoima District.	UGX 3,500,000,000	Direct Procurement	Granted as requested.	18/4/13
31	Ministry of Health	Direct procurement for distribution of HMBF Ref: MOH/SVCS/GF/12-13/00491.	UGX 48,750,000	Direct Procurement	Granted as requested.	15/4/13

Deviations

No	Entity	Subject matter	Cost	Method	Decision	Notice of PPDA decision
32	Ministry of Health	Delegation of responsibility to procure a lead agency for Long Lasting Insecticide Nets (LLIN) distribution and campaign.	USD 708,590.50	Direct Procurement	Granted. Since the nets were already in the country. Further delay in distribution would result into accumulated storage and demurrage.	11/4/13
33	Ministry of Water and Environment	Contract for consultancy services for the construction supervision of a pilot bulk water supply system in Rakai District – Contract No. MWE/SRVCS/07-08/00152	USD 398,237.5 UGX 201,871,747	Contract Variation	Rejected. At the time of executing the consultancy contract, the designs for the project had not yet been finalized. The Entity erred in commencing with the construction before the designs were completed.	25/4/13
34	Ministry of Water and Environment, Water and Sanitation Development Facility.	Application for authority to deviate from applicable procurement method for the procurement of 4 Double Cabin Pick Ups.	UGX 39,998,700	Request for Quotations	Rejected. The Entity was non-complaint on the Procurement Performance Measurement System (PPMS) where data on contracts is required to be entered into the PPMS database.	3/5/13
35	Ministry of Water and Environment.	Request for a waiver to use the direct procurement method for the procurement of the services of M/s ZTE for resource mobilization, feasibility study, detailed design, supply, installation and commissioning of solar powered water pumping schemes in rural areas.	Entity did not have funds to implement project, M/s ZTE will be responsible for finalizing and ensuring that funds are availed from the Exim Bank of China	Direct Procurement	Granted. The partnership between M/s ZTE and the Government of Uganda is a pre-requisite for accessing the loan from the Exim Bank of China for the implementation of the project	6.6.13
36	Mukono District Local Government.	Request to use the restricted bidding method of procurement to purchase a 30 seater mini-bus using five firms.	UGX 282,960,000.	Restricted bidding method	Granted. The supply is available from a limited number of providers and there is insufficient time for an open bidding procedure	15.5.13
37	Namutumba District Local Government	Request for authority to use direct procurement method in soliciting for another provider of fuel to the Entity.	UGX 57,027,500	Direct Procurement	Granted as requested.	25/4/13
38	National Agricultural Advisory Services	Restricted Method of procurement to produce 2,000,000 Elite Coffee Seedlings estimated at one billion.	UGX 1,000,000,000	Restricted method of procurement.	Rejected. Advised that the respective districts undertaking the procurement should directly apply to the Authority for waivers where they deem necessary since the procurement function was delegated to the respective districts by the Entity.	10/4/13

Deviations

No	Entity	Subject matter	Cost	Method	Decision	Notice of PPDA decision
39	National Social Security Fund.	Emergency safety works and site maintenance of the NSSF Pension Towers on Plots 15A, 15B and 17 Lumumba Avenue.	UGX 4,008,001,892	Direct Procurement	<p>Rejected.</p> <p>Paragraph 6 (1) (a) (i) of the fourth schedule of the PPDA Act, direct procurement may be used by an Entity where there is insufficient time for any other procedures in an emergency.</p> <p>PPDA does not approve emergency procurements and Regulation 110 of the PPDA Regulations provides for procurements under emergency situations.</p> <p>Entity was advised that in the event that the Entity opts to use direct procurement to procure a contractor, the Entity was required to instruct M/s Ssentongo & Partners to advise the Entity on whether the procurement will result in value for money.</p> <p>The Accounting Officer and the Contracts Committee remain responsible for ensuring value for money and the conduct of the procurement in accordance with the PPDA law.</p>	25/4/13
40	Office of the President.	Request for approval of the direct procurement method for additional works for the construction of an office building for the Resident District Commissioner, Buvuma District	UGX 82,707,000	Direct Procurement	<p>Granted.</p> <p>M/s Remmy Technical Services, the provider, was the contractor for the main works and it would offer no advantage to procure the additional works through a competitive method of procurement.</p>	14.6.13
41	Office of the president.	Request for a waiver to use the direct procurement method for the procurement of 100 acres of land at Bwebajja, Wakiso district from M/s Goodra T. Behakanira also trading under M/s Avemar Group of Companies Ltd	UGX 70 billion.	Direct Procurement	<p>Rejected.</p> <p>The Entity was advised to obtain a Cabinet decision approving the procurement. The matter was prematurely submitted to the Authority without the Cabinet decision.</p>	24.6.13
42	Office of the Secretary to the Judiciary.	Request for approval of direct procurement of contractor for the completion of construction of the judicial Studies (JSI) Training Institute at Nakawa.	UGX 337,997,465	Direct Procurement	<p>Granted.</p> <p>The original contract included roofing works and awarding the contract to a different contractor would jeopardize the requirement for liability for any defects that may arise within the defects liability period and the contractor is willing to carry on the construction at the same unit rates as in the original contract.</p>	6.6.13

Deviations

No	Entity	Subject matter	Cost	Method	Decision	Notice of PPDA decision
43	Oyam District Local Government.	Request for guidance on stalled projects for 2010/11, 2011/12 financial years under the PRDP Projects	<p>UGX 173,796,092 was approved by the Ministry of Finance, Planning and Economic Development towards the cost of completing these projects under Health Sector</p> <p>UGX 48,139,758 for the Education Sector</p>	Direct Procurement	<p>Granted.</p> <p>Contracts did not come to an end successfully due to various reasons addressed by individual contractors in their applications requesting for variation and extensions.</p> <p>In 15 contracts, Entity was advised to cost the remaining works and directly procure the same contractors/ providers to enable continuity in technical approach for the works which were not completed.</p> <p>The Entity was advised to terminate six contracts and retender the works using the selective bidding method of procurement with a reduced bidding period of three working days and a display period of two working days. Entity was further advised to submit the six contractors / providers to the Authority for suspension/blacklisting in accordance with Regulation 60 of the Local Government (PPDA) Regulations, 2006.</p>	18.6.13
44	Oyam District Local Government.	Request for guidance on stalled projects for 2010/11, 2011/12 financial years under the PRDP Projects	<p>UGX 173,796,092 was approved by the Ministry of Finance, Planning and Economic Development towards the cost of completing these projects under Health Sector</p> <p>UGX 48,139,758 for the Education Sector</p>	Direct Procurement	<p>Rejected.</p> <p>The contracts did not come to an end successfully due to various reasons addressed by individual contractors in their applications requesting for variation and contracts extension to enable completion of the projects effectively and efficiently.</p> <p>In 21 contracts, it was noted that works were done and completed at 100% and payments made were also up to 100%. The Entity was advised that since the works and payments were all completed, there was no need for the Entity to request for variations in this respect since both the contractors and the Entity performed their obligations to successful completion.</p> <p>In 10 contracts, the Entity did not have funds for the projects. The Entity's request was therefore rejected due to unavailability of funds</p>	18.6.13

Deviations

No	Entity	Subject matter	Cost	Method	Decision	Notice of PPDA decision
45	Parliament of Uganda.	Request for a waiver to deviate from the method of procurement of computer tablets with reduction of bidding period.	USD 347,400.	Restricted bidding	Granted. Use of the restricted bidding method of procurement with a reduced bidding period of 10 working days due to the limited time left for the closure of the financial year.	7.6.13
46	PPDA – Depoint Consultants Limited	Procurement of Newspaper subscriptions for Monitor and New Vision.	UGX 6,999,700 & UGX 6,756,400 respectively.	Direct Procurement	Rejected. It's within the Entity's mandate since the two providers are the sole suppliers of the widely circulated newspapers. The Authority's approval was therefore not needed. Paragraph 6 (1) (a) (ii) of the fourth schedule of the PPDA Act provides for such circumstances and the Entity was advised to follow the law.	27.6.13
47	PPDA - De-Point Consultants Limited.	Supply and installation of inverter batteries (Sukam for compatibility with A Sukan Inverter).	UGX 12,000,000	Direct Procurement	Granted. Under Paragraph 6 (1) (a) (iv) of the fourth schedule of the PPDA Act, direct procurement may be used where additional supplies are required to be compatible with the existing supplies and is advantageous to purchase the additional supplies from the original supplier.	22.5.13
48	PPDA - De-Point Consultants Limited.	Supply and Installation of ACs in the server room.	UGX 10,000,000	Request for Quotation.	Granted. The service delivery date was fixed to 30 th May 2013 and the statutory time was not sufficient to use the appropriate procurement method.	22.5.13
49	PPDA - De-Point Consultants Limited.	Supply of desktop computers and laptops.	UGX 24,500,000	Request for Quotation.	Granted. The service delivery date was fixed to 30 th May 2013 and the statutory time was not sufficient to use the appropriate procurement method.	22.5.13
50	PPDA - De-Point Consultants Limited.	Supply and installation of telephone handsets (Alcatel for compatibility with an Alcatel PABx).	UGX 3,388,000	Direct Procurement	Granted. Under Paragraph 6 (1) (a) (iv) of the fourth schedule of the PPDA Act, direct procurement may be used where additional supplies are required to be compatible with the existing supplies and is advantageous to purchase the additional supplies from the original supplier.	22.5.13
51	PPDA - De-Point Consultants Limited.	Consultancy services to update the list of average prices for common user items.	UGX 5,000,000	Direct Procurement	Granted. PPDA required the job to commence on 20 th May 2013 and to be completed by 15 th June 2013 and the statutory time was not sufficient to use the appropriate procurement method.	5.6.13

Deviations

No	Entity	Subject matter	Cost	Method	Decision	Notice of PPDA decision
52	PPDA – Depoint Consultants Ltd.	Request for a waiver to reduce the number of bidding and display of the BEB notice for the procurement of hotel services.	UGX 4,770,000	Request for Quotation with a reduced bidding period of one working day and a display period of one working day	Granted. PPDA required the facilities on 18 th to 20 th June 2013 and the statutory time for the bidding period of five working days and a display period of five working days under Request for Quotation method of procurement were not sufficient	13.6.13
53	Rukungiri District Local Government	permission to use the direct procurement method in hiring a bull dozer from a private provider, M/s Concrete Builders and Contractors Ltd at the Ministry of Works and Transport approved rate.	N/A	Direct Procurement	Granted. At the Ministry of Works and Transport approved rate.	14.6.13
54	Rural Electrification Agency	Request to directly procure electricity distribution operators for new service territories.	N/A	Direct Procurement	Granted. Under Regulation 340 (4) of the PPDA Regulations 2003, the Authority may grant a deviation with modifications. In light of the urgency of the requirement and in order to ensure transparency, competition and value for money, Entity was granted a deviation to directly procure the services of UEDCL to operate and manage the mentioned powerlines for a period of one year and not three years as requested.	23.5.13
55	Rural Electrification Agency	Request for a waiver to use the direct procurement method to procure M/s Fersult Engineering Services Limited for construction of additional low voltage networks in the Muhanga-Rwamucucu-Kisizi-Kyempene project area.	USD 497,820.51.	Direct Procurement	Granted. The condition given by the Royal Kingdom of Norway has limited the Entity from publicly procuring works, the works implemented are of a similar nature and the unit costs are the same. The provider was initially procured competitively for the project and is already on ground and will not need additional resources to mobilize the site.	6.6.13
56	Sembabule District local Government.	Request for a waiver to buy farm inputs under sustainable land management project, through direct procurement method.	UGX 13,760,000	Direct Procurement	Granted. The funds were received late and there was need to procure inputs urgently since the Entity had a short rain season.	23.5.13

Deviations

No	Entity	Subject matter	Cost	Method	Decision	Notice of PPDA decision
57	Sironko District Local Government	Restricted method of procurement for the: a) Construction of two (2) classroom block and 5 stance drainable pit latrine at Nabweya Primary School. b) Construction of a twin house at Budadiri. c) Supply of a 4 WD Double Cabin Pick-Up.	UGX. 62,082,000 UGX. 70.300.000 UGX 120,000,000	Restricted method of procurement.	Granted. In respect to the 4 WD double cabin, the Entity was advised to make a minimum of three providers to include Victoria Motors Ltd on the list of providers to be invited.	11/4/13
58	State House	Request for a waiver to use the restricted international bidding method of procurement with a shortened bidding period of seven (7) working days for the procurement of 2 (two) units armoured (Station Wagon) for exclusive use by His Excellency the President.	1 Million Euros	Restricted international bidding method of procurement with a shortened bidding period of seven (7) working days	Granted. It was urgent that the armoured vehicles are procured for the exclusive use by His Excellency the President. The proposed method of procurement would ensure competition and value for money in the procurement since bids would be solicited from at least three firms.	17.6.13
59	State House	Request for a waiver to use the direct procurement method for the procurement of counter-terrorism security equipment, for the protection of His Excellency the President, from M/s Hardware Machinery and Tools Ltd.	UGX 916,000,000.	Direct Procurement	Granted. There was urgent need to procure counter terrorism security equipment for the protection of His Excellency the President at Entebbe. The area where it was to be installed was restricted.	17.6.13
60	The Public Service Commission.	Request to use the direct procurement method for the procurement of a one new vehicle station wagon for the Chairman of Public Service Commission from M/s Toyota Uganda Limited	USD 75,437	Direct Procurement	Granted. There was limited time to the closure of the financial year and the urgent need to provide an appropriate vehicle for the Chairman as per the Doctor's recommendation	13.6.13
61	Uganda Allied Health Examinations Board	Restricted Bidding procurement for provision of venue for marking 2 nd semester examinations, accommodation and meals for 140 Examiners for a period of 12 days.	UGX 136,220,000	Restricted Bidding method of procurement.	Granted. Given the sensitivity, restriction and conformity features of the exercise, the Entity should use their prequalified providers which have previously done a commendable job in provision of similar services.	22/4/13
62	Uganda Communications Commission	Direct Procurement on the procurement of Digital Terrestrial Television Broadcasting (NGB) Uganda.	UGX 7,188,700,000	Direct Procurement	Granted on condition that the Entity procures the equipment on a forced sale price of UGX 4,313,220,000 since H.E the President recommended that NGB be compensated in view of the change in Government Policy.	18/4/13

Deviations

No	Entity	Subject matter	Cost	Method	Decision	Notice of PPDA decision
63	Uganda Investment Authority.	Request for a contract variation of 40% for the provision of meals and refreshments.	UGX 1,600,000	Contract Variation	Rejected. The Authority noted the unique nature of the procurement and advised the Entity to re-submit the matter to the Contracts Committee, to verify the increment in the number of participants and then the Contracts Committee should take an appropriate decision.	15.5.13
64	Uganda National Roads Authority.	Consultancy Services for establishment of an online contract management system.	USD 59,100	Contract variation.	Granted as requested.	22/4/13
65	Uganda National Roads Authority.	Consultancy services for the construction supervision of the upgrading and strengthening of Kampala-Gayaza-Zirombwe-Wobulenzi road.	Euro 220,316.70	Contract Variation.	Rejected. The contract variation extending the works contract for 30 working days was done without the Authority's approval and the proposed amount for the addendum for the consultancy did not reflect value for money. The Entity should have considered the variations for both the works and consultancy contract at the same time which was not done.	22/4/13
66	Uganda National Roads Authority.	Construction supervision for the upgrading of Kabale-Kisoro Bunagana/Kyanika road, Contract No. ADF/HW/CS013. Addendum 4, 5 and 6.	Time/Period	Contract variation.	Granted as requested.	18/4/13
67	Uganda National Roads Authority.	Request for a waiver to issue addendum No. 2 in respect to a contract for the upgrading of Kabale-Kisoro-Bunagana/Kyanika Road (100.2Km)	UGX 9,607,177,373	Contract variation.	Granted In light of the ADB approval, confirmation that the original contract provided for the use of asphalt on the full length of the road and that the Authority approved Addendum No.1 to the contract.	4.6.13

Deviations

No	Entity	Subject matter	Cost	Method	Decision	Notice of PPDA decision
68	Uganda National Roads Authority.	Request for a waiver to issue addendum No. 2 in respect to the consultancy contract for the upgrading of the Fortportal-Bundibugyo-Lamia road to paved (Bituminous Standard (103 Km))	Euro 696,203.36 and UGX 846,421,752.24	Contract Variation.	<p>Rejected.</p> <p>1. Following a design review of the road project and the revision of Bills of Quantities, new items, design improvements an increase in the scope of works were recommended. The African Development Bank gave its no objection to the revised bill of quantities;</p> <p>2. Civil works were undertaken on the basis of old designs and the Entity did not undertake a quick design review process before commencement of the works to mitigate against variations that arose out of changes to accommodate issues that had not been previously taken into account under the original designs;</p> <p>3. Consultancy services unit rates for addendum No.2 were not the same rates as in the original contract, increasing by 28%, in contravention of PPDA Regulation 262 (4); and</p> <p>4. Poor supervision of the contractor by the consultant was noted from the unexplained delay to respond to the concerns of the contractor raised in 2011.</p>	6.6.13
69	Uganda National Roads Authority.	Request for a waiver to issue addendum No. 1 in respect to the consultancy services for design review and construction supervision for Kawempe-Kafu (166Km) asphalt overlay construction.	USD 1,632,721.70 plus UGX 615,346,485.	Contract Variation.	<p>Rejected.</p> <p>The Solicitor General cleared the draft contract for M/s Africon Ltd and not M/s Aurecon AMEI Ltd, the company that the entity signed with the original contract.</p>	6.6.13

Deviations

No	Entity	Subject matter	Cost	Method	Decision	Notice of PPDA decision
70	Uganda National Roads Authority.	Request for a waiver to issue addendum No. 1 in respect to the contract for the upgrading of the Fort-Portal-Bundibugyo-Lamia road (103Km)	UGX 49,627,595,409	Contract Variation.	Rejected a) Works were undertaken on the basis of old designs and the Entity did not undertake a quick design review process to mitigate against variations that arise out of changes to accommodate issues that had not been previously taken into account under the original designs; b) It was by the contractor's initiative that earthworks equipment were increased and with increased working hours thus took a total of 28 months which exceeded the 16.9 months planned. Time grew by 11.1 months; and c) There was an unexplained delay by the Entity and Consultant to respond to the concerns raised by the Contractor in 2011	6.6.13
71	Uganda National Roads Authority.	Request for a waiver to issue addendum No.2 in respect to extension of the current contract for office premises for UNRA headquarters for rent for three years.	USD 3,823,200	Contract Extension	Granted. On condition that the rates are the same as the original contract.	6.6.13
72	Uganda National Roads Authority.	Request for waiver to issue addendum No.8 to the reconstruction of priority sections of Kampala-Mbarara road: Package A: Busega-Nsagi & Kamengo Lukaaya road sections.	Euro 6,976,402.17	Contract Variation.	Granted. The Entity was advised to ensure that they implement measures to closely monitor admeasurement contracts.	6.6.13
73	Uganda National Roads Authority	Pending approval of dispensation request for retrospective approval. Consultancy Services for the reconstruction and rehabilitation of Busega-Muduuma and Muduuma-Mityana Roads.	USD 502,358.63	Contract Variation	Granted. The contract with M/s Dott Services Limited for the reconstruction and rehabilitation of Muduuma-Mityana road was an admeasurement contract. Under PPDA Regulation 236 (5), by nature of admeasurement contracts, the actual work done is measured during the performance of the contract and finally reconciled upon completion of the contract.	25/4/13
74	Uganda Police Force	Request for a waiver to use the direct procurement method for the procurement of consultancy services for the completion of the proposed headquarters of UPF criminal investigations and intelligence department.	UGX 351,972,642.	Direct Procurement	Rejected. The Entity was non-complaint on the Procurement Performance Measurement System (PPMS) where data on contracts is required to be entered into the PPMS database.	3/5/13

Deviations

No	Entity	Subject matter	Cost	Method	Decision	Notice of PPDA decision
75	Uganda Police Force.	Request for a waiver to use the direct procurement method for the procurement of land situated at Plot 1-21 Nyonyintono Road, Njeru Town Council, Buikwe District.	UGX 6,800,000,000	Direct Procurement	Granted. The activity was provided for under the Police Capital Budget for the Financial Year 2013/14 under the Non Tax Revenue (NTR) resource funding. The approval was subject to obtaining written approval from the permanent Secretary/Secretary to the Treasury to use the NTR for purpose of purchase of land.	25/4/13
76	Uganda Revenue Authority	Direct procurement to procure the Human Resource Information Systems (HRMS).	UGX 5,000,000,000	Direct Procurement	Rejected. Entity advised that under paragraph 6 (1) (a) (iii) of the fourth schedule, of the PPDA Act no. 1 of 2003 and the PPDA Regulations 143 (2), a direct procurement may be used by an Entity where the services are available from only one provider. The provisions should therefore be brought to the attention of the Contracts Committee so that an appropriate decision is made.	12/4/13
77	Uganda Revenue Authority	Restricted bidding method of procurement to procure comprehensive disaster recovery solution phase II.	UGX 7,539,000,000	Restricted bidding method of procurement.	Granted. The Entity was further advised that in light of the Government Plans to have a central data recovery system, the Entity should seek guidance from the national Information Technology Authority – Uganda (NITA-U) prior to commencement of the procurement process since the Government, under the rationalization of ICT services policy is in the process of utilising the disaster recovery site of Ministry of Finance, Planning and Economic Development in Jinja.	12/4/13

10
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