



PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS AUTHORITY

**REPORT ON APPLICATION FOR ADMINISTRATIVE REVIEW IN RESPECT OF
PROCUREMENT FOR CONSULTANCY SERVICES FOR DESIGN REVIEW AND
CONSTRUCTION SUPERVISION OF THE UPGRADING OF TIRINYI – PALLISA
– KUMI/PALLISA – KAMONKOLI ROAD (111.25KM) TO PAVED (BITUMEN)
STANDARD**

ENTITY: UGANDA NATIONAL ROADS AUTHORITY (UNRA)

**APPLICANT: ABULJEBAIN ENGINEERING CONSULTING OFFICE
(AECO) IN ASSOCIATION WITH PROFESSIONAL
CONSULTANTS LIMITED (PEC)**

SEPTEMBER 2018

1.0 BACKGROUND

- 1.1 On 3rd March 2014, UNRA published a notice of Expressions of Interest for the provision of consultancy services for the design review and construction supervision of the upgrading of Tirinyi-Pallisa-Kumi/Pallisa-Kamonkoli Road (111.25Km) to paved (bitumen) standard in the New Vision Newspaper with a deadline for submission on 19th March 2014.
- 1.2 On 12th January 2015, UNRA shortlisted the following 8 providers and invited proposals from the firms.

Table 1: Consultants issued with the Request for Proposal documents

No.	Name of Consultant	Country of Origin
1.	Renardet S.A. & Partners in Association with PROME Consultants (sub-consultant)	Oman/Uganda
2.	TRICORP Engineering & Consulting Corporation (Lead firm), ICE Illyrian Consulting Engineers (JV Partner) and CASE International Consultants Ltd. (sub-consultant)	Turkey/Albania/Uganda
3.	Abuljebain Engineering Consulting Office (AECO) in Association with Professional Engineering Consultants (PEC) (sub-consultant)	Kuwait/Uganda
4.	Consolidated Consultants Group in JV with Compran Engineering & Planning Associates	Jordan/Ghana
5.	STUDI International in Association with Sunshine Projects Ltd (sub-consultant)	Tunisia/Uganda
6.	Consulting Engineering Centre (CEC) (Lead Partner) in Joint Venture with MBW Consulting Ltd.	Jordan/Uganda
7.	SCET – Tunisie in Association with Newplan Ltd. (sub-consultant)	Tunisia/Uganda
8.	BCL Associates Ltd. in association with UMAR Munshi Associates and KKATT Consult (sub-consultants)	Bangladesh/Pakistan/Uganda

- 1.3 Proposals were submitted in March 2015. On 17th July 2017, UNRA invited consultants whose proposals were successful at technical evaluation stage for opening of the financial proposals on 27th July 2017.
- 1.4 The record of financial opening indicated the information in Table 2 below:

Table 2: Record of the opening of financial proposals

No.	Name of Consultant	Tender prices as read out		Taxes included
		Currency	Amount	
1.	Consolidated Consultants Group in JV with Compran Engineering & Planning Associates	USD	7,576,500.00	1,136,475.00
2.	TRICORP Engineering & Consulting Corporation (Lead firm), ICE Illyrian Consulting Engineers (JV Partner) and	USD	5,181,350.00	2,133,600.75

No.	Name of Consultant	Tender prices as read out		Taxes included
		Currency	Amount	
	CASE International Consultants Ltd. (sub-consultant)			
3.	BCL Associates Ltd. in association with UMAR Munshi Associates and KKATT Consult (sub-consultants)	USD	4,139,250.00	745,065.00
4.	Abuljebain Engineering Consulting Office (AECO) in Association with Professional Engineering Consultants (PEC) (sub-consultant)	KWD ¹	934,449.00	UGX 2,939,997,010.00
		USD	250,000.00	
5.	Renardet S.A. & Partners in Association with PROME Consultants (sub-consultant)	USD	4,278,200.00	1,948,728.00
		UGX	848,117,000.00	279,878,610.00
6.	Consulting Engineering Centre (CEC) (Lead Partner) in Joint Venture with MBW Consulting Ltd.	USD	3,992,560.00	1,125,393.00
7.	SCET – Tunisie in Association with Newplan Ltd. (sub-consultant)	USD	3,733,200.00	671,976.00
8.	STUDI International in Association with Sunshine Projects Ltd (sub-consultant)	USD	5,600,000.00	2,234,120.64

ADMINISTRATIVE REVIEW PROCESS

- 1.7 On 22nd May 2018, the Applicant complained to UNRA over the extensive delay of the procurement and requested for an update on the process.
- 1.8 On 30th May 2018 UNRA in response highlighted the reasons for the delays which included the restructuring process at the Entity and a complaint lodged to the Islamic Development Bank by a bidder in September, 2015. The Accounting Officer further noted that the complaint necessitated halting of the procurement as investigations were being conducted and urged the bidder to be patient but regretted the delay.
- 1.9 On 14th July 2018, the Applicant sought intervention of the Authority in the matter.
- 1.10 On 24th July 2018, the Authority responded to the Applicant drawing its attention to UNRA's response dated 30th May 2018, regarding the matter.
- 1.11 On 31st July 2018, the Applicant applied to UNRA for administrative review before the Accounting Officer.

¹Kuwait Dirham

- 1.12 On 9th August, 2018 UNRA notified the Applicant that the Entity could not respond to the application because the procurement process had not been concluded. UNRA further requested the firm to await the conclusion of the evaluation process at which point the Best Evaluated Bidder would be declared. The Entity further informed the Applicant that it would be able to apply for administrative review during the statutory window period.
- 1.13 On 22nd August 2018, the Applicant applied for Administrative Review to the Authority.
- 1.14 On 4th September 2018, an Administrative Review hearing was held at the Authority and the Entity and Applicant attended as stated in table 3 below.

Table 3: Members present at Administrative Review Meeting

No.	Name	Designation	Organization
1.	Mr. John Omeke Ongimu	Director Procurement	UNRA
2.	Ms. Esther Kusiima	Head Contracts & Claims	UNRA
3.	Ms. Jane Nabaweesi	Procurement Manager	UNRA
4.	Mr. Enos Tumusiime	Legal Counsel	AECO&PEC
5.	Mr. Moses Zimwanguiza	Managing Director	AECO&PEC

2.0 LAW APPLICABLE

1. The Public Procurement and Disposal of Public Assets Act, 2003.
2. The PPDA Regulations, 2014.

3.0 METHODOLOGY

In investigating the application for Administrative Review, the Authority adopted the following methodology

Analysis was made of the following documents:

- a) Bids submitted by the bidders;
- b) Copy of detailed bidding document issued to bidders;
- c) Record of issue and receipt of bids;
- d) All Public Procurement Forms related to this procurement;
- e) The evaluation report;
- f) Contracts committee minutes for this procurement;
- g) Best Evaluated Bidder Notice; and
- h) All correspondence and other documentation related to this matter.

4.0 GROUNDS FOR THE APPLICATION

Ground raised at Entity and PPDA level:

Delayed evaluation of the procurement for consulting services for the design review and construction supervision of the upgrading of Tirinyi-Pallisa-Kumi/Pallisa-Kamonkoli Road to paved (bitumen) standard.

Findings

1. The Applicant alleged that UNRA had failed to expeditiously evaluate the bids contrary to Section 71 (4) of the PPDA Act, 2003. It submitted that it should be declared the best evaluated bidder from the results of financial opening.
2. Section 71 (4) of the PPDA Act, 2003, an entity is required to ensure that evaluation of bids is done expeditiously in accordance with the Regulations under the Act.
3. The Applicant further submitted that it had extended its proposal several times and the last extension was valid until December, 2018 in accordance with Regulation 30 (3) of the PPDA (Procurement of Consultancy Services) Regulations, 2014. The proposal securing declaration had also been extended until 31st January 2019.
4. The Applicant also submitted that UNRA refused to avail the evaluation report for the procurement despite the application for administrative review contrary to Section 89 (1) of the PPDA Act, 2003. It further alleged that the procurement process had not been suspended despite the administrative review which was contrary to Section 90 (2) of the PPDA Act, 2003.
5. In response to the above submissions, the Entity confirmed its position in the letters dated 30th May 2018 and 9th August 2018, in respect to the delay and requested the Applicant to await the outcome of the evaluation process.
6. At the hearing, the entity informed the Authority that the construction works for upgrading of Tirinyi-Pallisa-Kumi/Pallisa-Kamonkoli Road to paved (bitumen) standard for which the consultancy are being procured are on-going with in-house supervision by the Entity.
7. In a letter dated 30th May 2018, the Entity informed the complainant that *“after the opening of the financial proposals, the combined evaluation report was submitted to the Bank and it was approved on 27th November 2017, UNRA then embarked on carrying out due diligence on the best evaluated bidder and the procurement is currently at the negotiation stage”*.
8. In the letter dated 7th September 2018 addressed to PPDA, the Entity informed the Authority that *“the evaluation process is not completed and the best evaluated bidder is yet to be displayed”*.
9. It was therefore not clear from the above submissions by the Entity at what stage the procurement process was.
10. The Authority found that there was a long delay in conducting the evaluation process for over 3 years from March 2015 to-date. The reasons advanced by the Entity in its letter date 7th September 2018 addressed to the Authority were not substantiated and the Authority found no merit in the reasons.

Decision on the ground

The Authority **found merit** in the ground since UNRA has not expeditiously handled the evaluation process thereby contravening section 71(4) of the PPDA Act, 2003.

DECISION OF THE AUTHORITY

In accordance with Section 91 (4) of the PPDA Act, 2003 and in light of the findings, Abuljebain Engineering Consulting Office (AECO) in association with Professional Engineering Consultants (PEC)'s Application for Administrative Review is **upheld**.

The Entity is directed:

1. To conclude the procurement process expeditiously within one month of the receipt of receipt of this decision.
2. To refund the Administrative Review fees to the Applicant in accordance with Regulation 11(2) of the PPDA (Administrative Review) Regulation, 2014.