



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

**APPLICATION NO: 06 OF 2019/2020**

**DECISION OF THE AUTHORITY ON THE APPLICATION FOR  
ADMINISTRATIVE REVIEW IN RESPECT TO THE TENDER FOR THE  
MANAGEMENT OF COMMERCIAL VEHICLES (MONTHLY  
STICKERS/ LOADING AND OFF LOADING IN KASANGATI LOT 2  
UNDER PROCUREMENT REF: WAKI 555/SRVS/2019-20/00001**

**APPLICANT: WAKISO SEVEN STAR'S ASSOCIATION LTD**

**ENTITY: WAKISO DISTRICT LOCAL GOVERNMENT**

**JULY 2019**

## DECISION OF THE AUTHORITY

### 1.0 BRIEF FACTS

1. On 24<sup>th</sup> April 2019, the Contracts Committee approved the bidding document and the use of open bidding method.
2. On 25<sup>th</sup> April 2019, Wakiso District Local Government initiated the procurement for the management of revenue collection from monthly stickers, loading and off-loading in Kasangati under Lot 2. On the same date, a bid notice was published in the New Vision Newspaper with a bid submission deadline of 24<sup>th</sup> May 2019.
3. On 21<sup>st</sup> May 2019, the Contract Committee approved the following persons indicated in Table 1 below as members of the Evaluation Committee.

**Table 1: Members of the Evaluation Committee**

No.	Name	Position
1.	Ms. Joseline Nakasi	Senior Accounts Assistant
2.	Ms. Sarah Namuwaya	Senior Procurement Officer
3.	Mr. Henry Lwanyaaga	Procurement Officer
4.	Mr. Aaron Lubowa	Mechanical Engineer

4. On 7<sup>th</sup>, 15<sup>th</sup> 20<sup>th</sup> and 24<sup>th</sup> May 2019, the Entity issued the bidding document to the following bidders indicated in Table 2 below:

**Table 2: Issuance of bidding document**

No.	Name of Bidder
1.	Green Base Services and Contractors (U) Ltd
2.	Wakiso Seven Star Association Ltd
3.	Midnaki Co. Ltd
4.	Skipe Transport Service Limited

5. On 24<sup>th</sup> May 2019, three bidders submitted bids which were opened on the same day and the prices read out at bid opening are indicated in Table 3 below:

**Table 3: Record of Bid Opening**

No.	Name of Bidder	Price as Read out (Inclusive of Taxes) (UGX)
1.	Green Base Services and Contractors (U) Ltd	2,655,555
2.	Wakiso Seven Star Association Ltd	2,000,000
3.	Midnaki Co. Ltd	4,000,000

6. According to the evaluation report dated 30<sup>th</sup> May 2019, all the above three mentioned firms passed the preliminary evaluation stage.
7. Midnaki Co. Ltd was eliminated at the technical evaluation stage for lack of experience in revenue collection.
8. Green Base Services and Contractors (U) Ltd and Wakiso Seven Star Association Ltd passed detailed technical evaluation and proceeded for financial comparison. Financial comparison was done as indicated in Table 4 below and Green Base Services and Contractors (U) Ltd was recommended as the Best Evaluated Bidder at UGX 2,655,555 VAT inclusive.

**Table 4: Financial comparison**

No.	Name of Bidder	Price as Read out (Inclusive of Taxes) (UGX)
1.	Green Base Services and Contractors (U) Ltd	2,655,555
2.	Wakiso Seven Star Association Ltd	2,000,000

9. On 27<sup>th</sup> May 2019, the Evaluation Committee recommended the award of the contract to Green Base Services and Contractors (U) Ltd.
10. On 30<sup>th</sup> May 2019, the Contracts Committee approved the recommendations of the Evaluation Committee to award the contract to Green Base Services and Contractors (U) Ltd at UGX 2,655,555 inclusive of VAT.
11. On 31<sup>st</sup> May 2019, the Notice of Best Evaluated Bidder was displayed with an expiry date of 18<sup>th</sup> June 2019.
12. On 5<sup>th</sup> June 2019, Wakiso Seven Star Association Ltd applied for Administrative Review to the Accounting Officer. On 28<sup>th</sup> June October 2019, the Accounting Officer issued the decision rejecting the application for Administrative Review by Wakiso Seven Star Association Ltd.

## **2.0 APPLICATION FOR REVIEW BY THE AUTHORITY**

1. On 3<sup>rd</sup> July 2019, the Applicant applied for Administrative Review to the Authority.
2. The grounds for the Application to the Authority were stated as follows:

- i. *At bid opening, the Best Evaluated Bidder did not submit bid security. The Applicant stated that the bid security of Green Base Services & Contractors (U) Limited was not read out at bid opening implying that the bid security was not submitted.*
- ii. *The decision by the Accounting Officer stated that the Best Evaluated Bidder was Green Base Services Limited yet according to the complainant's decision, the name of the competitor was Green Base Services and Constructors (U) Ltd. **This ground was not raised at Entity level.***

### 3.0 DISPOSAL OF APPLICATION

1. In investigating the application for Administrative Review, the Authority analysed the following documents:
  - i) Bidding document;
  - ii) Record of bid opening;
  - iii) Bids submitted by the bidders;
  - iv) The evaluation report and minutes;
  - v) Minutes of the Contracts Committee;
  - vi) Notice of Best Evaluated Bidder;
  - vii) Application for Administrative Review by Wakiso Seven Star Association Ltd; and
  - viii) Correspondences with respect to the Administrative Review.
2. On 19<sup>th</sup> July 2019, the Authority convened an Administrative Review hearing which was attended by the following persons indicated in Table 5:

**Table 5: Representation at the Administrative Review Hearing**

No.	Name	Designation
<b>Wakiso District Local Government</b>		
1.	Ms. Sarah Namuwaya	Senior Procurement Officer
2.	Mr. Henry Lwanyaga	Procurement Officer
<b>Wakiso Seven Star Association Ltd</b>		
1.	Mr. Hakim Ddumba	Director Operations
2.	Mr. Ahmed Seguya	Director
<b>Green Base Services &amp; Contractors (U) Limited</b>		
1.	Mr. Eric Robert Mukisa	Manager

No.	Name	Designation
2.	Mr. Edward Mande	Managing Director

#### 4.0 ISSUES

The Applicant submitted two grounds at the hearing from which the Authority raised the following issues:

- i. *Whether the Best Evaluated Bidder submitted a bid security; and*
- ii. *Whether the best evaluated bidder was Green Base Services Limited or Green Base Services & Contractors (U) Limited. This ground was not raised at Entity level and has therefore not been handled by the Authority.*

#### 5.0 SUBMISSIONS BY THE APPLICANT

**Issue :**

*Whether the Best Evaluated Bidder submitted a bid security.*

The Applicant stated in its application and at the hearing before the Authority that at the bid opening, the bid security of Green Base Services & Contractors (U) Limited was not read out implying that Green Base Services & Contractors (U) Limited did not submit a bid security and should therefore have been eliminated.

#### 6.0 SUBMISSIONS BY THE ENTITY

**Issue:**

*Whether the Best Evaluated Bidder submitted a bid security.*

1. The Entity in its decision and at the hearing stated that Green Base Services and Contractors (U) Limited submitted a bid security of UGX 1,000,000 from Equity Bank Uganda Limited dated 24<sup>th</sup> May 2019 as indicated in the record of bid opening dated 24<sup>th</sup> May 2019.
2. On 24<sup>th</sup> May 2019, the Entity in a letter dated 24<sup>th</sup> May 2019 requested Equity Bank to confirm if the bid security was issued by the Bank.
3. In a letter dated 18<sup>th</sup> June 2019, Equity Bank confirmed that it had issued the bid security to Green Base Services and Contractors (U) Limited on 24<sup>th</sup> May 2019.

## 7.0 RESOLUTION BY THE AUTHORITY

### **Issue:**

*Whether the Best Evaluated Bidder submitted a bid security.*

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

1. According to the record of bid opening dated 24<sup>th</sup> May 2019, Green Base Services and Contractors (U) Limited submitted a bid security of UGX 1,000,000.
2. The Authority reviewed the bid of Green Base Services and Contractors (U) Limited and found that the bid contained a bid bond guarantee reference EBL/1003/BBG100097619/PK issued by Equity Bank to the Green Base Services and Contractors (U) Limited of UGX 1,000,000 for the management of revenue collection from commercial vehicles, loading and offloading fees in Kasangati Town Council-Wakiso District.
3. In a letter dated 18<sup>th</sup> June 2019, Equity Bank confirmed to Wakiso District Local Government that it had issued the bid security to Green Base Services and Contractors (U) Limited on 24<sup>th</sup> May 2019.
4. Green Base Services and Contractors (U) Limited submitted a bid security contrary to the allegations of the complainant.

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

The Authority found **no merit** in the ground since Green Base Services and Contractors (U) Limited submitted a bid bond guarantee in its bid issued by Equity Bank on 24<sup>th</sup> May 2019.

## 9.0 DECISION OF THE AUTHORITY

In accordance with Section 91 (4) of the PPDA Act, 2003 and in light of the findings during the Administrative Review process, the application for Administrative Review by Wakiso Seven Star Association Ltd is **rejected**.

The Entity is advised to proceed with the procurement process.

The above decision of the Authority shall be implemented after 10 working days from the receipt of the decision where no appeal to the PPDA Appeals Tribunal is lodged.