

**THE REPUBLIC OF UGANDA
PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS
APPEALS TRIBUNAL**

APPLICATION NO. 26 OF 2025

BETWEEN

**THE EXECUTIVE COMMITTEE OF
IGANGA CENTRAL MARKET:::::::::::::::::::::::::::::::::APPLICANT**

AND

IGANGA MUNICIPAL COUNCIL ::::::::::::::::::::::::::: RESPONDENT

**APPLICATION FOR REVIEW IN RESPECT OF THE PROCUREMENT
FOR THE MANAGEMENT OF COLLECTION OF REVENUE FROM
IGANGA CENTRAL MARKET IN IGANGA MUNICIPAL COUNCIL
UNDER PROCUREMENT REFERENCE NUMBER
IGAN707/REVN/25-26/001(IX)**

**BEFORE: FRANCIS GIMARA SC, (CHAIRPERSON) NELSON NERIMA,
GEOFFREY NUWAGIRA KAKIRA, PAUL KALUMBA, CHARITY
KYARISHIMA, KETO KAYEMBA AND ENG. CYRUS TITUS AOMU,
MEMBERS**

DECISION OF THE TRIBUNAL

A. BRIEF FACTS

1. Iganga Municipal Council (the Respondent) initiated the procurement for the Management of Collection of Revenue from Iganga Central Market in Iganga Municipal Council using the open domestic bidding method of procurement under procurement reference number IGAN707/REVN/25-26/001(ix). The bid notice was published in the Monitor Newspaper on July 3, 2025.
2. The Bid Notice stated that the deadline for bid submission was July 25, 2025, at 10:00 a.m. and that bid opening would be conducted on July 25, 2025, at 11:00 a.m.
3. On July 25, 2025, the Respondent received one (1) bid from *Mukungu Rachael* for the impugned procurement.
4. Upon conclusion of the Evaluation Process, the Respondent issued a Notice of Best Evaluated Bidder on August 01, 2025, stating that *Mukungu Rachael* was the best evaluated bidder at a price of 2,850,000/= per month.
5. On August 6, 2025, *Tanaziraba Elvis* wrote a letter to the Respondent's Town. The letter was written on the letterhead of the *Office of the Chairman, Iganga Central Market*. The author stated that during the bid opening, he heard the name of a bidder named *Mukungu Racheal* being read; that he had given her a recommendation for a loan; that the recommendation was misused for bidding instead of loan acquisition and was therefore a forgery; and that she has arrears of market stall certificates for approximately 3-5 financial years. Mr *Tanaziraba* recommended that the Town Clerk scrutinise *Mukungu Racheal* regarding the forgery.

6. The Respondent's Town Clerk did not respond to the letter from *Tanaziraba Elvis*.
7. On August 22, 2025, the instant Application was filed before the Tribunal. The reasons stated for the Application were that:
 - 1) The Applicant, being dissatisfied with the outcome of the procurement process lodged a complaint with the Accounting Officer;
 - 2) The ten days within which the Accounting officer was required to make and communicate a decision expired.
 - 3) The Accounting Officer did not suspend the procurement process.
 - 4) The Accounting Officer, upon receipt of the complaint, failed to constitute a committee to investigate the complaint, but instead proceeded to evaluate one bidder
 - 5) The Applicant is the Executive Committee of Iganga Central Market tasked with the day to day running of the market whose aspiration is to have a reputable and credible firm offer the service of revenue collection.
 - 6) The best evaluated bidder has a history of arrears.
 - 7) The Best Evaluated Bidder has been involved in fraudulent operations.
 - 8) The conduct of the Accounting Officer contravenes the principle of transparency.
8. The Applicant prayed that the decision declaring Mukungu Racheal as the best evaluated bidder be set aside; the evaluation process be conducted afresh; and costs be awarded to the applicant.
9. The Respondent filed a response on August 22, 2025, contending that the Respondent had contracted *Tujje Mpola Iganga Central Market Vendors and Cooperative Society Ltd* under the stewardship of the Executive Committee of Iganga Central Market, but *Tujje Mpola Iganga Central Market Vendors and Cooperative Society Ltd* have frustrated revenue collection whereby they are indebted to the Respondent; they didn't

participate in the bidding process but had a representative present at the bid opening.

10. The Best Evaluated Bidder filed a response on August 27, 2025. She contended that she is a sitting tenant in the market; the Accounting Officer's failure to suspend the process was because the complaint was submitted after the deadline; she had never defaulted; she has never been involved in fraudulent operations.

B. ORAL HEARING

1. The Tribunal held an Oral Hearing via Zoom software on September 4, 2025. The appearances were as follows:
 - 1) Kanya Nicholas, counsel for the Applicant.
 - 2) *Tanaziraba Elvis*, Chairman of the Applicant; and *Musoke Ibrahim*, General Secretary of the Applicant.
 - 3) *Mwesigwa Tonny*, Senior Procurement Officer of the Respondent.
 - 4) *Kisira Andrew* holding brief for *Kateete Brian*, counsel for the Best Evaluated Bidder.
 - 5) *Mukungu Racheal*, Best Evaluated Bidder.

C. RESOLUTION

1. The Tribunal has perused the pleadings, the procurement action file, and considered the oral submissions. The Application did not frame any issues. However, given the pleadings and submissions of both parties, the Tribunal has framed the issues as follows;
 - 1) Whether the Applicant has *locus standi* to file the instant Application to the Tribunal?

- 2) Whether the Accounting Officer erred when he did not suspend the procurement upon receipt of the letter from *Tanaziraba Elvis*?
- 3) Whether the Accounting Officer erred when he did not respond to the letter from *Tanaziraba Elvis*?
- 4) Whether the declaration of *Mukungu Rachael* as the best evaluated bidder was erroneous?
- 5) What remedies are available to the parties?

Issue No. 1:

Whether the Applicant has locus standi to file the instant Application to the Tribunal?

2. The term *locus standi* means a place of standing. It means a right to appear in court, and conversely, to say that a person has no *locus standi* means that he has no right to appear or be heard in a specified proceeding. To say that a person has no *locus standi* means the person cannot be heard, even if he has a case worth listening to. See ***Njau & Others v City Council of Nairobi [1976-1985 1 EA 397 at 407.***
3. Under section 115 (1)(a)-(c) of the *Public Procurement and Disposal of Public Assets Act cap 205*, the following may apply to the Tribunal for review of a decision of a procuring and disposing entity—
 - i. a bidder who is aggrieved, as specified in section 106 (7) or (8);
 - ii. a person whose rights are adversely affected by a decision made by the Accounting Officer; and
 - iii. a bidder who believes that the Accounting Officer has a conflict of interest as specified in section 106(9).
4. A "bidder" means a physical or artificial person intending to participate or participating in public procurement or disposal proceedings. See section 2 of the *Public Procurement and Disposal of Public Assets Act, cap 205*.

5. The bidding document in the impugned procurement under ITB 24.1 and 25.1 in Part 1 Section 2, Bid Data Sheet at page 7 of 29, stated that the deadline for bid submission was *July 24, 2025, at 3:00 pm (local time)* and that bid opening would take place at the *Iganga Municipality Headquarters in the Council Chambers on July 24, 2025, at 4:00 pm (local time)*.
7. The Applicant did not purchase the bidding document and, consequently, was not issued one by the Respondent, as evidenced by Form 8 (Record of Sale or Issue of Bidding Document) contained in the procurement action file.
8. Further, the Applicant did not submit a bid, as shown in Form 11 (Record of Receipt of Bids) within the procurement action file.
9. Since the Applicant neither purchased the bidding document nor submitted a bid nor demonstrated in any other way that it was a potential bidder, it cannot be regarded as a bidder in the procurement process and therefore lacked the necessary *locus standi* to lodge an administrative review complaint before the Accounting Officer or to pursue this matter before the Tribunal under section 115(1)(a) and (c) of the *Public Procurement and Disposal of Public Assets Act, Cap 205*.
10. The Applicant cannot also approach the Tribunal under section 115 (1) (b) of the *Public Procurement and Disposal of Public Assets Act, Cap 205*, as a *person whose rights are adversely affected by a decision made by the Accounting Officer*.
11. *The Executive Committee of Iganga Central Market* (the Applicant) is not a *person* within the meaning of the law. The Applicant is not a natural person, a corporate body, or an association.
12. We further note that the Applicant claimed to have filed a complaint before the Respondent's Accounting Officer, attached as Annexure "A" to the Application, on August 6, 2025. However, having established that the Applicant was not a bidder, it follows

that it could not have properly lodged a complaint with the Accounting Officer as a bidder.

13. In any event, the contents of the alleged “complaint” clearly demonstrate that it was not authored by the Applicant but by one *Tanaziraba Elvis*, but written on the letterhead of the *Office of the Chairman, Iganga Central Market*, and addressed to the Respondent’s Town Clerk. In our assessment, this letter is a mere expression of strong negative views by *Tanaziraba Elvis* about the character and conduct of the Best Evaluated Bidder. It does not constitute an administrative review complaint within the meaning of sections 106(1), (2), and (3) of the *Public Procurement and Disposal of Public Assets Act, cap 205* and regulation 4 of the *Public Procurement and Disposal of Public Assets (Administrative Review) Regulations, 2023*. At the hearing, counsel for the Applicant conceded that the letter dated August 6, 2025, was not an administrative review complaint and that the Applicant had no *locus standi*.
14. In the absence of a valid Administrative Review Complaint to the Accounting Officer, the Applicant cannot purport to apply to the Tribunal for review of a decision or failure to make a decision by the Accounting Officer.
15. Therefore, the conclusion is that the Applicant has no *locus standi* before the Tribunal, and in the circumstances, we shall not delve into the merits of the Application.
16. **Issue No. 1 is resolved in the negative**

D. DISPOSITION

1. The Application is struck out.
2. The Tribunal's suspension order dated August 22, 2025, is vacated.
3. Each party shall bear its own costs.

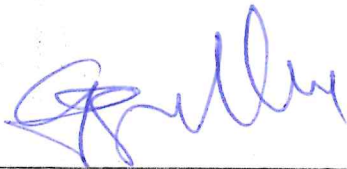
Dated at Kampala, this 9th day of September, 2025.



FRANCIS GIMARA. S.C
CHAIRPERSON



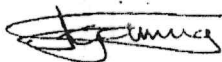
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