

THE REPUBLIC OF UGANDA
ACQUISITION AND DISPOSAL OF PUBLIC LAND
APPEALS TRIBUNAL
APPLICATION NO. 13 OF 2026

BETWEEN

ATRO E&M LIMITED :::::::::::::::::::::::::::::::::::::: APPLICANT

AND

MINISTRY OF WATER AND ENVIRONMENT ::::::::::: RESPONDENT

**APPLICATION FOR REVIEW ARISING FROM THE PROCUREMENT
FOR CONSULTANCY SERVICES RELATING TO THE DESIGN
REVIEW, CONSTRUCTION SUPERVISION, AND COMPLEMENTARY
SUPPORT FOR SOLAR-POWERED IRRIGATION SYSTEMS UNDER
PROCUREMENT REFERENCE NO. MWE/CONS/26/0000400017**

**CORAM: FRANCIS GIMARA, S.C., CHAIRPERSON; NELSON
NERIMA; GEOFFREY NUWAGIRA KAKIRA; PAUL KALUMBA;
CHARITY KYARISIIMA; KETO KAYEMBA; AND ENG. CYRUS TITUS
AOMU, MEMBERS.**

DECISION OF THE TRIBUNAL

A. BRIEF FACTS

1. The Ministry of Water and Environment (the Respondent) commenced a procurement process for consultancy services relating to the design review, construction supervision, and complementary support service provisions for solar-powered irrigation systems, using Open International Bidding procurement method under Procurement Reference No. MWE/CONS/26/0000400017. The Request for Proposals was published in the *New Vision* newspaper on October 7, 2025.
2. On January 20, 2026, bids were received from six bidders, i.e. *ATRO Engineering & Management Ltd in joint venture with IX Engineers* (the Applicant); *Bosua and Associated Consultants*; *AIECON Consult*; *Don Consult Ltd Engineering Consultants*; *Alvin and Partners Ltd*; *Doshnut (U) Ltd*; *SGAPI Consulting Engineers*; *Ethiopian Engineering Corporation (Water and Energy Sector) in association with G & Y Engineering Consultants PLC*; *Ensirad Civil Systems Engineering PLC* and *Inframind Solutions Ltd*; and *Open World Contractors*.
3. Following completion of the technical evaluation, the Respondent communicated the results to all bidders via email on March 6, 2026 at 7:32 p.m. The notification indicated that the Applicant obtained a technical score of 72.54 and therefore failed to achieve the minimum qualifying threshold of 80%.
4. Only *SGAPI Consulting Engineers* attained the minimum technical score of 80% and consequently qualified for financial evaluation. The Respondent subsequently opened SGAPI's financial proposal and, on March 19, 2026, issued a Notice of Best Evaluated Bidder, declaring *SGAPI Consulting Engineers* as the successful bidder with a combined score of 92.73 and a contract price of Euro 5,840,850 inclusive of applicable local taxes.
5. The Notice reiterated that the Applicant had scored 72.54 in the technical evaluation and had not met the minimum qualifying threshold of 80%.

6. Dissatisfied with the evaluation outcome, the Applicant submitted an administrative review complaint on March 24, 2026, on two grounds, i.e. that they did not receive nor were they notified of the technical evaluation results; and that they did not agree with the scores awarded to them because they met and exceeded the minimum requirements following their own evaluation against the technical criteria.
7. The Respondent's Accounting Officer, by a decision dated April 1, 2026, found that the evaluation was conducted following the criteria provided in the solicitation document; that the notification of technical outcome was sent via email on March 6, 2026; and that the process was lawful and conducted fairly.

B. APPLICATION TO THE TRIBUNAL

Dissatisfied with the Accounting Officer's decision, the Applicant filed Application No. 13 of 2026 before the Tribunal on April 9, 2026.

8. The Application did not frame any specific grounds or issues. However, according to the annexes to the Application, the Applicant's grievances relate to under scoring in respect of specific experience in Sub-Saharan Africa (solar component); the adequacy of the methodology and work plan to the TOR; and the qualifications and competence of the key staff for the assignment. The Applicant also complained that it did not receive the notice of the technical evaluation results.
9. The Applicant attached detailed excerpts from their proposal to demonstrate fulfilment of requirements and rebut the scores awarded by the Respondent.
10. The Applicant prayed that the Tribunal halt the process and order a re-evaluation of the proposals of the Applicant and the Best evaluated Bidder to ensure fairness.

11. Following receipt of the respondent's response, the Applicant also filed a response thereto on April 20, 2026.

C. RESPONSE TO THE APPLICATION

1. The Respondent filed a response to the Application on April 15, 2026 and averred as follows.
2. The Applicant became aware of its disqualification on March 6, 2026, when it was sent an email; the complaint filed on March 23 2026, was past the statutory deadline.
3. The Respondent adhered to the disclosed criteria while conducting the evaluation. The Respondent attached a detailed tabulated response to each of the Applicant's queries.

D. RESPONSE BY BEST EVALUATED BIDDER

1. The Best Evaluated Bidder filed a response as an interested party on April 15, 2026.
2. The Best Evaluated Bidder averred as hereunder:
 - 1) It was the Applicant's obligation to request a debrief from the Respondent.
 - 2) The Best Evaluated Bidder Notice expressly stated the reason for the Applicant's elimination.
 - 3) The Applicant's application to the Tribunal is time-barred.
 - 4) The Applicant's request for reevaluation of its technical proposal is entirely untenable and procedurally improper.
 - 5) Processes and procedures were duly complied with, rendering the Applicant's sought reevaluation of its technical proposal irregular.
 - 6) The Best Evaluated Bidder also submitted detailed written submissions on April 17, 2026.

E. ORAL HEARING

1. The Tribunal held an oral hearing via Zoom videoconferencing on April 22, 2026. The appearances were as follows:
 - 1) Mr. *Mark Mukiibi* - Commercial Manager Projects at ATRO EM, represented the Applicant. In attendance were *Ms. Catherine Akumu*, Business Development Manager, and *Mr. Allan Twinamasiko*, Technical Manager, Projects.
 - 2) Mr. *Francesco Galli*, SGAPI Managing Director, represented the Best evaluated Bidder. In attendance were Mr. *David Okello*, Director in Uganda for SGAPI, and Mr. Amir Adl, Director of SGAPI.
 - 3) Mr. *Edward Waduwa*, Legal Officer and counsel for the Ministry of Water and Environment. In attendance were Eng. *Gilbert Kimanzi*, Commissioner, Water for Production Department; Dr. *Job Ekolu*, Senior Engineer; Ms. *Aminah Nabulime*, Senior Procurement Officer; and Ms. *Maria Akidi*, Senior Procurement Officer.
2. The parties made oral highlights of their respective cases and provided clarifications to the Tribunal.

F. RESOLUTION

1. The Tribunal has perused the pleadings, the procurement action file, and considered the oral and written submissions.
2. The Application did not frame any issues. However, given the pleadings and submissions, the Tribunal has framed the issues as follows;
 1. Whether the Application is competent?
 2. Whether the Respondent fairly evaluated the Applicant's technical proposal in accordance with the law and the bidding document?
 3. What remedies, if any, are available to the parties?

Issue No. 1 – Whether the Application is competent?

3. The competence of an application before the Tribunal is principally determined by compliance with the statutory timelines prescribed under the *Public Procurement and Disposal of Public Assets Act, cap. 205*.
4. Section 103(1), (2) and (3) of the *Public Procurement and Disposal of Public Assets Act, cap. 205* provides that a bidder who is aggrieved by a decision of a procuring and disposing entity may lodge a complaint with the Accounting Officer in respect of any alleged breach of the Act, the Regulations, the Guidelines made under the Act, or the bidding documents, within ten working days from the date on which the bidder first becomes aware, or ought reasonably to have become aware, of the circumstances giving rise to the complaint.
5. In the present case, the Respondent communicated the outcome of the technical evaluation to all bidders via email on March 2026 at 7:32 p.m. The addressees of the email included the email address, Ronald.athiyo@atro-em.com.
6. Section 131 of the *Public Procurement and Disposal of Public Assets Act, cap. 205* expressly provides that any information or document required to be issued by a procuring and disposing entity, as well as any information or document submitted by a bidder during a procurement or disposal process, may be communicated or submitted through electronic means.
7. In addition, sections 4, 5 and 10 of the *Electronic Transactions Act, Cap. 99* recognise electronic data messages, including emails, as valid and legally effective means of communication. This position was affirmed in *Hesse v Senyonga (Civil Suit No. 612 of 2014) [2015] UGCommC 90*, and was relied upon by the Tribunal in *Application No. 1 of 2026, Cementers Uganda Limited v National Social Security Fund*.
8. At the hearing, the Applicant's representative confirmed that the email address Ronald.athiyo@atro-em.com belongs to the Applicant's Chief Executive Officer, Eng. Ronald Athiyo.

9. The Application before this Tribunal is filed on the letterhead of *ATRO Engineering and Management Limited* and is signed by Eng. Ronald A. Athiyo, the Chief Executive Officer, confirming that the Applicant operated through and received communications via the said email address of Eng. Ronald A. Athiyo. The Tribunal further observes that all correspondence between the Respondent and bidders in the procurement process was conducted via email, with the Respondent using the official address pdu@mwe.go.ug.
10. Section 16 of the *Electronic Transactions Act, cap. 99* provides that the receipt of a data message occurs at the time when the data message enters the designated information system. It is therefore established that the Notice of technical evaluation results communicated on March 6, 2026, at 7:32 p.m. and the Notice of Best Evaluated Bidder communicated on March 19, 2026, at 1:57 p.m. were validly transmitted and received.
11. The Tribunal is unable to accept the Applicant's claim that it did not receive the email, which was duly sent to the Applicant's known email address. The Tribunal also noted that the Respondent presented a printout showing transmission of the email of March 6, 2026, and the person who sent the email (Ms. Maria Akidi) appeared at the hearing to confirm transmission. However, the Applicant's Chief Executive Officer, Eng. Ronald Athiyo did not present any evidence of his email inbox to show that the said email was never received. In addition, Eng. Ronald Athiyo did not appear at the hearing to substantiate the allegation of non-receipt of the email.
12. The Tribunal is satisfied on a balance of probabilities that the email of March 6, 2026, was duly sent and received by all the bidders, including the Applicant. It follows that the Applicant became aware of its technical evaluation score on 6 March 2026, being the date on which the evaluation results were communicated. The notice attached to the email indicated that the Applicant had obtained a technical score of 72.54 and had not attained the minimum qualifying threshold of 80 percent. *

13. Thereafter, the Respondent issued and communicated the Notice of Best Evaluated Bidder on March 19, 2026 at 1:57 p.m., also transmitted electronically to the same email address.
14. Elimination of a bidder at the technical stage of evaluation does not extinguish a bidder's right to seek administrative review. However, such a challenge must be brought within the statutory timeframe. Similarly, in *Application No. 11 of 2025, CSM Technologies Private Limited and Another v National Information Technology Authority Uganda*, it was emphasized that challenges to technical evaluation must be raised promptly upon communication of the evaluation results.
15. Accordingly, the ten working days' period prescribed under section 103(1), (2) and (3) of the *Public Procurement and Disposal of Public Assets Act, Cap. 205* commenced on March 9, 2026 and expired on March 20, 2026. The Applicant lodged its administrative review complaint with the Accounting Officer on 24 March 2026, which was four days outside the statutory timeframe.
16. The Tribunal reiterates that the timelines prescribed under the *Public Procurement and Disposal of Public Assets Act, Cap. 205* are mandatory and cannot be extended. Non-compliance with these statutory timelines deprives the Tribunal of jurisdiction.
17. The strict application of procurement timelines has further been reinforced in *Eclipse Edisoil JVC Limited v Napak District Local Government, High Court Civil Appeal No. 05 of 2024*; and *Application No. 1 of 2026 – Cementers Uganda Limited v National Social Security Fund*.
18. In the circumstances, the Tribunal finds that the Applicant's administrative review was lodged outside the mandatory statutory period prescribed under section 103(1), (2) and (3) of the *Public Procurement and Disposal of Public Assets Act, Cap. 205*, and therefore time-barred.

19. Consequently, in the absence of a competent administrative review complaint to the Accounting Officer, this Tribunal lacks jurisdiction to entertain the merits of the dispute. The tribunal shall not delve into the merits of the Application.

20. Issue no. 1 is accordingly resolved in the negative.

G. DISPOSITION

1. The Application is struck out.
2. The suspension order dated April 9, 2026, is hereby vacated.
3. Each party shall bear its own costs.

Dated at Kampala, this 27th day of April 2026.



**FRANCIS GIMARA, S.C.,
CHAIRPERSON**



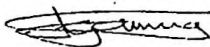
**NELSON NERIMA
MEMBER**



**GEOFFREY NUWAGIRA KAKIRA
MEMBER**



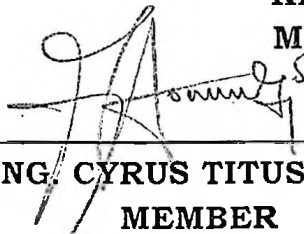
**PAUL KALUMBA
MEMBER**



**CHARITY KYARISIIMA
MEMBER**



**KETO KAYEMBA
MEMBER**



**ENG. CYRUS TITUS AOMU
MEMBER**