

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

APPLICATION NO. 25 OF 2025

BETWEEN

TTUMUKA GENERAL AUCTIONEERS LTD:..... APPLICANT

AND

PADER DISTRICT LOCAL GOVT:..... RESPONDENT

**APPLICATION FOR REVIEW IN RESPECT OF THE PROCUREMENT
FOR AN AUCTIONEER TO UNDERTAKE THE DISPOSAL OF OLD
ASSETS OF PADER DISTRICT LOCAL GOVERNMENT. UNDER
PROCUREMENT REFERENCE NUMBER PADE917/NCONS(DPLS)
24-25/00001**

**BEFORE: FRANCIS GIMARA SC, CHAIRPERSON; NELSON NERIMA,
GEOFFREY NUWAGIRA KAKIRA; PAUL KALUMBA; CHARITY
KYARISIIMA; AND ENG. CYRUS TITUS AOMU; MEMBERS**

DECISION OF THE TRIBUNAL

A. BRIEF FACTS

1. Pader District Local Government (the Respondent) initiated a procurement for an Auctioneer to undertake the disposal of old assets using request for proposal method and invited 5 potential bidders under procurement reference number PADE917/NCONS(DPLS) 24-25/00001.
2. On June 27, 2025, at 10:00 am, the Respondent received bids from four(4) bidders namely; *Ttumuka General Auctioneers Ltd* (the Applicant), *Goshen Auctioneers and Financial Services Ltd*, *Kamama General Auctioneers* and *Kiwa Associates and Auctioneers*.
3. Upon conclusion of the evaluation process, the Respondent issued a Best Evaluated Bidder Notice on July 11, 2025, stating that *Goshen Auctioneers and Financial Services Ltd.* was the Best Evaluated Bidder.
4. The Best Evaluated Bidder Notice stated that the Applicant's bid was unsuccessful because it submitted a "*forged income tax clearance certificate as per URA portal*".
5. The Applicant, being aggrieved with the conduct and outcome of the procurement process, filed a complaint with the Respondent's Accounting Officer on July 14, 2025.
6. The Applicant's application for administrative review alleged; a lack of transparency, a change of the bid opening date without informing the bidders, fraud by the Best Evaluated Bidder who submitted bids for other bidders, and that the Applicant had complied with all requirements.
7. The Respondent's Accounting Officer issued a decision dated July 22 whereby he dismissed the application.

B. APPLICATION TO THE TRIBUNAL

1. The Applicant then filed the instant Application on August 15, 2025, before the Tribunal to review the Respondent's decision.
2. The application is premised on complaints that the Procurement and Disposal Unit changed the bid opening date without informing bidders; after opening the bids, the results were fraudulent. There was no transparency in the evaluation report, and the Accounting Officer ignored the application for administrative review.
3. The Application was supplemented by written submissions filed on August 27, 2025.

C. ORAL HEARING

1. The Tribunal held an oral hearing via Zoom software on August 29, 2025. The appearances were as follows:
 - 1) Aiden Amubwiine, son of the Applicant's Managing Director, Grace Tumusiime Mugisha.
 - 2) Anek Joyce Ongee, Principal Assistant Secretary of the Respondent; Ojok Ronald Benjamin, Senior Procurement Officer; and Obina Kenneth Benson, Procurement Officer.
 - 3) Mugabe Ronald, Director, Goshen Auctioneers & Financial Services Ltd.
2. Mr. Aiden Amubwiine requested an adjournment because the Applicant's Managing Director, Grace Tumusiime Mugisha, had been involved in an accident and was admitted to hospital. The Tribunal declined to grant the adjournment due to the strict statutory timeline for rendering a decision and because the Applicant had already filed written submissions.

D. RESPONSE TO THE APPLICATION

1. The Respondent filed a belated response to the Application on September 2, 2025.
2. The Respondent averred that the Application is time-barred; the Applicant did not submit an income tax clearance certificate; and no firm submitted two or three different bids as alleged.

E. RESOLUTION

1. The Tribunal has considered the oral and written submissions and perused the pleadings, the bids, and the bidding document. 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 Application is time-barred?*
 - 2) *Whether the Respondent's conduct of the impugned procurement process was not transparent?*
 - 3) *Whether the Respondent erred in law and fact when it declared Goshen Auctioneers and Financial Services Ltd as the best evaluated bidder?*
 - 4) *What remedies are available to the parties?*

Issue No. 1:

Whether the Application is time-barred?

2. The Applicant, dissatisfied with the procurement process, lodged an administrative review complaint dated July 14, 2025, before the Respondent's Accounting Officer. A copy of the complaint, dated July 12, 2025, bearing the embossed "RECEIVED" stamp of the Respondent's Central Registry dated July 14, 2025, is annexed to the present Application.

3. The Respondent's Accounting Officer issued a decision dated July 22, 2025 whereby he dismissed the Applicant's complaint. The decision is annexed as "R7" to the Respondent's response to the Application. A printout of the email by which the decision was sent to the Applicant is annexed as "R8" to the Respondent's response to the application.
4. Under Section 106(7) of the *Public Procurement and Disposal of Public Assets Act, Cap 205*, where an Accounting Officer does not make a decision or communicate a decision within ten days, or where a bidder is not satisfied with the decision made by the Accounting Officer, the bidder may make an application to the Tribunal, in accordance with Part IX of the Act.
5. Section 115 (2) (a) of the *Public Procurement and Disposal of Public Assets Act, Cap 205*, provides that the application to the Tribunal must be made within ten days from the date of the Accounting Officer's decision. The ten-day period began on July 23, 2025 and would have expired on expired on August 2, 2025. Since August 2, 2025, fell on a Sunday when the Tribunal's offices were closed, and being the final day for filing the Application, the deadline was effectively extended to the next working day, Monday, August 3, 2025. See regulation 33(b) of the *Public Procurement and Disposal of Public Assets (Tribunal) (Procedure) Regulations, 2016*, and section 34(1)(b) of the *Interpretation Act, Cap 6*.
6. Therefore, we find that the instant Application, filed on August 12, 2025, was submitted beyond the statutory timeframe in section 115(2)(a) of the *Public Procurement and Disposal of Public Assets Act, Cap 205*.
7. Even if the Respondent's Accounting Officer had not made and communicated a decision on the Applicant's complaint as alleged, this Application would still be out of time.

8. The Applicant submitted an administrative review complaint dated July 14, 2025. Under section 106(7) of the *Public Procurement and Disposal of Public Assets Act, Cap 205*, and regulation 8 of the *Public Procurement and Disposal of Public Assets (Administrative Review) Regulations, 2023*, the Accounting Officer is required to issue a written decision to a bidder within ten days of receiving a complaint.
9. The ten-day period would have begun on July 15, 2025 and expired on July 24, 2025.
10. Once the ten days prescribed under section 106(7) of the *Public Procurement and Disposal of Public Assets Act, Cap 205*, a bidder must act promptly and file an application before the Tribunal within the next ten days. See sections 106(8) and 116(2)(b) of the *Public Procurement and Disposal of Public Assets Act, Cap 205*, as well as *Application No. 18 of 2025, Goldstar Insurance Company Limited v Uganda National Oil Company*.
11. If the Respondent's Accounting Officer had not made and communicated a decision on the Applicant's complaint by July 24, 2025, the Applicant had ten days to apply to the Tribunal. The ten-day period would have begun on July 25, 2025 and expired on August 3, 2025.
12. Since August 3, 2025, fell on a Sunday when the Tribunal's offices were closed, the deadline would be extended to the next working day, Monday, August 4, 2025. See regulation 33(b) of the *Public Procurement and Disposal of Public Assets (Tribunal) (Procedure) Regulations, 2016*, and section 34(1)(b) of the *Interpretation Act, Cap 6*.
13. The timelines in the procurement law are mandatory the Tribunal has no power to extend time set by statute . Failure to act within the prescribed statutory period extinguishes the Tribunal's jurisdiction over the matter. See *Eclipse Edisoil JVC Ltd v Napak District Local Government, High Court (Civil Appeal)*

No. 05 of 2024, arising from Tribunal Application No. 33 of 2023, and Application No. 18 of 2025, Goldstar Insurance Company Limited v Uganda National Oil Company.

14. Therefore, we find that the instant Application, filed on August 12, 2025, was submitted beyond the statutory timeframes and in contravention of sections 115(2)(a) and 115(2)(b) of the *Public Procurement and Disposal of Public Assets Act, Cap 205*.
15. The instant Application is time-barred and incompetent. In the circumstances, we shall not delve into the merits of the Application.
16. **Issue no. 1 resolved in the affirmative.**

F. DISPOSITION

1. The Application is struck out.
2. The Tribunal's suspension order dated August 15, 2025, is vacated.
3. Each party shall bear its own costs.

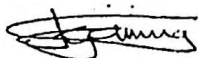
Dated at Kampala, this 3rd day of September, 2025.



**FRANCIS GIMARA SC.
CHAIRPERSON**



**GEOFFREY NUWAGIRA KAKIRA
MEMBER**



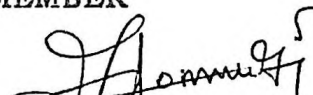
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