

**THE REPUBLIC OF UGANDA
PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS
APPEALS TRIBUNAL
APPLICATION NO. 12 OF 2026**

BETWEEN

VICTORIA EQUIPMENT LIMITED::::::::::::::::::::::::: APPLICANT

AND

GULU CITY COUNCIL::::::::::::::::::::::::::::::::: RESPONDENT

**APPLICATION FOR REVIEW ARISING FROM THE PROCUREMENT
FOR THE SUPPLY OF A MOTOR GRADER UNDER PROCUREMENT
REFERENCE NO. GULU603/SUPLS/2025-2026/00017**

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

DECISION OF THE TRIBUNAL

A. BRIEF FACTS

1. Gulu City Council (the Respondent) initiated a procurement process for the supply of a Motor Grader under Procurement Reference No. GULU603/SUPLS/2025-2026/00017, using the open domestic bidding procurement method. The Invitation to Tender was published in the New Vision newspaper on 15th December, 2025.
2. On 9th January, 2026, the Respondent received three bids from *Victoria Equipment Limited* (the Applicant), *Pavcon Investments (U) Ltd*, and *Mantrac (U) Ltd*. A public bid opening was conducted on the same day in the presence of bidder representatives.
3. At the bid opening, the bid prices read out were: UGX 1,054,893,000 for the Applicant, UGX 1,084,470,000 for Pavcon Investments (U) Ltd, and UGX 1,130,410,000 for *Mantrac (U) Ltd*. No discounts were read out or recorded for any bidder.
4. On 19th February, 2026, the Respondent issued a Notice of Best Evaluated Bidder declaring *Pavcon Investments (U) Ltd* as the best evaluated bidder at a contract price of UGX 1,051,936,482.
5. The Notice stated that the bids of the Applicant and *Mantrac (U) Ltd*. were eliminated at the financial stage of evaluation for having offered bid prices higher than the price of the best evaluated bidder.
6. Aggrieved by the outcome of the evaluation process, the Applicant lodged an administrative review complaint with the Respondent's Accounting Officer on 4th March 2026. The complaint was premised on 2 grounds: alleged non-compliance with bid-opening requirements and consideration of undisclosed discounts, and alleged erroneous determination of relative price competitiveness.

7. In a letter dated 18th March 2026, the Accounting Officer informed the Applicant that the Chief Administrative Officer of Gulu District Local Government had, upon his instructions, constituted a team to re-evaluate the bids. The letter also enclosed a detailed re-evaluation report that acknowledged the undisclosed discount irregularity but recommended awarding the contract to *Pavcon Investments (U) Ltd.*

B. APPLICATION TO THE TRIBUNAL

1. Dissatisfied with the outcome of the administrative review, the Applicant filed the instant Application before the Tribunal on 31st March, 2026.
2. The Applicant averred that the best evaluated bidder's price as read out at bid opening was UGX. 1,084,470,000, but the evaluated price was UGX. 1,051,936,482, which was never declared at the bid opening.
3. The application is premised on six grounds:
 - 1) Lack of jurisdiction/ultra vires conduct: Instead of the Accounting Officer of the Respondent determining the administrative review complaint, a committee purporting to act under Gulu District Local Government issued a report.
 - 2) Failure to remedy admitted material irregularity of an undisclosed discount: The report acknowledged the discount irregularity but recommended the award to *Pavcon Investments (U) Ltd* and retained the Applicant's administrative review fees.
 - 3) Procedural unfairness and breach of natural justice: The Applicant's complaint was limited to the undisclosed discount. The report introduced a new technical issue: the alleged absence of a recommendation from the Ministry of Works and Transport, which was never mentioned in the Best Evaluated Bidder notice, raised in the complaint, or addressed to the Applicant for a response.

- 4) Misapplication/Improper evaluation of evaluation criteria: The evaluation committee never requested the non-submitted document. The Ministry of Works and Transport recommendation letter was not stated as a mandatory document.
 - 5) Failure to provide requested documents and denial of fair hearing: Despite the applicant's request in the complaint for the evaluation summary, comparative analysis and detailed reasons, these were never furnished.
 - 6) Refusal to refund administrative review fees: Having found a real irregularity (undisclosed discount), the Applicant's complaint succeeded. The committee should have refunded the Applicant's administrative review fee.
4. The Applicant prayed that the administrative review report dated 17th March 2026 be declared null and void; the Notice of Best evaluated Bidder notice dated 19th February 2026 be set aside; re-evaluation of bids; refund of administrative review fees; and costs.

C. RESPONSE BY THE RESPONDENT

1. The Respondent's Accounting Officer filed a response on 2nd April 2026. The response gave a chronology of events and reiterated that the Accounting officer requested the Chief Administrative Officer of Gulu District Local Government for an independent technical team to review the procurement process.
2. That the Accounting Officer communicated the findings and final decision, which was not in the Applicant's favour, and thus the administrative review fees could not be refunded.

D. RESPONSE BY THE BEST EVALUATED BIDDER

1. The Best Evaluated Bidder filed a response on 10th April, 2026, as an interested party. The Best Evaluated Bidder averred that the applicant's bid was non-responsive to the requirement for a recommendation from the Ministry of Works and Transport.

2. That the Accounting Officer acted within his authority when communicating the outcome of the administrative review; even though the discount offered was not read, non-compliance with bid opening requirements wouldn't necessarily invalidate the contents of the submitted bids.

E. ORAL HEARING

1. The Tribunal held an oral hearing via Zoom videoconferencing on 17th March, 2026. The appearances were as follows:
 - 1) *Jesse Kasolo*, counsel for the Applicant.
 - 2) *Edmond Opio*, Head Procurement and Disposal Unit, represented the Respondent.
 - 3) *Openy Samuel*, counsel for the Best Evaluated Bidder.
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 Applicant has the requisite locus standi before the Tribunal?*
 - 2) *Whether the administrative review process conducted by the Gulu District Local Government was ultra vires and a nullity in law?*
 - 3) *Whether the Respondent breached Clause 33.3 of the Standard Bidding Document by considering an undisclosed discount during the financial evaluation stage?*
 - 4) *What remedies are available to the parties?*

Issue No. 1 – Whether the Applicant has the requisite locus standi before the Tribunal?

1. The competence of an application before the Tribunal is based on whether the Applicant has the requisite *locus standi* and whether the Application was filed within the statutory timelines.
2. Section 115(1)(a) of the *Public Procurement and Disposal of Public Assets Act, Cap 205*, provides that an aggrieved bidder may apply to the Tribunal for review of a decision made by a Procuring and Disposing Entity. A “bidder” is defined under Section 2 of the *Public Procurement and Disposal of Public Assets Act, Cap 205*, as a natural or artificial person who intends to participate or is participating in public procurement proceedings.
3. Regulation 62(1), (2), and (5) of the *Public Procurement and Disposal of Public Assets (Rules and Methods for Procurement of Supplies, Works and Non-Consultancy Services) Regulations, 2023* provides that bidding documents must specify the period during which bids remain valid, and that a bid shall remain valid up to the close of business on the final day of the stipulated validity period. Any extension must be requested in writing before the bid validity period expires.
4. Under Regulation 62(6) of the *Public Procurement and Disposal of Public Assets (Rules and Methods for Procurement of Supplies, Works and Non-Consultancy Services) Regulations, 2023*, a bidder may, at its discretion, voluntarily extend the bid validity period of its bid where the Procuring and Disposing Entity fails to request such an extension in time.
5. ITB 24.1 of Part 1, Section 2 (Bid Data Sheet) required bids to remain valid until 10th April 2026. In its Bid Submission Sheet dated 9th January 2026, the Applicant declared that its bid would remain valid until that date and would be binding upon it.
6. The Applicant’s bid lapsed on 10th April 2026 without any extension, and there is no evidence on the procurement record indicating that the Applicant exercised the option to extend its bid validity.

7. Consequently, the Applicant ceased to be a bidder on 10th April, 2026. All bids in the impugned procurement expired on 10th April 2026, and there are no valid bids in existence.
8. The Tribunal has consistently held that expiry of bid validity is a matter of law and that, upon such expiry, the procurement process terminates in respect of the affected bidder. Any application founded on an expired bid is incompetent.
9. The above position has been affirmed in *Application No. 10 of 2026 – Uzuzi Meter Technologies Limited v Uganda Electricity Distribution Company* and *Application No. 23 of 2025 – Meals on Wheels Ltd in Joint Venture with Maze Establishments Ltd v Uganda Civil Aviation Authority*.
10. In the circumstances, the Applicant lacks the requisite locus standi to be heard by the Tribunal. Moreover, since all bids have expired without extension, any determination of the Application would have no practical effect. In the circumstances, the Application will be struck out, and the Tribunal shall not delve into the merits of the Application.
11. Issue No. 1 is resolved in the negative.

G. DISPOSITION

1. The Application is struck out.
2. The suspension order dated March 31, 2026, is hereby vacated.
3. Each party shall bear its own costs.

Dated at Kampala, this 21st day of April 2026.



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



**NELSON NERIMA
MEMBER**



**GEOFFREY NUWAGIRA KAKIRA
MEMBER**



**PAUL KALUMBA
MEMBER**



**KETO KAYEMBA
MEMBER**



**ENG. CYRUS TITUS AOMU
MEMBER**