THE REPUBLIC OF UGANDA

IN THE PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS APPEALS TRIBUNAL

APPLICATION NO. 8 OF 2016

AIRPORT CONSULTING PARTNERS GMBH IN ASSOCIATION WITH ARCH DESIGN (U) LTD AND ILF CONSULTING ENGINEERS, AUSTRIA, GMBH..... APPLICAJ.,'iT

AND

PUBLIC PROCUREMENT AND DISPOSAL OF ASSETS AUTHORITY ..... RESPONDENT

DECISIQN OF THE TRIBUNAL

Brief Facts

Civil Aviation Authority (CAA) advertised to procure a consultant to undertake design review and construction supervision for the upgrade and expansion of Entebbe International Airport.

On evaluation, the Applicant, Airport Consulting Partners GmbH (Germany) in association with LIF Consulting Engineers Austria GmbH and Arch Design Uganda Ltd scored 86.87%.

On 12th January 2016, the contracts committee rejected the technical-.e_rall,ltion report of the Evaluation Committee and ordere6',1::-e;.&.vah.iation.

On re-evaluation, the Applicant was not recommende for financial opening and one of the grounds was that the Applicant had not provided audited financial statements.

The Applicant filed an application for administrative review to the accounting officer of CAA but the Accounting Officer did not issue his decision in time, whereupon the Applicant filed a complaint to the Authority under section 90(3) (a) of the Act. PPDA found that the Applicant had provided the equivalent of audited financial statements.

On 14th April, 2016, PPDA issued its administrative decision where it recommended that CM should re-evaluate all the bids and that the complainant's administrative review fees should be refunded in accordance with Regulation 11(2) of the PPDA (Administrative Review) Regulations 2014.

On 2nd May, 2016, the evaluation committee of CAA re-evaluated all the bids with technical scores where the applicant came third with a score of 80.03°/o.

The Applicant is dissatisfied with the decision of PPDA for re-evaluation of all bids. The Applicant filed an application with the Tribunal on 26th July 2016 for a review of PPDA's decision that all bids should be re-evaluated.

Part of the record before the Tribunal was a letter written by the Accounting Officer of the Entity dated 11th July, 2016, wherein the entity informed the Authority that the management of CAA had decided to terminate the current procurement process of Consultancy Services for design review and construction supervision for the upgrade and expansion of Entebbe international airport.

It became apparent to the Tribunal that by the time the Application was filed with the Tribunal, the entity had already written to PPDA informing it of the cancellation of the procurement process.

DECISION OF THE TRIBUNAL

1. The Tribunal finds that by the time this application was filed before it, the procurement process had been cancelled by the CAA's accounting officer in his letter dated 11th July 2016 to PPDA. There is therefore no bid. The application is accordingly struck off.

2. There are no orders as to costs.

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GIVEN under our hands and seal of the Tribunal 9th Jiir§V 2016.