

**THE REPUBLIC OF UGANDA**  
IN THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS  
APPEALS TRIBUNAL AT KAMPALA  
APPLICATION NO.23 OF 2017

AMORATA 2010 GENERAL SERVICES LTD

=====APPLICANT

VS.

1. PUBLIC PROCUREMENT AND DISPOSAL  
OF PUBLIC ASSETS AUTHORITY
2. SOROTI DISTRICT LOCAL GOVERNMENT

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===== RESPONDENTS

Before: OLIVE ZAALE OTETE (Chairperson), MOSES JURUA ADRIKO, ABRAHAM NKATA  
AND DAVID KABATERAINE (Members)

**BRIEF DECISION OF THE TRIBUNAL**

**Brief Facts**

1. On 31<sup>st</sup> March 2017, Soroti District Local Government (Entity) invited bidders through an advert for works, goods and services under the categories that were listed in the said advert.
2. Amorata 2010 General Services Ltd (Applicant) made a bid for renting of Arapai cattle Market vide procurement reference No. Soro 553/Srvcs/17-18/00002.
3. The Best Evaluated Bidder Notice was displayed on 14<sup>th</sup> July 2017 with the removal date on 27<sup>th</sup> July 2017.
4. On 17<sup>th</sup> July 2017, the Applicant submitted an application for Administrative Review to the Accounting Officer.
5. On 28<sup>th</sup> July 2017, the Entity issued its decision cancelling the procurement process without giving the Applicant a right to be heard.
6. On 7<sup>th</sup> August 2017, the Applicant served the Entity with a Notice of intention to sue.

7. On 9<sup>th</sup> November 2017, the Applicant made a complaint for administrative review to the 1<sup>st</sup> Respondent.
8. On 23<sup>rd</sup> November 2017, the 1<sup>st</sup> Respondent made a decision dismissing the administrative review application.
9. On 1<sup>st</sup> December 2017, being aggrieved by the decision of the Authority the Applicant filed this application to the Tribunal challenging the Authority's decision.

### **ISSUES**

Issue No.1: Whether the administrative review application was properly made to the Authority and if not, whether the Authority was mandated to investigate the complaint.

Issue No. 2: Whether the Authority erred in failure to review the decision of the Accounting Officer.

Issue No.3: Whether the Authority erred in not cancelling the review decision of the Accounting Officer for not according parties a hearing

*Issue No. 4: What remedies are available to the parties?*

### **DECISION**

This decision in summary form has been prepared in compliance with Section 91I (7) of the Public Procurement and Disposal of Public Assets Authority Act, 2003. A reasoned and detailed decision shall be delivered upon notice to the parties.

1. The Tribunal finds that the Authority was right to dismiss the Applicant's complaint for Administrative Review on grounds that the same had been

lodged outside the statutory time of 10 days from the date the Accounting officer communicated his decision to the Applicant.

2. This application is dismissed with no orders to costs

Dated this            day of December, 2017

SIGNED BY:

1. OLIVE ZAALE OTETE

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]            CHAIRPERSON

2. MOSES JURUA ADRIKO

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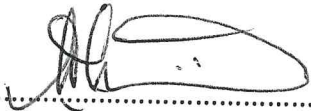
]            MEMBER

3. ABRAHAM NKATA

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]            MEMBER

4. DAVID KABATERAINE

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]            MEMBER