

**THE REPUBLIC OF UGANDA
ACQUISITION AND DISPOSAL OF PUBLIC LAND
APPEALS TRIBUNAL
APPLICATION NO. 43 OF 2025**

BETWEEN

**ARAPAI MARKET TRADERS AND VENDERS
ASSOCIATION LTD:..... APPLICANT**

AND

SERERE DISTRICT LOCAL GOVERNMENT::::::::::::: RESPONDENT

**APPLICATION FOR REVIEW IN RESPECT OF THE PROCUREMENT
FOR THE RENTING OR HIRING KASILO CATTLE MARKET IN
BUGONDO SUBCOUNTY THROUGH THE REQUEST FOR
QUOTATION METHOD UNDER PROCUREMENT REFERENCE
NUMBER: SERE927/SVCS/2025-2026/00003UNDER**

**BEFORE: 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. Serere District Local Government (**the Respondent**) initiated a Procurement for renting or hiring Kasilo Cattle Market in Bugondo Subcounty through the Request for Quotation method under procurement reference No: SERE927/SVCS/2025-2026/00003.
2. On 27 August 2025, the Respondent issued the Request for Quotation (RFQ) to two (2) bidders, *Sajo General Stores Ltd* and *Arapai Market Vendors Association Ltd*, who submitted their quotations on 9 September 2025.
3. Following the completion of the evaluation process, the Respondent issued a Best Evaluated Bidder Notice on 16 October 2025, naming Sajo General Stores Ltd as the best evaluated bidder at a monthly contract price of UGX 16,612,530.
4. Dissatisfied with the procurement process, the Applicant lodged an Administrative Review Complaint with the Respondent's Accounting Officer on 24 October 2025.
5. The Respondent acknowledged receipt of the complaint in a letter dated 29 October 2025 and assured the Applicant that a decision would be issued.
6. An Administrative Review Committee was appointed, that investigated the complaint, and submitted its report dated 7 November 2025 to the Accounting Officer on 10 November 2025. The Committee recommended retendering the procurement because both bidders failed to declare their nationality at the preliminary evaluation stage.
7. On 11 November 2025, the Respondent's Accounting Officer held a mediation meeting with the Applicant and Sajo General Stores Ltd, but the meeting did not resolve the dispute between the two bidders.

8. Upon receiving no decision from the Accounting Officer, the Applicant filed the instant application before the Tribunal on 14 November 2025.

B. APPLICATION TO THE TRIBUNAL

1. The Applicant argued that the Notice of Best Evaluated Bidder, purportedly issued on 16 October 2025, was only brought to its attention on 23 October 2025, in contravention of Regulations 4 and 5 of the Public Procurement and Disposal of Public Assets (Contracts) Regulations 2023. This delay prompted the Applicant to lodge a complaint with the Respondent on 24 October 2025.
2. The Applicant further stated that the Respondent's Accounting Officer acted with disregard for the law by failing to issue or communicate a decision, contrary to Section 106(7) of the Public Procurement and Disposal of Public Assets Act, Cap. 205.
3. It was also alleged that the conduct of the Accounting Officer violated the Applicant's right to a fair hearing and demonstrated a clear conflict of interest in the challenged procurement, as outlined under Section 106(9) of the Public Procurement and Disposal of Public Assets Act, Cap. 205.
4. The Applicant requested that the Accounting Officer be found in contempt of the public procurement laws, be ordered to pay the costs of the administrative review and be directed to pay general damages amounting to UGX 202,440,000.

C. RESPONDENT'S REPLY TO THE APPLICATION

1. On 18 November 2025, the Respondent submitted to the Tribunal, copies of the complaint filed by the Applicant, the Notice of Best Evaluated Bidder dated 16 October 2025, the evaluation report, the record of bid receipt, the bidding document, extracts from both the Applicant's and the best evaluated bidder's proposals, the administrative review committee's report dated 7 October 2025, and the minutes of a mediation meeting held in November 2025. However, the Respondent did not file a specific response to the application.

D. ORAL HEARING

1. The Tribunal held an oral hearing via Zoom videoconferencing on November 27, 2025. The appearances were as follows:
 - 1) *Phillip Engulu* from Engulu & Co Advocates as counsel for the Applicant. In attendance for the Applicant were Ekiba Simon, a Director and Jonathan Apedu, a manager.
 - 2) *Okaka Geoffrey*, the Chief Administrative Officer and Akello Lovy, Head Procurement and Disposal Unit for the Respondent.

Sajo General Stores Ltd, the best evaluated bidder, was served with a copy of the application on November 14, 2025 and notified of the hearing. However, best evaluated bidder neither filed a response nor attended the tribunal hearing.

E. SUBMISSIONS

1. The parties made oral highlights of their respective cases and provided clarifications to the Tribunal.

THE APPLICANT

2. The Applicant's Counsel adopted the application as filed and submitted that, although he had earlier informed the Tribunal in his letter of 19 November 2025 that the Respondent had not filed a response and had asked the Tribunal to proceed in its absence, he later came across a copy of the Respondent's administrative review committee report, which recommended retendering of the procurement process. He stated that, if the Respondent adopts that report, the Applicant has no objection to the cancellation and subsequent retendering, and the only remaining issue is the award of costs to the Applicant.

THE RESPONDENT

3. The Respondent relied on the Administrative Review Committee's report dated 7 November 2025, which recommended retendering

the procurement on the basis that both bidders had failed to declare their Nationality at the preliminary evaluation stage. The Respondent's Accounting Officer informed the Tribunal that the administrative committee's recommendations represented the Respondent's final position.

F. RESOLUTION

1. The Tribunal has considered the oral submissions and perused the pleadings 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 was filed within the statutory timelines?*
 - 2) *Whether the Accounting Officer erred when she ignored the recommendations of the administrative review committee to have the impugned procurement retendered?*
 - 3) *What remedies are available to the parties?*

Issue no. 1:

Whether the Application was filed within the statutory timelines?

2. Under section 115(1)(a)–(c) of the *Public Procurement & Disposal of Public Assets Act*, the following people may apply to the Tribunal for review of a decision:
 - a) a bidder who is aggrieved by an administrative review decision of an Accounting Officer under section 106(7) or failure to make a decision under section 106(8);
 - b) any person whose rights are negatively affected by an administrative review decision of the Accounting Officer; and
 - c) a bidder who applies directly to the Tribunal under section 106(9) because he/she believes that the Accounting Officer has a conflict of interest.
3. Further, any application for review must be filed within the strict deadlines set out in section 115(2):

- a) For a grievance under section 106(7): the application must be made within **ten working days** from the date the Accounting Officer's decision is received.
 - b) Under section 106(8): within **ten days** from when the relevant statutory period expires.
 - c) For an alleged conflict (section 106(9)): within **ten days** from when the act or omission in question took place.
4. The Applicant received the Notice of Best Evaluated Bidder on 23 October 2025 and promptly lodged an administrative review complaint on 24 October 2025.
5. After receiving the administrative review complaint, the Respondent's Accounting Officer was obliged under section 106(7) of the *Public Procurement & Disposal of Public Assets Act* to render a decision within ten days, running from 25 October to 3 November 2025. This period elapsed without any Accounting Officer decision being issued and communicated.
6. At the hearing, when asked by the Tribunal why no decision had been made, the Respondent's Accounting Officer explained that he did not issue one because the administrative review committee's recommendations had already been shared with the complainant during the mediation meeting on 11 November 2025, and he agreed with those recommendations.
7. The Tribunal has held that the recommendations of an administrative review committee are merely advisory and not binding on an Accounting Officer who is duty-bound to make and communicate an administrative decision within the statutory timelines. See section 106(7) of the *Public Procurement and Disposal of Public Assets Act* and the Tribunal Decisions in ***Nalu Tours and Travel Ltd Versus Jinja City, Application No. 19 of 2023*** paras 32 and 33, ***Consolidated Applications No. 15, 17 and 18 of 2023, Quality Inspection Services Inc Japan and 2 ors v Uganda National Bureau of Standards*** and ***Application 13 of 2023, Rhema Engineering Company Limited v Arua City***.

8. It was therefore improper for the Respondent's Accounting Officer to rely on or endorse the administrative review committee's recommendations without issuing and communicating an administrative decision within the statutory timeframe in response to the complaint filed. In doing so, the Accounting Officer acted in error and in violation of the law.
9. The Tribunal has repeatedly held that bidders must act once this statutory period lapses and cannot wait indefinitely; they must instead file before the Tribunal within the next ten days, in line with section 115(2)(b) of the *Public Procurement and Disposal of Public Assets Act, cap. 205*. This was reaffirmed in *CSM Technologies Pvt Ltd & Sybl Ltd JV v NITA-U* (Application No. 11 of 2025, p. 24, para 29).
10. Accordingly, the Applicant's window to file before the Tribunal ran from 4 November 2025 to 13 November 2025. The Applicant nonetheless filed its application to the Tribunal on 14 November 2025, well outside the statutory deadline.
11. At the hearing, the Applicant conceded that the application had been filed one day beyond the statutory deadline but requested the Tribunal to exercise its discretion to extend the time limits in the interest of justice, thereby validating the late filing.
12. The Tribunal reiterates that timelines in the *Public Procurement and Disposal of Public Assets Act, cap. 205* are strict and cannot be extended. Late filing deprives the Tribunal of jurisdiction; a principle affirmed in *Eclipse Edisoil JVC Ltd v Napak DLG* (High Court Civil Appeal No. 05 of 2024) and *Sybl Ltd v NITA-U* (Application No. 33 of 2025).
13. In view of the foregoing, the Application is deemed incompetent and will be struck out. There is no need to delve into the merits or the other issues
14. **Issue no. 1 is resolved in the negative.**

G. DISPOSITION

1. The Application is struck out.
2. Each party shall bear its own costs.

Dated at Kampala, this 1st day of December 2025.



**FRANCIS GIMARA SC.
MEMBER**



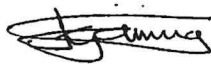
**NELSON NERIMA
MEMBER**



**GEOFFREY NUWAGIRA KAKIRA
MEMBER**



**PAUL KALUMBA
MEMBER**



**CHARITY KYARISIIMA
MEMBER**



**KETO KAYEMBA
MEMBER**



**ENG. CYRUS TITUS AOMU
MEMBER**