

**Public Procurement  
and  
Disposal of Public Assets  
Guideline**

*Guidelines issued by the Public Procurement and Disposal of Public Assets Authority under Section 97 of the Public Procurement and Disposal of Public Assets Act, 2003 and Section 94 of the Local Governments Act and Regulation 12 of the Local Governments (PPDA) Regulations, 2006*

**Guideline Details:**

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*Guidelines are distributed to all Accounting Officers who are responsible for distributing copies to the Contracts Committee and members of the Procurement and Disposal Unit of the Procuring and Disposing Entity*

THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS  
(ELECTRONIC GOVERNMENT PROCUREMENT) GUIDELINES,  
2020

(Guideline No. 1 of 2020)

Arrangement of Provisions.

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The Public Procurement and Disposal Public Assets (Electronic Government Procurement) Guidelines, 2020

IN EXERCISE of the powers conferred upon the Authority by section 97 of the Public Procurement and Disposal of Public Assets Act, 2003 and Section 94 of the Local Governments Act and Regulation 12 of the Local Governments (PPDA) Regulations, 2006, these Guidelines are made this ..... day of ....., 2020.

**PART I – PRELIMINARY**

**1. Title and Commencement.**

- (1) These Guidelines shall be cited as the Public Procurement and Disposal of Public Assets (Electronic Government Procurement) Guidelines, 2020.
- (2) These Guidelines shall commence on publication in the gazette.

**2. Application.**

The Guidelines shall apply to procurement and disposal processes conducted by the procuring and disposing entities using the electronic Government Procurement System.

**3. Interpretation.**

In these Guidelines unless the context otherwise requires: -

“access codes” means the user identification, password and any other supplementary codes used collectively to access the e-GP system.

“Accounting Officer” means the Accounting Officer defined under the PPDA Act, 2003.

“Act” means the Public Procurement and Disposal of Public Assets Act, 2003

“APDP” acronym for Annual Procurement and Disposal Plan.

“audit trail” means a record of events and transactions in chronological sequence carried out in the e-GP system with details of information

including date and time, name of actor, action and identified location of actions at minimum, which provides the accountability and non-repudiation of the e-GP users.

“authorized financial institution” means a company licensed to carry on or conduct financial institutions business in Uganda and includes a commercial bank, merchant bank, mortgage bank, post office savings bank, credit institution, a building society, an acceptance house, a discount house, a finance house or any institution which by regulations is classified as a financial institution by the Central Bank;

“bidder” means a bidder as defined in the Act;

“bidding document” means a solicitation or any other documents inviting bidders to participate in procurement or disposal proceedings; and includes documents inviting potential bidders to pre-qualify, and standard bidding document;

“CAPTCHA (Completely Automated Public Turing Test to Tell Computers and Humans Apart)” is a spam prevention system, displayed as random words or letters in distorted fashion that cannot be deciphered by software, but only by human, to ensure that a human is making an online transaction rather than a computer.

“Centralized Registration System” means the single place for all e-GP users to register and provide credential documents for verification of authenticity for conducting different activities by utilizing tools provided by the e-GP system.

“dashboard” means an interactive user interface that organises and presents information and links to the different relevant functions of the e-GP system into a unified display in a way that is easy to access, track and transact.

“date & Time” means e-GP Data Center server date and time synchronized with the standard time protocol, which is used for time stamping events and transactions in the e-GP system.

“e-Government procurement (e-GP)” refers to the use of information and communication technology especially internet to conduct an end to end government procurement and disposal process online with processes including planning, initiation, bidding, evaluation, award, contract management, invoicing, payment and reporting.

“e-Government procurement system” refers to a web based tool used to carry out electronic procurement and disposal.

“electronic document transmission” means the electronic transmission of information using computerised systems;

“electronic signature” or “e-Signature” means a signature in electronic form attached to or logically associated with an electronic record, in the form of electronic symbol or a process or a set of codes attached to or logically associated with documents, and executed, adopted or agreed upon by a person with the intent to sign the documents and is equivalent to the physical handwritten signature. An electronic signature is intended to provide a secure and accurate identification method for the signatory to provide a seamless transaction.

“electronic” means any electrical, digital, magnetic, optical, electromagnetic or other form of technology that entails capabilities similar to these technologies.

“Entity System Administrator” means a designated person who supports the system within the entity. The Entity System Administrator shall be responsible to create departments, users and to assign them roles.

“Invitation for Bids (IFB)” means a document published or notified by the procuring and disposing entity, which informs the potential bidders that it intends to procure goods, services, or works.

“malware” refers to any form of hostile or intrusive software, including but not limited to computer viruses, worms, trojan horses, ransomware, spyware, adware, scareware, or other malicious programs. It includes executable code, scripts, active content, and other software;

“password” means the secret information in the form of characters which, in combination with the User Identification allows the bidder to be authenticated by the e-Government Procurement System server;

“person” means human or artificial persons and includes an individual, sole proprietorship, partnership, company, cooperative society that wish to participate in procurement or disposal proceedings.

“provider registration” means the process by which a provider registers its

interest to participate in the procurement or disposal processes of procuring and disposing entities using the e-GP System;

“records” includes electronic and manual archives containing the data, documents and information relating to e-procurement procedures;

“Regulator” means the Public Procurement and Disposal of Public Assets Authority.

“responsive” means qualified on the basis of evaluation criteria so declared and specified in the bidding document.

“services” means consulting and other services.

“Super Administrator” means a designated person with rights to all key settings in the e-GP system.

“system” means the solutions and electronic instruments that allow the use of the computerized application cited in these guidelines;

“System Administrator” means a designated person to support the e-GP system on behalf of other users to ensure that it is configured in its original state.

“teleconferencing” refers to the holding a meeting through a telecommunications medium for linking persons between two or more locations by electronics such as audio or computer and video.

“write” means the process of taking information and moving it to an alternate location in e-GP database.

## PART II—GENERAL PROVISIONS ON THE E-GOVERNMENT PROCUREMENT

### **4. Institutional framework for establishment of the Electronic Government Procurement System (e-GP).**

- (1) The Secretary to Treasury shall set standards and practices for the implementation and performance of e-GP System.
- (2) The procurement process and procedures for the supply of goods,

works and services as well as disposal of public assets shall be carried out by a procuring and disposing entity using the system.

- (3) The e-GP System shall allow electronic exchange of data, documents and actions between procuring and disposing entities and providers and provision for an audit trail of users of the system.
- (4) The e-GP System shall comply with the open contracting data standard model to facilitate publication and analysis of data and documents related to stages of a procurement or disposal process.
- (5) The e-GP System shall allow the management of the provider qualification process; the updating of provider and the evaluation of bidders. The provider shall at its discretion update its information by accessing the system.
- (6) The Solicitor General, Accounting Officer, Contracts Committee Evaluation Committee, the Negotiation Team, Procurement and Disposal Unit and User Department shall perform their roles and responsibilities using the e-Government Procurement System in accordance with the PPDA Act and Regulations.

## **5. Preparation of the Annual Procurement and Disposal Plan.**

- (1) PDEs shall prepare and publish the Annual Procurement and Disposal Plan (APDP) in the format prescribed by the regulator on the e-GP dashboard.
- (2) A procuring and disposing entity using the e-Government procurement system shall upload and publish its approved annual procurement and disposal plan and any updates thereof.

## **6. Provider registration.**

- (1) Providers shall register on the e-GP system in order to participate in the procurement or disposal processes of procuring and disposing entities.
- (2) The registration shall be undertaken through an online centralized registration system of the e-GP which shall be verified by the regulator.



- (3) The provider registered on the e-GP system shall comply with the system requirements at the time of registration and during the use of this system.

**7. Access to the e-GP System.**

- (1) The providers shall access the government business opportunities published on the e-GP System.
- (2) Access to the system for any information published by procuring and disposing entities shall be in accordance with the terms and conditions for the use of the e-GP.
- (3) The system may use any additional reliable and secured human verification methods or security codes, such as CAPTCHA and state-of-the-art technology tools or processes to protect it from unsolicited spamming and automated registration.

**8. Procuring and disposing entity registration.**

- (1) Procuring and disposing entities shall be required to create an account prior to use of the e-GP System
- (2) There shall be an Entity System Administrator who shall be responsible for creating the accounts for the different internal users within a procuring and disposing entity.
- (3) The registration by the Entity Administrator shall take into account the role of an individual in the procurement and disposal process.

**9. Financial institutions or financial services provider registration.**

- (1) Financial Institutions or Financial Services Providers such as mobile money operators shall seek approval from the Ministry of Finance, Planning and Economic Development to create a financial service provider account.
- (2) Authorized Financial Institutions shall be allowed to register for receiving payment for sale of bidding documents and any other applicable fees, providing Bank Guarantees, tracking and processing payments or other authorized financial services.

- (3) Secured Dashboard shall be provided to the Financial Institutions to create as many internal Users as required for using the e-GP System.

**10. Development partner access.**

Development partners may be provided with facilities to interface or integrate with their procurement related systems, upload their Procurement guidelines and standard bidding documents and review the procurements of their projects.

**11. Procurement and disposal requisitioning.**

A user department within a procuring and disposing entity shall requisition all procurement and disposal requirements through e-Government Procurement System using the appropriate form.

**12. Preparation of bidding documents.**

- (1) A procuring and disposing entity shall use the appropriate standard bidding document on the e-GP System based on the type of procurement or disposal, value and complexity of the requirement.
- (2) The Procurement and Disposal Unit shall apply the PPDA Act and Regulations in the preparation of the bidding documents.
- (3) PDEs shall ensure the bidding documents are complete and correct before they are published on the e-GP System.

**PART III—BIDDING**

**13. Methods of inviting bidders.**

- (1) A procuring and disposing entity shall invite bids using the online template in the e-GP system through the following methods:
  - (a) by publication of a bid notice on the system or an abridged version in a newspaper of wide national circulation referring the providers to the e-GP System.
  - (b) by invitation of bidders on the shortlist on the e-GP System; or
  - (c) by direct invitation of a sole or single provider on the e-GP System.

- (2) Providers shall have access to the bidding documents published on the e-GP System.
- (3) The requirement for a bidder to request and pay for the bidding document shall apply for procurements and disposals undertaken using the e-GP System.

**14. Bidding period.**

- (1) The bidding period shall commence on the next preceding date after publication of the invitation and end on the deadline for submission of bids.
- (2) The minimum bidding periods for procurements conducted on the e-GP System shall be in accordance with the applicable PPDA Regulations.

**15. Clarification and amendment of bidding documents.**

- (1) The clarifications and amendment of bidding documents shall be undertaken electronically in accordance with the PPDA Act and applicable PPDA Regulations.
- (2) A request for clarifications by bidders and responses to the queries shall be submitted electronically before or during the pre-bid meeting or within the time prescribed in the bidding document.
- (3) The requirement of obtaining proof of receipt of the addendum by a bidder shall not apply to procurements and disposals conducted on the e-GP system.
- (4) A procuring and disposing entity may issue an Addendum electronically and publish it in the related section of the e-GP System and also send the addendum via automated electronic means (i.e. email) and make available online in the e-GP System the information to the public and the prospective bidders.
- (5) Bidders shall receive an email from the system on amendments to the bidding document while other providers shall have access to view the amendments on the bid notice.

**16. Pre-bid meetings.**

- (1) A procuring and disposing entity may hold pre-bid meetings physically or using teleconferencing.
- (2) Where holding a pre-bid meeting is required, the date of the meeting or teleconferencing including the channel or web-based tool shall be included in the bidding document to provide sufficient time to enable the bidder to participate or attend.
- (3) The minutes of a pre-bid meeting shall be submitted electronically to the bidders who accessed the bidding documents or who were individually invited to bid.
- (4) Where it is required to hold a pre-bid meeting, a procuring and disposing entity shall hold a pre-bid meeting on the date and time specified in the bidding document/notice through the e-GP system.
- (5) Queries/Clarifications/Responses relating to the bidding document shall be posted online before or during or after pre-bid meeting.
- (6) Notwithstanding the above, clarifications and queries relating to the bid document may be sought online till the last date and time specified in the bidding document.

**17. Submission of bids.**

- (1) Bidders shall prepare bids and submit the required documents if any, within the time specified in the bidding documents.
- (2) All bids shall be submitted on the e-GP System using the standard format on the System.
- (3) Submission of bids shall be done by an authorized representative of the bidder on the system to have legal effect.
- (4) Any modification to the bid submitted in the e-GP system shall be permitted provided it is undertaken prior to the bid submission deadline.

- (5) Bids submitted online shall be scanned for malware by the system before being accepted onto the system.
- (6) The e-GP system shall notify a bidder instantly where the bid is rejected due to threats against malware.
- (7) A procuring and disposing entity shall accept only those bids in electronic format in the e-GP system received within the bid submission deadline and shall issue an electronic receipt of bids submitted indicating the date and time of receipt.
- (8) A provider shall submit original hard copies of the bid securities and the Power of Attorney to the entity where applicable within the time of bid submission.
- (9) Where there are system failures before the time of bid submission, the entity shall extend the submission time by a minimum of 48 hours from the initial bid submission deadline.

**18. Opening of bids.**

- (1) Online submissions shall be kept encrypted in the e-GP system database and shall be maintained at high security standards.
- (2) The encrypted bids shall not be accessible to any person until the day and time of bid opening indicated in the invitation notice or bidding document in accordance with the local time zone.
- (3) Without limiting the generality of the foregoing, the bid shall be encrypted but shall be automatically decrypted at the time of bid opening.
- (4) A record of the bid opening shall be automatically generated following the bid opening as per the applicable Regulations.
- (5) The system shall allow for online view of the bid opening information by bidders.
- (6) All bids shall be readable through open standard interfaces and formats.
- (7) Bids received on the e-GP System shall be protected against access by

unauthorized persons until the publication of the contract award.

- (8) A procuring and disposing entity shall ensure that financial proposals in electronic format shall only be accessed and opened after the technical evaluation of the proposals where so required in the bidding documents.
- (9) Where the bidding document requires a two stage bid submission method, the financial bids shall remain encrypted during the technical evaluation.

#### **19. Evaluation.**

- (1) Members of the Evaluation Committee shall be constituted in accordance with the PPDA Act and applicable Regulations.
- (2) The Head of Procurement and Disposal Unit shall grant the Evaluation Committee access to the e-GP System to undertake the evaluation.
- (3) The Evaluation Committee shall receive the auto-notification (via Email or SMS as per configured preference for auto-notification) from the e-GP System as soon as the access is granted.

#### **20. Use of e-GP System by the Evaluation Committee**

- (1) The Evaluation Committee shall:
  - a) have access to the e-GP dashboard after the bid opening.
  - b) follow the predefined workflow to evaluate the bids.
  - c) evaluate the submitted bids electronically/ manually and recommend the proposed best evaluated bidder in the system. Evaluation Committee shall review the reports, update and complete the required evaluation matrix based on the stipulated criteria and facts in the bidding document to complete the evaluation.
- (2) The Evaluation Committee shall not be allowed to alter any data provided by the bidders and the Evaluation Report after submission of the report onto the e-GP system.

- (3) The procuring and disposing entity may conduct negotiations and upload the negotiation report onto the e-GP system as provided in the Act.
- (4) Where a modification is required to the Evaluation Report, the Evaluation Committee shall seek permission from the competent authority to update the evaluation report. The e-GP System shall maintain an audit trail of such changes to the report.

**21. Award and contract signing.**

- (1) Approval of the Evaluation Report by the Contracts Committee shall be routed in the e-GP system through the workflow.
- (2) The Accounting Officer shall communicate the decision to award to the best evaluated bidder electronically on the e-GP system and send copies to all bidders that submitted bids.
- (3) The requirement for the procuring and disposing entity to have proof of receipt of the notice of the best evaluated bidder shall not apply to procurements undertaken using the e-GP System.

**22. Administrative Review.**

The Administrative review on a procurement or disposal process shall be conducted in accordance with the PPDA Act, 2003 and handled outside the e-GP system but the decisions shall be uploaded on the System.

**23. Suspension of providers.**

- (1) The e-GP Super Administrator at PPDA shall maintain and update the list of providers who have been suspended from participating in any procurement or disposal proceedings.
- (2) The suspended Bidders shall not be allowed to participate in the procurement or disposal proceedings on the e-GP System for the period specified.

**24. Provider registration fees for Electronic Government Procurement System**

- (1) A fee for e-GP System shall be charged with respect to registration of providers as determined by the regulator from time to time and shall be for a period of one calendar year.
- (2) The fee referred to in paragraph (1) above shall be collected through the Uganda Revenue Authority payment system or any other mechanism determined.

**25. Preservation of electronic procurement records**

The Ministry of Finance, Planning and Economic Development shall preserve the electronic records processed by the e-GP System for a period not less than seven years from fulfilment of the obligations between the procuring and disposing entity and the provider.

**26. Transitional provision**

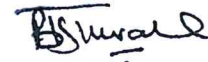
This Guideline shall not apply to procurements or disposals where bids had been advertised or invited by the procuring and disposing entity at the commencement date of these guidelines.

**27. Review of the Guidelines**

The Authority may review the guidelines as need arises from time to time.

**Signed:**

  
.....  
Julius K. Ishungisa  
**CHAIRMAN BOARD OF DIRECTORS**

  
.....  
Benson Turamye  
**EXECUTIVE DIRECTOR**