



PUBLIC PROCUREMENT AND
DISPOSAL OF PUBLIC ASSETS
APPEALS TRIBUNAL

**ANNUAL REPORT
2021-2022**

CONTENTS

Foreword by the Chairperson	3
Message from the Registrar.....	4
1.0. INTRODUCTION AND ORGANISATION OVERVIEW.....	5
1.1 Vision Statement	5
1.2 Mission Statement.....	5
1.3 Core Values	5
1.4 Functions of the Tribunal	6
1.5 Powers of the Tribunal.....	6
1.6 Tribunal Secretariat.....	6
1.7 Budget Performance	6
2.0 ACTIVITIES OF THE TRIBUNAL DURING THE REPORT PERIOD	7
2.1 Applications for review of the decisions of PPDA.....	7
2.2 The detailed decisions on the Tribunal Website.....	12
2.3 Summary of Application by Issues	12
2.4 Proposals to mitigate re-occurring issues in Public Procurement Process	13
2.5 Training of Staff.....	14
2.6 Training of Tribunal Members	14
2.7 Sensitisation Workshops	14
3.0 KEY ACHIEVEMENTS OF THE TRIBUNAL.....	16
4.0 CHALLENGES	17
5.0 KEY PLANNED ACTIVITIES FOR THE FINANCIAL YEAR 2020/2021	18
Appendix I: Particulars of Tribunal Members.....	19
Appendix II: Pictorials on Tribunal Activities.....	25



FOREWORD BY **THE CHAIRPERSON**

Honorable Minister of Finance, Planning and Economic Development, I have the honour to present to you the Annual Report for the activities of the Public Procurement and Disposal of Public Assets Appeals Tribunal (Tribunal) in respect of the Financial Year 2021-2022; as required under Section 91R of the Public Procurement and Disposal of Public Assets Act 2003 (as amended).

As you are aware, the Financial Year 2021-2022 marks the second year of the term of office of the current Tribunal members. The Tribunal continues to execute the mandate bestowed upon us and dispense justice with diligence, impeccable professionalism and diligence in the Post-COVID-19 era.

I am glad to report to you that two new female Members were appointed to the membership of the Tribunal and together with the other 5 members of the Tribunal. Cognately, I am delighted to inform you that Mrs Patricia K. Asimwe, one of the newly appointed members of the Tribunal, was on May 25, 2022, appointed as an acting Judge to the High Court of Uganda by His Excellency, the President of the Republic of Uganda.

In the period of reporting, the Tribunal heard and disposed of 42 applications in Financial Year 2021/2022 with a total subject matter value of UGX 626,903,605,055/=, This marked a one hundred and eighty percent (180%) increase of number applications heard by the Tribunal from the 15 applications heard in the Financial Year 2020/2021.

I take this opportunity to thank you the Honorable Minister and the top leadership at Ministry Finance, Planning and Economic Development for the continued support and cooperation extended to the Tribunal, which we do not take for granted.

Francis Gimara SC
CHAIRPERSON



MESSAGE FROM **THE REGISTRAR**

This is the PPDA Appeals Tribunal's eighth Annual Report for the Financial Year (FY) 2021/2022.

During this period of reporting, the Tribunal adjudicated over forty two (42) Applications from aggrieved bidders within the time set by law, with no backlog reported. The Tribunal further conducted regional sensitization workshops in West Nile and Acholi Sub Regions on the mandate of the Tribunal.

I thank the Government of Uganda through the Ministry of Finance, Planning, Economic and Development (MoFPED) for the continued support to the Tribunal. I would like to also express my gratitude to the Minister of Finance, Planning, Economic and Development, for having expeditiously appointed two more members to the Tribunal in compliance with Section 91B (3a) of the *Public Procurement and Disposal of Public Assets Act, 2003(as amended)*.

On behalf of the Staff at the Secretariat, I commend the able leadership of the Chairperson Mr. Gimara Francis S.C and the now six members of Tribunal who have ably and strategically guided the Secretariat in achieving the objectives of the Tribunal.

Lastly, I thank the dedicated staff at the Secretariat, who have continuously and dedicatedly worked as a team in facilitating the Tribunal in executing its statutory mandate.

A handwritten signature in black ink, appearing to read 'Atiku Saki Mansoor'.

Atiku Saki Mansoor

REGISTRAR

1.0

INTRODUCTION AND ORGANISATION OVERVIEW

The Public Procurement and Disposal of Public Assets Appeals Tribunal (Tribunal) is a quasi-judicial body established by Section 91B of the Public Procurement and Disposal of Public Assets Act of 2003 (as amended).

The Tribunal consists of a chairperson and six members who are appointed by the Minister of Finance, Planning and Economic Development, from the private sector, for a four (4) year term, which may be renewable for only one more term.

The Tribunal is now constituted of a Chairperson and six members following the appointment of two female members by the Minister of Finance, Planning, Economic and Development pursuant Section 91B (3a) of the Public Procurement and Disposal of Public Assets Act, 2003(as amended). The new members were inaugurated and sworn in by Honorable Justice Dr. Flavian Zeija, the Principal Judge, on January 13, 2022. The membership of the Tribunal as at end of June 2022 was as follows;

1) Francis Gimara S.C	Chairperson
2) Nelson Nerima	Member
3) Paul Kalumba	Member
4) Eng. Thomas Brookes Isanga	Member
5) Geoffrey Nuwagira Kakira	Member
6) Charity Kyarisiima	Member
7) Patricia Kahigi Asiimwe	Member

The profile of each member of the Tribunal is indicated in Appendix I of this report.



1.1 VISION STATEMENT

To be a centre of excellence for public procurement and disposal of public assets disputes management in Africa.



1.2 MISSION STATEMENT

To provide accessible, quality and timely adjudication in public procurement and disposal of public assets disputes in accordance with the law.



1.3 CORE VALUES

- Teamwork
- Integrity; and
- Efficiency.

1.4 Functions of the Tribunal

The core function of the Tribunal is to hear and determine applications for review of decisions of Procuring and Disposing Entities from bidders or persons whose rights are adversely affected by a decision of an Accounting Officer.

The PPDA Act, 2003 as amended, requires the Tribunal to issue a decision within a period of not more than fifteen working days upon receipt of an application for a review.

A party to proceedings before the Tribunal who is aggrieved by a decision of the Tribunal, may, within thirty days after being notified of the decision of the Tribunal or within such further time as the High Court may allow, lodge a notice of appeal with the registrar of the High Court. Following the PPDA Act, 2003 amendment, appeals to the High Court are now restricted to questions of law only.

A procurement or disposal process that is suspended during the administrative review process is resumed and continues during an appeal to the High Court.

1.5 Powers of the Tribunal

The powers of the Tribunal are stipulated under Section 91K of the PPDA Act, 2003 as amended and are adhered to. In the conduct of its hearings or related proceedings, the Tribunal has powers of the High Court to summon any person to appear before it to give evidence or to produce books, documents or things mentioned in the summons, that are in the possession, custody or control of the person named in the summons.

The Tribunal is also mandated to suspend a procurement or disposal process until the Tribunal makes a decision, where a bidder or a person whose rights are adversely affected by a decision made by a decision made by the Accounting Officer, makes an application to the Tribunal.

1.6 Tribunal Secretariat

The Tribunal has a Secretariat with offices located at 7th Floor, Communications House, Colville Street in Kampala Capital City, headed by a Registrar who is the Accounting Officer and also in charge of the Registry of the Tribunal. The Secretariat has nine (9) staff who work closely with the Registrar and support members of the Tribunal in carrying out Tribunal work.

The Tribunal Court Room where all physical hearings of the Tribunal are held is located on 1st floor of Communications House, on Colville Street in Kampala. The Courtroom is fitted with state of the art transcription equipment to facilitate the efficient capture of the record of proceedings of the Tribunal during a hearing of an Application.

Following the outbreak of the COVID-19 pandemic, the Tribunal has adopted a hybrid system of hearing applications either physically or virtually as the circumstances demand. For Virtual hearings, digital solutions are used to ensure business continuity at the Tribunal.

1.7 Budget Performance

The budget of the Tribunal is a subvention under the Ministry of Finance, Planning, Economic and Development to facilitate the operations of the Tribunal. The budget for 2021/2022 for the Tribunal was two billion seven hundred million Uganda Shillings (2,700,000,000/=).

During the reporting period, the Tribunal received a total of two billion two hundred twenty-nine million nine hundred forty-seven thousand five hundred Uganda Shillings (2,229,947,500/=). The total actual expenditure was 2,229,853,527/=. This marked a budget performance of ninety-nine point nine percent (99.9%).

The Tribunal is however, still constrained by inadequate funding of the Tribunal's activities.

2.0

ACTIVITIES OF THE TRIBUNAL DURING THE REPORT PERIOD

The main activities of the Tribunal during the FY2021-2022 were:

- (i) Hearing and disposal of applications for review of decisions of Procuring and Disposing Entities from bidders or persons whose rights are adversely affected by a decision of an Accounting Officer;
- (ii) Review and approval of key manuals of the Tribunal such as the Tribunal Governance Charter and the Strategic Plan 2022-2025
- (iii) Conducting workshops, at regional levels specifically West Nile Region and Acholi Sub-Regions, public awareness of the Tribunal functions and;
- (iv) Stakeholder engagements on matters relating to procurement and disposal laws and processes. Key of these engagements included meetings with the Somaliland Tender Board and inaugural meeting of the Tribunal with the Board of Directors of the Public Procurement and Disposal of Public Assets Authority.

2.1 Applications for Review of the Decisions of Procuring and Disposing Entities

In the report period 2021-2022, the Tribunal heard and determined a total of forty two (42) Applications. There was one (1) miscellaneous application arising from one of the 42 main applications; which are summarised below as follows:

No.	Parties	Subject Matter	Decision of the Tribunal
1.	CFAO Motors (U) Limited vs National Forestry Authority, Application No.16 of 2022	Tender for the supply of 2 station wagons (lot 1), 3 single cabins (lot 2) and 1 staff van (lot 3) under procurement ref no. NFA/SUPLS/21-22/00018 . The subject matter of the Application was worth UGX 1,575,000,000/= .	The Application was partially successful. The procurement process was cancelled by the Tribunal
2.	Earth Savers Movement Uganda Chapter vs Uganda Electricity Transmission Company Limited, Application No.15 of 2022	Tender for NGO Support for Sustainable Livelihood in Community Development and Vulnerable Support Ref No. UETCL/CONS/2019-2020/00008 (Lot 4-Masaka-Mbarara Project, Lot 5-Mutundwe-Entebbe, Lot1- Gulu-Agago Project, Lot 2-Kole-Gulu-Nebbi-Arua Project, Lot -3 -Mirama-Kabale Project). The subject matter of the Application was worth UGX 756,024,316/= .	The Applicant's bid had expired at the time of filling the Application. The Application was therefore struck out by the Tribunal

3.	Samanga Solutions Ltd Vs. Uganda Wildlife Authority, Application No.14 of 2022	Tender for the supply of 250 communication equipment; 43 VHF base sets and 207 VHF handsets under World Bank project vide REF NO. UWA/SPLS/2021-2022/02781, STEP: UG-UWA-247644-GO-RFB/ SRVCS/21-22/172693. The subject matter of the Application was worth UGX 1,343,365,100/=.	The Application was filed out of time and struck out by the Tribunal.
4.	Mulago Hill Diagnostics Limited Vs. National Water And Sewerage Corporation, Application No.13 of 2022	Tender for the supply of HACH Chemicals and Reagents under Procurement Ref No: NWSC-HQ/SUPLS/21-22/172693. The subject matter of the Application was worth UGX 309,863,779/=.	The procurement process was cancelled by the Tribunal
5.	Mbale United Trucks and Pickups Cooperative Savings And Credit Society Vs. Mbale City Council, Application No.12 of 2022	Tender for collection of revenue from vehicles/trucks loading and offloading in Mbale City except Juba Stage in Nakaloke-under Ref No. MBAL856/ SRVCS/21-22/00036.	The Application was partially successful. The procurement process was cancelled by the Tribunal
6.	Kansiime David vs. Hoima District Local Government, Application No.11 of 2022	Tender for enforcement of collection of revenue from Runga market under procurement reference no. HOIM509/ SVCS/2021-22/00001.	The attempt to withdraw the application was disallowed for having been based on an unlawful compromise. The Application was Struck Out.
7.	Mugisa Richard vs. Hoima District Local Government, Application No.10 of 2022	Tender for enforcement of collection of revenue from Siiba market under procurement reference no. HOIM509/ SVCS/2021-22/00007	The attempt to withdraw the application was disallowed for having been based on an unlawful compromise. The Application was Struck Out.
8.	Kibakuteireho Godfrey vs. Hoima District Local Government, Application No.9 of 2022	Tender for enforcement of collection of revenue from Buseruka Main Market under procurement reference no. HOIM509/ SVCS/2021-22/00020.	The withdrawal of the Application was approved by the Tribunal.
9.	Kansiime David vs. Hoima District Local Government, Application No.8 of 2022	Tender for enforcement of collection of revenue from Runga landing site under procurement reference no. HOIM509/ SVCS/2021-22/00002.	The attempt to withdraw the application was disallowed for having been based on an unlawful compromise. The Application was Struck Out.
10	SMS construction ltd and Farrin Yol Yapi Insaat San Ve Tic Ltd-STI Joint Venture vs Ministry of Justice and Constitutional Affairs, Application No.7 of 2022	Tender for construction and development of the proposed office (JLOS House) for Ministry of Justice and Constitutional Affairs on Plots 92-102 Katalima Road, Naguru, Kampala under Procurement Ref No: MOJCA/WKS/21-22/00095. The subject matter of the Application was worth UGX 256,438,726,974/=.	The Application was filed out of time and was therefore struck out by the Tribunal.
11	Technology Associates Limited in consortium with Comviva Technologies Ltd vs. Postbank Uganda Limited, Application No.6 of 2022	Tender for supply, installation and commissioning of an E-wallet Solution under Procurement Ref No: PBU/ NCONS/2021/00002. The subject matter of the Application was worth UGX 11,305,316,264.52/=.	The Application was dismissed by the Tribunal for lack of merit.

12	Libra Court Bailiffs & Auctioneers Vs National Water and Sewerage Corporation. Application No.5 of 2022	Tender for the disposal of grounded motor vehicles, motorcycles and old tires located at NWSC-Gaba water works and pipe yard-6 th street industrial Area-Kampala, Uganda under Procurement Ref No: NWSC-HQ/SRVCS/2021-2022/00042. The subject matter of the Application was worth UGX 200,000/=.	The Application was dismissed by the Tribunal for lack of merit.
13	KADAC International Ltd in joint venture with Globaltec Ltd vs. Uganda Prisons Service, Application No.4 of 2022	Tender for the design, construction, supply, delivery and installation with commissioning of a grain processing and storage plant at Uganda prison farms of Lugore, Simba and Ibuga under procurement Ref No. UPN/WRKS/2020-2021/00490. The subject matter of the Application was worth UGX 28,091,882,308.6/=.	The Applicant had no locus before the Tribunal. The Application was struck out by the Tribunal.
14	VCON Construction Uganda Limited VS Makerere University, Application No.03 of 2022	Tender for the restoration and construction works for Makerere University Main Building under Ref No. MAK/WRKS/2021-2022/00009. The subject matter of the Application was worth UGX 20,053,627,463/=.	The application was partially successful. The procurement process was cancelled by the Tribunal.
15	APA Insurance Uganda Ltd Vs. Uganda National Roads Authority, Application No.2 of 2022	Tender for the provision of comprehensive insurance for Motor Vehicles and Road Equipment for a period of three years under open domestic bidding method vide procurement Ref No. UNRA/NCONS/20-21/00147. The subject matter of the Application was worth UGX 5,044,428,852,402,625/=.	The Application was struck out by the Tribunal for being filed out of time.
16	Elite Chemicals Limited vs Uganda Coffee Development Authority, Application No.1 of 2022	The Application was in respect to the re-evaluation of the tender for the supply of Immidacloprid Pesticides, vide Procurement No. Ref No. UCDA/SUPLS/20-21/00119 following the Tribunal's orders in Elite Chemicals Limited vs Uganda Coffee Development Authority, Application No.8 of 2021, for Uganda Coffee Development Authority to re-evaluate the bids.	The Application was struck out by the Tribunal for being filed out of time.
MISCELLANEOUS APPLICATION HEARD AND DETERMINED			
17	Obon & Infrastructure Development Jv Vs. Mbarara City and MBJ Technologies Ltd, Miscellaneous Application No.1 of 2022	The Application was in respect for prayers that Mbarara City and MBJ Technologies Ltd be cited for contempt of Tribunal's orders issued in Obon Infrastructure Development Ltd vs Mbarara City and MBJ Technologies Limited, Application No.20 of 2021.	The Application was allowed by the Tribunal. Mbarara City and MBJ Technologies Ltd were found to be in contempt of Tribunal's decision, ordered to pay UGX 30,000,000/= in general damages, a fine of UGX 10,000,000/= and costs of the Application.
APPLICATIONS HEARD AND DETERMINED IN 2021			
18	Super Taste Ltd vs Bank of Uganda. Application No. 33 of 2021	Tender for provision of Catering Services at Bank of Uganda at Headquarters and Branches (Jinja, Arua and Fort Portal), Procurement Reference No.BOU/SRVCS/20-21/00325	The Application was struck out by the Tribunal for being filed out of time.

19.	Preg Tech Communications vs Uganda Police, Application No.32 of 2021	Tender for the supply of a Video Spectral Comparator with Microscope vide Procurement Ref No: UPF/SUPLS/2021-2022/CFC00032.	The Application was partially successful. The procurement process was cancelled by the Tribunal
20	Mbale Utd Trucks and Pickups vs Mbale City Council, Application No.31 of 2021	Tender for collection of revenue from vehicles/trucks loading and offloading in mbale city vide procurement Ref No. MBAL856/SRVCS/21-22/00009. The subject matter of the Application was worth UGX 9,357,389,651/=.	The Application was partially successful. The procurement process was cancelled by the Tribunal
21	GAT Consult Ltd vs National Water and Sewerage Corporation, Application No.30 of 2021	Tender for construction works for Bushenyi water supply augmentation project under reservation scheme vide procurement Ref No. NWSC-HQ/WORKS/20-21-172146. The subject matter of the Application was worth UGX 9,357,389,651/=.	The Application was partially successful. The procurement process was cancelled by the Tribunal.
22	Sanlam General Insurance vs UNRA, Application No.29 of 2021	Tender for provision of Group Accident/ Workers Compensation for Employees for a period of 3 years vide procurement Ref No. UNRA/NCONS/20-21/00114. The subject matter of the Application was worth UGX 1,580,402,625/=.	The Application was struck out by the Tribunal for being filed out of time.
23	Saba Engineering Private Limited Company & Hersun Consult Ltd vs. Uganda National Roads Authority, Application No.28 of 2021.	Tender for consultancy services for the rehabilitation of Nebbi-Alwii Road (33.25) and 4km Pakwach and Nebbi Town Roads vide UNRA/SRVCS/19-20/00058. The subject matter of the Application was worth UGX 5,599,872,000/=.	The Application was dismissed by the Tribunal for lack of merit.
24	ALP Advocates vs. Bank of Uganda, Application No.27 of 2021.	Tender for consultancy services for the provision of legal services to Bank of Uganda under REF NO.BOU/SRVCS/20-21/00085.	The withdrawal of the Application was approved by the Tribunal
25	Central Investments Agency Ltd vs Mbale City Council, Application No.26 of 2021.	Tender for management of revenue sources (street parking fees) under procurement reference No. mbal856/SRVCS/21-22/00008. The subject matter of the Application was worth UGX 17,700,000/=.	The Application was struck out by the Tribunal for being filed out of time.
26	Engineering Solutions (U) Ltd vs Ministry of Water and Environment, Application No.24 of 2021.	Tender for the procurement of 5 tractors and assorted tractor implements for the 5 irrigation schemes of Wadelai in Nebbi/ Pakwach District, Tochi in Oyam District, Mubuku II in Kasese District, Doho li In Butaleja District and Ngenge in Kwen District under FIEFOC 2 Project- Ref No. MWE/SUPLS/20-21/00077	The Application was dismissed by the Tribunal. The Respondent/Entity was ordered to continue with the procurement process.
27	COIL Ltd vs. National Housing and Construction Company Ltd, Application No. 23 of 2021.	Tender for completion of outstanding works at Jasmine Apartments Naalya, under procurement reference No. NHCC/WKS/2020-2021/00002. The subject matter of the Application was worth UGX 8,409,815,496/=.	The Application was allowed by the Tribunal. The Respondent/Entity was ordered to re-evaluate the bids.

28	VCON Construction (U) Ltd Versus Uganda Development Bank Ltd, Application No. 22 of 2021.	Tender was for invitation of qualified and competent firms to submit expressions of interest to undertake the rehabilitation and modification of UDBL Towers on Plot 22 Hannington Road vide Procurement Ref No. UDB/WRKS/2021/0006.	The Application was allowed by the Tribunal. The Respondent was directed to hear the Applicant's Complaint on merit.
29.	Globe World Engineering (U) Ltd vs. Mbale City Council, Application No.21 of 2021.	Tender for management of revenue sources (street parking fees) under procurement reference No. mbal856/ SRVCS/21-22/00008. The subject matter of the Application was worth UGX 17,700,000/= per month.	The Application was dismissed by the Tribunal for lack of merit.
30.	Obon Infrastructure Development Ltd vs Mbarara City and MBJ Technologies Limited, Application No.20 of 2021.	Tender for the provision of consultancy services for supervision of roadworks, under procurement reference No. MCC 825/ USMID/SRVCS/20-21/00001 CLUSTER 6(LOT 2A). The subject matter of the Application was worth UGX 1,754,680,000/=.	The Application was allowed by the Tribunal. The Contract entered Mbarara City and MBJ Technologies in association with Hersun Consults Limited was cancelled and set aside. The Respondent/Entity was ordered to pay costs of the Application.
31	Seyani Brothers Company (U) Ltd vs Enterprise Uganda, Application No.19 of 2021.	Tender for the construction of a proposed office building under procurement reference No. EUG/WRKS/2020-2021/0002. The subject matter of the Application was worth UGX 25,945,698,989/=.	The Application was allowed by the Tribunal. The Respondent was ordered to re-evaluate the bids.
32.	Abasamia Hwolarane Association Ltd vs. Jinja City Council (JCC), Application No.18 of 2021.	Tender for the enforcement of collection of revenue from property rates and ground rent in Jinja City South West in Southern Division under procurement reference No. JC755/ SRVCS/21-22/00001.	The Applicant challenged the propriety of the re-evaluation process. The Application was struck out by the Tribunal.
33	Samanga Elcompus JV vs Uganda Electricity Distribution Company Limited (UEDCL), Application No.17 of 2021.	Tender for the design, supply, and installation and commissioning of a remote power monitoring and control system under procurement reference No.UEDCL/ SUPLS/2020-21/10071. The subject matter of the Application was worth Ugx 3,163,826,202/=.	The Application was dismissed by the Tribunal for lack of merit.
34	K-Solutions Ltd vs Ministry of Energy and Mineral Development, Application No.16 of 2021.	Tender for the supply, installation and commissioning of Infrasound Station Equipment at Entebbe under procurement reference No.MEMD/ SUPLS/2020-21/00006/DGSM. The subject matter of the Application was worth United States Dollars USD\$171,200.	The Application was struck out by the Tribunal for lack of merit.
35.	Beautiful Engineering vs Uganda Electricity Transmission Company Limited, Application No.15 of 2021.	Tender for supply of Transformer Oil under procurement reference No. UETCL/ SUPLS/2020-21/00261. The subject matter of the Application was worth UGX 238, 171, 200/=	The Applicant had filed its Compliant before the Head of the procuring and disposal unit instead of the Accounting Officer. The Application was therefore incurably defective and struck out by the Tribunal.

36.	Goldstar Insurance Company Ltd vs National Medical Stores, Application No.14 of 2021.	Tender for the provision of comprehensive insurance cover for NMS Corporation Assets on a 3-year framework Contract under procurement reference No. NMS/ NCONS/20-21/00100. The subject matter of the Application was worth UGX 2,386,244,748/=.	The Application was dismissed by the Tribunal for lack of merit.
37	Kasokosoko Services Ltd vs Jinja School of Nursing and Midwifery, Application No.13 of 2021.	Tender for the construction of a three storied class room block under procurement reference No. JSNM/WRKS/20-21/00056. The subject matter of the Application was worth UGX 1,048.989,993 /=.	The Application was allowed by the Tribunal. The Contract entered Jinja School of Nursing and Midwifery and Bulmak Associates Limited as the best evaluated bidder was cancelled and set aside. The Respondent was ordered to re-evaluate the bids.
38.	Abasamia Hwolarane Association Ltd vs. Jinja City Council (JCC), Application No.12 of 2021.	Tender for the enforcement of collection of revenue from property rates and ground rent in Jinja City South West in Southern Division under procurement reference No. JC755/SRVCS/21-22/00001. The Applicant challenged the decision by Jinja City Council to award the contract to a bidder who had improperly submitted bids for more than one item in category "A" of the procurement contrary to the bidding requirements.	The Application was allowed by the Tribunal. The Respondent was ordered to re-evaluate the bids.
39	Globe World Engineering (U) Ltd vs. Jinja City Council, Application No.11 of 2021.	Tender for the enforcement of Revenue Collection from Day Street Parking for Jinja Central Division under procurement reference No. JC755/SRVCS/21-22/00033. The subject matter of the Application was worth UGX 46,200,000/=.	The Application was dismissed by the Tribunal for lack of merit.
40	Acacia Place Limited vs PPDA and Electoral Commission, Application No.10 of 2021.	Tender for the procurement of office space vide procurement Ref No EC/ SUPLS/2020-2021/01739 and the cancellation of the earlier tender process under procurement Ref No. EC/ SUPLS/2017-2018/00001.	The administrative review decision of the Public Procurement and Disposal of Public Assets Authority was upheld. The Application was dismissed by the Tribunal
41	My Maka Group Limited vs Uganda National Bureau of Standards, Application No.9 of 2021.	Tender for the supply and delivery of morning bites to UNBS Standards House, Nakawa and Katwe under Procurement Reference No. UNBS/ SUPLS/2020-21/00216.	The Tribunal set aside the decision of the Accounting Officer is set aside and further cancelled the procurement process
42	Elite Chemicals Limited vs Uganda Coffee Development Authority, Application No.8 of 2021.	Tender for the supply of Immidacloprid Pesticides, vide Procurement No. Ref No. UCDA/SUPLS/20-21/00119. The subject matter of the Application was worth UGX 3,171,270,000/=.	The Application was allowed by the Tribunal and the Respondent was ordered to re-evaluate the bids.
43	Elite Chemicals Limited vs Uganda Coffee Development Authority, Application No.7 of 2021.	Tender for the supply of CWDR Shade Nets vide Procurement No. Ref No. UCDA/ SUPLS/20-21/00142. The subject matter of the Application was worth UGX 460,200,000/=.	The Application was allowed by the Tribunal The Respondent was ordered to re-evaluate the bids.

2.2 The detailed decisions of the above cited applications can be found on the Tribunal website at www.pat.go.ug

2.3 Summary of Application by issues

From the Applications 42 reviewed, the table shows the frequency of issues raised and addressed. During the reporting period 2021/2022. The issues that featured prominently in the 42 Applications were;

- 1) **Failure by the procuring and disposing entities to follow evaluation criteria** standing at **92.8 %**,
- 2) **Failure or omission by Accounting Officers to make and communicate a decision in time** standing at **21.4%**
- 3) **Applications being filled out of time by aggrieved bidders or persons adversely affected by decisions of the Accounting Officers** standing at **21.4%** and
- 4) **Entities using restrictive statement of requirements or discriminatory and/or anti-competitive evaluation criteria or methodologies in the bidding documents** featured at **16.6%** frequency.

S/N	Issue	Frequency in Applications (no)	Frequency (%)
1	Failure to follow evaluation criteria	39	92.8%
2	Failure to make and communicate a decision in time	9	21.4%
3	Application filled out of time	9	21.4%
4	Restrictive statement of requirements or discriminatory or anti-competitive evaluation criteria or methodologies.	7	16.6%
5	Purported withdrawal of Application based on an unlawful compromise.	3	7.1%
6	Unlawful modifications to standard bidding document	3	7.1%
7	Failure to give statutory notice.	3	7.1%
8	Locus to file application.	2	4.7%
9	Withdrawal of the Application with Tribunal Approval	2	4.7%
10	Failure to suspend a procurement process upon receipt of a complaint	2	4.7%
11	Difference between Manufacturer's Authorizations and Distributor's Authorization.	2	4.7%
12	Expiry of bid validity	2	4.7%
13	Conflict of interest of accounting officer or partiality of PDE	2	4.7%
14	Use of electronic means of communications in a procurement process	2	4.7%
15	Contempt of Tribunal Orders	1	2.3%

16	<i>Omission to deliver copy of the Notice of Best Evaluated Bidder to a bidder</i>	1	2.3%
17	<i>Issuance of the Notice of Best Evaluated Bidder without approval of the Contracts Committee</i>	1	2.3%
18	<i>Issuance of the Addendum to bidding document without approval of the Contracts Committee</i>	1	2.3%
19	<i>BID Security deviating from bidding document</i>	1	2.3%
20	<i>Illegal cancellation of procurement process</i>	1	2.3%
21	<i>Omission to investigate grounds raised in application</i>	1	2.3%
22	<i>Omission to investigate fraudulent practices</i>	1	2.3%
23	<i>Compliant not filed with Accounting Officer but with a member of the PDU</i>	1	2.3%
24	<i>Administrative review decision made by another person other than Accounting Officer.</i>	1	2.3%
25	<i>Failure to state reasons for administrative review decision</i>	1	2.3%

2.4 Proposals to mitigate some of the re-occurring issues delaying Public Procurement Process

- a) Continuous sensitisation of the Accounting Officers on the common breaches of the public procurement laws.
- b) Continuous sensitisation of the procurement and disposal units on appropriate preparation of solicitation documents consistent with public procurement laws
- c) Continuous sensitisation of the procuring and disposing entities on proper and seamless conduct of evaluation of bids in public procurement
- d) Continuous sensitisation of the providers, other key stakeholders and the public on the administrative review process in public procurement
- e) The Authority should take steps to punish errant Accounting Officers who fail or omit to make and communicate administrative review decisions on time.
- f) Collaboration with the Authority to address some of the issues identified by the Tribunal

2.5 Training of Staff

During the period under review, no staff trainings were undertaken due to budgetary constraints. Staff Trainings will however be undertaken in the next period of review, subject to availability of funds.

2.6 Training of Tribunal Members

Save for the training on Electronic Government Procurement (eGP) held at the Tribunal Offices in January, 2022 there were no further trainings undertaken by Tribunal Members due to budgetary constraints. Trainings will however be undertaken in the next period of review, subject to availability of funds.

2.7 Sensitisation Workshops

The Tribunal conducted two (2) regional sensitisation workshops as indicated below, to create awareness to procurement and disposal key stakeholders on the activities of the Tribunal.

Region	Location
<p>West Nile Sub Region comprising of Arua City, Maracha, Terego, Arua District, Yumbe, Obongi, Moyo, Adjumani, Koboko, Pakwach, Nebbi and Zombo Districts. Arua Hospital was a representative of PDE's and select providers</p>	<p>Desert Breeze Hotel, Arua City</p>
<p>Acholi Sub Region comprising of Gulu City, Agago, Amuru, Gulu, Kitgum, Lamwo, Nwoya, Pader and Omoro Districts. PDE Representatives such as Gulu Regional Referral Hospital and Gulu University together with other select providers</p>	<p>Bomah Hotel, Gulu City</p>

3.0

KEY ACHIEVEMENTS OF THE TRIBUNAL

1. The Tribunal's core function is to hear and determine applications for review of the decisions of Procuring and Disposing Entities. In the report period, the Tribunal received and successfully determined 42 Applications and issued decisions within Fifteen (15) working days' timeline stipulated under the PPDA Act, 2003 as amended, after receipt of an application for review. There were no incidents of any case backlog.
2. The Tribunal in December 2021, successfully passed and commenced the implementation of its 3-year Strategic Plan for the Financial Year 2021/22- 2024/25. The Strategic Plan aligns the objectives of the Tribunal with the National Development Plan (NDP III) and this will guide the Tribunal in enhancing the quality of its disputes adjudication and adaptation to technological advancements in light of the implementation of the electronic government procurement (eGP) platform amongst others.
3. The Tribunal also successfully passed and commenced the implementation of its Governance Charter; that now institutionalises governance principles and practice in the activities of the Tribunal. The Charter was passed in December 2021.
4. The Tribunal has deployed efficiently and effectively managed its assets, financial and human resources.
5. The Tribunal successfully conducted two (2) regional sensitisation workshop on the mandate of the Tribunal on the administrative review process. Participants in the Workshop were sensitised on the mandate and role of the Tribunal in the Administrative Review Process, procedure for lodging applications before the Tribunal, common complaints before the Tribunal, hearings and disposition in Applications before the Tribunal. The intended outcome of the workshops is to demystify pursuit and adjudication of administrative review applications in procurement process and further inform the public on how to pursue applications before the Tribunal.
6. The Tribunal together with the Judicial Training Institute of Uganda, successfully conducted a half day sensitization workshop for Judges and Registrars of the Civil and Commercial Divisions of the High Court of Uganda on new developments in the procurement law following the coming into force of the *Public Procurement and Disposal of Public 2021 Assets (Amendment) Act No. 15 of 2021*. The workshop was held at *Méstil Hotel & Residences*, Kampala in December, 2022 presided by the Principal Judge, Honorable Justice Dr. Flavian Zeija.
7. The Tribunal has continuously participated in public awareness on activities of the Tribunal with numerous stakeholders. Key of these include making presentations to the Law Development Centre Bar Course Students-Academic Year 2021/22 on the role of the PPDA Appeals Tribunal in the procurement process in Uganda, presentation to the Insurance Appeals Tribunal on the practice and procedures at the Tribunal, experiences from the PPDA Appeals Tribunal on March 14, 2022

4.0

CHALLENGES

The key challenges encountered and proposed solutions/actions.

SN	Challenges	Proposed Solution
1	The effective implementation of the 3-year Strategic Plan for the Financial Year 2021/22- 2024/25 is constrained by the lack of adequate funds. Therefore, strategic objectives and key strategic actions cannot be effectively implemented the Medium Term Expenditure Framework (MTEF) being currently enforced by the Ministry of Finance, Planning and Economic Development.	Tribunal requested for increased funding and now awaits response from the Ministry of Finance, Planning and Economic Development
2	The coming into force of the <i>Public Procurement and Disposal of Public 2021 Assets (Amendment) Act No. 15 of 2021</i> increased from membership of the Tribunal from 4 to 6 members and with Chair from 5 to 7 that includes two female members. However, no commensurate increment in the Tribunal's recurrent budget has been made by the Ministry of Finance, Planning and Economic Development to cater for the increased membership and renewed mandate of the Tribunal.	Additional funds requested and awaiting final decision by MoFPED
3	Introduction of the <i>E- Government Procurement [EGP] System</i> necessitates improving the IT infrastructure and recruitment of IT staff is constrained by the availability of adequate funds.	Plan to improve capacity and competences of staff and acquire appropriate ICT equipment subject to availability of funds
4	Awareness related capacity gaps by Entities and providers leading to several cases being struck out on technicalities	To be continued subject to availability of funds
5	Some relevant training to enhance the knowledge of Tribunal Members and staff was not undertaken due to inadequate funding	Training to be undertaken in 2022/2022, when funds are available.

5.0

KEY PLANNED ACTIVITIES FOR THE FINANCIAL YEAR 2022/2023

In the financial year 2022/2023, the key planned activities of the Tribunal in accordance with the Strategic Plan for the Financial Year 2021/22- 2024/25 are:

- a) continue to expeditiously handle Applications filed to the Tribunal and deliver quality decisions of the Tribunal
- b) automate and digitize all Tribunal activities;
- c) continue to conduct sensitisation of procuring and disposing entities, bidders and the general public on the roles of the Tribunal;
- d) compile and publish a Compendium of applications handled by the Tribunal;
- e) continuous training and skills building for Tribunal members and staff in procurement related matters, Court administration, drafting decisions.
- f) Collaborative engagements with key stakeholders such as Judiciary, MoFPED and Public Procurement and Disposal of Public Assets.
- g) recruitment of key staff to cope with the increased work load
- h) procurement of key equipment to facilitate Tribunal work

APPENDIX I: Particulars of Tribunal Members

FRANCIS GIMARA S.C

Francis holds an LLM from Cambridge University, a Bachelor of Laws from Makerere University (Kampala, Uganda) and a Diploma in Legal Practice from the Law Development Centre (Kampala, Uganda). He also has a Post Graduate Diploma in Business Administration from Edinburgh Business School (Herriot Watt University).

Francis a Partner at ALP Advocates one of the leading law firms in Uganda. He is an Advocate of the High Court of Uganda and all the Courts subordinate thereto.

His primary areas of focus include Insolvency Law, Trade and Integration Law, Corporate Governance Law, Agricultural Law Arbitration and Dispute Resolution. He has participated in several commercial transactions, consultancies and he has considerable experience in the management and development of business enterprises in Africa.

Francis is also a member of several Boards of key Companies and Organizations in Uganda. He is a member of Uganda Law Society, the East African Law Society, the Pan African Lawyers Union and the International Bar Association.

Francis has in the recent past served as President of the Uganda Law Society.





NELSON NERIMA

Nelson Nerima holds a Masters of Law (LL.M) in Commercial and Corporate Law, University of London; a Bachelor of Laws (LL.B) (Hons) from Makerere University; and a Diploma Post Graduate Diploma from the Law Development Centre, Kampala.

He is an advocate practicing with Nambale, Nerima & Co. Advocates. He has been in private legal practice since 1998 and specializes in corporate and commercial law; land law; administrative law and civil litigation. He also practices as an insolvency practitioner.

He has also attended numerous trainings and acquired additional competences as part of continuous legal education.

He undertakes consultancies for both public and private sector clients.

He served as a lecturer at the Law Development Centre from 2003 to 2015.

He published three textbooks- *A Practical Guide to Company Law and Practice in Uganda*, *Uganda Insolvency Law Handbook* and *Essentials of Uganda's Employment Law*

He is married with children

ENG. THOMAS ISANGA BROOKES

Eng. Thomas Isanga Brookes is a holder of a Master of Science (International Construction Management) University of Bath, United Kingdom, 2017 and Bachelor of Science (Civil Engineering) Makerere University, Uganda, 1991.

He is a corporate Member of the Uganda Institute of Professional Engineers as well as a Registered Engineer with the Engineers Registration Board of Uganda.

He has over 25 years of experience in civil engineering infrastructure development from conceptualizing, planning, design, preparation of works documents and contract administration to technical assistance.

He has previously worked as a Consultant for Public Procurement and Public Disposal Authority (PPDA) of Uganda (2008-2009) in the area of monitoring compliance Central and Local Governments Procurement and Disposal Entities with the PPDA Act, Regulations and Guidelines.

Currently, he is one of the Directors of Professional Engineering Consultants Limited and Geotechnical Engineering and Technology Laboratory Limited.

He is married with children.





GEOFFREY NUWAGIRA KAKIRA

Geoffrey Nuwagira Kakira is a procurement specialist with 33 years' experience in public sector procurement and supply chain management. He has engaged been as a Procurement Specialist/ Individual Consultant for reputable International and National Organisations/Agencies over the period 2012-2022, focusing mainly on: procurement audit (assessment), procurement policy development, capacity building, procurement training and advisory services.

Over the period 1987-2012 he worked on full time basis in public procurement/supply chain as a practitioner in large and busy procurement and supply chain environments in reputable organizations that include; National Water and Sewerage Corporation (2009-2012) and (1995-2004), Public Procurement and Disposal of Public Assets Authority (PPDA) (2004-2009) and Uganda Cooperative Transport Union Limited (1988-1995). He is currently a Director/Senior Procurement Specialist/Consultant at Geoffrey Kakira & Associates Ltd.

Geoffrey Nuwagira Kakira is a holder of: a Master's Degree in Management Studies of Uganda Management Institute ,a Post Graduate Diploma in Business Management of Makerere University/Uganda Management Institute, a Graduate Diploma in Purchasing and Supply of United Kingdom and a Bachelor of Science Degree of Makerere University

He is a Certified Procurement Practitioner (CPP) member of the Institute of Procurement Professionals of Uganda (IPPU) and undertaken training in procurement and supply chain management for both undergraduate students and practising procurement professionals

He has served and is still serving over the period 2011-todate, on several governing Boards/ Councils of reputable public and private organisations. He is a professing born again Christian and married to Verina Kakira

PAUL KALUMBA

Paul Kalumba holds a Master of Science Degree in Procurement and Strategy from the University of Glamorgan, UK; a Masters of Business Administration from the University of South Wales, UK and a Bachelor of Commerce Degree from Makerere University, Kampala. He is a Certified Public Private Partnership Specialist as well as Chartered Procurement Professional.

He is a Procurement Professional with over 15 Years of experience in both procurement practice and advisory across different sectors. His other areas of expertise include, Change Management, organizational assessments, Business Process Re-engineering, HR Advisory, Project/Program Monitoring and Evaluation as well as Independent Monitoring and Audit.

He has been involved in provision of procurement advisory services to various institutions in the public, private and NGO sectors in various countries including Uganda, Ethiopia, Rwanda, Kenya, Tanzania, Lesotho, South Sudan, Nigeria, Somalia, Somaliland, Liberia, Swaziland, Marshall Islands, South Africa, Cote D'Ivoire, Ghana and Botswana.

He is currently a Director for Advisory Services at Kisa & Associates, an Advisory Services firm domiciled in Uganda.





CHARITY KYARISIIMA

Mrs. Charity Kyarisiima is a holder of a Bachelor's Degree in Business Administration (Accounting and Finance), Master's Degree in Business Administration (Finance and Banking) from Kampala International University and is also currently pursuing a Doctorate of Philosophy in Business Administration (Management).

Charity is business oriented with extensive business skills, knowledge, and experience in the Kampala business fraternity. A highly organized and motivated personnel currently employed by Great Lakes Regional University in Uganda.

In addition to her expertise, Charity possesses excellent drafting skills and is thoroughly up-to-date with relevant capacity to develop, prepare and review development work plans.

APPENDIX 2: Pictorials on Tribunal Activities



Figure 1: Participants in the Sensitization Workshop conducted in West Nile Sub Region, held at the Desert Breeze Hotel, Arua City on May 10, 2022



Figure 2: Tribunal Member Mr. Paul Kalumba facilitating the workshop for West Nile Sub Region on May 6, 2022



Figure 3: Session on training of Tribunal Members on the Electronic Government Procurement (eGP) held at the Tribunal Offices



Figure 4: Participants at the workshop for Acholi Sub Region, organised by the PPDA Appeals Tribunal at Bomah Hotel Ltd on May 19, 2022.



Figure 5: Tribunal Member Mr. Geoffrey Nuwagira Kakira facilitating the workshop for Acholi Sub Region



Figure 6: Inaugural meeting of the PPDA Appeals Tribunal with the Board of the Public Procurement and Disposal of Public Assets Authority at the Tribunal Offices.



Figure 7: Meeting of the PPDA Appeals Tribunal Secretariat with a delegation of the Somaliland National Tender Board on May 11, 2022.