



PUBLIC PROCUREMENT AND
DISPOSAL OF PUBLIC ASSETS
APPEALS TRIBUNAL

ANNUAL REPORT
2022-2023

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FOREWORD BY **THE CHAIRPERSON**

I am delighted that, like for the previous reporting period, the Tribunal has no case backlog. Importantly, all the procurement and disposal complaints were handled based on the law and facts, and were disposed of within the statutory 15 working days. None of the Tribunal decisions were appealed to the High Court. Therefore the Tribunal has fulfilled the Government's objective of having in place an independent, fair, effective and efficient complaint handling mechanism for procurement and disposal function, as articulated in the National Procurement Policy and PPDA Act. This is the PPDA Appeals Tribunal's eighth Annual Report for the Financial Year (FY) 2022/2023.

This reporting period marks the end of the term of office for the current Tribunal members, who were appointed by you to execute the mandate bestowed upon them and dispense justice with dedication, impeccable professionalism, and diligence.

The Tribunal is now fully constituted following the appointment of Mrs. Keto Kayemba, the 2nd female member of the Tribunal. The earlier vacancy that had been created by the appointment of Mrs. Patricia K. Asimwe, by His Excellency, Yoweri Kaguta Museveni the President of the Republic of Uganda, as a Judge of the High Court of Uganda, has now been filled with the appointment of Mrs. Keto Kayemba.

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

A total of 38 applications (cases) with a total subject matter value of UGX 181,461,732,855/=, were heard and disposed-off by the Tribunal, within 15 working days from being filed, as required by the law. The Tribunal has experienced one hundred and eighty percent (180%) increase in the number of applications from the 15 applications that were heard and concluded in the Financial Year 2021/2022.

Apart from adjudicating complaints, the Tribunal continued to engage with stakeholders through workshops at regional levels to popularize the services of the Tribunal, hear stakeholders aspirations, expectations and needs. The Tribunal conducted regional

stakeholder engagement workshops in Lango, Teso, Karamoja, Sebei, Bukedi and Elgon Sub-regions on the mandate of the Tribunal. Tribunal decisions continue to be promptly published on the Tribunal website for the public to access

The timely delivery of decisions by the Tribunal has improved service delivery in public procurement and public disposal of assets. The timely delivery of decisions by the Tribunal has also contributed in increasing the value of public contracts and sub contracts that are awarded to local firms therefore fulfilling the NDP-III of Private Sector Development Programme.

The Tribunal is innovative in implementing the National Development Plan (NDPIII) 2020/2021-2024-2025. In implementing the Innovation, Technology Development and Transfer of Programme, the Tribunal has adopted virtual hearing of applications for most of the applications filed before the Tribunal and this has worked well in timely delivery of decisions within the statutory set timelines.

True to its Vision, as ‘a centre of excellence for public procurement and disposal of public assets disputes management in Africa’, the Tribunal received delegations from the Republic of Botswana Public Procurement Tribunal and South Sudan Public Procurement and Disposal of Assets Authority for benchmarking.

I take this opportunity to appreciate you Honourable Minister for the appointment of Mrs. Keto Kayemba to fill the last vacant position on the Tribunal membership. More so to appreciate you, the political leadership and Staff for the continued cooperation and support that has made the Tribunal performance being what it is.



Francis Gimara SC
CHAIRPERSON

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 is now fully constituted with 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 membership of the Tribunal as at end of June 2023 is 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. Keto Kayemba	Member

The profile of the Chairperson and Members of the Tribunal is provided in Appendix I of this report.



1.1 VISION STATEMENT

The vision of the Tribunal is: To be a centre of excellence for public procurement and disposal of public assets disputes management in Africa.



1.2 MISSION STATEMENT

The mission of the Tribunal is: 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 (cases) challenging the decisions of Procuring and Disposing Entities from bidders or persons whose rights are adversely affected by a decision of an Accounting Officer. In reviewing the decisions of Procuring and Disposing Entities, the Tribunal is statutorily mandated to issue its decision within fifteen working days from the date of receipt of an application for a review.

1.5 POWERS OF THE TRIBUNAL

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 as stated under Section 91K of the PPDA Act, 2003 as amended. The Tribunal is also mandated to suspend a procurement or disposal process until the Tribunal hears and determines an Application filed before it as stipulated in section 89(11) of the PPDA Act, 2003 as amended.

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 enhance service delivery and at the same time ensure business continuity at the Tribunal.

1.6 TRIBUNAL SECRETARIAT AND OFFICES

The Secretariat of the Tribunal is headed by a Registrar who is the Accounting Officer and in charge of the Registry of the Tribunal. The Secretariat is made up of (9) staff who facilitate the Tribunal in execution of its mandate.

The Offices of the Tribunal are found on Plot 1, Colville Street, Kampala Capital City in Communications House.

The Secretariat is found on the 7th Floor of Communications House while the Tribunal Court Room where all physical hearings of the Tribunal are held is located on 1st floor of Communications House.

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.

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 initial budget for 2022/2023 for the Tribunal was two billion seven hundred million Uganda Shillings (UGX 2,700,000,000/=). The Tribunal received supplementary funding of two billion ninety-nine million five hundred twenty-seven thousand and seven hundred fifty-three Uganda shillings (UGX 2,099,527,753) from the Ministry of Finance, Planning and Economic Development.

Consequently, the Tribunal revised its budget to four billion seven hundred ninety-nine million five hundred twenty-seven thousand and seven hundred fifty-three Uganda shillings (UGX 4,799,527,753).

However, during the reporting period, the actual release received by the Tribunal from the Ministry of Finance, Planning and Economic Development was Uganda Shillings three billion twenty-three million and five hundred thousand (UGX 3,023,500,000/=). The total actual expenditure was UGX 3,023,500,000/=. This marked a budget performance of one hundred percent (100%).

The Tribunal is however, still constrained by inadequate funding of the Tribunal's activities. The Tribunal is therefore unable to implement its Strategic Plan due to the insufficient funds.

2.0

ACTIVITIES OF THE TRIBUNAL DURING THE REPORT PERIOD

The main activities of the Tribunal during the FY2022-2023 were as follows:

- i) Hearing and disposal of applications challenging the decisions of Procuring and Disposing Entities from bidders or persons whose rights are adversely affected by a decision of an Accounting Officer.
- ii) Conducting stakeholder engagement workshops, at regional levels specifically Lango, Teso, Karamoja, Sebei, Bukedi and Elgon Sub-Regions, as well as public awareness of the Tribunal functions and;
- iii) Stakeholder engagements on matters relating to procurement and disposal laws and processes.
- iv) Key of these engagements included meetings with the Public Procurement Tribunal of the Republic of Botswana

2.1 APPLICATIONS FOR REVIEW OF THE DECISIONS OF PROCURING AND DISPOSING ENTITIES

In the reporting period 2022-2023, the Tribunal heard and determined a total of thirty-eight (38) Applications; which are summarised below:

No.	Parties	Subject Matter	Value of the Procurement (UGX)	Decision Made
1	Turnwebaze Stephen Kiba Vs Mbarara City, Application No. 21 of 2022	Tender for provision of consultancy services M.C.C 852/USMIDWORKS/2021-22/00001 cluster 6.	1,442,020,000	Application was struck out. Each party ordered to bear its own costs.
2	Mbarara City South Boda-Boda Operators Sacco Vs Mbarara, Application No. 22 of 2022	Tender for revenue collection of revenue from Nyamitobora weekly Bikade market Procurement No. Ref MBAR852/SRVCS/2022-23/00001.	72,864,000	Application succeeds in part. Entity directed to re-evaluate the bids in a manner consistent with the Bid Document.
3	Mugerwa Fred Vs Ssembabule D.L.G, Application No. 23 of 2022	Tender for revenue collection for Lumegere cattle market ref SEMB 551/I/2022-23/00007.	52,000,000	Application was dismissed. Each party to bear its costs
4	Mugabi Fred Vs Ssembabule D.L.G, Application No. 24 of 2022	Tender for revenue collection for Lumegere cattle market ref SEMB551/I/2022-23/00007.	52,000,000	Application was dismissed. Each party was to bear its own costs
5	Impiger Technology Private Ltd Vs HESFB, Application No. 25 of 2022	Tender for consultancy services to upgrade the integrated loan management information system. Procurement No. Ref HESFN/CONS/2021-22/00030.		Application was allowed and Entity directed to re-evaluate the bids
6	Vision Scientific 21-21& Engineering Ltd Vs Makerere University, Application No. 26 of 2022	Tender for the supply, delivery installation & commissioning inductively coupled plasma optical emission spectrometer equipment. Procurement No. Ref MAK/SPLS/2021-22/00819.	428, 500,000.	Application was successful. Entity directed to hear the Complaint.

No.	Parties	Subject Matter	Value of the Procurement (UGX)	Decision Made
7	Vision Scientific & Engineering Ltd, Application No. 27 of 2022	Tender for supplies, delivery & installation of q-toflc/mssystem with its accompanying components Procurement No. Ref MAK/SPLS/2021-22/00765.	2,473,431,133.6	Application was successful. The entity was directed to hear the compliant.
8	Farida B Kwikiriza Vs Bulisa D.L.G, Application No. 28 of 2022	Tender for revenue collection for Nyamukuta sonsio fish landing site Bulisa DLG Procurement No. Ref BUL1576/2022-2023/00019.	1,837,000	Application was successful. The procurement was cancelled by the tribunal.
9	JV AGT Spa & Zucheng Vs Private Sector Foundation Uganda, Application No. 29 of 2022.	Tender for supply, delivery and installation of kitchen buffet, bar & coffee shop equipment for Uganda hotel tourism institute Procurement No. Ref PSFU-262850.	3,716,607,020	Application was struck out. Each party to bear its own costs
10	Nalu Tours and Travel Vs Jinja City, Application No. 30 of 2022	Tender for revenue collection from days street parking Jinja central Procurement No. Ref JC854/SRVCS/22-23/00028.	773, 305, 920	The application was partially successful The procurement was cancelled by the tribunal.
11	Kafophan Vs MAAIF & Youth Alive Uganda, Application No. 31 of 2022	Tender for provision of consultancy services for the implementation of HIV/AIDS awareness and engage with responsive behaviour change messages, Procurement No. Ref MAAIF/CONS/2020-21/00016.	613,993,191/=	Application struck out. Each party to bear its own costs
12	Iganga Inkono Central Fish and Grocery Cooperative Society Ltd vs Iganga Municipal Council, Application No. 32 of 2022	Tender for revenue collection of old Kaliro road market IGAN7733/ RVCS/22-33/001(xii)	13,200,000/=	Application was successful. Entity directed to hear the complaint.
13	Cairn Commodities Inc. Vs Ministry Of Finance, Application No. 33 of 2022.	Expression of interest for development of Kilembe mines by ministry of finance Procurement No. Ref MOPPED/NON-CONS/2021-22/00154.		Application struck out. Each party to bear its own costs
14	Kingdom Kampala Vs Judicial Service Commission, Application No. 34 of 2022	Tender for provision of office space for judicial service commission Procurement No. Ref JSC/ NCONS/22-23/00033.	2,124,000,000	Application was allowed. Contract committee was directed to determine the lawful course of action.
15	Intertek International Ltd Vs UNBS, Application No. 35 of 2022	Tender for provision of non-consultancy services for pre-export verification of conformity for UNBS Procurement No. Ref UNBS/ NCONS/2021-2022/00006.		Application was allowed. Entity directed to determine the next appropriate course of action.
16	Canaan Sites Ltd Vs UNRA, Application No. 36 of 2022	Tender for the procurement of mechanized maintenance of unpaved roads Procurement No. Ref UNRA/ WRKS/2020-21/00088/15.	39,407,506,000.	Application was allowed. Entity directed to determine the next course of action
17	Vision Scientific Engineering Ltd Vs Makerere University, Application No. 37 of 2022	Tender for supply, delivery & installation of Q-TOF LC/MS system with its components by Makerere University Procurement No. Ref MAK/SPLS/2021-22/00765.	2,473,431,133.6	Application was allowed in part Entity to complete evaluation in a manner consistent with the law
18	Principle Company Ltd Vs Ministry of Defence, Application No. 38 of 2022	Tender for supply of various clothing items for Ministry of Defence Procurement No. Ref Procurement No. Ref MD/SPLS/2021-22/00204.		Application struck out.
19	Engineering Solution Vs Ministry Of Agriculture, Application No. 39 of 2022	Tender for supply and delivery of irrigation scheme equipment and motor vehicles for ministry of agriculture Procurement No. Ref MAAIF-AVCP/ SUPLS/2021-22/00122.		Application struck out. Each party to bear its own costs

No.	Parties	Subject Matter	Value of the Procurement (UGX)	Decision Made
20	Seyani Brothers JV Parbat Siyani Vs DGAL Ministry of Internal Affairs, Application No. 40 of 2022	Tender for construction of the proposed national forensic deoxyribonucleic (DNA) data base by DGAL Procurement No. Ref DGAL/WRKS/2021-22/00081.	103,005,783,219	Application was allowed in part. The procurement was cancelled by the tribunal.
21	Orungo Market Vendors Vs Amuria District Local Government, Application No. 41 of 2022	Tender for revenue collection from Onyamigurok weekly cattle market by Amuria DLG Procurement No. Ref AMUN 565/SRCVS/2022-23/00001.	73,440,000	Application was allowed. The entity directed to re-evaluate the bids in a manner consistent with the law.
22	Dynaco Ltd & Pearl Engineering Co. Ltd Vs Uganda National Roads Authority, Application No. 42 of 2022	Tender for construction of lion's swamp crossing along Moroto-Napak-Abim-Pader road by UNRA Procurement No. Ref UNRA/WRKS/2021-22/00006.	29,847,323,604	Application was partially allowed. Entity directed to determine the earlier complaint in a manner consistent with the law.
23	Precise Engineering Services Ltd Vs Uganda Electricity Transmission Company Ltd, Application No. 43 of 2022	Tender for plant design, fabrication, galvanizing, testing, in section before dispatch, supply and delivery of 5 132kv double circuit transmission line tower monopoles to UETCL stores in Njeru Procurement No. Ref UETCL/SUPLS/2020-21/00447.	2,829,588,800	Application was allowed. Entity directed to re-evaluate the bids in a manner consistent with the law.
24	Ateker Cooperative Society Vs Katakwi District Local Government, Application No. 44 of 2022	Tender for revenue collection from Ocorimongin grade a weekly market for Katakwi District Local Government Procurement No. Ref KAKTA857/SRVCS/2022-23/00007.	326,003,877	Application was struck out. Entity cleared to proceed with the procurement.
25	Impiger Technologies Private Ltd Vs Higher Education Students Financing Board, Application No. 45 of 2022	Tender for consultancy services to upgrade the integrated loan management information system. Procurement No. Ref HESFN/cons/2021-22/00030.		Application was allowed. Entity was directed to determine lawful course of action.
26	World Standardization Certification vs Uganda National Bureau of Standards, Application No. 46 of 2022	Tender for provision of non-consultancy services for pre-export verification of conformity for UNBS Procurement No. Ref UNBS/NCONS/2021-2022/00006.		Application struck out. Entity cleared to proceed with the procurement.
27	Motor Center E.A Ltd Vs National Agriculture Advisory Services, Application No. 47 of 2022	Supply & delivery of tractors matching implements by NAADS Procurement No. Ref NAADS/SUPLS/2022-23/00008.	1,964,528,525	Application was dismissed. The entity was cleared to proceed with procurement.
28	Apple Properties Ltd Vs Uganda Human Rights Commission, Application No. 1 of 2023.	Tender for provision of office space to UHRC head office Procurement No. Ref UHRC/NCONS/22-23/0005.	1,483,340,160	The application was allowed. The procurement remitted back to the entity for re-evaluation in a manner consistent with the law.
29	Fara Gostar Bistoon Vs Uganda Electricity Transmission Company Ltd, Application No. 2 of 2023	Tender for plant design, fabrication, galvanizing, testing, in section before dispatch, supply and delivery of 5 132kv double circuit transmission line tower monopoles to UETCL stores in Njeru Procurement No. Ref UETCL/SUPLS/2020-21/00447.	2,829,588,800	The application struck out. Each party to bear its own costs
30	Maxol Uganda Ltd Vs Uganda Electricity Generation Company Ltd, Application No. 3 of 2023	Tender for supply of heavy fuel for Namanve thermal power plant by UEGCL Procurement No. Ref UEGCL/SPLS/20090.	64,431,734,236.9	The application was struck out. Each party to bear its own costs
31	Mixjet Flight Support FZE Vs Uganda National Airlines Company Ltd, Application No. 4 of 2023	Tender for provision of aviation fuel and inflight support for UNACL Procurement No. Ref UNACL/SUPLS/22-23/00020.	110,015,613,242	The application was allowed. The procurement was cancelled by the tribunal.
32	Lira Smoked & Silver Fish Vendors Co. Society Vs Lira City, Application No. 5 of 2023	Tender for revenue collection from lira main market by lira city council Procurement No. Ref LIRA858/REVS/2022-23/00009.	157,560,000	The application was allowed. The 3 procurements were cancelled by the tribunal.

No.	Parties	Subject Matter	Value of the Procurement (UGX)	Decision Made
33	Apple Properties Ltd Vs Uganda Human Rights Commission, Application No. 6 of 2023	Tender for provision of office space to UHRC head office Procurement No. Ref UHRC/NCONS/22-23/0005.	1,483,340,160	The application was dismissed. The entity cleared to proceed with the procurement.
34	JB United Civil Engineering & Building Contracting Ltd Vs Adjumani District Local Government, Application No. 7 of 2023	Tender for road rehabilitation of Kulukulu-Zoka road by Adjumani district local government Procurement No. Ref ADJU504/WRKS/2022-23/00014 under USMID-AF.	2,231,214,560	The application is allowed in part. The entity directed to re-evaluate the bids in a manner consistent with the law.
35	Hub Insurance Brokers Vs Uganda Revenue Authority, Application No. 8 of 2023	Tender for provision of insurance brokerage services to URA Procurement No. Ref URA/CONS/CSD/2021-22/02091.	2,500,000,000	The application was dismissed. The entity was cleared to proceed with procurement to its logical conclusion.
36	Bulmark Associates Ltd Vs Adjumani District Local Government, Application No. 9 of 2023.	Tender for road upgrade of administration road, market road & Illa road by Adjumani district local government under USMID-AF Procurement No. Ref ADJU504/WRKS/2022-23/00015.	10,340,766,747	The application is allowed. The entity was directed to re-evaluate the bids in a manner consistent with the law.
37	Aponye House Ltd Vs Uganda Revenue Authority, Application No. 10 of 2023	Tender for provision of additional parking space for URA metro office Procurement No. Ref URA/CSD/NCONS/2022-23/01831.	UGX 280,000,000/=	The application was dismissed. The entity was cleared to proceed with procurement to its logical conclusion.
38	China Civil Engineering and Construction Corporation Vs Uganda National Roads Authority, Application No. 11 of 2023	Tender for civil works upgrade of Koboko-Yumbe-Moyo road 193.98 km from gravel to bituminous standard by UNRA Procurement No. Ref UNRA/WRKS/2020-21/00151.		The application was struck out. Each party to bear its own costs.

2.2 The detailed decisions of the above cited applications can be found on the Tribunal website at www.pat.go.ug and on Uganda Legal Information Institute's website <https://ulii.org/judgments/UGPPDPAAT>

2.3 SUMMARY OF ISSUES OF APPEAL TO THE TRIBUNAL

The issues that featured prominently in the 38 applications reviewed by the Tribunal during 2022/2023 reporting period are listed herein and summarised in the table No.1 below, that displays frequency of issues in the cited Applications;

Table No. 1

S/N	Issue	Frequency of issue in 38 reviewed Applications	Frequency of issue by percentage (%)
1	Failure by Accounting Officers to make and communicate a decision within Statutory set timelines	14	25%
2	Competency of Applications filed before the tribunal	12	21.4%
3	Jurisdiction of the Tribunal to handle application	8	14.3%
4	Improper use of due diligence exercise within a procurement process	6	10.7%

5	Restrictive statement of requirements or discriminatory or anti-competitive evaluation criteria or methodologies or Failure to follow evaluation criteria	5	8.9%
6	Failure to file Application with the Tribunal within Statutory timelines	4	7.1%
7	Locus to file application.	4	7.1%
8	Irregular cancellation of procurement process	3	5.1%
	Total	56	100%

2.4 PROPOSALS TO MITIGATE SOME OF THE RE-OCCURRING ISSUES

The following are some of the proposals that mitigate the re-occurring issues so as to, avoid delays public procurement process, improve serve delivery, promote good governance and reduce procurement related corruption.

1. Proactive stakeholders engagement of the providers, Accounting Officers, procuring and disposing entities, other key stakeholders and the public on the administrative review process in public procurement
2. The Public Procurement and Disposal of Public Assets Authority (PPDA) should take punitive action against Accounting Officers who fail or omit to make and communicate administrative review decisions within statutory set timelines
3. Accounting Officers should take appropriate administrative actions against entity staff who fail to comply with procurement laws or act negligently in the execution of their duties causing unnecessary administrative review complaints.
4. Collaboration with the Authority to address the issues that have been frequently identified by the Tribunal. This is possible because the Tribunal shares its decisions with the Authority.

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 financial year, subject to availability of funds. Public procurement and public disposal laws have evolved in many regions in Africa and the rest of the world. Therefore there is need to benchmark with best practices and this can be attained through continuous training of staff.

2.6 TRAINING OF TRIBUNAL MEMBERS

No training was undertaken for Tribunal members during the reporting period due to budgetary constraints. Trainings will however, be undertaken in the next financial year, subject to availability of funds. The membership of the Tribunal is drawn from various professions. Therefore, there is need to equip members of the Tribunal with knowledge in public procurement and public disposal best practices.

2.7 STAKEHOLDER ENGAGEMENT

The Tribunal conducted four (4) regional Stakeholder engagement as indicated below, to create awareness to procurement and disposal key stakeholders on the activities of the Tribunal. However, the stakeholder engagement is far below and there is need for more funds to facilitate it.

Table No.2

Region	Location
Lango Sub Region on 8 th December 2022 comprising representatives of PDE's; Lira City, Lira District, Apac District, Amolator District, Alebtong District, Dokolo District, Kole District, Oyam District, Otuke District, Kwania District, Lira Regional Referral Hospital, Lira University and selected service providers	Margarita Hotel, Lira City
Teso Sub Region on 9 th December 2022 comprising representatives of PDE's; Soroti City, Soroti District, Pallisa District, Amuria District, Ngora District, Serere District, Katakwi District, Kalaki District, Kapelebyong District, Kumi Municipal Council, Kumi District, Soroti Referral Hospital, Soroti University together with other selected service providers	Akello Hotel, Soroti City
Karamoja Sub regions on 10 th March 2023 comprising of PDE's; Moroto Municipal Council, Moroto District, Kaabong District, Kotido Municipal Council, Kotido District, Napak District, Nakapiripiri District, Amudat District, Karenga District, Nabilatuk District, Moroto Referral Hospital together with selected service providers.	Africana Hotel Moroto
Bukedi, Sebei and Elgon Sub regions on 2 nd June 2023 comprising of PDE's; Mbale City, Mbale District, Butebo District, Bulambuli District, Sironko District, Bududa District, Manafa District, Budaka District, Tororo Municipal Council, Tororo District, Namasindwa District, Busia Municipal Council, Busia District, Kibuku District, Kween District, Bukwo District, Kapchorwa Municipal Council, Kapchorwa District, Mbale Referral Hospital, Busitema University together with selected service providers.	Mt. Elgon Hotel, Mbale City

3.0

KEY ACHIEVEMENTS AND STATUS OF IMPLEMENTATION OF THE TRIBUNAL'S STRATEGIC PLAN

The update on the implementation of the Tribunal's strategic plan shall be categorized on the five strategic objectives of the plan.

S01: Enhance the quality, relevance and delivery of Tribunal Decisions with great customer experience.

- a) A total of 38 applications (cases) with a total subject matter value of UGX 181,461,732,855/=, were heard and disposed-off by the Tribunal, within statutory times. There is no case backlog or Tribunal decision successfully appealed against at the High Court.
- b) The Tribunal approved the Tribunal Case Management Guidelines to help the Secretariat in case management of applications filed before the Tribunal.
- c) The Minister of Finance re-appointed the Chairperson Mr. Francis Gimara S.C for another term of four years. He also re-appointed members namely Counsel Nelson Nerima, Mr. Geoffrey Nuwagira Kakira and Mr. Paul Kalumba for another term of four years.
- d) The Minister of Finance, Planning and Economic Development appointed a new member, Mrs. Keto Kayemba as a member of the PPDA Appeals Tribunal to fill the vacant position created by the appointment of Mrs. Patricia Kahigi Asiimwe as a High Court Judge.
- e) The Tribunal finalised the draft amendment of the PPDA Appeals Tribunal (Procedure) Regulations and the same was submitted to the Parliamentary Counsel of Ministry of Justice and Constitutional Affairs for appropriate action prior to publication in the Gazette.

S02: Attract, develop and retain high quality staff adequate for the Secretariat.

- a) The Tribunal Human Resource Manual and the Organogram were successfully reviewed and approved by the Tribunal during the reporting period.
- b) The Tribunal internally filled three (03) vacant positions of the Legal Manager, Senior Accountant and Administrative Officer.

S03: Automate and digitize al the Tribunal activities.

- a) A heavy-duty scanner successfully procured and installed at the Secretariat office on 6th June 2023.

S04: Enhance the effective stewardship of Tribunal resources.

The Finance and Administration Committee first approves budget allocation and every quarterly allocations before they are expended by the Tribunal.

S05: Develop and implement an effective communication and stakeholder engagement strategy for the Tribunal

- a) On 14th February 2023, the Secretariat conducted a virtual sensitisation session with the postgraduate students of the Law Development Centre.
- b) The Tribunal successfully hosted the delegation of the Botswana Public Procurement Tribunal from 6th -7th March 2023. During the hosting, both Tribunals exchanged knowledge in areas of best practices in so far as public procurement and public disposal processes are concerned.
- c) All Tribunal decisions are promptly uploaded onto the Tribunal's Website and Uganda Legal Information Institute's website for easy access by stakeholders.

4.0

CHALLENGES

1. The Tribunal is faced with some challenges which need to be addressed. Below we highlight the key challenges encountered and proposed solutions/ actions.

Table No. 3

SN	Challenges	Proposed Solution
1	The effective implementation of the 3-year Strategic Plan for the Financial Year 2022/23- is constrained by the lack of adequate funds. Therefore, strategic objectives and key strategic actions cannot be effectively implemented using 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 Public Procurement and Disposal of Public 2021 Assets (Amendment) Act No. 15 of 2021 increased membership of the Tribunal from 4 to 6 members and with Chairperson 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, increased retainer fees for the Chairperson and Tribunal members and renewed mandate of the Tribunal.	Additional funds requested and awaiting final decision by MoFPED
3	Introduction of the E- Government Procurement [EGP] System 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 2023/2024, when funds are available.

5.0

KEY PLANNED ACTIVITIES FOR THE FINANCIAL YEAR 2023/2024

In the financial year 2023/2024, the key planned activities of the Tribunal in accordance with the Strategic Plan 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 when funds are available.
- c) continue to conduct sensitisation of procuring and disposing entities, bidders and the general public on the roles of the Tribunal;
- d) continuously compile and publish 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 workload
- h) Procurement of key equipment to facilitate Tribunal work

APPENDIX I: PARTICULARS OF TRIBUNAL MEMBERS



FRANCIS GIMARA S.C

Francis Gimara SC is 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 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 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 is a chartered arbitrator.

He has 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 also served on the board of the Capital Markets Authority from 2014 to 2021.

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 been engaged 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, procurement 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. He provides procurement and management consultancy services for both public and private sector organizations and individuals

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 sector 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.





KETO KAYEMBA

Keto Kayemba holds a Master of Science in Energy Management of the Robert Gordon University-Aberdeen, a Master of Business Administration of Makerere University; a Bachelor of Commerce Accounting (B.com).

She is member of the Institute of Certified Public Accountants of Uganda (ICPAU), a Fellow of the Association of Chartered Certified Accountants (FCCA) and member of Information Systems Audit and Control Association (ISACA), Kampala Chapter and a Certified Information Systems Auditor (CISA).

She is credited for her strong leadership in public sector audits in Uganda. CPA Keto Kayemba retired as Assistant Auditor General of the Republic of Uganda in 2022. She also served as Deputy Chair, Professional Accountancy Development Committee (PAODC) of the International Federation of Accountants (IFAC); a member of the Council of the Institute of Certified Public Accountants of Uganda (ICPAU) representing the Office of the Auditor General for over 15 years; and Chairperson of the Public Accountants Examinations Board of ICPAU for 3 years. She is a member and is the President of the Pan African Federation of Accountants (PAFA) for a two year term, effective 2023 – 2025.



THE REGISTRAR ATIKU SAKI MANSOOR

Atiku Saki Mansoor is a holder of a Master of Laws in International Business Law from Uganda Christian University, a Bachelor of Laws (LLB) Degree from Makerere University, a Postgraduate Diploma in Legal Practice from Law Development Centre and a Post Graduate Diploma in Public Administration from Islamic University in Uganda (IUIU).

He has also undertaken several training sessions and has acquired more knowledge as part of continuing legal education. He is also an Advocate of the High Court of Uganda, a member of the Uganda Law Society & East Africa Law Society and has vast legal practice experience of over thirteen years in both private and public sectors.

He has served the PPDA Appeals Tribunal as the Senior Legal Officer and now as the Registrar.

He is married with four children.

APPENDIX 2: PICTORIALS ON TRIBUNAL ACTIVITIES



Figure 1: Swearing in of new Tribunal Member Mrs Keto Kayemba at the Court of Appeal by the Deputy Chief Justice Hon. Justice Richard Buteera on July 18, 2023



Figure 2: Participants at a sensitization workshop conducted for procuring and disposing entities and bidders in Bukedi, Sebei and Elgon Sub regions by the Tribunal on 2nd June 2023 at Mt. Elgon Hotel in Mbale City



Figure 3: Participants at a sensitization workshop conducted for procuring and disposing entities and bidders in Karamoja Sub region by the Tribunal on on 10th March 2023 at Africana Hotel in Moroto.



Figure 4: Staff of the Tribunal's Secretariat with members of the Public Procurement Tribunal of the Republic of Botswana during a benchmarking visit to the Public Procurement and Disposal of Public Assets Authority's offices in Kampala Capital City on March 7, 2023.

