

**THE REPUBLIC OF UGANDA
PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS APPEALS
TRIBUNAL**

APPLICATION NO. 45 OF 2025

BETWEEN

GEO JET PLACEMENTS LTD ::::::::::::::::::::::::::::::::::: APPLICANT

AND

MBARARA CITY ::::::::::::::::::::::::::::::::::: RESPONDENT

**APPLICATION FOR REVIEW IN RESPECT OF THE PROCUREMENT
FOR COLLECTION OF REVENUE FROM VARIOUS SOURCES IN
MBARARA CITY, INCLUDING THE COLLECTION OF REVENUE
FROM CENTRAL MARKET TOILETS UNDER PROCUREMENT
REFERENCE NO. MBAR 609/SCRV/2025/2026/00001 (LOT 7).**

**BEFORE: FRANCIS GIMARA SC, NELSON NERIMA, GEOFFREY
NUWAGIRA KAKIRA; PAUL KALUMBA; CHARITY KYARISIIMA; KETO
KAYEMBA; ENG. CYRUS TITUS AOMU; MEMBERS**

DECISION OF THE TRIBUNAL

A. BRIEF FACTS

1. Mbarara City (the “Respondent”) initiated a procurement for revenue collection from various sources in Mbarara City, including the collection of revenue from Central Market Toilets, under Procurement Reference No. MBAR 609/SCRV/2025/2026/00001 (Lot 7) on June 18, 2025.
2. The Respondent received proposals from six (6) bidders: **Geo Jet Placements Ltd** (the Applicant), **Keneth Katungye, Ainebyona Paul, Bakamuhinga Jackson, Namayanja Veronica** and **Muhangi Cathbert** on June 27, 2025.
3. On September 10, 2025, the Respondent issued a best evaluated bidder notice for the impugned procurement stating that **Muhangi Cathbert** was the best evaluated bidder at a weekly contract price of Uganda Shillings Seven Hundred Thirty-Eight Thousand Four Hundred Sixty-One (UGX 738,461).
4. The notification further indicated that the Applicant was deemed unsuccessful, having been eliminated at the preliminary examination stage for failing to submit a copy of a registered Power of Attorney for companies or joint ventures.
5. On September 22, 2025, the Applicant lodged a complaint with the Respondent’s Accounting Officer, contesting the evaluation process, which complaint was dismissed by the Accounting Officer.
6. Aggrieved by the decision of the Respondent’s Accounting Officer, the Applicant, on October 13, 2025, filed Registry Application No. 36 of 2025 before the Tribunal seeking a review of the said decision.

7. On October 28, 2025, the Tribunal issued its decision in Registry Application No. 36 of 2025, allowing the application, setting aside the Accounting Officer's decision of October 2, 2025, and directing the Respondent to re-evaluate the bids in accordance with the Tribunal's ruling, the Request for Proposals, and the law, within ten working days.
8. In compliance, the Respondent re-evaluated the bids and, on 17 November 2025, issued a *Notice of No-Best Evaluated Bidder*, indicating that no bidder had been selected and that the contracts committee had cancelled the procurement process. The Applicant received this notice via the WhatsApp application on 4 December 2025.
9. Dissatisfied with the outcome, the Applicant filed a direct application with the Tribunal on 19 December 2025 (Registry Application No. 45 of 2025), alleging that the Respondent's Accounting Officer had a conflict of interest.

B. THE ORAL HEARING

The Tribunal held an oral hearing on **January 7, 2026**, via Zoom software. The appearances were as follows:

- 1) *John Allan Kwatampora* from *Kaganzi & Co. Advocates (Head Office-Mbarara)* as Counsel for the Applicant.
- 2) *Alauterio Ntegyereize*, Senior Legal Officer, as Counsel for the 1st Respondent. In attendance for the Respondent were *Atwiine Edgar Rwabutwagu*, Senior Procurement Officer, and *Titus Mwesigwa*, Revenue Officer attached to the South Division of the Respondent.

C. SUBMISSIONS

During the oral hearing, both the Applicant and the Respondent highlighted the contents of their respective pleadings and made oral arguments before the Tribunal.

Applicant

1. Counsel for the Applicant adopted and relied on the contents of the application and the rejoinder to the Application filed on January 5, 2026.
2. The Applicant stated that it invoked the exception under section 106(9) of the *Public Procurement and Disposal of Public Assets Act* and regulation 9(5) of the *Public Procurement and Disposal of Public Assets (Administrative Review) Regulations, 2023*, on the basis that the Accounting Officer was conflicted. The Applicant explained that after receiving the Notice of No Best Evaluated Bidder on December 4, 2025, it notified the Accounting Officer on December 11, 2025, of its dissatisfaction with the cancellation of the procurement and its intention to seek administrative review. Its advocates also wrote to the Accounting Officer requesting guidance on the applicable filing fees and on generating a Payment Reference Number to facilitate payment and filing of the complaint.
3. The Applicant further stated that despite written communication and follow-up telephone calls by its advocates, the Accounting Officer declined to generate or cause the generation of a Payment Reference Number, allegedly stating that there was no justification for filing an administrative review. According to the Applicant, this conduct demonstrated a lack of impartiality and a conflict of interest, entitling it to approach the Tribunal directly under section 106(9) of the Act.

4. On the merits of the Application, the Applicant contended that the cancellation of the procurement process was unlawful because the City Contracts Committee lacked jurisdiction to cancel the procurement. The Applicant maintained that the power to cancel a procurement process is vested in the Procuring and Disposing Entity, with the Contracts Committee's role limited to approving a proposed cancellation. The Applicant further stated that there was no recommendation for cancellation from either the Procurement and Disposal Unit or a User Department, rendering the cancellation illegal, null, and void.
5. The Applicant also disputed the Respondent's finding that it and another bidder, Muhangi Cuthbert, had quoted the same bid amount of UGX 738,461 per week. The Applicant stated that it never quoted that figure and that both bidders had instead quoted UGX 3,200,000 per month, equivalent to UGX 800,000 per week. The Applicant asserted that the figure of UGX 738,461 per week was erroneously or improperly introduced into the record and that the Respondent's reliance on it was unsupported by the evidence and resulted in an unjustified cancellation of the procurement.
6. The Applicant stated that even if the bidders had quoted identical bid amounts, the law does not recognise that circumstance as a lawful ground for cancelling a procurement process. The Applicant maintained that the statutory grounds for cancellation are exhaustive and were not satisfied in the present case.
7. On that basis, the Applicant asked the Tribunal to set aside the cancellation decision, order reinstatement and re-evaluation of the procurement, or alternatively declare it the Best Evaluated Bidder, and to award a refund of the administrative review fees, costs, and any other relief the Tribunal considered appropriate.

Respondent

1. The Respondent adopted its response to the application filed with the Tribunal on January 6, 2026.
2. The Respondent stated that the Contracts Committee acted on the Evaluation Committee's recommendation to cancel the procurement process after failing to identify a Best Evaluated Bidder, on the ground that two bidders, the Applicant and Mr. Muhangi Cuthbert, had quoted the same bid price. The Respondent further stated that, given the length of time the procurement had taken, the procurement requirements had materially changed, rendering it impracticable to proceed.
3. The Respondent further contended that a Procuring and Disposing Entity is entitled to cancel a procurement process at any stage before contract award. It maintained that, in the present case, the Contracts Committee lawfully cancelled the procurement on the recommendation of the Evaluation Committee, as no contract had been awarded and the two bidders had quoted the same bid amount of UGX 3,200,000 per month, equivalent to UGX 738,461 per week.
4. The Respondent further asserted that, pursuant to section 115(3) of the *Public Procurement and Disposal of Public Assets Act*, the Tribunal lacks jurisdiction to entertain the Application or to review the decision to cancel the procurement process, because the cancellation occurred before the award of a contract.
5. In response to paragraph 7(d) of the Application, the Respondent stated that the Applicant was neither assessed administrative review fees nor made any payment thereof to the Respondent, and consequently, there were no fees capable of refund.
6. On the basis of the foregoing, the Respondent prayed that the Application be dismissed with costs for lack of merit.

D. RESOLUTION BY THE TRIBUNAL

Issues

The Application raised four issues for determination. The Tribunal has reframed the issues as follows.

- (i) Whether the application before the Tribunal is competent?*
- (ii) Whether the Respondent's cancellation of the procurement was lawful?*
- (iii) Whether there are available remedies to the Parties.*

Resolution of Issues

Issue No. 1

Whether the application before the Tribunal is competent?

1. **Section 103(1)–(3)** of the ***Public Procurement and Disposal of Public Assets Act*** (the Act) provides that a bidder aggrieved by a decision of a procuring and disposing entity may lodge a complaint with the Accounting Officer in respect of any omission or breach of the Act, the regulations, guidelines made thereunder, or the bidding documents, **within ten working days** of the date the bidder first becomes aware, or ought reasonably to have become aware, of the circumstances giving rise to the complaint.
3. The Applicant received the **No-Best-Evaluated-Bidder Notice** on **4 December 2025** via WhatsApp, a fact expressly admitted by the Applicant in paragraph (f) of the Application.
4. The period within which the Applicant was required to challenge the procurement outcome before the Accounting Officer, therefore, commenced from the date the Applicant first became aware of the

circumstances giving rise to the complaint, namely **4 December 2025**.

5. The substance of the Applicant's complaint is that the Respondent erred when its City Contracts Committee cancelled the procurement process on the basis that the Applicant and another bidder, Muhangi Cuthbert, had quoted the same bid price of UGX 738,461 per week, thereby concluding that it was unable to determine a Best Evaluated Bidder, a decision which the Applicant contends occasioned a miscarriage of justice.
6. These grievances stemmed from the Notice of No Best Evaluated Bidder issued by the Respondent on 17 November 2025, which was communicated to and brought to the attention of the Applicant on 4 December 2025, informing the Applicant that no bidder had been selected and that the procurement process had been cancelled.
7. Consequently, any complaint to the Accounting Officer ought to have been lodged within ten working days from 5 December 2025, which period expired on 18 December 2025.
8. It is not in dispute that by 18 December 2025, the Applicant had not lodged any complaint with the Accounting Officer. Instead, the Applicant filed a direct application before the Tribunal on 19 December 2025.
9. The Applicant contended that it was entitled to approach the Tribunal directly on the ground that the Accounting Officer had a conflict of interest. In support of this contention, the Applicant stated that on **11 December 2025**, it wrote to the Accounting Officer (*Annexures I and J to the Application*) expressing dissatisfaction with the decision to cancel the procurement and seeking guidance on the payment of the prescribed Administrative Review Fees. The Applicant further alleged that its advocates made follow-up telephone calls, but that no guidance was

provided and no Payment Registration Number (PRN) was generated to facilitate the filing of the complaint.

10. **Section 106(9)** of the Act provides that where a bidder believes that the Accounting Officer has a conflict of interest in respect of a complaint, omission, or breach, or that the matter cannot be handled impartially by the procuring and disposing entity, the bidder shall apply directly to the Tribunal for determination of the complaint.
11. An application brought under **section 106(9)** must, in accordance with **section 115(2)(c)** of the Act, be filed **within ten days** from the date of the act or omission complained of.
12. In the instant Application, the Applicant's statutory window to file an application directly before the Tribunal ran from **December 5, 2025**, to **Monday, December 15, 2025**. The Application, however, was filed on **December 19, 2025**, outside the prescribed statutory timeframe.
13. At the hearing, when questioned about the timeliness of the Application, Counsel for the Applicant conceded that it had been filed out of time, and accordingly prayed for an extension of time in the interest of justice to validate the late filing.
14. The Tribunal reiterates that the timelines under the *Public Procurement and Disposal of Public Assets Act, Cap. 205*, are strict and cannot be extended. Late filing deprives the Tribunal of jurisdiction, a principle affirmed in *Eclipse Edisoil JVC Ltd v Napak DLG* (High Court Civil Appeal No. 05 of 2024) and in the Tribunal's decision in *Application No. 43 of 2025, Arapai Market Traders and Vendors' Association Ltd v Serere District Local Government*.
15. In view of the foregoing, the Application is deemed incompetent and will be struck out. There is no need to delve into the merits or the other issues.

Tribunal Decision in Application No. 45 of 2025-Geo Jet Placements Ltd Vs Mbarara City

E. DISPOSITION

1. The Application is struck out.
2. Each Party to bear its own costs.

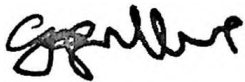
Dated at Kampala, this 7th day of **January 2026**.



**FRANCIS GIMARA SC.
MEMBER**



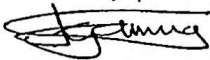
**NELSON NERIMA
MEMBER**



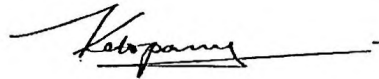
**GEOFFREY NUWAGIRA KAKIRA
MEMBER**



**PAUL KALUMBA
MEMBER**



**CHARITY KYARISIIMA
MEMBER**



**KETO KAYEMBA
MEMBER**



**ENG. CYRUS TITUS AOMU
MEMBER**