

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

REGISTRY APPLICATION NO. 24 OF 2025

BETWEEN

SUBAMU INVESTMENT LIMITED =====APPLICANT

AND

IGANGA MUNICIPAL COUNCIL =====RESPONDENT

**APPLICATION FOR REVIEW IN RESPECT OF THE PROCUREMENT
FOR THE MANAGEMENT OF COLLECTION OF REVENUE FROM
LOADING, OFFLOADING OF LORRIES AND TRUCKS AND STREET
PARKING FOR BOTH NORTHERN AND CENTRAL DIVISIONS IN
IGANGA MUNICIPAL COUNCIL UNDER PROCUREMENT
REFERENCE NUMBER IGAN707/REVN/25-26/001(VI)**

**BEFORE: FRANCIS GIMARA S.C. CHAIRPERSON, NELSON NERIMA,
GEOFFREY NUWAGIRA KAKIRA, PAUL KALUMBA, CHARITY
KYARISHIIMA, KETO KAYEMBA, AND ENG. CYRUS TITUS AOMU;
MEMBERS**

DECISION OF THE TRIBUNAL

A. BRIEF FACTS

1. Iganga Municipal Council (the Respondent) initiated the procurement for the management of revenue collection from loading, offloading lorries and trucks, and street parking for both Northern and Central Divisions using the open domestic bidding method under procurement reference number IGAN707/REVN/25-26/001(vi). The bid notice was published in the Monitor Newspaper on July 3, 2025.
2. The Bid Notice stated that the deadline for bid submission was July 25, 2025, at 10:00 a.m. and that bid opening would be conducted on that day at 11:00 a.m.
3. On July 25, 2025, at 10:00 am, the Respondent received one(1) bid from *Manyanja Technical Co., Ltd* for the impugned procurement.
4. On July 29, 2025, the Applicant filed a complaint addressed to the Respondent's Accounting Officer. The complaint alleged that the director of *Manyanja Technical Co. Ltd* caused commotion and fracas on July 25, 2025, and prevented the Applicant from accessing the procurement room to submit their bid on time; that *Manyanja Technical Co. Ltd* was not eligible because it was indebted to the Respondent; and that *Manyanja Technical Co. Ltd* was involved in fraudulent operations.
5. The Respondent issued a Best Evaluated Bidder Notice dated August 4, 2025, wherein *Manyanja Technical Co. Ltd* was declared the Best Evaluated Bidder in respect of the procurement for collecting revenue from loading and offloading lorries and trucks at a price of UGX 600,000 for the Northern Division and UGX 700,000 for the Central Division.
6. The Respondent issued a Best Evaluated Bidder Notice dated August 4, 2025, in which *Manyanja Technical Co. Ltd* was

declared the best evaluated bidder in respect of the procurement for collecting revenue from street parking of vehicles and lorries at a price of UGX 800,000 for the Northern Division and UGX 400,000 for the Central Division.

7. The Respondent's Accounting Officer did not make or communicate a decision regarding the administrative review complaint.

B. APPLICATION TO THE TRIBUNAL

1. The Applicant filed the instant Application on August 15, 2025, through M/S Wagira Advocates, for review of the decision of the Respondent.
2. The Application is premised on the following grounds:
 - 1) The Accounting Officer failed to make and communicate a decision within 10 days as required;
 - 2) The Accounting Officer failed to suspend the procurement process upon receipt of the administrative review complaint;
 - 3) The Accounting Officer failed to constitute a committee to investigate the complaint;
 - 4) The Applicant is the incumbent provider but was blocked from accessing the procurement room by the director of *Manyanja Technical Co. Ltd*, which resulted in the Applicant's bid documents being submitted out of time and being rejected;
 - 5) *Manyanja Technical Co. Ltd* was not eligible because it was indebted to the Respondent;
 - 6) *Manyanja Technical Co. Ltd* was involved in fraudulent operations, forgery and extortion as per the special audit report;
 - 7) The Accounting Officer did not advertise the best evaluated bidder.

3. The Applicant prayed that the declaration of *Manyanja Technical Co. Ltd* be overturned; the procurement process be conducted afresh; and costs be provided against the Respondent.

C. RESPONSE TO THE APPLICATION

1. The Respondent filed a response on August 22, 2025.
2. The Respondent averred that the Applicant submitted their bid after the prescribed bid submission deadline of 10.00 a.m., and the documents were rejected. The Applicant withdrew its bidding documents on July 28, 2025.

D. ORAL HEARING

1. The Tribunal held an oral hearing via Zoom videoconferencing on August 28, 2025. The appearances were as follows:
 - 1) Kanya Nicholas for the Applicant.
 - 2) Mwase Paul, director of the Applicant.
 - 3) Mwesigwa Tonny, Senior Procurement Officer of the Respondent.
2. The parties made oral highlights of their respective cases and also provided clarifications to the Tribunal.

E. RESOLUTION

1. The Tribunal has considered the oral and written submissions and perused the pleadings, the bids, and the bidding document. The Application did not frame any issues. However, given the pleadings and submissions of both parties, the Tribunal has framed the issues as follows:
 - 1) *Whether the Applicant has locus standi before the Tribunal?*

- 2) *Whether the Respondent's Accounting Officer erred when she omitted to suspend the procurement process upon receipt of the Applicant's complaint?*
- 3) *Whether the Respondent's Accounting Officer erred when she omitted to make and communicate a decision on the Applicant's complaint?*
- 4) *Whether Manyanja Technical Co. Ltd prevented the Applicant from submitting its bid on time?*
- 5) *Whether Manyanja Technical Co. Ltd was qualified for the award of contract?*
- 6) *What remedies are available to the parties?*

Issue No. 1:

Whether the Applicant has locus standi before the Tribunal?

2. The term *locus standi* means a place of standing. It means a right to appear in court, and conversely, to say that a person has no *locus standi* means that he has no right to appear or be heard in a specified proceeding. To say that a person has no *locus standi* means the person cannot be heard, even if he has a case worth listening to. See ***Njau & Others v City Council of Nairobi [1976-1985] 1 EA 397 at 407.***
3. Under section 115 (1) of the *Public Procurement and Disposal of Public Assets Act, Cap 205* on which this application is premised, a bidder who is aggrieved, as specified in section 106 (7) or (8), may apply to the Tribunal for review of a decision of a procuring and disposing entity.
4. A "bidder" means a physical or artificial person intending to participate or participating in public procurement or disposal proceedings. See Section 2 of the *Public Procurement and Disposal of Public Assets Act, Cap 205.*

5. It is not in dispute that the Applicant did not submit a bid in time and, therefore, did not participate in the procurement proceedings.
6. However, the Applicant intended to participate in the procurement proceedings when it purchased the bidding document. The Applicant therefore qualifies as a “bidder” within the meaning of section 2 of the *Public Procurement and Disposal of Public Assets Act, Cap 205*.
7. **Issue No. 1 is resolved in the affirmative.**

Issue No. 2:

Whether the Respondent’s Accounting Officer erred when he omitted to suspend the procurement process upon receipt of the Applicant’s complaint?

8. The Applicant, aggrieved with the conduct of the procurement process, filed a complaint with the Respondent’s central registry, addressed to the Accounting Officer, on July 29, 2025.
9. When an administrative review complaint has been filed, the Accounting Officer must immediately suspend the procurement process and request the bidders to extend the period of bid validity and bid security for the duration of the suspension. See sections 106(5) and 106 (6) of the *Public Procurement and Disposal of Public Assets Act, Cap 205*, and regulation 5 of the *Public Procurement and Disposal of Public Assets (Administrative Review) Regulations, 2023*.
10. In the instant case, the Accounting Officer breached the law when she omitted to suspend the procurement process immediately and request a bid validity extension after receiving the Applicant’s complaint.
11. It follows that the purported evaluation of bids and award of contract, and issuance of a Best Evaluated Bidder Notice dated

August 4, 2025, in favour of *Manyanja Technical Co. Ltd* was illegal.

12. Issue No. 2 is resolved in the affirmative.

Issue No. 3:

Whether the Respondent's Accounting Officer erred when she omitted to make and communicate a decision on the Applicant's complaint?

13. It is the Accounting Officer's statutory duty to investigate a complaint and make and communicate a decision within ten days of receiving an administrative review complaint. The decision must be in writing and addressed to the bidder who made the complaint. It must also indicate the reasons for the decision and the corrective measures to be taken, if any.

See sections 28 (1) (j) and 106 (7) of the *Public Procurement and Disposal of Public Assets Act, Cap 205*, and regulation 8 of the *Public Procurement and Disposal of Public Assets (Administrative Review) Regulations, 2023*.

14. Regulation 6 of the *Public Procurement and Disposal of Public Assets (Administrative Review) Regulations, 2023* requires the Accounting Officer to investigate a complaint filed by considering—
- a) the information and evidence contained in the complaint;
 - b) the records of the procurement or disposal, kept by the procuring and disposing entity;
 - c) information provided by the staff of the procuring and disposing entity, if any;
 - d) where appropriate, information provided by other bidders; and
 - e) any other relevant information.

15. The ten days within which a decision should have been made and communicated started to run on July 30, 2025 and expired on August 8, 2025.
16. The Respondent's Accounting Officer abdicated her statutory responsibility by failing to investigate and make a decision on the Applicant's complaint by August 8, 2025.
17. Section 106(8) of the *Public Procurement and Disposal of Public Assets Act, Cap 205* stipulates that where an Accounting Officer does not make a decision or communicate a decision within the period specified in section 106 (7), the bidder may apply to the Tribunal in accordance with Part IX of the Act.
18. Section 115 (2) (c) of the *Public Procurement and Disposal of Public Assets Act, Cap 205* provides that where an Accounting Officer does not make a decision within the time prescribed in section 106 (7), an aggrieved bidder shall make an application to the Tribunal within ten days from the date of expiry of the period specified in section 106 (7).
19. In the instant Application, the ten days within which the Applicant could file an application before the Tribunal commenced on August 9, 2025, and would have expired on August 18, 2025. The instant Application filed in the Tribunal on August 15, 2025, was therefore competent.
20. **Issue No. 3 is resolved in the affirmative.**

Issue No. 6:

What remedies are available to the parties?

21. The Tribunal shall remit the Applicant's complaints back to the Respondent's Accounting Officer to investigate and make a decision according to her statutory mandate. In the circumstances, the Tribunal shall not make any findings on the

merits of the complaint to avoid pre-empting the Accounting Officer's investigation and decision.

22. The Tribunal shall therefore not make any findings regarding issues 4 and 5.

F. DISPOSITION

1. The Application is allowed in part.
2. The Best Evaluated Bidder Notice dated August 4, 2025, wherein *Manyanja Technical Co. Ltd* was declared the best evaluated bidder in respect of the procurement for the collection of revenue from loading and offloading lorries and trucks from the Northern Division and the Central Division, is set aside.
3. The Best Evaluated Bidder Notice dated August 4, 2025, wherein *Manyanja Technical Co. Ltd* was declared the best evaluated bidder in respect of the procurement for collecting revenue from street parking of vehicles and lorries from Northern Division and Central Division, is set aside.
4. The Respondent's Accounting Officer is directed to investigate and communicate a decision on the Applicant's complaint within ten days from the date of this decision.
5. The Tribunal's suspension order dated August 15, 2025, is vacated.
6. Each party shall bear its own costs.

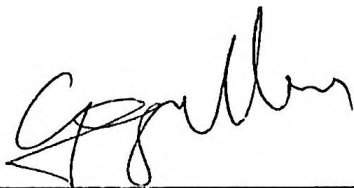
Dated at Kampala, this 2nd day of September, 2025.



FRANCIS GIMARA. S.C
CHAIRPERSON



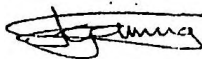
NELSON NERIMA
MEMBER



GEOFFREY NUWAGIRA KAKIRA
MEMBER



PAUL KALUMBA
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CHARITY KYARISHIMA
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