

**THE REPUBLIC OF UGANDA
PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS
APPEALS TRIBUNAL
APPLICATION NO. 42 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: NELSON NERIMA, GEOFFREY NUWAGIRA KAKIRA, PAUL
KALUMBA, CHARITY KYARISIIMA, KETO KAYEMBA, AND ENG.
CYRUS TITUS AOMU; MEMBERS**

DECISION OF THE TRIBUNAL

A. BRIEF FACTS

1. Iganga Municipal Council (the Respondent) initiated a 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 *Daily 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.
8. The Applicant pursued further review by filing Registry Application No. 24 of 2025 before the Tribunal.
9. The Tribunal set aside the contract award to *Manyanja Technical Co. Ltd*, and directed the Accounting Officer to carry out a further investigation and issue a decision on the Applicant's complaint within ten days of the Tribunal's order.
10. The Accounting Officer constituted an administrative review committee to on September 3, 2025. In a report dated September 12, 2025, the committee found that the Applicant did not present any evidence to demonstrate that its director was at the PDU office ready to submit the bid. The committee also found no proof that access to the PDU office was obstructed by *Manyanja Technical Co. Ltd*. As a result, the committee could not substantiate the allegation that the Applicant was denied access to the PDU office at the time of submission.
11. The committee however recommended that the contract be re-advertised since only one bidder submitted a bid, yet open domestic bidding requires competition.
12. On September 12, 2025 the Accounting Officer made and communicated her decision that the Applicant's director submitted its bid 20 minutes late after the deadline on July 25, 2025. The Accounting Officer "struck out" the Applicant's complaint.

13. By a letter dated September 23, 2025, the Applicant, through its lawyers, complained to the Accounting Officer that the decision of the Accounting Officer dated September 12, 2025, was contrary to the investigation report; and that *Manyanja Technical Co. Ltd.* was disqualified due to fraudulent activities. The Applicant's letter demanded that the Accounting Officer do follow the recommendations in the investigation report by re-advertising the contract.
14. The Accounting Officer, however, did not respond to the Applicant's letter of September 23, 2025.
15. On 10 November 2025, the Applicant filed the instant Application before the Tribunal., on the following grounds;
 - 1) The Accounting Officer did not suspend the procurement process after the Applicant's complaint and instead proceeded to award the contract to *Manyanja Technical Co. Ltd.*
 - 2) The award of contract to *Manyanja Technical Co. Ltd* was against the principle of open domestic bidding which emphasizes competition.
 - 3) The award of contract to *Manyanja Technical Co. Ltd* is against the investigation report which recommended that the contract be re-advertised.
16. The Respondent filed a response on November 17, 2025. The Respondent averred that the Applicant was excluded for the procurement process for late submission of its bid which was received by the Head PDU and rejected.; the bid was forcefully retrieved by the Applicant.

B. ORAL HEARING

1. The Tribunal held an oral hearing via Zoom videoconferencing on November 21, 2025. The appearances were as follows:
 - 1) Kamya Nicholas for the Applicant.
 - 2) Mwase Paul, director of the Applicant.
 - 3) Mwesigwa Tonny, Senior Procurement Officer of the Respondent.
 - 4) Zziwa Godfrey Mayanja, director of *Manyanja Technical Co. Ltd*
2. The parties made oral highlights of their respective cases and also provided clarifications to the Tribunal.

C. 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 Application was filed within the statutory timelines?*
 - 2) *Whether the Accounting Officer erred when she ignored the recommendations of the administrative review committee to have the impugned procurement retendered?*
 - 3) *What remedies are available to the parties?*

Issue no. 1:

Whether the Application was filed within the statutory timelines?

2. Under section 115(1)(a)–(c) of the *Public Procurement & Disposal of Public Assets Act*, the following people may apply to the Tribunal for review of a decision:
 - a) a bidder who is aggrieved by an administrative review decision of an Accounting Officer under section 106(7) or failure to make a decision under section 106(8);
 - b) any person whose rights are negatively affected by an administrative review decision of the Accounting Officer; and
 - c) a bidder who applies directly to the Tribunal under section 106(9) because he/she believes that the Accounting Officer has a conflict of interest.
3. Further, any application for review must be filed within the strict deadlines set out in section 115(2):
 - a) For a grievance under section 106(7): the application must be made within **ten working days** from the date the Accounting Officer's decision is received.
 - b) Under section 106(8): within **ten days** from when the relevant statutory period expires.
 - c) For an alleged conflict (section 106(9)): within **ten days** from when the act or omission in question took place.
4. In compliance with the orders of the Tribunal in Registry Application No. 24 of 2025, the Accounting Officer issued a decision on September 12, 2025 rejecting (or “striking out”) the earlier administrative review complaint lodged by the Applicant.
5. Rather than challenge the September 12, 2025 decision of the Accounting Officer to the Tribunal under section 115(1)(a) of the Act, the Applicant, already recognized as a bidder following the Tribunal's decision in Application No. 24 of 2025, purported to file a second complaint with the same Accounting Officer on September 23, 2025.

6. The law does not allow a bidder to lodge a second administrative review with the same Accounting Officer once that Accounting Officer has already issued a decision. As held in *Application No. 18 of 2025- Goldstar Insurance Co. Ltd v Uganda National Oil Company*, a second review by the same applicant, in respect of the same procurement and to the same Accounting Officer, is legally impermissible
7. Once the Accounting Officer made a decision, the Applicant ought to have brought all its grievances to the Tribunal within the statutory limitation period. See *Application No. 34 of 2025 – Kakooba Matooke Traders Co-operative Ltd v Mbarara City Council* and *Application No. 6 of 2022 – Technology Associates Ltd (in Consortium) v Post Bank Uganda Ltd*.
8. Since the Applicant was aggrieved by the Accounting Officer's September 12, 2025 decision, the ten-working-daytime limit under section 115(2)(a) of the Act began on **September 15, 2025** and expired on **September 26, 2025**. However, the Applicant waited **forty working days** and filed this Application before the Tribunal on **November 10, 2025**. The Application was therefore filed beyond the statutory deadline.
9. The Tribunal reiterates that the timelines set under the *Public Procurement & Disposal of Public Assets Act* are mandatory and cannot be extended or varied. Failure to act within the prescribed period deprives the Tribunal of jurisdiction. This principle has been affirmed in *Eclipse Edisoil JVC Ltd vs Napak District Local Government (High Court Civil Appeal No. 05 of 2024, arising from Tribunal Registry Application No. 33 of 2023)* and *Application No. 33 of 2025, Sybl Ltd vs National Information Technology Authority Uganda*.
10. 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
11. **Issue no. 1 is resolved in the negative.**

D. DISPOSITION

1. The Application is struck out.
2. Each party shall bear its own costs.

Dated at Kampala, this 25th day of November, 2025.



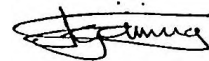
NELSON NERIMA
MEMBER



GEOFFREY NUWAGIRA KAKIRA
MEMBER



PAUL KALUMBA
MEMBER



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