

**THE REPUBLIC OF UGANDA
PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS
APPEALS TRIBUNAL
APPLICATION NO. 6 OF 2026**

BETWEEN

**URBAN RESEARCH AND TRAINING
CONSULTANCY (URTC) EA. LTD::::::::::::::::::::::::::::::::: APPLICANT**

AND

KAMPALA CAPITAL CITY AUTHORITY::::::::::::::::::::::::: RESPONDENT

**APPLICATION FOR REVIEW RELATING TO THE PROCUREMENT OF
CONSULTANCY SERVICES FOR THE PREPARATION OF THE
KAMPALA PHYSICAL DEVELOPMENT PLAN (KPDP), INCLUDING
INTEGRATED CLIMATE-RESILIENT DETAILED PLANS FOR TWO
INTERDEPENDENT ZONES, UNDER PROCUREMENT REFERENCE
NO. KCCA/CONS/2025-2026/00018**

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

DECISION OF THE TRIBUNAL

A. BRIEF FACTS

1. Kampala Capital City Authority (the Respondent) initiated a procurement for consultancy services for the preparation of the Kampala Physical Development Plan (KPDP), including Integrated Climate-Resilient Detailed Plans for two interdependent zones, namely; the Extended Central Business District (comprising Industrial Area, Nakawa, Kiswa, Bugolobi, Mbuya, and Nsambya-Kabalagala) and the Lakefront Corridor (covering Luzira-Port Bell-Kitintale and extending to the ecological zones of Buna, Kansanga, Kawuku, and Ggaba), under Procurement Reference No. KCCA/CONS/2025-2026/00018. The procurement was conducted using the Open Domestic Bidding method through the Electronic Government Procurement (EGP) Portal.
2. On 12th December 2025, the Respondent received two bids in respect of the subject procurement, submitted by Urban Research and Training Consultancy E.A. Limited (the Applicant) and Technology Consultants Ltd.
3. In accordance with the Quality and Cost-Based Selection (QCBS) evaluation methodology and following Approval of the Technical Evaluation Report by the Contracts Committee at its 696th sitting held on 18th December 2025, the financial proposals of both bidders that had passed the technical evaluation stage were subsequently opened online. Upon conclusion of the financial evaluation, the Respondent issued a Notice of Best Evaluated Bidder dated 8th January 2026, indicating a display removal date of 22nd January 2026. The Notice of Best Evaluated Bidder declared Technology Consultants Ltd as the Best Evaluated Bidder at a contract price of UGX 2,350,583,600, inclusive of VAT. It further stated that the Applicant's bid was unsuccessful at the financial comparison stage, having been ranked second overall.
4. Dissatisfied with the outcome, the Applicant lodged a complaint before the Accounting Officer on 21st January 2026. The Applicant sought a re-evaluation of the bids, contending that a proper

assessment of its proposal would result in a technical score of at least 80%, requested suspension of the procurement proceedings, and a debrief on its technical evaluation.

5. By letter dated 23rd January 2026, the Respondent invited the Applicant to attend a debrief meeting scheduled for 27th January 2026 at its offices. The meeting was duly held and attended by the Applicant's representatives. During the session, the Applicant was informed that it had obtained a revised technical score of 83.17% and a combined score of 86.54%, while the Best Evaluated Bidder had achieved a technical score of 88% and an overall score of 88.67%.
6. Subsequently, by email dated 3rd February 2026, the Applicant requested a detailed written debrief.
7. The Respondent provided the requested detailed written debrief by letter dated 5th February 2026.
8. On 9th February 2026, the Applicant notified the Accounting Officer of its intention to refer the complaint to the Tribunal for determination.
9. Being aggrieved by the Respondent's acts and omissions, the Applicant, on 13th February 2026, filed Application No. 6 of 2026 before the Tribunal, seeking a review of the Respondent's decision.

B. THE APPLICATION

1. The Applicant challenged the procurement conducted by the Kampala Capital City Authority (KCCA) for consultancy services for the preparation of the Kampala Physical Development Plan (KPDP) under Reference No. KCCA/CONS/2025-2026/00018, arguing that although it participated in the open bidding process and passed preliminary evaluation, the procurement process was fundamentally flawed and inconsistent with the *Public Procurement and Disposal of Public Assets Act* and the 2023 Regulations. The Applicant contended that despite submitting a

technically sound proposal and a lower financial bid than the Best Evaluated Bidder, it was unfairly unsuccessful.

2. The Applicant argued that KCCA failed to comply with the Quality and Cost-Based Selection (QCBS) evaluation methodology by proceeding to open financial proposals without first communicating the technical scores to bidders. It maintained that under the RFP and standard procurement procedures, technical scores must be finalized and disclosed before financial proposals are opened to ensure transparency and allow aggrieved bidders to contest technical evaluation results. The Applicant challenged the failure to notify bidders of their technical scores prior to financial opening as a violation of Sections 37.1 – 37.3 of the RFP and the PPDA Regulations, thereby undermining fairness and accountability.
3. The Applicant further challenged the timeliness of the administrative review process, asserting that KCCA's Accounting Officer failed to issue a decision within the statutory timeframe prescribed under section 106(7) of the *Public Procurement and Disposal of Public Assets Act* and regulation 8 of the Administrative Review Regulations, 2023. It argued that the debrief letter was received after the mandatory period for issuing a decision had expired, rendering the administrative review process procedurally defective and prejudicial.
4. On the substance of the technical evaluation, the Applicant challenged the scoring of its firm experience, contending that it met and exceeded the RFP requirements of 15 years' experience and submission of at least three relevant projects within the Greater Kampala Metropolitan Area (GKMA). The Applicant argued that it submitted four qualifying projects and therefore should have attained full marks under the evaluation criteria. It questioned the award of 7.67 marks, asserting that such a fractional score was inconsistent with the RFP's scoring structure and indicative of a deviation from the prescribed framework.

5. Regarding the Team Leader, Dr. Koojo Charles Amooti, the Applicant challenged the finding that he lacked the required undergraduate qualification. It argued that his academic credentials from Ukraine, including a five-year program culminating in both Bachelor's and Master's degrees in Geography, satisfied the RFP's requirement for an undergraduate degree in urban planning or a related field. The Applicant maintained that, having also met all experience and professional registration requirements, the Team Leader ought to have been awarded full marks.
6. The Applicant also challenged the underscoring of the Infrastructure Planner, Eng. Patrick James Ludigo, asserting that although the debrief claimed a lack of specialization in infrastructure planning, his extensive portfolio of over 20 infrastructure and planning assignments, including expressways, beltways, municipal roads, and urban infrastructure projects, demonstrated compliance with the RFP evaluation criteria. The Applicant argued that his qualifications and experience warranted full marks under the evaluation framework.
7. With respect to the Municipal Finance and Land Value Capture Specialist, the Applicant challenged the finding that the expert lacked an MBA and the requisite 10 years' experience. It argued that the RFP allowed for equivalent qualifications and that the expert held a Bachelor's degree in Land Management, professional certification, and had participated in over 17 relevant projects since 2014. The Applicant maintained that the expert met the experience threshold and deserved full marks.
8. Similarly, the Applicant challenged the evaluation of the GIS and Land Surveying Expert and the Environmental and Climate Resilience Planner, arguing that both experts satisfied the academic and professional experience requirements. It contended that the GIS expert had over 10 years' experience across numerous physical planning and spatial mapping projects, while the Environmental Planner's Bachelor's degree in Urban and Regional Planning constituted a related field under the RFP

criteria. The Applicant asserted that the evaluation team applied a narrow and inconsistent interpretation of qualifications, resulting in arbitrary deductions.

9. The Applicant further challenged the negative assessment of its work plan and knowledge transfer methodology. It argued that the evaluation team selectively interpreted the proposal and failed to appreciate that the 90-day deposit period under the Physical Planning Act was properly integrated within a synchronized project timeline. The Applicant maintained that its knowledge transfer strategy was comprehensive, participatory, and embedded throughout the project cycle, incorporating training needs assessments, planning studios, mentorship, stakeholder engagement, and continuous capacity building. It contended that the allegations of generic design and limited integration were unfounded.
10. Finally, the Applicant questioned the responsiveness of the Best Evaluated Bidder, Technology Consultants Ltd, asserting that in a recent comparable procurement by KCCA, the same firm had failed to attain the 80% technical pass mark due to limited relevant experience in detailed physical development planning within GKMA. The Applicant argued that it was implausible for the same firm to have remedied such deficiencies within a short period and suggested inconsistent application of evaluation criteria.
11. On that basis, the Applicant sought orders for suspension of the contract award decision, an independent re-evaluation strictly in accordance with the *Public Procurement and Disposal of Public Assets Act* and RFP provisions, and an audit of system login trails to verify the timing and integrity of the technical and financial proposal openings, asserting that such reliefs were necessary to uphold transparency, fairness, and value for money in public procurement.

C. RESPONDENT'S REPLY TO THE APPLICATION

1. The Respondent raised a preliminary objection contending that the Application was filed out of time and is therefore incompetent. It submitted that the Applicant lodged its complaint with the Accounting Officer on 21st January 2026 and that, pursuant to section 106(7) of the *Public Procurement and Disposal of Public Assets Act*, the Accounting Officer was required to issue a decision within ten calendar days, which period expired on 31st January 2026. The Respondent argued that in the absence of a decision within that period, the Applicant was required under section 115(2)(b) of the Act to file an application before the Tribunal within ten calendar days from the expiry of that period, that is, by 10th February 2026. Since the Application was filed on 13th February 2026, the Respondent maintained that it was filed three days out of time and is therefore incompetent.
2. It further submitted that the Tribunal lacks jurisdiction to extend statutory timelines, relying on the decision of the High Court in *Eclipse Edisoil JVC Ltd v Napak District Local Government* and prior Tribunal decisions in *Geo Jet Placements Ltd v Mbarara City* and *Arapai Market Traders and Vendors' Association Ltd v Serere District Local Government*, where applications filed outside statutory timelines were struck out. On that basis, the Respondent prayed that the Application be struck out without consideration of the merits.
3. Without prejudice to the preliminary objection, the Respondent addressed the substance of the Application and submitted that the procurement was conducted using the Quality and Cost-Based Selection evaluation methodology in strict accordance with the Act and the *Public Procurement and Disposal of Public Assets (Evaluation) Regulations, 2023*. The Respondent argued that the evaluation process under QCBS is sequential, involving a preliminary examination, technical evaluation, financial opening for bidders who meet the minimum technical score, and,

thereafter, combined scoring to determine the best evaluated bidder.

4. The Respondent maintained that it adhered to this sequence and that the Applicant had passed the technical stage and was included in the Notice of Best Evaluated Bidder, thereby confirming that the technical evaluation was completed prior to the financial opening. Relying on regulation 29(3)(b) of the *Public Procurement and Disposal of Public Assets (Evaluation) Regulations, 2023*, the Respondent contended that technical scores are to be disclosed at the financial bid opening session and that neither the Act nor the Regulations require prior communication of detailed technical score breakdowns before the financial opening.
5. The Respondent further referred to Section 37.3 of the Request for Proposals, which provides that the consultant's name, technical score and proposal price shall be read out and recorded at the financial opening and argued that its conduct was consistent with both the governing Regulations and the RFP.
6. The Respondent rejected the Applicant's contention that it was entitled to a debrief prior to the financial opening, submitting that under Section 37.1 of the RFP, a debrief is available only to consultants disqualified at the technical stage and upon request, which was not the Applicant's situation. It also maintained that the mandatory display requirement under the 2023 Regulations applies only to the Notice of Best Evaluated Bidder and not to interim technical evaluation results. In its view, the Applicant had not demonstrated any procedural breach or prejudice arising from the process followed.
7. Regarding the challenge to the technical score of 83.17%, the Respondent submitted that the evaluation and assignment of marks fall within the statutory discretion of the Accounting Officer, the Contracts Committee and the Evaluation Committee. The Respondent relied on the Tribunal's decisions in *GIBB (Pty) Limited in Joint Venture with ACMIRS Consulting Limited v Ministry*

of Works and Transport and SGR Project and Doshnut Uganda Ltd v Ministry of Water and Environment for the proposition that the Tribunal should not substitute its own assessment for that of the procuring and disposing entity in the absence of a clear error and that the role of the Tribunal is limited to determining whether the applicable law and the RFP were followed and whether there is evidence of manifest error.

8. The Respondent argued that the score awarded to the Applicant, including 7.67 out of 10 under firm experience, was based on factors relevant to the stated criteria and fell within the permissible range of professional judgment and contended that the Applicant had failed to demonstrate any departure from the evaluation criteria, misapplication of the RFP, manifest error, or breach of the Act or Regulations that would warrant the Tribunal's intervention.
9. The Respondent therefore maintained that the Applicant had not established any substantive grounds for the reliefs sought and prayed that the Application be struck out as incompetent or, in the alternative, dismissed on the merits.

D. APPLICANT'S REJOINDER TO RESPONDENT'S REPLY

1. In rejoinder, the Applicant rejected the Respondent's preliminary objection that the Application was filed out of time and maintained that it had fully complied with the timelines prescribed under the *Public Procurement and Disposal of Public Assets Act*. The Applicant relied on Sections 106(1), (2) and 106(3)(b) of the Act and submitted that an aggrieved bidder is entitled to lodge a written complaint within ten working days from the date it became aware, or ought reasonably to have become aware, of the circumstances giving rise to the complaint. It asserted that its complaint to the Accounting Officer was lodged on 21st January 2026 within the prescribed period, properly excluding weekends and the public holiday of 26th January 2026 in computing time, and that the tenth working day fell on 5th February 2026.

2. The Applicant further contended that although the Accounting Officer's decision was dated 5th February 2026, it was only received on 10th February 2026, which was outside the statutory period contemplated under Section 106(7) of the Act. It therefore maintained that the decision was time-barred and that it was entitled to proceed to the Tribunal. The Applicant stated that it filed the reference before the Tribunal on 13th February 2026 pursuant to Section 115(2)(a) of the Act, within ten working days from the expiry of the statutory period, and accordingly argued that the Application was properly before the Tribunal and the objection on limitation ought to be dismissed.
3. On the conduct of the procurement process, the Applicant maintained that the Respondent erred by opening the financial proposals before communicating the technical scores. It relied on Sections 37.2 and 37.3 of the Request for Proposals, which require written notification to technically qualified bidders and provide that technical scores, names of consultants and proposal prices be read out and recorded at the financial opening. The Applicant asserted that the Respondent failed to communicate the technical scores prior to the financial opening and proceeded directly to open the financial proposals, thereby acting contrary to the RFP and the 2023 Regulations. It argued that this deviation undermined fairness, transparency and accountability in the procurement process.
4. The Applicant also challenged the lawfulness of the technical evaluation and the award of 83.17%, contending that the Evaluation Committee adopted an inconsistent and arbitrary approach. It asserted that the Committee deviated from the criteria set out in the RFP in assessing firm experience, key experts, the work plan, and the knowledge transfer component, and that the reasons for lower scores did not align with the contents of the submitted proposal and CVs. The Applicant further contended that the Respondent introduced new or modified criteria not contemplated in the RFP, contrary to Section

76(3) of the Act, which prohibits the application of evaluation criteria other than those specified in the bidding documents.

5. In support of its position, the Applicant relied on the Tribunal's reasoning in *Gibb (Pty) Limited in Joint Venture with ACMIRS Consulting Limited v Ministry of Works and Transport and SGR Project* and *Roko Construction Limited v Public Procurement and Disposal of Public Assets Authority*, where procurement processes were set aside for deviation from prescribed evaluation criteria. The Applicant maintained that, similarly, the present evaluation was fundamentally flawed, lacked transparency and was conducted in breach of the Act, the Regulations and the RFP.
6. Consequently, the Applicant prayed for an order directing an independent re-evaluation of both bids strictly in accordance with the Act, the Regulations and the RFP, maintaining that a fair reassessment would result in a technical score exceeding 90% and invalidate the impugned decision. It also sought an order for an audit of the Electronic Government Procurement system login trails and timelines to ascertain when and how the technical evaluation results were entered into the system and when the financial proposals were opened, asserting that such measures were necessary to uphold fairness, transparency and legality in the procurement process.

E. RESPONSE BY TECHNOLOGY CONSULTS LTD,

1. The Best Evaluated Bidder, Technology Consults Ltd, submitted that the Claimant had misinterpreted the outcome of a previous procurement relating to the preparation of a detailed physical development plan for Kawempe Urban Centre. The Bidder argued that failure to attain the 80% pass mark in that earlier procurement did not imply a lack of capability or create a blanket disqualification in subsequent procurements. The Bidder contended that each procurement process is independent and must be evaluated strictly in accordance with its own Terms of Reference, criteria, and evidence submitted in that particular bid.

2. The Bidder further submitted that procurement decisions are based solely on the evidence presented in the current solicitation and that past non-responsiveness in a separate procurement could not automatically prejudice a fresh evaluation. It maintained that it had provided adequate and verifiable evidence demonstrating compliance with all the experience-related requirements under the present assignment.
3. In response to the allegation that it could not have acquired additional experience within two months, the Bidder argued that consultancy firms continuously complete assignments, form joint ventures, obtain completion certificates, and update their corporate experience profiles. It stated that for the current procurement, it had submitted updated documentation reflecting relevant planning assignments that may not have been included in the earlier Kawempe bid.
4. The Bidder also contended that the experience requirements under the Kawempe procurement differed from those in the present procurement, noting that the former emphasized slum-upgrading experience, whereas the latter focused on statutory planning, climate-resilient planning, institutional collaboration, and spatial data management. It maintained that it met the specific thresholds required under the current solicitation and that evaluations could not be transposed across different procurements.
5. Additionally, the Bidder submitted that it had proposed additional personnel beyond those expressly required in the Terms of Reference to ensure effective execution of the assignment, arguing that this demonstrated technical appreciation of the project's complexity.
6. The Bidder denied any inconsistency or irregularity on the part of the Procuring and disposing Entity and asserted that being unsuccessful in a previous procurement did not preclude it from being the best evaluated bidder in a subsequent one, particularly after strengthening its technical proposal. It further maintained

that the Evaluation Committee had acted lawfully and independently, in accordance with the applicable procurement principles of fairness, transparency, and equal treatment.

7. Finally, the Bidder argued that cancellation or repetition of the procurement process would undermine a lawful evaluation, occasion loss of public resources, delay service delivery, disrupt project timelines, and escalate costs. It therefore urged that the procurement proceed as evaluated in accordance with the applicable law and regulations.

F. ORAL HEARING

1. The Tribunal held an oral hearing via Zoom videoconferencing on March 2, 2026. The appearances were as follows:

For the Applicant

- 1) *Moses Oluka*, the Technical Manager and Environmental and Climate Resilient Planner, represented the Applicant during the proceedings. In attendance were *Eng. Patrick Ludigo*, the Infrastructure Planner; *Ogello Wycliffe Omondi*, an Urban Planner and GIS Expert; and *Dominic Kazooba*, a Programme Officer within Urban Research and Training Consultancy (URTC).

For the Respondent

- 2) *Collins Nizeye*, a Legal Officer, appeared as Counsel for the Respondent. Also in attendance on behalf of the Respondent were *Ann Achom Okaisu*, Manager of Comprehensive Planning; *Edgar Bwambale*, Procurement Supervisor; *Magumba Charles*, GIS Officer; *Vincent Byendaimira*, Director of Physical Planning; *Charles Mpagi*, Procurement Officer; and *Ronald Emeru*, Procurement Officer.

For Technology Consults Ltd, the Best Evaluated Bidder

- 3) *Engineer Peter Mugumya*, the Chief Executive Officer, represented Technology Consults Ltd during the proceedings.

2. The parties made oral highlights of their respective cases and also provided clarifications to the Tribunal.

G. APPLICANT'S SUBMISSIONS

1. The Applicant relied on and adopted the contents of its Application filed on 13th February 2026, together with its rejoinder to the Respondent's reply, which was filed before the Tribunal on 20th February 2026.
2. The Applicant challenged the procurement conducted by Kampala Capital City Authority (KCCA) for consultancy services for the Kampala Physical Development Plan, arguing that despite passing preliminary evaluation and submitting a technically strong proposal with a lower financial bid than the Best Evaluated Bidder, it was unfairly unsuccessful. The Applicant contended that the procurement process was fundamentally flawed and inconsistent with the *Public Procurement and Disposal of Public Assets Act, Cap 205*, sections 76, 106, and 115, and the *Public Procurement and Disposal of Public Assets (Evaluation) Regulations, 2023*, regulations 29 and 37, asserting that the technical evaluation and subsequent award lacked transparency, fairness, and accountability.
3. A key submission was that KCCA breached the Quality and Cost-Based Selection (QCBS) methodology by opening financial proposals before communicating technical scores to bidders. The Applicant maintained that under Sections 37.1–37.3 of the Request for Proposals (RFP) and regulations 29(3)(b) and 37 of the *Public Procurement and Disposal of Public Assets (Evaluation) Regulations, 2023*, technical scores must be finalized and disclosed before financial opening to ensure aggrieved bidders can contest results. It argued that the failure to notify bidders of their technical scores violated the RFP and statutory procurement regulations, undermining transparency and fairness in the evaluation process.

4. The Applicant also challenged the timeliness of the administrative review process, asserting that KCCA failed to issue a decision within the statutory period prescribed under Section 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*. It maintained that its referral to the Tribunal was timely, filed within ten working days after the statutory period expired, and therefore competent. In computing the statutory period, the Applicant excluded weekends and the public holiday of 26th January 2026, establishing that the decision was received after the expiry of the prescribed period.
5. On the substance of the technical evaluation, the Applicant contested the scoring of its firm experience, key experts, work plan, and knowledge transfer methodology. It argued that its team members met or exceeded the RFP requirements, including the Team Leader's academic credentials, the Infrastructure Planner's extensive project portfolio, and the Municipal Finance Specialist's experience. The Applicant maintained that the Evaluation Committee applied narrow or inconsistent interpretations of qualifications, selectively assessed the work plan, and ignored evidence of a comprehensive knowledge-transfer strategy, resulting in arbitrary deductions. It relied on Section 76(3) of the *Public Procurement and Disposal of Public Assets Act, Cap 205*, which prohibits the application of criteria other than those specified in the bidding documents, and on prior Tribunal decisions in which deviations from evaluation criteria were set aside.
6. Consequently, the Applicant prayed for an independent re-evaluation of both bids strictly in accordance with the *Public Procurement and Disposal of Public Assets Act, Cap 205*, the *Public Procurement and Disposal of Public Assets (Evaluation) Regulations, 2023*, and the RFP provisions, asserting that a fair reassessment would result in a technical score exceeding 90%. It also sought an audit of the Electronic Government Procurement (e-GP) system login trails and timelines to verify the entry of

technical evaluation results and the opening of financial proposals, emphasizing that such measures were necessary to uphold transparency, fairness, and legality in the procurement process.

H. RESPONDENT'S SUBMISSIONS

1. The Respondent relied on and adopted the contents of its Reply to the Application filed on 18th February 2026.
2. The Respondent submitted that the Application was incompetent as it was filed out of time, contrary to sections 106(7) and 115(2)(b) of the *Public Procurement and Disposal of Public Assets Act, Cap 205*. It contended that the Applicant had lodged its complaint with the Accounting Officer on 21st January 2026 and that, under the Act, a decision was required within ten calendar days. Since the Tribunal filing on 13th February 2026 occurred beyond the statutory period, the Respondent maintained that the Application should be struck out.
3. The Respondent further submitted that the Tribunal lacked jurisdiction to extend statutory timelines, relying on established precedent, and that applications filed outside prescribed periods are routinely struck out. It prayed that the Application be dismissed without consideration of the merits due to its procedural incompetence.
4. Without prejudice to the preliminary objection, the Respondent submitted that the procurement process for the Kampala Physical Development Plan was conducted in strict compliance with the *Public Procurement and Disposal of Public Assets Act, Cap 205*, the *Public Procurement and Disposal of Public Assets (Evaluation) Regulations, 2023*, and the RFP. It stated that the evaluation process followed the Quality and Cost-Based Selection methodology sequentially, with preliminary examination, technical evaluation, and financial opening for bidders meeting the minimum technical score.

5. The Respondent submitted that technical scores were disclosed in accordance with regulation 29(3)(b) of the *Public Procurement and Disposal of Public Assets (Evaluation) Regulations, 2023*, and Sections 37.2–37.3 of the RFP, which require that names, technical scores, and proposal prices be read out and recorded at the financial opening. It argued that the Applicant had not demonstrated any procedural breach or prejudice arising from the timing of the disclosure of technical results.
6. The Respondent submitted that the technical evaluation, including the assignment of scores, fell within the discretion of the Accounting Officer, Contracts Committee, and Evaluation Committee. It contended that the scores awarded were based on relevant factors and that the Applicant had failed to establish any misapplication of the RFP, manifest error, or deviation from the evaluation criteria warranting the Tribunal's intervention.
7. Finally, the Respondent submitted that the Applicant had not established any substantive grounds for the reliefs sought and prayed that the Application be dismissed on merit or, alternatively, struck out as incompetent. It argued that the procurement process had complied with the Act, the Regulations, and the RFP, and that there was no justification to repeat or suspend the evaluation.

I. SUBMISIONS BY THE BEST EVALUATED BIDDER

1. The Best Evaluated Bidder, Technology Consults Ltd, submitted that it reiterated and adopted the contents of its response to the Application filed on 20th February 2026 and prayed that the Application be dismissed for being devoid of merit. It argued that each procurement process is independent and must be evaluated strictly based on the Terms of Reference, evaluation criteria, and evidence submitted in the particular bid.

J. 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 erred in law and procedure by opening the bidders' financial proposals before displaying and/or communicating the technical evaluation scores?*
- (iii) Whether the Respondent conducted a non-objective, biased, or unfair evaluation of the Applicant's technical proposal?*
- (iv) Whether there are available remedies to the Parties?*

Resolution of Issues

Issue No. 1

Whether the application before the Tribunal is competent?

1. The Respondent raised a preliminary objection to the effect that the current application was filed outside the prescribed time, is therefore incompetent, and should be dismissed.
2. The Applicant, on the other hand, argued that the objection on limitation is misconceived and legally untenable because the Applicant lodged its complaint with the Accounting Officer on 21st January 2026 within the prescribed ten working days. The Accounting Officer's decision, though dated 5th February 2026, was received on 10th February 2026, outside the statutory period contemplated under the Act.
3. In accordance with sections 106(7) and 115(2)(a) of the Act, the Applicant filed the present application before the PPDA Appeals Tribunal on 13th February 2026, well within ten working days from the expiry of the Accounting Officer's decision period.

4. In the present application, the Applicant challenged the evaluation process by lodging a complaint with the Respondent's Accounting Officer on 21st January 2026. The Complaint bears a stamp from the Respondent's Procurement and Disposal Unit Office, indicating the date of receipt as 21st January 2026.
5. Upon receipt of the administrative review complaint, the Respondent's Accounting Officer was obliged under section 106(7) of the *Public Procurement and Disposal of Public Assets Act, Cap 205*, to render a decision within ten (10) days, running from 22nd January 2026 to 31st January 2026.
6. By letter dated 23rd January 2026, the Respondent invited the Applicant to attend a debrief meeting as requested, scheduled for 27th January 2026 at the Respondent's Offices, and the said meeting was duly held. Subsequently, by email dated 3rd February 2026, the Applicant requested a detailed written debrief.
7. The Respondent issued a letter dated 5th February 2026 communicating the Applicant's technical scores, the opening of the financial proposal on the EGP Portal, and a narrative explanation of the evaluation. This letter did not constitute an administrative review decision contemplated under section 106(7) of the *Public Procurement and Disposal of Public Assets Act, Cap 205*.
8. In any event, even if the letter dated 5th February 2026 were to be regarded as an administrative review decision, it was issued outside the mandatory ten-day statutory period and would therefore be null and void, as previously affirmed in *Application No. 4 of 2026 – Fleco Holding Ltd v Ministry of Water and Environment* and *Application No. 37 of 2025 – Xinjiang and Beijing Shine Technology Consortium v Uganda Electricity Transmission Company Limited*.
9. At the hearing, the Applicant relied on the Uganda Public Service Standing Orders Instructions (2021 edition), to argue that official working hours of Government of Uganda Offices being Monday to Friday, 8:00 a.m. to 12:45 p.m. and 2:00 p.m. to 5:00 p.m., meant that the Executive Director (Accounting Officer) of the Respondent

could not have been expected to issue a decision over the weekend.

10. The Tribunal, however, emphasizes that statutory timelines under an Act of Parliament, including the *Public Procurement and Disposal of Public Assets Act, Cap 205*, are legally binding and take precedence over administrative instruments such as the Standing Orders. While the Standing Orders regulate the conduct of public officers, they cannot override the clear statutory obligations established by Parliament in the Act.
11. Accordingly, the mere fact that the last day of a statutory period falls on a Saturday does not absolve the responsible authority from the obligation to act within the prescribed timeframe. A Saturday is only excluded if it coincides with a public holiday. See the recent Tribunal Decision in Application No. 3 of 2026, *Minet Uganda Insurance Brokers Limited v Uganda Electricity Transmission Company Limited*.
12. Under section 106(7) of the *Public Procurement and Disposal of Public Assets Act, Cap 205*, where an Accounting Officer does not make a decision or communicate a decision within ten days, or where a bidder is not satisfied with the decision made by the Accounting Officer, the bidder may make an application to the Tribunal, in accordance with Part IX of the Act.
13. Pursuant to sections 115(1)(a) and 115(2)(b) of the *Public Procurement and Disposal of Public Assets Act, Cap. 205*, a bidder who is aggrieved by a decision of an Accounting Officer shall apply to the Tribunal for review of a decision of the procuring and disposing entity within ten days from the date of expiry of the ten days within which the Accounting Officer ought to have made a decision.
14. Accordingly, the ten-day period for filing an application before the Tribunal commenced on 1st February 2026, being the date of expiry of the Accounting Officer's decision period and expired on 10th February 2026 pursuant to sections 115(1)(a) and 115(2)(b)

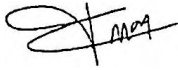
of the Act. The Applicant filed the present application on 13th February 2026, outside the statutory timeframe.

15. 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 of an Application extinguishes the Tribunal's jurisdiction. This position has been affirmed by the High Court in *Eclipse Edisoil JVC Ltd v Napak District Local Government, High Court Civil Appeal No. 05 of 2024* and in prior Tribunal decisions including *Application No. 4 of 2026 – Fleco Holding Ltd v Ministry of Water and Environment, Application No. 1 of 2026 – Cementers Uganda Ltd v National Social Security Fund*, and *Application No. 45 of 2025 – Geo Jet Placements Ltd v Mbarara City*.
16. In the premises, the Application was filed out of time and is therefore incompetent. It is accordingly struck out without considering the merits of the remaining issues.
17. **Issue no. 1 is resolved in the negative.**

K. DISPOSITION

1. The Application is hereby struck out.
2. The suspension order dated 13th February 2026, is hereby vacated.
3. Each party shall bear its own costs.

Dated at Kampala, this 5th day of March 2026.



FRANCIS GIMARA SC.
MEMBER



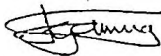
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