

# Transparent Public Procurement Rating



**Africa Freedom of Information Centre - AFIC**

Promoting Access to Information in Africa

## Uganda

### Public Procurement Legislation Assessment

The Assessment of the Public Procurement Legislation of Uganda was prepared by Africa Freedom of Information Centre (AFIC) in 2019.



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The opinions expressed in this draft document belong to the Institute for Development of Freedom of Information (IDFI) and SymaconSolutions, and do not reflect the position of Open Society Institute Budapest Foundation (OSI). Therefore, this organization is not responsible for the content of this report.

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# Introduction

The TPPR Methodology is envisioned to be a universal methodology for assessing public procurement legislations (PPLs) with the ultimate goal of identifying the strengths and weaknesses of legal frameworks and their enforcement around the globe.

## Structure and Logic

The Methodology is composed of 64 indicators, each of which holds a similar degree of importance. A number of these indicators are further broken down into scoring components.

The Methodology covers all the major components of any public procurement system, from the nature of the legislation to the complaint review process, with focus on the transparency of public procurement systems.

The selection of indicators for the Methodology was largely based on international best practice, international standards and aspects of other existing methodologies in the sphere of public procurement, such as:

- EBRD Methodology and Standard
- GPA Standard (WTO)
- OECD Methodology and Principles
- EU Standard (**Directive 2014/24/EU**)
- Open Contracting Data Standard (OCDS)

Several indicators have been directly taken from one of the sources listed above as examples of best international practice. All of these indicators have been properly referenced.

During the indicator selection and elaboration process, an effort was made to ensure that the Methodology can be used to assess many different kinds of public procurement systems, but at the same time set high standards.

The indicators are separated into 5 groups (benchmark indicators) that represent the key characteristics (values) of a well-functioning, transparent and accountable public procurement system:

1. **Uniformity of the Legislative Framework** – 14 indicators
2. **Efficiency** – 10 indicators
3. **Transparency** – 18 indicators
4. **Accountability and Integrity** – 7 indicators
5. **Competitiveness and Impartiality** – 10 indicators

The methodology also includes 5 indicators that are used to assess legal components **that are not directly part** of the public procurement legislation but are crucial in terms of creating a transparent environment necessary for a proper functioning of any public procurement system. These indicators are grouped separately under '**Transparency Environment**'.

Indicators are also arranged according to the procurement process:

1. **Pre-tendering Phase** – procurement processes leading up to the publication of a notice of intended procurement.
2. **Tendering Phase** – procurement processes between publication of a notice of intended procurement and selection of a tender winner.
3. **Post-tendering Phase** – procurement processes after the selection of a tender winner.

These two arrangements allow for both process and value-based assessments of public procurement legislations.

## Limitations

Public procurement systems vary significantly by country. The TPPR Methodology is intended to be applicable on a global scale, meaning that the indicators cannot be too specific and cannot cover all the possible variations and exceptions.

For the same reason, the TPPR Methodology can only be used to assess public procurement legislations on the national level, and it does not include indicators for any industry specific rules.

## About the Project

The Methodology has been developed within the framework of the project [Transparent Public Procurement Rating \(TPPR\) – Assessing Public Procurement Legislation and the Enforcement Process in the Eurasian Region](#).

The project was funded by Open Society Institute Budapest Foundation (OSI) and has been implemented by a Georgia-based civil society organization [Institute for Development of Freedom of Information \(IDFI\)](#) together with 5 partner organizations from each country in the Eurasian region covered by the project:

Armenia – [Freedom of Information Center of Armenia](#)

Azerbaijan – [Transparency International \(TI\)](#)

Belarus – [BIPART](#)

Moldova – [Expert-Grup](#)

Ukraine – [Transparency International \(TI\)](#)

In its initial stage, the TPPR project only covers the Eastern Partnership (EaP) Region; however, it plans to scale the methodology up to larger regions in the future.

## Scoring System

Each indicator included in the TPPR Methodology is granted equal weight and receives a maximum of 1 point. With a total of 64 indicators, public procurement legislations are rated on the scale of **0 to 64** (converted to percentages for easier understanding and visualization).

Indicators that are further broken down into scoring components are nevertheless worth 1 point. Each scoring component is evaluated separately.

The Methodology uses two ways to distribute points among scoring components of an indicator:

1. **'Scoring method'** is used when scoring components of an indicator overlap (meaning they do not add up as points) or have an unequal distribution of points.
2. **'Point distribution'** is used when each scoring component of an indicator is given an equal share of the overall point granted to that indicator.

This scoring system and the structure of the Methodology allow for the results to be presented in three ways:

1. **Country Overall Results and Rating** – country overall results on the scale of 0-64 are converted into and presented using percentages (0-100%). Countries are then ranked by their overall results.
2. **Results by Benchmark Indicators** – results for benchmark indicators are presented only through percentages, since benchmark indicators include an unequal number of indicators (and, therefore, unequal number of maximum points).
3. **Results by Procurement Process** – results for different phases of the procurement process are presented only through percentages, due to unequal number of indicators included in each phase.

Countries are also ranked and compared by their results for each benchmark indicator.

## Visualization

Visualizing the results of the assessment is crucial to the goal of the methodology. For this purpose, the overall points received by each country shall be shown graphically using the scale of 0-100%, divided into 4 quarters of a specific color:

- Low compliance with TPPR Standards – 0% to 25% (red)

- Average compliance with TPPR Standards – 26% to 50% (orange)
- Good compliance with TPPR Standards – 51% to 75% (yellow)
- Excellent compliance with TPPR Standards – 76% to 100% (green)

Visualizations will also include spider graphs depicting country results by benchmark indicators and the procurement process, and multi-colored bar graphs for comparing country results in these categories.

## Terminology

This methodology uses universally accepted procurement terminology as well as a few terms of its own design, in order to make key distinctions easier.

**Acceptance act** – A document signed by parties through which they agree on the terms by which a bargain is concluded.

**Bid** – Price offered by a tender participant during the bidding procedure.

**Bid Security** – A refundable amount of money paid by tender candidates validating their participation in a tender.

**Coordination** – Providing assistance to economic operators and procuring entities to engage in procuring activities.

**Day** – In the context of this methodology a day implies a calendar day.

**Economic Operator** – business or other organization which supplies goods, works or services.

**Legal entity of public law (LEPL)** (Public Legal Entity) – Organization created by the government or a government body, but separated from state management, and performing public authority independent of state control.

**Machine-readable** – A data format that can be processed (i.e. extract, transform and process) by a computer.

**Monitoring** – Data collection and analysis.

**State non-commercial legal entity** – A body governed by public law, having legal personality, not having an industrial or commercial character, and funded or managed, for the most part, by state entities.

**Non-competitive procedure (direct procurement)** – A type of public procurement procedure that does not involve prior publication of a notice of intended procurement.

**Notice of intended procurement** – A call for participation in an open tender issued by procuring entities.

**Open tender** – A type of tender, in which any economic operator can request participation.

**Post-tendering phase** – procurement processes after the selection of a tender winner.

**Pre-tendering phase** – procurement processes leading up to the publication of a notice of intended procurement.

**Procurement regulatory body** – a state body responsible for managing the public procurement system without necessarily incorporating lawmaking and law enforcement functions.

**Procuring entity** – A state budget and local government entity (including their respective LEPLs and state owned companies).

**Public procurement annual plan** – A document issued by procuring entities that contains information about all procurements planned within a fiscal year.

**Tender** – A type of public procurement procedure that involves bidding.

**Tender application** – An economic operator's official request to participate in a tender that includes all the documents requested by the procuring entity.

**Tender candidate** – An economic operator willing to participate in a tender.

**Tender commission** – A group of persons within a procuring entity responsible for conducting procurement (this function can also be performed by a single person).

**Tender documentation** – A collection of documents containing full information about the procurement, such as its subject-matter, technical requirements/specification, eligibility and evaluation criteria, draft contract conditions etc.

**Tender participant** – An economic operator that has been allowed to participate in a tender.

**Tendering phase** – procurement processes between publication of a notice of intended procurement and selection of a tender winner.

## TPPR Methodology Indicators

Transparency Environment			
#	Indicator	Score	Relevant Article and Law (if applicable)
1.	Business registry is publicly available. – [ 1 point ]	1	<a href="http://budget.go.ug">budget.go.ug</a>

2.	Budgets of all public procuring entities are publicly available. – [ 1 point ]	1	
3.	Public officials are required by law to file asset declarations. – [ 1 point ]	1	Sec 4, Leadership Code Act 2002
4.	The country has adopted legal provisions ensuring the right to request public information. – [ 1 point ]	1	Access to Information Act 2005
5.	Legislation includes provisions regulating whistleblower protection. – [ 1 point ]	1	Whistleblower Protection Act 2010

## Indicators by Procurement Process

General Characteristics of the Procurement System			
#	Indicator	Score	Relevant Article and Law (if applicable)
1.	<p>Public Procurement Legislation (<b>PPL</b>), which may include primary and secondary legislation, lays out the basic principles and general framework of the procurement process, makes it operational and indicates how the law must be applied to specific circumstances. – [ 1 point ]</p> <p><i>Uniformity of the Legislative Framework</i></p>	1	PPDA Act and Regulations



2.	<p>PPL (including primary and secondary legislation) is available in a single and accessible place. – [ <b>1 point</b> ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ <b>1</b> ]</li> <li>• Electronic, machine-readable, not free of charge – [ <b>0.75</b> ]</li> <li>• Electronic, non-machine-readable – [ <b>0.5</b> ]</li> <li>• Only on paper – [ <b>0.25</b> ]</li> <li>• None – [ <b>0</b> ]</li> </ul> <p><i>Uniformity of the Legislative Framework</i></p>	1	<p>PPDA Website  <a href="https://www.ppda.go.ug/download-reports/legal/ppda-act/">https://www.ppda.go.ug/download-reports/legal/ppda-act/</a></p> <p>Ulii.org</p>
3.	<p>PPL applies to all state budget and local government entities (including their respective Legal Entities of Public Law (LEPLs), state owned companies and non-commercial legal entities) and all exempted entities are clearly indicated. – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <ul style="list-style-type: none"> <li>a) All state budget entities – [ <b>0.2</b> ]</li> <li>b) Local government entities – [ <b>0.2</b> ]</li> <li>c) Legal Entities of Public Law (LEPL) – [ <b>0.2</b> ]</li> <li>d) State owned companies – [ <b>0.2</b> ]</li> <li>e) State non-commercial legal entities – [ <b>0.2</b> ]</li> </ul> <p><i>Uniformity of the Legislative Framework</i></p>	<p>Overall:0.6</p> <p>Components:</p> <ul style="list-style-type: none"> <li>a)0</li> <li>b)0.2</li> <li>c)0.2</li> <li>d)0.2</li> <li>e)0</li> </ul>	<p>PPDA Act  <a href="https://www.ppda.go.ug/download-reports/legal/ppda-act/">https://www.ppda.go.ug/download-reports/legal/ppda-act/</a></p>
4.	The scope of coverage of PPL includes all sectors of the economy where	Overall: 0.5	PPDA Act, section. 2

	<p>competition is possible and exemptions are clearly listed in the PPL. – [ 1 point ]</p> <p><b>Point Distribution</b></p> <p>a) The scope of coverage of PPL includes all sectors of the economy where competition is possible. – [ 0.5 ]</p> <p>b) PPL clearly lists or refers to all exemptions. – [ 0.5 ]</p> <p><i>Uniformity of the Legislative Framework</i></p>	<p>Components:</p> <p>a ) 0</p> <p>b) 0.5</p>	<p>Section 2(1b) “Subject to subsection (1c), this Act shall not apply to the Auditor General in the selection of private audit firms to undertake any assignment under the mandate of the Auditor General.”</p>
5.	<p>PPL determines a separate state body (procurement regulatory body) responsible for managing public procurement or assigns this function to a subordinate public body(ies). – [ 1 point ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• PPL determines a separate state body responsible for managing public procurement which is authorized to have income in addition to state funding. – [ 1 ]</li> <li>• PPL determines a separate state body responsible for managing public procurement. – [ 0.75 ]</li> <li>• PPL assigns this function to a subordinated public body(ies). – [ 0.5 ]</li> <li>• There is no responsible state body. – [ 0 ]</li> </ul> <p><i>Uniformity of the Legislative Framework</i></p>	1	<p>PPDA Act section 5 (1) (2)</p> <p>(1) There is established an autonomous body to be known as the “Public Procurement and Disposal of Public Assets Authority”, in this Act referred to as the “Authority”. (2) The Authority shall be a body corporate with perpetual succession and a common seal, and shall be capable of suing and being sued in its corporate name and, subject to this Act, may borrow money, acquire and dispose of property, and do all other things a body corporate may lawfully do.</p>
6.	<p>PPL stipulates that the procurement regulatory body is responsible for at least</p>	1	<p>PPDA Act section 7 (1) (a-b)</p>

	<p>coordination and monitoring (i.e. data collection and analysis as opposed to regulation and control) of public procurement activities. – [ <b>1 point</b> ]</p> <p><i>Uniformity of the Legislative Framework</i></p>		<p>(a) advise Central Government, local governments and other procuring and disposing entities on all public procurement and disposal policies, principles and practices; (b) monitor and report on the performance of the public procurement and disposal systems in Uganda and advise on desirable changes;</p>
7.	<p>Legislation provides for a mechanism of consultation with the private and civil society sectors that is aimed at receiving feedback and identifying problems in the procurement system. PPL obligates the entity responsible for managing public procurement to use this mechanism on a regular basis. – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <ul style="list-style-type: none"> <li>a) Legislation provides for a mechanism of consultation with the private sector. – [ <b>0.25</b> ]</li> <li>b) Legislation provides for a mechanism of consultation with the civil society sector. – [ <b>0.25</b> ]</li> <li>c) PPL obligates the entity responsible for managing public procurement to use this mechanism on a regular basis. – [ <b>0.5</b> ]</li> </ul> <p><i>Accountability and Integrity</i></p>	<p>Overall: 0.25</p> <p>Components:</p> <ul style="list-style-type: none"> <li>a) 0</li> <li>b) 0.25</li> <li>c) 0</li> </ul>	<p>No specific provision but public could make input during pre-bid meetings</p> <p><a href="https://www.ppda.go.ug/download/guidelines/guidelines/central_government_guidelines/Guideline-9-2014-Pre-bid-and-Pre-Proposal-Meetings.pdf">https://www.ppda.go.ug/download/guidelines/guidelines/central_government_guidelines/Guideline-9-2014-Pre-bid-and-Pre-Proposal-Meetings.pdf</a></p>
8.	<p>PPL stipulates that electronic means is the primary method of conducting public</p>	Overall: 0	

	<p>procurement and of communication between procuring entities and tender participants. – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <p>a) PPL stipulates that electronic means is the primary method of conducting public procurement. – [ <b>0.5</b> ]</p> <p>b) PPL stipulates that electronic means is the primary method of communication between procuring entities and tender participants. – [ <b>0.5</b> ]</p> <p><i>Efficiency</i></p>	<p>Components:</p> <p>a) 0</p> <p>b) 0</p>	
9.	<p>PPL establishes a single official point of access (i.e. an online portal) for all procedures and information related to public procurement. – [ <b>1 point</b> ]</p> <p><i>Efficiency</i></p>	1	<a href="http://gpp.ppda.go.ug">http://gpp.ppda.go.ug</a>
10.	<p>Legislation requires that software used for electronic procurement and related communication shall be non-discriminatory, free to use and interoperable with the ICT products in general use and shall not restrict economic operators' access to the procurement procedure. – [ <b>1 point</b> ]</p> <p><i>Competitiveness and Impartiality</i> <i>Source: EU Standard</i></p>	0	
11.	<p>PPL ensures that tender candidates must be given equal treatment, without regard to nationality, residency or political affiliation: – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p>	<p>Overall:2/5</p> <p>Components:</p>	For point a) PPDA Act, section 59 (4)(b) provides several percent of advantage to facilities or companies - the production

	<p>a) PPL should not allow domestic preferences. – [ 1/5 ]</p> <p>b) Participation of any candidate or group of candidates is based on qualification. – [ 1/5 ]</p> <p>c) Ensures that registration if required does not constitute a barrier to participation in tenders. – [ 1/5 ]</p> <p>d) State owned companies are not given any preference. – [ 1/5 ]</p> <p>e) Time-periods, including any extension of the time-periods, shall be the same for all interested or participating candidates.– [ 1/5 ]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i> <b>Source: GPA Standard</b></p>	<p>a) 0</p> <p>b) 1/5</p> <p>c) 0</p> <p>d) 0</p> <p>e) 1/5</p>	<p>facility in which the goods are to be manufactured, assembled or processed is in Uganda and is engaged in the manufacturing, assembling or processing of the goods at the time of submission of the bid</p> <p>For point b): PPDA Act, section 70</p> <p>Section 70 - A procuring and disposing entity shall require all bidders participating in public procurement or disposal to meet the qualification criteria set out in the bidding documents which in all cases shall include the following basic qualifications</p> <p>For point e): PPDA Act section 63; section. 64</p> <p>Section 63 – “Selection of bidders. All methods for the selection of bidders to be invited to bid shall allow for fair and equitable selection and ensure maximum competition.”</p> <p>Section 64 – “Bidding period. The bidding period shall be sufficient to allow bidders to prepare and submit their bids and shall not be reduced with the aim of limiting</p>
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			competition.”
12.	<p>PPL stipulates that a procuring entity shall, consistent with its own reasonable needs, provide sufficient time (based on the GPA standard - Article XI) for candidates to prepare and submit tender application. – [ <b>1 point</b> ]</p> <p><i>Competitiveness and Impartiality</i></p>	0	PPDA Act, section 64 – “The bidding period shall be sufficient to allow bidders to prepare and submit their bids and shall not be reduced with the aim of limiting competition.”
13.	<p>PPL stipulates that each procuring entity has a staff member(s) responsible for conducting procurement activities. – [ <b>1 point</b> ]</p> <p><i>Uniformity of the Legislative Framework</i></p>	1	PPDA Act, section 24 – “For the purpose of this Act, a procuring and disposing entity shall be composed of— (a) an Accounting Officer defined in section 3; (b) a Contracts Committee; (c) a Procurement and Disposal Unit; (d) a User Department as defined in section 3; and (e) an Evaluation Committee”
14.	<p>PPL references sanctions for violations of the PPL. – [ <b>1 point</b> ]</p> <p><i>Accountability and Integrity</i></p>	1	PPDA Act 2003 Section 8(1) (f) suspend a provider from engaging in any public procurement or disposal process, in accordance with section 94 The Authority may on the recommendation of a procuring and disposing entity or after investigations on its own initiative, suspend a provider from engaging in any public procurement or disposal process for a period determined by the

		<p>Authority, where—</p> <ul style="list-style-type: none"><li>(a) the provider breaches the Code of Ethics of providers;</li><li>(b) the provider is debarred from the procurement processes of an international agency of which Uganda is a member;</li><li>(c) after investigations by the Auditor General or an independent body appointed by the Auditor General, the provider is found to have a record of unsatisfactory performance;</li><li>(d) the provider is convicted of a corrupt practice or a fraudulent practice under this Act;</li><li>(e) the provider fails to substantially perform the obligations specified in the contract;</li><li>(f) the provider is suspended by a professional body of the provider, for professional misconduct; or</li><li>(g) the provider is found to have faulted on the obligations specified under the law.</li></ul> <p>PPDA Act Section 95 (offences and penalties)</p> <p><a href="https://www.ppda.go.ug/download/ppda_act/ppda_act/PPDA_ACT-2003.pdf">https://www.ppda.go.ug/download/ppda_act/ppda_act/PPDA_ACT-2003.pdf</a></p>
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15.	<p>Legislation explicitly defines fraud and corruption / abuse of public office and spells out the individual responsibilities and consequences for government employees and private firms or individuals found guilty of fraud or corruption. – [ 1 point ]</p> <p><i>Accountability and Integrity</i>  <b>Source: OECD Methodology</b></p>	1	<p>PPDA Act Section 95 (offences and penalties)  <a href="https://www.ppda.go.ug/download/ppda_act/ppda_act/PPDA_ACT-2003.pdf">https://www.ppda.go.ug/download/ppda_act/ppda_act/PPDA_ACT-2003.pdf</a></p>
16.	<p>PPL ensures the right to review (complaints), for all interested parties, including general public, tender participants and potential suppliers. – [ 1 point ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• PPL ensures the right to review, for general public, tender participants and potential suppliers. – [ 1 ]</li> <li>• PPL ensures the right to review, for tender participants and potential suppliers. – [ 0.75 ]</li> <li>• PPL ensures the right to review, for tender participants. – [ 0.25 ]</li> <li>• No one has the right to review. – [ 0 ]</li> </ul> <p><i>Uniformity of the Legislative Framework</i></p>	0.25	<p>The Act provides for a complaints mechanism and under section 89 and 90, an award cannot be made if there is a pending complaint.</p>
17.	<p>PPL ensures the right to review throughout the procurement process. – [ 1 point ]</p> <p><b>Point Distribution</b></p> <ul style="list-style-type: none"> <li>a) Complaints can be filed at any time during the procurement process up until the signing of the contract. – [ 1/3 ]</li> <li>b) A procurement contract cannot be awarded with a pending complaint. – [ 1/3 ]</li> </ul>	<p>Overall:2/3</p> <p>Components:</p> <p>a)0</p> <p>b)1/3</p>	<p>For point a) At planning phase, there's no provision for raising complaints</p> <p>For point b) PPDA Act, Section 89 and 90(2)(a)  <a href="https://www.ppda.go.ug/download/ppda_act/ppda_act/PPDA_ACT-2003.pdf">https://www.ppda.go.ug/download/ppda_act/ppda_act/PPDA_ACT-2003.pdf</a></p>



	<p>c) A reasonable amount of time should be left between publication of the contract award decision and the signing of the contract, in order to give any stakeholder the opportunity to challenge the award decision. – [ 1/3 ]</p> <p><i>Uniformity of the Legislative Framework</i></p>	c)1/3	For point c) Regulation N14, Part I, section 5 (1) A procuring and disposing entity shall not take any action on the contract award until the lapse of ten days after the date of display of the notice of the best evaluated bidder under regulation 4.
18.	<p>PPL ensures the existence of an independent (from parties involved in a procurement dispute) review body with the authority to review complaints and grant remedies. – [ 1 point ]</p> <p><b>Point Distribution</b></p> <p>a) PPL ensures the existence of an independent review body. – [ 0.7 ]</p> <p>b) The review body includes civil society members. – [ 0.3 ]</p> <p><i>Uniformity of the Legislative Framework</i></p>	<p>Overall:0.7</p> <p>Components:</p> <p>a) 0.7</p> <p>b) 0</p>	PPDA Act, section 91B (1) – “There is established the Public Procurement and Disposal of Public Assets Appeals Tribunal which shall consist of a chairperson and four other members appointed in accordance with this section ”
19.	<p>PPL ensures electronic, machine-readable and free of charge access to submitted complaints, either the full text or key information contained in these documents. – [ 1 point ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ 1 ]</li> <li>• Electronic, machine-readable, not free of charge – [ 0.75 ]</li> <li>• Electronic, non-machine-readable – [ 0.5 ]</li> <li>• Only on paper – [ 0.25 ]</li> </ul>	0.5	<a href="https://www.ppda.go.ug/download-reports/reports/administrative-review/">https://www.ppda.go.ug/download-reports/reports/administrative-review/</a>

	<ul style="list-style-type: none"> <li>None – [ 0 ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>		
20.	<p>PPL ensures electronic, machine-readable and free of charge access to dispute resolutions (of the independent review body), either the full text or key information contained in these documents. – [ 1 point ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>Electronic, machine-readable, free of charge – [ 1 ]</li> <li>Electronic, machine-readable, not free of charge – [ 0.75 ]</li> <li>Electronic, non-machine-readable – [ 0.5 ]</li> <li>Only on paper – [ 0.25 ]</li> <li>None – [ 0 ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>	0.5	<p>PPDA Appeals Tribunal  <a href="http://ppdaappealstribunal.go.ug/category/decisions/applications/2017-applications/#">http://ppdaappealstribunal.go.ug/category/decisions/applications/2017-applications/#</a></p> <p>PPDA Act, Section 91 I (7)</p> <p>The Tribunal shall issue a decision within a period of not more than ten working days after receiving an application for review.</p>
<b>Pre-tendering Phase</b>			
#	Indicator	Score	Relevant Article and Law (if applicable)
1.	PPL obligates procuring entities to publish as early as possible in each fiscal year a notice regarding their future procurement plans - "public procurement annual plan". The annual plan must include at least: – [ 1 point ]	<p>Overall: 0.75</p> <p>Components:</p> <p>a) 0</p>	<p>PPDA Act, section 58 (1)</p> <p>In accordance with the budget preparation procedures issued by the Minister, a procuring and disposing entity shall in each</p>

	<p><b>Point Distribution</b></p> <p>a) Subject-matters (CPV- or other similar classificatory system) of planned procurements. – [ 0.25 ]</p> <p>b) Planned dates (a range of week/month/quarter) of publication of the notices of intended procurement. – [ 0.25 ]</p> <p>c) Estimated value of procurements. – [ 0.25 ]</p> <p>d) Source of funding. – [ 0.25 ]</p> <p style="text-align: right;"><i>Efficiency</i></p>	<p>b)0.25</p> <p>c)0.25</p> <p>d)0.25</p>	<p>financial year, by a date determined by the Secretary to the Treasury, prepare and submit to the Secretary to the Treasury and to the Authority, its annual procurement plan for the following financial year.</p> <p>All procuring entities are required to publish by July 15<sup>th</sup> of every year respective procurement plans on the Government Procurement Portal</p> <p><a href="http://gpp.ppda.go.ug/page/procurement_plans">http://gpp.ppda.go.ug/page/procurement plans</a></p> <p>For point a) the template of procurement plan includes a description of the procurement, however omits the CPV code.</p>
2.	<p>PPL ensures electronic, machine-readable and free of charge access to public procurement annual plans of all procuring entities or key information included in these documents. – [ 1 point ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ 1 ]</li> <li>• Electronic, machine-readable, not free of charge – [ 0.75 ]</li> <li>• Electronic, non-machine-readable – [ 0.5 ]</li> <li>• Only on paper – [ 0.25 ]</li> <li>• None – [ 0 ]</li> </ul>	1	<p>PPDA Act, section 58 (6)</p> <p>A procuring and disposing entity shall display its procurement plan and the updated and approved plan on its procurement and disposal notice board or using any other method as may be prescribed, for not less than twenty working days.</p>

	<p style="text-align: right;"><i>Transparency</i></p>		<p>Plans are available in Excel format at</p> <p><a href="http://gpp.ppda.go.ug/page/procurement_plans">http://gpp.ppda.go.ug/page/procurement plans</a></p>
3.	<p>Legislation stipulates that the planning of procurement and estimation of associated expenditures are part of the state budget formulation process in a fiscal year. – <b>[ 1 point ]</b></p> <p style="text-align: right;"><i>Efficiency</i></p> <p style="text-align: right;"><b>Source: OECD Methodology</b></p>	1	<p>PPDA Act, section 58 (1) – “In accordance with the budget preparation procedures issued by the Minister, a procuring and disposing entity shall in each financial year, by a date determined by the Secretary to the Treasury, prepare and submit to the Secretary to the Treasury and to the Authority, its annual procurement plan for the following financial year.”</p>
4.	<p>PPL stipulates that procurement process should not normally be initiated until the appropriate financial resources have been identified. – <b>[1 point]</b></p> <p style="text-align: right;"><i>Accountability and Integrity</i></p>	1	<p>PPDA Act, section 59 (2) – “Procurement or disposal shall only be initiated or continued on the confirmation that funding, in the full amount over the required period, is available or will be made available at the time the contract commitment is made.”</p>

5.	<p>PPL defines the composition, powers, responsibilities and decision-making procedures of the body (tender commission or a person) responsible for conducting tender within the procuring entity. – <b>[1 point]</b></p> <p><i>Uniformity of the Legislative Framework</i></p>	1	PPDA Act, section 24
6.	<p>Minimum monetary thresholds exist for different types of procurement. – <b>[ 1 point ]</b></p> <p><i>Efficiency</i></p>	0	
7.	<p>PPL stipulates that open tender is the default procedure for any public procurement, and all exceptions are clearly listed by the PPL. – <b>[ 1 point ]</b></p> <p><b>Point Distribution</b></p> <p>a) Open tender is the default procedure for any public procurement. – <b>[ 0.5 ]</b></p> <p>b) All exceptions are clearly listed by the PPL. – <b>[ 0.5 ]</b></p> <p><i>Competitiveness and Impartiality</i></p>	<p>Overall:1</p> <p>Components:</p> <p>a) 0.5</p> <p>b) 0.5</p>	PPDA Act, section 51 – “Open competitive bidding. A procuring and disposing entity shall use open bidding as the preferred method of procurement and disposal.”
8.	<p>PPL stipulates that justification for using a non-competitive procedure must be made public by the procuring entity. – <b>[ 1 point ]</b></p> <p><i>Accountability and Integrity</i></p>	0	<p>Section 41 PPDA Act (amended)</p> <p><a href="file:///C:/Users/Jesus/AppData/Local/Temp/ppda-ammendment-act-2011.pdf">file:///C:/Users/Jesus/AppData/Local/Temp/ppda-ammendment-act-2011.pdf</a></p>
9.	<p>PPL stipulates that provided that it does not use this provision for the purpose of</p>	1	PPDA Act, Fourth Schedule – Conditions for

	<p>avoiding competition among suppliers or in a manner that discriminates against foreign suppliers or protects domestic suppliers, a procuring entity may use non-competitive procedure (direct procurement) when: – [ <b>1 point</b> ]</p> <ul style="list-style-type: none"> <li>a) Where the goods or services can be supplied only by a particular supplier and no reasonable alternative or substitute goods or services exist.</li> <li>b) For additional deliveries by the original supplier of goods or services that were not included in the initial procurement where a change of supplier for such additional goods or services cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, software, services or installations procured under the initial procurement; or would cause significant inconvenience or substantial duplication of costs for the procuring entity.</li> <li>c) Insofar as is strictly necessary where, for reasons of extreme urgency brought about by events unforeseeable by the procuring entity, the goods or services could not be obtained in time using open tendering or selective tendering.</li> <li>d) Where a procuring entity procures a prototype or a first good or service that is developed at its request in the course of, and for, a particular contract for research, experiment, study or original development.</li> <li>e) For purchases made under exceptionally advantageous conditions that only arise in the very short term in the case of unusual disposals such as those arising from liquidation, receivership or bankruptcy, but not for routine purchases from regular suppliers. – [ <b>1</b> ]</li> </ul> <p><b>Scoring Method</b></p> <p>In case of any additional exceptions – [ <b>0.5</b> ]</p> <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>	<p>Use of Procurement Methods (6)</p>
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	Source: GPA Standard		
<b>Tendering Phase</b>			
#	Indicator	Score	Relevant Article and Law (if applicable)
1.	<p>PPL stipulates that the notice of intended procurement / tender documentation must include at least: – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <ul style="list-style-type: none"> <li>a) Name and address of the procuring entity and other information necessary to contact the procuring entity and obtain all relevant documents relating to the procurement, and their cost and terms of payment, if any. – [ <b>1/8</b> ]</li> <li>b) A description of the procurement, including the nature and the quantity of the goods or services (including construction) to be procured or, where the quantity is not known, the estimated quantity. – [ <b>1/8</b> ]</li> <li>c) CPV codes (or other classificatory system of a similar nature). – [ <b>1/8</b> ]</li> <li>d) Estimated value of the goods or services to be procured. – [ <b>1/8</b> ]</li> <li>e) The time-frame for delivery of goods or services or the duration of the contract. – [ <b>1/8</b> ]</li> <li>f) The procurement method that will be used. – [ <b>1/8</b> ]</li> <li>g) The address (where applicable) and any final date for the submission of requests for participation in the procurement. – [ <b>1/8</b> ]</li> <li>h) A list and brief description of any conditions (eligibility criteria) for</li> </ul>	<p>Overall: 7/8</p> <p>Components:</p> <ul style="list-style-type: none"> <li>a)1/8</li> <li>b)1/8</li> <li>c)0</li> <li>d)1/8</li> <li>e)1/8</li> <li>f)1/8</li> <li>g)1/8</li> <li>h)1/8</li> </ul>	<p>Regulation N8, Part V, section 23 (1)</p> <p>A procuring and disposing entity shall use the appropriate standard bidding documents issued by the Authority for each procurement requirement.</p> <p>For b) Regulation N8, Part V, section 25 (1) (a;b)</p> <p>For d) Regulation N8, Part II, section 3 (b) the estimated value of the works, non-consultancy services or supplies;</p> <p>For e) Regulation N8, Part V, section 25 (1) (d) a delivery and completion schedule;</p> <p>For g) Regulation N8, Part VI, section 56</p> <p>For h) Regulation N8, Part V, section 25 (1)</p>

	<p>participation of candidates, including any requirements for specific documents or certifications to be provided by candidates in connection therewith. – [ <b>1/8</b> ]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i> <b>Source: GPA Standard</b></p>		<p>(c) a full description of the requirement</p> <p>Standard Bidding Documents available at - <a href="https://bit.ly/2tRTOKL">https://bit.ly/2tRTOKL</a></p>
2.	<p>PPL stipulates that the notice of intended procurement / tender documentation must include: – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <ul style="list-style-type: none"> <li>a) Payment conditions – [ <b>0.2</b> ]</li> <li>b) Information about bid security (if required) – [ <b>0.2</b> ]</li> <li>c) Source of funding – [ <b>0.2</b> ]</li> <li>d) Payment information for multi-year contracts – [ <b>0.2</b> ]</li> <li>e) Draft of contract – [ <b>0.2</b> ]</li> </ul> <p style="text-align: right;"><i>Competitiveness and Impartiality</i></p>	<p>Overall:1</p> <p>Components:</p> <ul style="list-style-type: none"> <li>a)0.2</li> <li>b)0.2</li> <li>c)0.2</li> <li>d)0.2</li> <li>e)0.2</li> </ul>	<p>For a,b and d) Regulation N8, Part V, section 33 (1) (d) (iii) the payment terms, including any advance payment, stage payments, payment retentions and payment securities;</p> <p>For c) Regulation N8, Part V, section 3 (c)</p> <p>For e) Regulation N8, Part V, section 33 (1) (d) the draft contract, which shall include</p> <p>Standard Bidding Documents available at - <a href="https://bit.ly/2tRTOKL">https://bit.ly/2tRTOKL</a></p>
3.	<p>PPL defines all eligibility criteria for participation in tender that must include at least: – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <ul style="list-style-type: none"> <li>a) Capabilities with the respect to personnel, equipment, and construction or</li> </ul>	<p>Overall:3/3</p> <p>Components:</p> <ul style="list-style-type: none"> <li>a)1/3</li> </ul>	<p>For b and c) PPDA Act, Part IV, section 70</p> <p>Standard Bidding Documents available at - <a href="https://bit.ly/2tRTOKL">https://bit.ly/2tRTOKL</a></p>



	<p>manufacturing facilities. – [ 1/3 ]</p> <p>b) Financial position. – [ 1/3 ]</p> <p>c) Grounds of restriction for participation. – [ 1/3 ]</p> <p><i>Competitiveness and Impartiality</i></p> <p><b>Source: EBRD Methodology</b></p>	<p>b)1/3</p> <p>c)1/3</p>	
4.	<p>PPL stipulates that procuring entities may seek consultations for the purpose of planning procurement (drafting of tender documentation) from independent experts or market participants. In such cases, these experts or market participants may not take part or benefit from tenders they helped plan unless it can be demonstrated that there is no conflict of interest (as defined by the national legislation). – [ 1 point ]</p> <p><b>Point Distribution</b></p> <p>a) PPL stipulates that procuring entities may seek consultations for the purpose of planning procurement from independent experts or market participants. – [ 0.5 ]</p> <p>b) PPL prohibits these experts or market participants from taking part or benefiting from tenders they helped plan, unless it can be demonstrated that there is no conflict of interest (as defined by the national legislation). – [ 0.5 ]</p> <p><i>Efficiency</i></p> <p><b>Source: EU Standard</b></p>	<p>Overall: 0</p> <p>Components:</p> <p>a) 0</p> <p>b) 0</p>	
5.	<p>PPL ensures electronic, machine-readable and free of charge access to notices of intended procurement (including tender documentation), either the full text or key</p>	1	<p>Regulation N8, Part V, section 42 (2) A bid notice shall be displayed on the website of the Authority and the notice board of the procuring and disposing entity not later</p>

	<p>information contained in these documents. – [ 1 point ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ 1 ]</li> <li>• Electronic, machine-readable, not free of charge – [ 0.75 ]</li> <li>• Electronic, non-machine-readable – [ 0.5 ]</li> <li>• Only on paper – [ 0.25 ]</li> <li>• None – [ 0 ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>		<p>than the date of publication of the bid notice and shall be displayed until the deadline for submission of bids</p> <p>The authorities website gives possibility to download information on bid notices (notices of intended procurement) in excel or JSON format</p> <p><b>Standard Bidding Documents available at - <a href="https://bit.ly/2tRTOKL">https://bit.ly/2tRTOKL</a></b></p> <p>“The detailed bid notice is available at the Entity’s website at <a href="http://www.ppda.go.ug">www.ppda.go.ug</a>”</p> <p>The Government procurement portal as well</p>
6.	<p>PPL ensures electronic, machine-readable and free of charge access to tender documentation amendments, either the full text or key information contained in these documents. – [ 1 point ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ 1 ]</li> <li>• Electronic, machine-readable, not free of charge – [ 0.75 ]</li> <li>• Electronic, non-machine-readable – [ 0.5 ]</li> </ul>	0	<p>Regulation N8, Part VI, section 49 (8)</p> <p>The addendum, including any extension to the bidding period, shall be issued in writing and the same information shall be provided to all the bidders.</p> <p><b>The addendum is not public according to</b></p>

	<ul style="list-style-type: none"> <li>Only on paper – [ 0.25 ]</li> <li>None – [ 0 ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>		the law, but available to all bidders
7.	<p>PPL ensures electronic, machine-readable and free of charge access to tender candidate applications (all documents needed for the request to participate in a tender), either the full text or key information contained in these documents. – [ 1 point ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>Electronic, machine-readable, free of charge – [ 1 ]</li> <li>Electronic, machine-readable, not free of charge – [ 0.75 ]</li> <li>Electronic, non-machine-readable – [ 0.5 ]</li> <li>Only on paper – [ 0.25 ]</li> <li>None – [ 0 ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>	0	<p>Regulation N8, Part VI, section 65 (11)</p> <p>After all bids are opened, read out and recorded, the record of the bid opening session and shall be signed by the chairperson and the secretary.</p> <p>Regulation N8, Part VI, section 65 (12)</p> <p>Copies of the record shall upon request, be made available to a bidder or a representative of a bidder.</p>
8.	<p>PPL ensures electronic, machine-readable and free of charge access to information about the bids offered by tender participant. – [ 1 point ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>Electronic, machine-readable, free of charge – [ 1 ]</li> <li>Electronic, machine-readable, not free of charge – [ 0.75 ]</li> <li>Electronic, non-machine-readable – [ 0.5 ]</li> <li>Only on paper – [ 0.25 ]</li> <li>None – [ 0 ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>	0	<p>Regulation N14, Part I, section 4 (5) The notice of best evaluated bidder shall be displayed on the procurement and disposal notice board of the procuring and disposing entity and the website of the Authority until the day following the expiry of the period specified in regulation 5.</p> <p>Regulation N14, Part I, section 5 (1) A procuring and disposing entity shall not take any action on the contract award until the lapse of ten days after the date of</p>

			<p>display of the notice of the best evaluated bidder under regulation 4.</p> <p>Therefore the best evaluated bidder form is available on the website for only ten days and information on the bids is only known to the bidders.</p>
9.	<p>PPL ensures electronic, machine-readable and free of charge access to decisions of the tender commission, either the full text or key information contained in these documents. – [ <b>1 point</b> ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ <b>1</b> ]</li> <li>• Electronic, machine-readable, not free of charge – [ <b>0.75</b> ]</li> <li>• Electronic, non-machine-readable – [ <b>0.5</b> ]</li> <li>• Only on paper – [ <b>0.25</b> ]</li> <li>• None – [ <b>0</b> ]</li> </ul> <p><i>Transparency</i></p>	0	<p>Some decisions are only sent to bidders and are not available publicly according to the PPL.</p>
10.	<p>Unless justified by the subject-matter of the contract, technical specifications shall not refer to a specific make or source, or a particular process which characterizes the products or services provided by a specific economic operator, or to trade marks, patents, types or a specific origin or production with the effect of favoring or eliminating certain undertakings or certain products. – [ <b>1 point</b> ]</p> <p><i>Competitiveness and Impartiality</i></p>	1	<p>Regulation N8, Part V, section 28</p> <p>(1) Specifications shall not be issued with reference to a particular trademark, brand name, patent, design, type, specific origin, producer, manufacturer, catalogue or</p>

	<p><b>Source: EU Standard</b></p>		<p>numbered item.</p> <p>(2) Where there is no other sufficiently precise or intelligible way of characterizing a requirement except by the use of a reference in sub-regulation (1), the description shall be used, followed by the words “or equivalent”, and shall only serve as a benchmark during the evaluation process.</p> <p>(3) Notwithstanding sub-regulation (1), where a standardization policy is adopted by a competent authority, the corresponding trademark, brand name, patent, design, type, specific origin, manufacturer, producer, catalogue or numbered item may be used in the statement of requirements.</p>
11.	<p>PPL stipulates that procuring entities may require tender candidates to confirm the validity of their bid with a bid security that is refunded once the procedure is completed. – [ <b>1 point</b> ]</p> <p><i>Efficiency</i></p>	1	<p>Regulation N8, Part VI, section 53</p> <p>(1) A bidding document shall state any requirement for a bid security or bid securing declaration.</p>

			<p>(2) The amount of a bid security or the terms of a bid securing declaration shall be specified in guidelines issued by the Authority.</p> <p>(3) The purpose of a bid security and a bid securing declaration shall be to encourage bidders fulfill the conditions of the bids and to deter irresponsible and unserious bidders from bidding.</p> <p>(6) A bid security shall be released promptly by a procuring and disposing entity to an unsuccessful bidder upon expiry of the term of the security or upon the formation of a contract with the successful bidder and submission of a valid performance security or upon request by the unsuccessful bidder after publication of the notice of best evaluated bidder.</p>
12.	<p>Legislation explicitly defines conflict of interest and includes mechanisms for its prevention: – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <p>a) The concept of conflicts of interest covers at least any situation where staff members of the procuring entity or of a procurement service provider</p>	<p>Overall: 2/3</p> <p>Components:</p> <p>a)1/3</p> <p>b)1/3</p>	<p>For a) PPDA Act, Part VIII, section 91U</p> <p>3) “Conflict of interest” in subsection (2), in relation to a person to whom that subsection applies, includes the personal interest of a relation or business associate which that person has knowledge or would</p>

	<p>acting on behalf of the procuring entity who are involved in the conduct of the procurement procedure or may influence the outcome of that procedure, have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure. – [ 1/3 ]</p> <p>b) PPL stipulates that persons responsible for procurement decision-making in procuring entities must declare in writing any conflict of interest with tender participants. – [ 1/3 ]</p> <p>c) The legislative framework prohibits the participation of active public officials and former public officials for a reasonable period of time after leaving office in public procurement procedures in ways that benefit them, their relatives, and business or political associates financially or otherwise. – [ 1/3 ]</p> <p style="text-align: right;"><i>Accountability and Integrity</i>  <b>Source for a): EU Standard</b>  <b>Source for b): OECD Methodology</b></p>	c) 0	<p>have had knowledge if he or she exercised due diligence having regard to all the circumstances.</p> <p>(4) “Relation” in subsection (3) means a biological or adopted child, a spouse and a parent.</p> <p>(5) A person to whom this section applies shall reveal any personal interest that may impinge or which may be deemed to impinge on the business dealings of that person, with the procuring and disposing entity.</p> <p>(6) A person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding one hundred and twenty currency points or to imprisonment for a term not exceeding five years, or both.</p> <p>For b) PPDA Act, Part III, section 37 (6)</p> <p>All members of the Evaluation Committee shall sign the Code of Ethics provided under the regulation made under this Act, declaring that they do not have a conflict of interest in the procurement requirement.</p>
13.	PPL stipulates that award decisions must be made solely on the basis of evaluation criteria that have been precisely specified in advance in the tender documentation.	1	<p>PPDA Act, Part V, section 71</p> <p>(1) The choice of an evaluation</p>

	<p>– [ 1 point ]</p> <p><i>Competitiveness and Impartiality</i></p>		<p>methodology shall be determined by the type, value and complexity of the procurement or disposal.</p> <p>(2) All solicitation documents shall fully and comprehensively detail the evaluation methodology and criteria which shall apply.</p> <p>(3) No evaluation criteria other than that stated in the bidding documents shall be taken into account.</p>
14.	<p>PPL stipulates that upon modification of any criteria and requirements set out in tender documentation prior to the completion of tender application submission period, a procuring entity shall transmit in writing all such modifications: – [ 1 point ]</p> <p><b>Point Distribution</b></p> <p>a) To all tender candidates; and – [ 0.5 ]</p> <p>b) Give additional adequate time (either by extending or restarting the time) to allow such candidates to modify and re-submit amended tender application. – [ 0.5 ]</p> <p><i>Competitiveness and Impartiality</i></p>	<p>Overall:0.5</p> <p>Components:</p> <p>a)0.5</p> <p>b)0</p>	<p>For point a) and b) Regulation N8, Part VI, section 49</p> <p>(1) The bidding documents shall state that a bidder may seek clarification on the bidding documents and shall state the date by which the clarification shall be sought.</p> <p>(2) In determining the date referred to in sub-regulation (1) a procuring and disposing entity shall provide adequate time for all bidders to receive and study the bidding documents.</p> <p>(3) Where a request for clarification is received, the procuring and disposing entity shall promptly provide a clarification in writing and the clarification shall be copied to all bidders to whom the bidding documents were issued, and shall include a description of the request without identifying the source of the request.</p> <p>(4) At any time before the deadline for</p>



			<p>submission of bids, the procuring and disposing entity may, at its own initiative or in response to a request for clarification from a bidder, amend the bidding documents by issuing an addendum.</p> <p>107</p> <p>(5) A clarification made by the procuring and disposing entity shall not be taken as an addendum to the bidding documents.</p> <p>(6) To give a bidder reasonable time during which to take an addendum into account in preparing a bid, the procuring and disposing entity shall, where less than one third of the bidding period remains, extend the deadline for the submission of bids by a reasonable period.</p> <p>(7) Where more than one third of the bidding period remains, the procuring and disposing entity may, at its discretion, extend the deadline for the submission of bids.</p> <p>(8) The addendum, including any extension to the bidding period, shall be issued in writing and the same information shall be provided to all the bidders.</p>
15.	PPL stipulates that procuring entities shall inform each tender participant of the decision reached about the winner of the tender, including failure to do so, as soon	0	<p>Regulation N14, Part II, section 4</p> <p>(1) A procuring and disposing entity shall,</p>

	<p>as it is made, but no later than the end of the following working day. – <b>[ 1 point ]</b></p> <p><i>Transparency</i></p>		<p>within five working days after the decision of the contracts committee to award a contract—</p> <p>(a) deliver a copy of the notice of best evaluated bidder to all bidders who participated in the bidding process;</p> <p>(b) display a notice of best evaluated bidder on the notice board of the procuring and disposing entity; and</p> <p>(c) send a copy of the notice of best evaluated bidder to the Authority for publication on the website of the Authority.</p>
16.	<p>PPL ensures that on request from the tender participant the procuring entity shall as quickly as possible inform: – <b>[ 1 point ]</b></p> <p><b>Point Distribution</b></p> <p>a) Any unsuccessful tender candidate of the reasons for the rejection of its request to participate (if such approval is required). – <b>[ 0.5 ] ***</b></p> <p>b) Any unsuccessful tender participant of the reasons for the rejection of its bid. – <b>[ 0.5 ]</b></p> <p>*** If a) is not applicable, b) equals <b>[1 point]</b>.</p> <p><i>Transparency</i></p> <p><b>Source: EU Standard</b></p>	<p>Overall:1</p> <p>Components:</p> <p>a)0.5</p> <p>b)0.5</p>	<p>Regulation N9, section 26</p> <p>(1) After the approval of the technical evaluation report by the Contracts Committee and before the financial bids are open, the bidders whose bids are disqualified at the technical evaluation stage and which are not recommended for financial evaluation shall be informed.</p> <p>(2) The procuring and disposing entity shall, on request, provide a bidder whose bid is disqualified at the technical evaluation stage and which is not recommended for financial evaluation with a debrief which shall state the score awarded to the bid at</p>

			<p>the technical evaluation, the reasons for the disqualification of the bid and the weaknesses of the bid against the evaluation criteria.</p> <p>(3) The debrief under this regulation shall be unique to the bidder who makes a request and shall not provide details on any other bid, other than the information that is otherwise publicly available.</p> <p>(4) The debrief shall be provided within ten working days of a request by a bidder.</p>
17.	<p>PPL stipulates that in cases when evaluation criteria include both price and quality, the winner shall be chosen using a cost-effectiveness approach, such as: – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <ul style="list-style-type: none"> <li>a) Life-cycle cost – [ <b>1/3</b> ]</li> <li>b) Best price-quality ratio – [ <b>1/3</b> ]</li> <li>c) Environmental and/or social costs – [ <b>1/3</b> ]</li> </ul> <p style="text-align: right;"><i>Efficiency</i> <b>Source: EU Standard</b></p>	<p>Overall: 2/3</p> <p>Components:</p> <ul style="list-style-type: none"> <li>a) 1/3</li> <li>b) 1/3</li> <li>c) 1/3</li> </ul>	<p>For point a) Regulation N9, section 13 (2)</p> <p>Where equipment is to be in use for a long period of time or where maintenance and operating costs are a significant proportion of the overall cost, the evaluation committee shall assess the life-cycle of the costs.</p> <p>For point c) Regulation 8, Part V, section 25</p> <p>a functional description of the qualities, including any environmental or safety features required of the subject of the procurement;</p>

<b>Post-tendering Phase</b>			
#	Indicator	Score	Relevant Article and Law (if applicable)
1.	<p>PPL stipulates that upon successful conclusion of tender (upon choosing and announcing of the winner) the following information must be made public as soon as it is available: – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <ul style="list-style-type: none"> <li>a) Name, type, identification number, address, telephone, fax number (where applicable), email and internet address of the procuring entity and, where different, of the service from which additional information may be obtained. – [ <b>0.1</b> ]</li> <li>b) Subject of procurement. – [ <b>0.1</b> ]</li> <li>c) CPV codes (or other classificatory system of similar nature). – [ <b>0.1</b> ]</li> <li>d) Description of the procurement: nature, extent, quantity or value of goods, works and services. Where the contract is divided into lots, this information shall be provided for each lot. – [ <b>0.1</b> ]</li> <li>e) Type of award procedure; in the case of negotiated procedure without prior publication, justification. – [ <b>0.1</b> ]</li> <li>f) Date of the signing of contract(s) or of framework agreement(s). – [ <b>0.1</b> ]</li> </ul>	<p>Overall:9/10</p> <p>Components:</p> <ul style="list-style-type: none"> <li>a)0.1</li> <li>b)0.1</li> <li>c)0</li> <li>d)0.1</li> <li>e)0.1</li> <li>f)0.1</li> <li>g)0.1</li> <li>h)0.1</li> </ul>	<p>PPDA Act, Section 53 Copies of the Act, regulations, guidelines and forms made under this Act, standard bidding documents and decisions of the Authority shall be made accessible to the public by the Authority.</p>

	<p>g) Duration of the contract. – [ <b>0.1</b> ]</p> <p>h) Number of bids and their respective amounts received. – [ <b>0.1</b> ]</p> <p>i) Name, address, telephone, fax number (where applicable), email address and internet address of the successful tender participant(s) including: information whether the contract was awarded to a group of economic operators (joint venture, consortium or other) (where applicable). – [ <b>0.1</b> ]</p> <p>j) Name and address of the body responsible for review and, where appropriate, mediation procedures. Precise information concerning the deadline for review procedures, or if need be, the name, address, telephone number, fax number (where applicable) and email address of the service from which this information may be obtained. – [ <b>0.1</b> ]</p> <p style="text-align: right;"><i>Transparency</i> <b>Source: EU Standard</b></p>	<p>i)0.1</p> <p>j)0.1</p>	
2.	<p>PPL stipulates that the information on subcontractors must be made public upon successful conclusion of tender (upon choosing and announcing of the winner). – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <p>a) Procurement contracts include information on what proportion of the contract can be subcontracted to third parties. – [ <b>0.5</b> ]</p> <p>b) Information on subcontractor/s (if any): name, address, ID, contact information, is made public as soon as this information is available. – [ <b>0.5</b> ]</p> <p style="text-align: right;"><i>Transparency</i></p>	<p>Overall: 0</p> <p>Components:</p> <p>a)0</p> <p>b)0</p>	
3.	<p>PPL ensures electronic, machine-readable and free of charge access to procurement contracts, either the full text or key information contained in these</p>	0	

	<p>documents. – [ <b>1 point</b> ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ <b>1</b> ]</li> <li>• Electronic, machine-readable, not free of charge – [ <b>0.75</b> ]</li> <li>• Electronic, non-machine-readable – [ <b>0.5</b> ]</li> <li>• Only on paper – [ <b>0.25</b> ]</li> <li>• None – [ <b>0</b> ]</li> </ul> <p><i>Transparency</i></p>		
4.	<p>PPL ensures electronic, machine-readable and free of charge access to contract amendments, either the full text or key information contained in these documents. – [ <b>1 point</b> ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ <b>1</b> ]</li> <li>• Electronic, machine-readable, not free of charge – [ <b>0.75</b> ]</li> <li>• Electronic, non-machine-readable – [ <b>0.5</b> ]</li> <li>• Only on paper – [ <b>0.25</b> ]</li> <li>• None – [ <b>0</b> ]</li> </ul> <p><i>Transparency</i></p>	0	
5.	<p>PPL ensures electronic, machine-readable and free of charge access to contract performance information (acceptance act and milestone reports), either the full text or key information included in these documents. – [ <b>1 point</b> ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ <b>1</b> ]</li> </ul>	0	

	<ul style="list-style-type: none"> <li>• Electronic, machine-readable, not free of charge – [ 0.75 ]</li> <li>• Electronic, non-machine-readable – [ 0.5 ]</li> <li>• Only on paper – [ 0.25 ]</li> <li>• None – [ 0 ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>		
6.	<p>PPL ensures electronic, machine-readable and free of charge access to payment receipts, either the full text or key information contained in these documents. – [ 1 point ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ 1 ]</li> <li>• Electronic, machine-readable, not free of charge – [ 0.75 ]</li> <li>• Electronic, non-machine-readable – [ 0.5 ]</li> <li>• Only on paper – [ 0.25 ]</li> <li>• None – [ 0 ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>	0	
7.	<p>PPL clearly defines the procedures for inspection and quality control procedures: – [ 1 point ]</p> <p><b>Point Distribution</b></p> <p>a) Quality control (<b>QC</b>) procedures for goods, works and services are well defined in the draft contracts/documents or in the regulations. – [ 0.5 ]</p> <p>b) Inspection of civil works is carried out by independent engineering firms or qualified government supervisors and inspectors. – [ 0.5 ]</p> <p style="text-align: right;"><i>Efficiency</i></p>	<p>Overall:0.5</p> <p>Components:</p> <p>a)0</p> <p>b)0.5</p>	

	<b>Source: OECD Methodology</b>		
8.	<p>PPL ensures electronic, machine-readable and free of charge access to any inspection and quality control reports, either the full text or key information contained in these documents. – [ <b>1 point</b> ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ <b>1</b> ]</li> <li>• Electronic, machine-readable, not free of charge – [ <b>0.75</b> ]</li> <li>• Electronic, non-machine-readable – [ <b>0.5</b> ]</li> <li>• Only on paper – [ <b>0.25</b> ]</li> <li>• None – [ <b>0</b> ]</li> </ul> <p><i>Transparency</i></p>	0	
9.	<p>Procedures for acceptance of final products and processing of final payments are clearly defined by the PPL or contract law and are incorporated as standard clauses in contracts. – [ <b>1 point</b> ]</p> <p><i>Efficiency</i></p> <p><b>Source: OECD Methodology</b></p>	1	<p>Regulation 14, Section 10.</p> <p>Regulation 14, Section 41.</p>
10.	<p>PPL defines specific procedures for modifying contracts. – [ <b>1 point</b> ]</p> <p><i>Uniformity of the Legislative Framework</i></p>	1	Regulation 14, Section 55.
11.	PPL stipulates that procurement contract must include dispute resolution	1	



	procedures. – [ 1 point ]		
	<i>Uniformity of the Legislative Framework</i>		
12.	<p>PPL stipulates that all procurement related documentation must be maintained: – [ 1 point ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• In electronic form for a period of at least 10 years. – [ 1 ]</li> <li>• In paper form for a period of at least 3 years. – [ 0.5 ]</li> </ul> <p><i>Transparency</i></p>	0.5	<p>PPDA Act, Section 41 (1)</p> <p>A procuring and disposing entity shall maintain records on its procurement and disposal proceedings for a period of seven years from the date of a decision to terminate the procurement or disposal action, or the date of the contract completion, whichever comes later, except where a contract is ongoing or is challenged, in which case, the records shall be kept for an additional year after the completion of the contract or the settlement of the dispute, whichever comes earlier</p>
13.	<p>PPL stipulates that public procurement operations must be subject to internal and external audit conducted by qualified specialists. – [ 1 point ]</p> <p><b>Point Distribution</b></p>	<p>Overall: 0</p> <p>Components:</p> <p>a)0</p>	<p>For point a) PPDA Act, Section 23 (1) (1) In addition to any other functions assigned to him or her by the Board or the Executive Director, the Head of Internal Audit shall be responsible for the internal auditing of the</p>

	<p>a) PPL stipulates that public procurement operations must be subject to internal audit conducted by qualified specialists. – [ 0.5 ]</p> <p>b) PPL stipulates that public procurement operations must be subject to external audit conducted by qualified specialists. – [ 0.5 ]</p> <p><i>Accountability and Integrity</i></p>	b)0	<p>Authority's accounts and shall submit to the Executive Director a report in respect of every three months' period of a financial year</p> <p>For point b)</p>
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