

Reimagining infrastructure transparency in Uganda

**A report of the updated Country Scoping Study on
Infrastructure Transparency in Uganda**

October 2021

Table of Contents

1.0 EXECUTIVE SUMMARY	6
2.0 INTRODUCTION	8
3.0 PURPOSE OF THE STUDY	9
4.0 METHODOLOGY	9
4.1 The study design	9
4.2 Sampling design	9
4.3 Data collection and analysis	10
5.0 RESULTS AND INTERPRETATION	12
5.1 Progress on recommendations of 2017 scoping study	12
5.1.1 Progress of government on the recommendations	12
5.1.2 Progress of Civil society on the recommendations	16
5.1.3 Progress of Development partners on the recommendations	19
5.2 Institutional and legal framework in delivery of infrastructure projects.....	21
5.2.1 Roles and responsibilities of the different institutions	21
5.2.2 Opportunities and Gaps With-in the Current System.....	22
5.2.3 Gaps in the Procurement System	22
5.2.4 Laws and policies for citizen participation in public contracts.....	23
5.2.5 Application of Access to formation Act and PPDA Act	25
5.2.6 Access to planning and implementation information on Projects	26
5.2.7 Sanctions and incentives for disclosure of Infrastructure Data.....	27
5.2.8 Reforms needed to promote access to information	28
5.2.9 Government initiatives on public access and use of information.....	30
5.2.10 Stakeholder engagement in infrastructure delivery processes.....	31
5.2.11 Challenges faced in procurement and delivery of infrastructure	32
5.2.12 Addressing Contractor challenges	33
5.3 Proactive and Reactive Disclosure of Public Infrastructure Projects	39
5.3.1 Infrastructure data points disclosed in the IDS and OC4IDS.....	39
5.3.2 Responsiveness of PEs to reactive disclosure	41

5.3.3 Challenges of proactive and reactive disclosure in Uganda.....	42
5.3.4 Level of disclosure of infrastructure data in Uganda.....	44
5.3.5 Opportunity for proactive and reactive data disclosure	44
5.3.6 Assessment of Government commitment to transparency.....	45
5.3.7 Centralization of data standards and implementation of Infrastructure	47
5.3.8 Support to disclosure and use of public infrastructure information.....	48
5.3.9 Private sector information requirements for effective participation.....	50
5.3.10 Challenges of CSOs in building the capacity of citizens.....	52
5.3.11 Opportunities for delivery of public infrastructure projects.....	53
5.3.12 CSOs promotion of transparency and accountability	54
5.3.13 Strategies for CoST Uganda to further infrastructure transparency	55
6.0 SUMMARY OF KEY FINDINGS	58
7.0 SUGGESTED RECOMMENDATIONS.....	60
8.0 REFERENCES.....	63
APPENDICES	64

List of Tables and Figures

<i>Table 1: Government Progress on Recommendations</i>	11
Table 2: Progress of Civil society on the recommendations	15
Table 3: Progress of Development partners on the recommendations	18
Table 4: Institutional and legal framework for Infrastructure Procurement	19
Table 5: Application Access to formation Act and the PPDA Act	23
Table 6: UACE on Preference and Reservation Schemes Regulations, 2019	34
Table 7: Particulars of procurements to be disclosed by an Entity	49
<i>Figure 1: Summary of the sample studied</i>	9
Figure 2: Enabling laws and policies for citizen participation	22
Figure 3: Access to planning and implementation information on Projects	24
Figure 4: Awareness of sanctions and incentives in disclosure	26
Figure 5: Reforms needed to promote access to information	27
Figure 6: Government initiatives for public access and use of information	29
Figure 7: Stakeholder engagement in infrastructure delivery processes	31
Figure 8: Challenges in procurement and delivery of infrastructure	31
Figure 9: Addressing Contractor challenges	33

Figure 10: Infrastructure data points disclosed in the IDS and OC4IDS	39
Figure 11: Challenges of proactive and reactive disclosure in Uganda	43
Figure 12: Level of disclosure of infrastructure data in Uganda	44
Figure 13: Opportunity for proactive and reactive data disclosure	45
Figure 14: Assessment of Political Support for transparency	46
Figure 15: Agency suitable to lead on matters of Infrastructure data standards	48
Figure 16: Support to disclosure of infrastructure information	49
Figure 17: Information required for effective participation	51
Figure 18: Challenges in building the capacity of citizens	53
Figure 19: Opportunities for delivery of public infrastructure projects	53
Figure 20: Participation of CSOs in promotion of public infrastructure projects	55
Figure 21: Strategies for CoST Uganda to further infrastructure transparency	56

ACRONYMS

CG	Central Government
CoST	Infrastructure Transparency Initiative
CSOs	Civil Society Organizations
E-GP	Electronic Government Procurement
FY	Financial Year
GOU	Government of Uganda
IG	Inspectorate of Government
LG	Local Government
MDAs	Ministries, Departments and Agencies
MoFPED	Ministry of Finance, Planning and Economic Development
MOIC	Ministry of Information and Communication Technology
MOWT	Ministry of Works and Transport
NDP	National Development Plan
NITA-U	National Information Technology Authority-Uganda
OAG	Office of the Auditor General
PDE	Procuring and Disposing Entity
PDU	Procurement and Disposal Unit
PE	Procuring Entity
PPDA	Public Procurement and Disposal of Public Assets Authority
UCC	Uganda communications commission
UNRA	Uganda National Roads Authority

1.0 EXECUTIVE SUMMARY

In November 2020, CoST Uganda initiated the update of the Scoping Study conducted in 2017 to identify Uganda's progress in addressing transparency and accountability in public infrastructure delivery processes. The study was undertaken guided by the following objectives: Foremost, to follow up on the extent of implementation of the recommendations from the previous scoping study by Government, Private Sector, and Civil Society. Secondly, to establish existing legal, policy and institutional frameworks, opportunities and gaps within the current systems for delivering public infrastructure projects at central and local government levels. Thirdly, to assess the level of transparency, stakeholder engagement and performance of public entities regarding proactive and reactive disclosure of public infrastructure projects. Lastly, to identify how the CoST approach could add value to existing systems for procurement and delivery of public infrastructure projects.

To achieve these objectives, data were collected from a sample of 35 entities drawn from local and central government procuring entities, policy and regulatory entities, and representatives from the private sector engaged in infrastructure delivery. The study also included Civil Society Organizations (CSOs), the media, and development partners with interest in procurement and infrastructure service delivery in Uganda. Data were collected through interviews and analyzed using the thematic analysis method. From the results, there was adequate political support for transparency and access to infrastructure (55%) and the laws and policies to support disclosure were adequate (68%). However, almost half of the respondents (46%) were not aware of any sanctions and incentives on disclosure of data, a phenomenon that undermines transparency and accountability in infrastructure delivery. Furthermore, access to procurement plans and clarity of bidding documents together accounted for 80% of the information needs of the private sector to effectively participate in procurement and infrastructure delivery. However, compared to other challenges, corruption (46%) remains the key hindrance to infrastructure delivery in Uganda.

To this end, we recommend that e government strengthen the implementation of laws and policies on information access (The access to information Act 2005; PPDA Act 2003) and enforce sanctions and penalties for noncompliance. Besides, the Ministry of Finance should expedite the rollout of the electronic Government Procurement (e-GP) system to enhance information access and reduce information asymmetry among the providers and the users of information. Furthermore, initiatives aimed at strengthening the participation of the private sector in infrastructure procurement and delivery, attitude change by PDEs towards data disclosure, as

well as strategic stakeholder engagement of the major players (media, CSOs, and PDEs) should be fast-tracked.

2.0 INTRODUCTION

CoST – the Infrastructure Transparency Initiative is one of the leading global initiatives improving transparency and accountability in public infrastructure. CoST Uganda is a national chapter of CoST International, a charity based in the United Kingdom. It is Championed by the Ministry of Works and Transport and hosted by the Africa Freedom of Information Centre (AFIC), which acts as the national programme secretariat. CoST works with *government, private sector and civil society* to promote the disclosure and validation of data from infrastructure projects. This helps to inform and empower citizens and enables them to hold decision-makers to account. Empirical evidence shows that informed citizens and responsive public institutions help drive reforms that reduce mismanagement, inefficiency, corruption and the risks posed to the public from poor quality infrastructure.

However, despite Government's large allocations of public investment towards infrastructure development over the past decade, the quantity and quality of Uganda's transport, water and sanitation, energy, education, health and agriculture infrastructure remain inadequate to meet its economic transformation and development objectives. The 2018 International Monetary Fund (IMF) Article IV report notes that Governments' investment in infrastructure was 8.9% of GDP in FY17/18 and was envisaged to increase further in 2019 and 2020. In addition, the African Development Bank, in its latest country strategy paper, estimated the country's financial losses due to poor infrastructure at US\$177 million per annum (equivalent to US\$5.5 per capita per year or 1.1% of GDP per year).

CoST Uganda studies over time have revealed that the public continues to decry the lack of involvement in public infrastructure planning and implementation (Citizens Survey, 2019). Lack of effective stakeholder involvement in monitoring, planning and implementation of public infrastructure projects often leads to mismanagement, site abandonment, poorly constructed infrastructure, time and cost overruns and theft of materials which put the citizens at risk due to poorly constructed infrastructure.

The CoST Uganda 2017 Scoping Study, the baseline measure for transparency and accountability in Uganda, revealed that, while Uganda promotes disclosure of infrastructure-related information as reflected in the legal and policy environment, the willingness was yet to be translated into total commitment and action. To this end, in its work plan for 2020- 2021, CoST Uganda sought to enhance infrastructure transparency through data use. The plan involves updating the Scoping Study conducted in 2017 to identify Uganda's progress in addressing transparency and accountability in public infrastructure delivery processes.

3.0 PURPOSE OF THE STUDY

The study was guided by the following objectives, including:

1. To follow up on the extent of implementation of the recommendations from the previous scoping study amongst individuals from Government, Private Sector, and Civil Society
2. To establish existing legal, policy and institutional frameworks, opportunities and gaps within the current systems for procuring and delivering public infrastructure projects at national and sub-national levels.
3. To assess the level of transparency, stakeholder engagement and performance of public entities regarding proactive and reactive disclosure of public infrastructure projects.
4. To identify how the CoST approach could add value to existing systems for procurement and delivery of public infrastructure projects.

4.0 METHODOLOGY

4.1 The study design

The study was cross-sectional, mixing both qualitative and quantitative designs. This approach accorded the consultant to capture both detailed narrative information and tangible results on Uganda's progress in addressing transparency and accountability in public infrastructure delivery processes. Accordingly, the study commenced with desk research and thereafter conducted in-depth interviews with Key Informants. The study was principally qualitative.

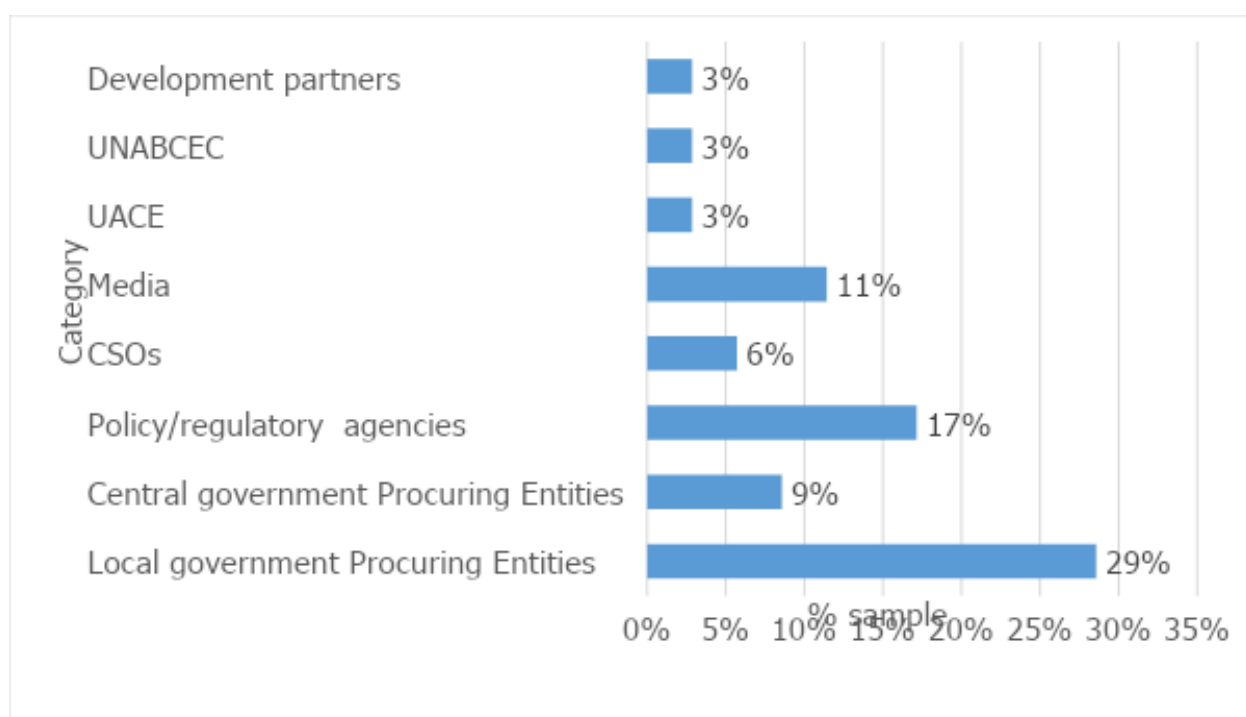
4.2 Sampling design

The study targeted 33 organizations across Government MDAs (Ministries, Departments and Agencies); civil society organizations (CSOs); and the Private sector. In order to generate a representative sample, the study subjects were purposively (as opposed to probability sampling) to tap into particular stakeholders with knowledge and experience in infrastructure procurement and delivery. Accordingly, informants were drawn from Government (Ministries, Departments and Agencies), civil society organizations (CSOs) and the Private sector. The sole idea behind adopting this standpoint was to identify Uganda's progress in addressing transparency and accountability in public infrastructure delivery processes.

In all, 28 organizations (Appendix C) participated in the study, representing an 84.8% response rate. Figure 1 presents the composition of the sample studied from the subpopulations of government MDAs, CSOs and the Private sector. As shown in the figure (Figure 1), most respondents (29%) were local government procuring and disposing entities, followed by policy/regulatory agencies (17%) and the

media/journalists (11%). The central government procuring and disposing entities (PDEs) comprised 9% and CSOs (6%). The remaining organizations (Development partners, UNABCEC and UCAE) each comprised 3% of the sample. It should be noted that the views of the private sector involved in infrastructure procurement and delivery were captured through interviews conducted with the Uganda Association of Consulting Engineers (UACE) and Uganda National Association of Building and Civil Engineering Contractors (UNABCEC), the umbrella associations for consulting and construction engineers, respectively recognized by the ministry responsible for works in Uganda.

Figure 1: Summary of the sample studied



4.3 Data collection and analysis

Data were collected from the targeted respondents using structured questionnaires designed by CoST (Infrastructure Transparency Initiative) to capture levels of transparency and accountability in public infrastructure delivery processes. Given the COVID-19 restrictions on physical interactions, a hybrid approach to data collection, comprising online interviews (through zoom enabled video conferencing meetings) and physical interviews with strict observance of the standard operating procedures issued by the ministry of health. The procedures require at least a one-meter distance between people. Following this guidance, and where physical meetings were inevitable, we maintained a distance of two meters between persons involved in the interviews to ensure maximum social distance.

The questionnaires were pre-tested on selected respondents to check for the interview duration, estimate the possibility of fatigue, understanding ability of questions and procedures for conducting interviews.

Given the qualitative nature of the data collected, a thematic analysis method was largely adopted to analyze interviews. This method emphasizes identifying, analyzing and interpreting patterns of meaning within qualitative data. Following these procedures, data were examined to identify common themes – topics, ideas and patterns of meaning that came up repeatedly. Hence, the resulting patterns of meaning across the dataset on the respective questions were considered. The emerging patterns were identified through a rigorous process of data familiarization, data coding, and theme development and revision.

5.0 RESULTS AND INTERPRETATION

5.1 Progress on recommendations of 2017 scoping study

One of the objectives of this study was to follow up on the extent of implementation of the recommendations from the previous (2017) scoping study amongst individuals from the Government, Civil Society and the development partners. Progress has been evaluated as follows: a score of zero (depicting no progress established); **1** (Some noticeable progress established); and **2** (The recommendation has been implemented). The percentage progress was determined by comparing the scores from the evaluation on the milestones achieved so far against the maximum score if all the recommendations had been implemented. Scores below 50% were interpreted as poor, 50%-69% (average) and 70%+ (satisfactory). The results are presented in the subsequent sections (5.1.1 - 5.1.3).

5.1.1 Progress of government on the recommendations

The 2017 scoping study suggested numerous recommendations to the government. These range from legal and policy reform to incorporate provisions of Infrastructure Data Standard, strengthening the capacity of PEs to disclose data, strengthening enforcement of existing disclosure requirements, and adoption of e-procurement, among others. The details are presented in Table 1.

As indicated in the Table below, government overall progress on the recommendations of the scoping study (2017) was 69%, which is average. However, this level of progress has largely been undermined by limited electronic application of data storage and access, weak enforcement of sanctions and penalties for non-data disclosure, lack of data integration among entities and the high cost of the internet.

Table 1: Government's Progress on Recommendations

s/n	Recommendation	Findings on Progress	Max.	Score
1	Review of the legal and policy framework to incorporate provisions of Infrastructure Data Standard	<ul style="list-style-type: none"> • <i>The recommendation has been implemented.</i> The PPDA (Amendment) Act 2021 was assented to by the President of the Republic of Uganda on 2nd June 2021. The amendment (provides for electronic records and communication, with opportunities to incorporate the IDS • The IDS/OC4IDS has been included in the MAPS report as part of improving the public procurement system. • The GPP and E-GP have been earmarked for alignment to the IDS and OC4IDS. • Approved national public sector procurement policy, 2019 • MoWT is finalizing a cost estimation and monitoring system 	2	2
2	Create a better understanding among PEs of current disclosure requirements in order to raise the level of compliance	<ul style="list-style-type: none"> • <i>The recommendation has been implemented.</i> PPDA, through the Directorates of capacity building and advisory services and Performance monitoring, conduct regular training and awareness-raising programmes in PDEs to raise their understanding of disclosure generally. • Also, PPDA conducts <i>Barazas</i> (https://m.facebook.com/PPDA) to sensitize the public on what information they should demand from PDEs • Government through PPDA and CoST Uganda through AFIC are working to harmonize the proactive disclosure and reporting frameworks to enhance data transparency and real-time access to infrastructure procurement data 	2	2
3	Strengthening the capacity of PEs to put in place strong information management systems and move to electronic data storage to facilitate proactive disclosure	<ul style="list-style-type: none"> • <i>Some noticeable Progress was established.</i> • The PPDA (Amendment) Act, 2021 (s.6) now provides for electronic records and communication • Where records are maintained in an electronic form, the new amendment obligates an entity to provide or enable access, reading and printing of the records, as may be necessary 	2	1
4	Deployment of a standard, user-friendly electronic format for data collection with clearly defined terms adapted to the local context	<ul style="list-style-type: none"> • <i>Some noticeable Progress was established.</i> See three (3) above • The obligation has been placed on the PDE to enable access, reading and printing of the records, as may be necessary 	2	1
5	Strengthening enforcement of existing disclosure requirements, with sanctions	<ul style="list-style-type: none"> • <i>Some noticeable Progress was established.</i> • Section 91T of the PPDA (Amendment) Act, 2021 now provides for regulations to strengthen offences and penalties. 	2	1

		<ul style="list-style-type: none"> CoST Uganda and Government (PPDA, MoWT) initiated a rewarding process for most transparent entities, although this has not been institutionalized. 		
6	Creation of a dedicated unit in each PE as a depository of Project Information	<ul style="list-style-type: none"> <i>The recommendation has been implemented.</i> There is a dedicated unit for records management in each PDE per PPDA Act, s.31(o) Accordingly, PDU is a depository of Project Information in an entity 	2	2
7	Assigning oversight responsibility for the collection and subsequent disclosure of project information to a central body	<ul style="list-style-type: none"> <i>Some noticeable progress was established.</i> NITA- is developing SMS access modes to facilitate information sharing Each PDE is responsible for its own projects, from project design, planning, procurement and delivery. For example, MOIC and UCC are the custodians of infrastructure data However, PDEs submit reports monthly (for central government entities) and quarterly (for local government entities) to PPDA on all procurements conducted in the period under review. Disclosure of project information is yet to be centralized and thus remains a responsibility of the respective entities 	2	1
8	To merge existing project databases and improve access to them	<ul style="list-style-type: none"> <i>Some noticeable progress was established.</i> While PDEs are still autonomous and operate in silos with independent databases, the Government has developed a data sharing and integration platform through NITA-U. Going forward, all systems of government will be integrated. 	2	1
9	Boosting advocacy work- especially by CoST	<ul style="list-style-type: none"> <i>Some noticeable Progress was established</i> in some agencies such as MOWT, UNRA, and PPDA. These agencies understand and appreciate the work of CoST A number of government agencies indicated a lack of understanding of CoST operations and mandates. More advocacy is still required. 	2	1
10	Implement E-procurement	<ul style="list-style-type: none"> <i>Some noticeable Progress was established.</i> Government has developed its own e-procurement system, and it is being piloted in 5 Entities: Ministry of ICT; NITA-U; UCAA; Uganda Institute of Communication Technology and NSSF. As of July 2021, 405 providers had been registered, and the number was growing 	2	1
11	Lower the cost of internet and create functional interactive websites to facilitate government-citizen communication	<ul style="list-style-type: none"> <i>Some noticeable Progress was established.</i> The government has continued to implement the NITA-U guidelines for developing and managing government websites regulations, 2014. Over 300 websites have been developed and currently hosted by NITA-U (e.g. https://masindi.go.ug), although not updated from time to time with infrastructure data. There has been a progressive reduction of Internet bandwidth cost from \$190Mbps per month to \$70 per Mbps. 	2	1

		<ul style="list-style-type: none"> ● However, 12% tax on data in the 2021/22 budget exacerbates the challenge of affordability of internet connectivity in the country, especially for the rural folk 		
12	Explore other disclosure avenues as mobile phone SMS	<ul style="list-style-type: none"> ● <i>The recommendation has been implemented, although not used for infrastructure projects yet.</i> ● creation of e-citizen portal and SMS gateway platform to share bulk SMS such as COVID SMS, SMS system for MOH (reminders for renewal of practising license for nurses and midwives as well as COVID response) 	2	2
13	Strengthen physical disclosure on notice board and information center with better oversight on compliance	<ul style="list-style-type: none"> ● <i>The recommendation has been implemented.</i> However, while PPDA has routinely found most entities satisfactory under this compliance area, the bidders' perception of transparency of the procurement process remains poor (under 50%) [PPDA Annual performance report, 2019/2020]. ● This suggests physical notice boards are not convenient to most bidders besides being temporarily pinned. 	2	2
Total score			26	18 (69%)

5.1.2 Progress of Civil society on the recommendations

Based on the 2017 scoping study, the recommendations to the civil society were under the following action areas:

- Capacity building
- Advance CoST goals by linking with other initiatives
- Increase access to needed information
- Social accountability initiatives (using civil society monitors to assess the efficiency and effectiveness of projects on the ground)
- Building Demand (to raise awareness and access to information)

As previously indicated (in 5.1), the percentage progress was determined by comparing the scores from the evaluation on the milestones achieved so far against the maximum score (if all the recommendations had been implemented). Similarly, the scores were interpreted as follows: below 50% (poor), 50%-69% (average) and 70%+ (satisfactory).

The results in Table 2 indicate CSOs had made average progress (60%) towards implementing the 2017 recommendations. However, CSOs are yet to invest in initiatives that directly support PDEs and contracting agencies to strengthen their operations, including providing equipment and tools (computers and working space), internet connectivity, and data management skills, which have severally been highlighted as hindrances to effective data disclosure.

Table 2: Progress of Civil society on the recommendations

s/n	Recommendation	Findings on Progress	Max.	Score
1	Capacity building (to strengthen engagement and credibility)	<ul style="list-style-type: none"> Some noticeable Progress was established. Transparency International Uganda (TIU) has particularly empowered numerous public servants to perform their role in monitoring construction projects, besides enhancing citizen's capacity through community <i>barazas</i> where citizens engage directly with their leaders. 	2	1
2	Advancing CoST goals by linking with other initiatives (supporting procuring entities and contracting agencies to strengthen their operations)	<ul style="list-style-type: none"> No progress was established; the CSOs reported no support to PDEs interviewed in this action area. Instead, the focus of CSOs was largely on citizen engagement and empowerment. CoST Uganda initiated training for CSOs, Local Governments and Central Government on disclosure. Designed tools for CSOs and media to monitor infrastructure projects. 	2	0
3	Increasing access to needed information through the media to share documents from the government to enhance construction monitoring activities in the field).	<ul style="list-style-type: none"> The recommendation has been implemented. Anti-Corruption Coalition Uganda (ACCU) has implemented several initiatives, including follow-ups on paperwork for Isimba bridge construction, Lubowa hospital, Livelihoods programme under DRDIP (The Development Response to Displacement Impact Project (DRDIP) for refugees (OPM) Also, Transparency International Uganda (TIU) has been engaging in numerous activities, including: Monitoring upgrading Health centre IIs to III Open Contracting Partnership (OCP) Established community monitoring groups (Voluntary Accountability Committees). Developed a network of CSOs and trained them on how to access the GPP. Trained media to effectively participate in identifying the red flags in procurement and reporting them 	2	2
4	Social accountability initiatives (using civil society monitors to assess the efficiency and effectiveness of projects on the	<ul style="list-style-type: none"> Some noticeable Progress was established. As noted in (3) above, there is evidence of CSOs effort to monitor the efficiency and effectiveness of projects on the ground. The scope, however, remains low. 	2	1

	ground); monitors to share their findings with the MSG and procuring entities to highlight strengths and areas for concern, so as to increase accountability and responsiveness)			
5	Building Demand (raise awareness and access to information, and engage a wider range of stakeholders in the dissemination and take-up of information)	<ul style="list-style-type: none"> • <i>The recommendation has been implemented.</i> • CSOs, particularly ACCU, AFIC and TIU, demonstrated their resolve and commitment to raising awareness and access to information. Through <i>barazas</i> and specific training interventions for both Civil servants and the wider citizenry 	2	2
Total score			10	6 (60%)

5.1.3 Progress of Development partners on the recommendations

The 2017 scoping study made some recommendations for the attention of Development partners. Specifically, development partners were called upon to:

- Increase support to strengthen institutional capacities to implement CoST. This involved identifying both government and civil society players in the construction sector and supporting joint and collaborative capacity building and strengthening efforts.
- Intensify the development of guidelines and policies that require clients and partners in the construction sector to disclose information.

The results in Table 3 indicate some progress in implementing the 2017 scoping study recommendation, appraised at 50%. Respondents from development partners indicated the challenge with financing projects in Uganda was largely failure by the government to honour counterpart funding. One interviewee had this to say... *“the problem is lack of government commitment to counterpart funding and staffing. In 2019, the government failed to meet its obligation to acquire equipment for data collection and analysis in Technical support units (TSUs), which has significantly affected the performance of TSUs”*.

Table 3: Progress of Development partners on the recommendations

s/n	Recommendation	Findings on Progress	Max.	Score
1	Increase support to strengthen institutional capacities to implement CoST	<ul style="list-style-type: none"> • <i>Some noticeable Progress was established.</i> • The European Union (EU) supports the ministry of works and transport (MOWT) to develop the national transport system, an efficient multimodal transport network, and the necessary regulatory framework. • Strengthening the capacity of UNRA in land acquisition, cost estimation, claims, designs, procurement) • Advocacy for UNRA and URF to remain autonomous and supported URF to develop an alternative formula for cost allocation • Supporting UNRA to develop a unit cost model • Support to technical support units implemented by UNRA, LGs, KCCA 	2	1
2	Intensify the development of guidelines and policies that require clients and partners in the construction sector to disclose information	<ul style="list-style-type: none"> • <i>Some noticeable Progress was established.</i> • MOWT, with the support of development partners, is reviewing the 2010 national construction standard. The review will incorporate Infrastructure data standards (IDS), environmental, Social, Health and safety provisions. However, there is a need for support to MoWT to develop a law to regulate the construction sector. 	2	1
Total score			4	2 (50%)

5.2 Institutional and legal framework in delivery of infrastructure projects

The study also sought to establish the existing legal, policy and institutional frameworks, opportunities and gaps within the current systems for delivering or procuring public infrastructure projects at both central and local government levels. Accordingly, the study reviewed the existing legal, policy and institutional frameworks governing the delivery of infrastructure projects in both central and local governments. Through this process, the key institutions in the procurement and delivery of public infrastructure projects were established. The results of these analyses are presented in Table 4.

5.2.1 Roles and responsibilities of the different institutions

The PPDA Act, 2003 (as amended), section 38 provides thus.... *“The Accounting officer, Contracts Committee, the user department, Procurement and disposal of the unit, and Evaluation committee shall act independently concerning their respective functions and powers.”*

Table 4: Institutional and legal framework for Infrastructure Procurement

s/n	Key institutions	Role/responsibility	Law applicable
1	MOFPED	<ul style="list-style-type: none"> Procurement policy formulation Public finance management 	<ul style="list-style-type: none"> Constitution of the Republic of Uganda, 1995 Public finance management act, 2015
2	PPDA	Regulatory procurement (and disposal) practices in all PEs	<ul style="list-style-type: none"> PPDA Act (2003) as amended
3	PPDA appeals tribunal	Hear procurement complaints brought before it	<ul style="list-style-type: none"> PPDA Act (2003) as amended
4	Procuring Entity (Districts, municipalities, ministries, Departments and Agencies)	Management of all procurement and disposal activities within its jurisdiction. The role is shared among: <ul style="list-style-type: none"> Accounting officer (responsible for the <i>execution</i> of procurement process) Contracts Committee (<i>award</i> contracts) User department (<i>initiate</i> procurement requirements) Procurement and disposal of unit (<i>manage</i> procurement activities, except adjudication and award of contracts) Evaluation committee (<i>evaluate</i> bids and recommend the best-evaluated bidder) 	<ul style="list-style-type: none"> PPDA Act (2003) as amended PPDA regulations, 2014 Local government Act cap 243 PPDA (LG regulations), 2006
5	High court	Hear appeals against the decisions of the tribunal	PPDA Act (2003) as amended

5.2.2 Opportunities and Gaps With-in the Current System

Respondents were asked to enumerate any opportunities within the current systems for delivering public infrastructure. Responses across the divide suggested numerous opportunities. These are summarized in Box 1

Box 1: Some opportunities for delivering public infrastructure projects

1. Local content guidelines, 2019 that reserves certain contracts to local contractors
2. The 1443 km East African Crude Oil Pipeline (EACOP) Project for transporting Uganda's crude oil to the coast. The Hoima (Uganda) – Tanga (Tanzania) route, through the construction of access roads, pumping stations, heating stations and pressure reduction stations. All these provide opportunities for either direct or sub-contacting
3. Oil road project – UNRA has prioritized the construction of Critical Oil Roads, totalling about 700km, to facilitate the production of petroleum in the Albertine Graben region
4. Ongoing upgrading health center II to health centre III infrastructure projects
5. UNRA routine and periodic road maintenance.
6. The poor state of the road in both urban and rural areas offers an opportunity to deliver infrastructure projects. For example, Opportunities in KCCA are enormous. Of the 2110 km of KCCA roads, only about 30% are paved, suggesting most roads require regular maintenance.

5.2.3 Gaps in the Procurement System

The PPDA Act, 2003 (as amended), section 38 provides that.... *"The Accounting officer, Contracts Committee, the user department, Procurement and disposal of the unit, and Evaluation committee shall act independently in relation to their respective functions and powers"*. However, despite this assurance, the PPDA Annual report (2019/20) reports several gaps in the procurement system. These are presented in Box 2.

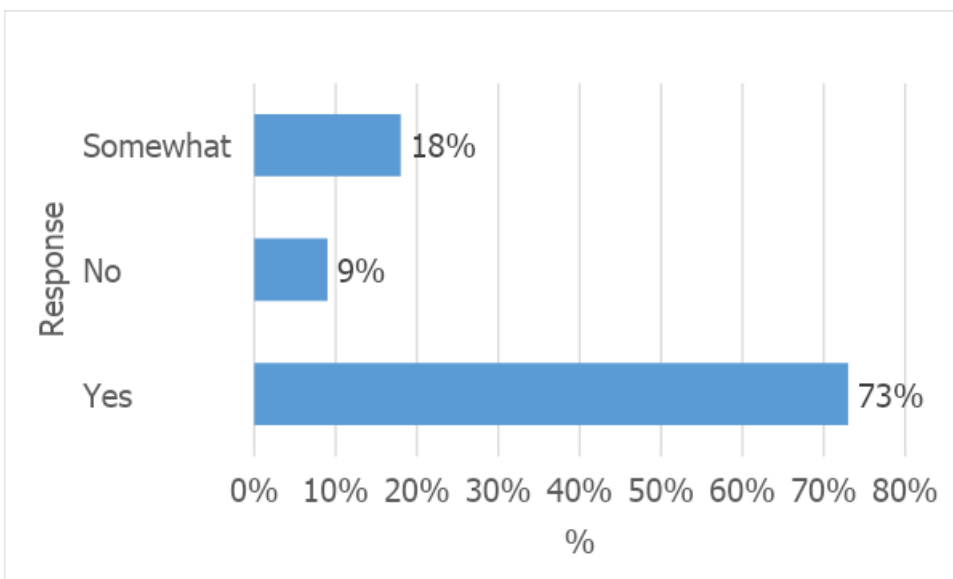
Box 2: Gaps in The Procurement System (PPDA 2019/20 Annual report)

1. *Irregularities in the evaluation of bids worth UGX 450 millions*
 2. *Signing contracts above the estimated market price worth UGX 396 billion*
 3. *Poor contract management [noncompliance with contract management procedures], thereby leading to delays in project completion, shoddy work or abandonment of works altogether amounting to UGX 631billions*
 4. *Unjustified use of direct procurement method, amounting to UGX 163 billion*
 5. *About 40% of procurements audited [in the period under review] were delivered beyond the contractual time period*
 6. *Failure to implement price audit recommendations. Only 48% of audited entities had implemented the previous [PPDA] audit recommendations*
 7. *Frivolous complaints (67%) to the Authority (PPDA), leading to unnecessary procurement delays*
 8. *Poor procurement planning and implementation. Based on PPDA annual report, 2019/2020), at least 36% of planned procurements are never implemented.*
 9. *Low capacity of local contractors in terms of equipment and funding*
 10. *Increased number of administrative reviews upheld, increasing from 34% (2018/19) to 37% (2019/20), suggesting the procurement system still has integrity lapses.*
- Source: (Field interviews and PPDA Annual Report, 2019/20)*

5.2.4 Laws and policies for citizen participation in public contracts

Respondents also shared their views on whether the law or relevant policy enable citizen participation and access to infrastructure data in implementing public contracts. The results are presented in Figure 4. A higher share of respondents (73%) affirmed that the laws and policies enable citizen participation, infrastructure data access, and public contracts implementation. Only 9% of respondents reported the absence of enabling laws and policies to enable citizens to participate in public contracts.

Figure 2: Enabling laws and policies for citizen participation



The results are further supported in the interview with one head of the procurement and disposal unit, who submitted thus: *“Yes, the policy allows citizen participation especially on road maintenance, and indeed such contracts are reserved for the locals. However, when it comes to awarding contracts, some of them may not have all the requirements such as evidence of contributing to NSSF, tax clearance certificate (from Uganda Revenue Authority) which hinders them from applying and winning contracts”* (Head, Procurement and Disposal Unit from a District Local Government in Western Uganda). Besides, contractors argue the procurement cycle is overly long and disgusting. An interview with a contractor from Lira District local government (who preferred to remain anonymous) *shared his experience in procurement. “... The long procurement cycle is demoralizing the contractors. The procurement cycle is too long, and sometimes you end up spending more even before signing the contract. There is a lot of back and forth by the procurement personnel, leading to many delays in the procurement process. For example, in a contract to construct a two-stance pit latrine, by the time you start implementation, you will have spent almost half of the budget in fuel cost for moving up and down to the entity/Client”*.

Equally, the participation of the general public in the implementation of public contracts was found to be uncertain. A respondent submitted thus: *“citizens are only involved at the beginning and end of the project but left out during the procurement and implementation. When a project stalls or is delayed, the citizens are not updated”* (Communications officer, District Local Government). Similarly, the study revealed concerns regarding the capacity of the public to assimilate project information. *One respondent argued that ... “When the project sum is high, it’s hard to make the community understand the project budget. The communities are not well familiar with the*

procurement process... there is a general need to sensitize the public about procurement” (Civil Engineer, District local government, Central Uganda).

5.2.5 Application of Access to formation Act and PPDA Act

Respondents were asked to share their experience with the access to information act, 2005 and the PPDA Act of 2003. The results are summarized in Table 5.

Table 5: Application Access to formation Act and the PPDA Act

Legal framework	Observations
Access to Information Act (2005)	<ul style="list-style-type: none"> • The law is there, but its applicability is the issue. It is not easy to walk into an office and get the information you want (<i>Civil Society</i>)! • Even with the law in place, citizens are not adequately educated on how to access the information through this act. As a result, the law has largely remained on paper. • Information holders treat most vital information as confidential to the effect that some citizens have had to drag the government to court to access information (<i>Public servant</i>). This observation is reinforced in Box 4, p.44
PPDA Act 2003 (as amended)	<ul style="list-style-type: none"> • The PPDA Act allows disclosure on vital stages of public procurement. The law also enables local companies to participate in the procurement and supply of works, supplies and services. However, the <i>high</i> administrative review fees are a deterrent to access to information for aggrieved bidders (<i>contractor</i>) • Also, the Engineers estimates that should be public information are currently, not disclosed and the law is silent on it (<i>Contractor</i>)

Uganda was among the first African countries to enact a right to information law, the Access to Information Act (ATIA), 2005 and later the Access to Information Regulations, 2011. The ATIA is aimed at promoting transparency and accountability in all organs of the state by providing the public with timely, accessible and accurate information. However, a culture of secrecy still persists, with public agencies' limited proactive release of information and denial of citizens' requests for information.

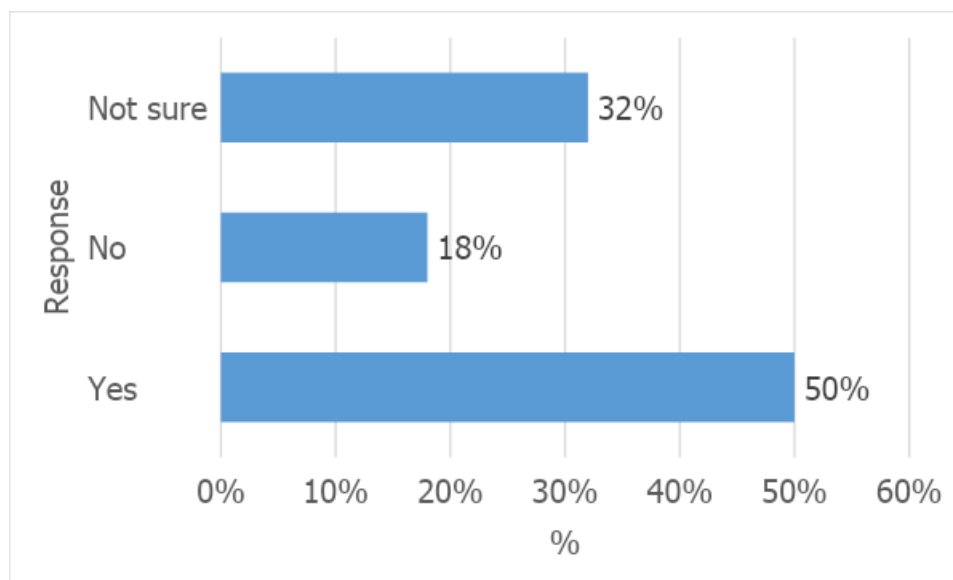
While the government continues to raise awareness across all government ministries, departments, and agencies (MDAs) on ATIA and to strengthen communication departments within MDAs and local governments to improve information gathering and dissemination, challenges still persist. The notable obstacles include:

- *the high costs of accessing information;*
- *lack of knowledge of the provisions of ATIA among citizens and public officials; and*
- *The tedious procedures of requesting for information – all of which impact on the level of citizens' information requests.*

5.2.6 Access to planning and implementation information on Projects

Respondents were asked to comment on whether the key data-owning agencies have established policies or frameworks to release the information related to the planning and implementation of all types of infrastructure projects. Figure 3 presents the results. While some respondents acknowledged that some information is available during the budgeting process, particularly in the budget framework paper (BFP) and published approved budgets, only 50% of the respondents confirmed that data-owning agencies had policies for releasing information related to the planning and implementation of infrastructure projects. The remaining half either denied or were unaware of such a practice altogether.

Figure 3: Access to planning and implementation information on Projects



This moderate performance suggests that a substantial portion of the public (citizens, civil society, business community, etc.) is unaware of the available information they need to participate in business or hold decision-makers to account meaningfully. Yet, all entities are required to publish all procurement data on the government procurement portal.

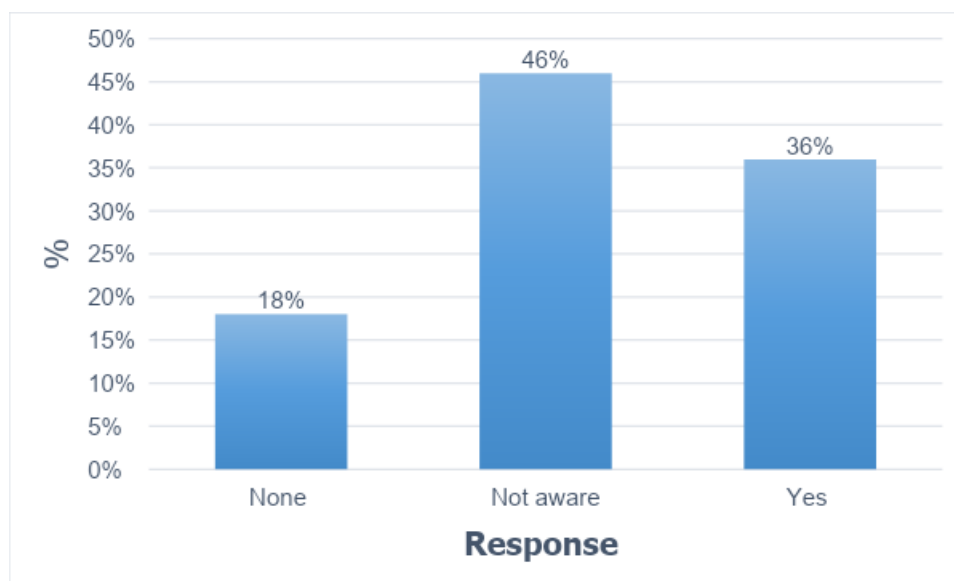
Besides, the study revealed that embracing Information Communication Technology (ICT) in procurement (such as e-procurement, e-invoicing, etc.) would expedite information disclosure and sharing. One respondent submitted that *“If we embrace the use of ICT, disclosure of procurement information can be good because if a bidder has an active email address, after evaluation, I can*

just send an email with the feedback” (District Procurement Officer, Central Uganda region). The finding underscores the critical role of ICT in enhancing disclosure of data

5.2.7 Sanctions and incentives for disclosure of Infrastructure Data

Respondents were asked to comment on the available sanctions and incentives that the government has developed to ensure the required infrastructure data disclosure. Figure 4 presents the results.

Figure 4: Awareness of sanctions and incentives in disclosure



The results show that 46% of respondents were not aware of any government sanctions or incentives for disclosure of Infrastructure Data compared to 36% who were aware of the same. These results are consistent with the bad trend of submissions of reports by PDEs to PPDA. For example, in the last three years (2017/18-2019-20), PDEs reporting to PPDA were 59% (2017/18), 60.3%(2018/19) and 54.7%(2019/20) (PPDA Annual Performance Report, 2019/20), implying utter defiance of Regulation 20(2) PPDA (PDEs) Regulation 2014 that requires all PDEs to submit reports on procurement activities (monthly, for central government PDEs) and quarterly (for local) to PPDA.

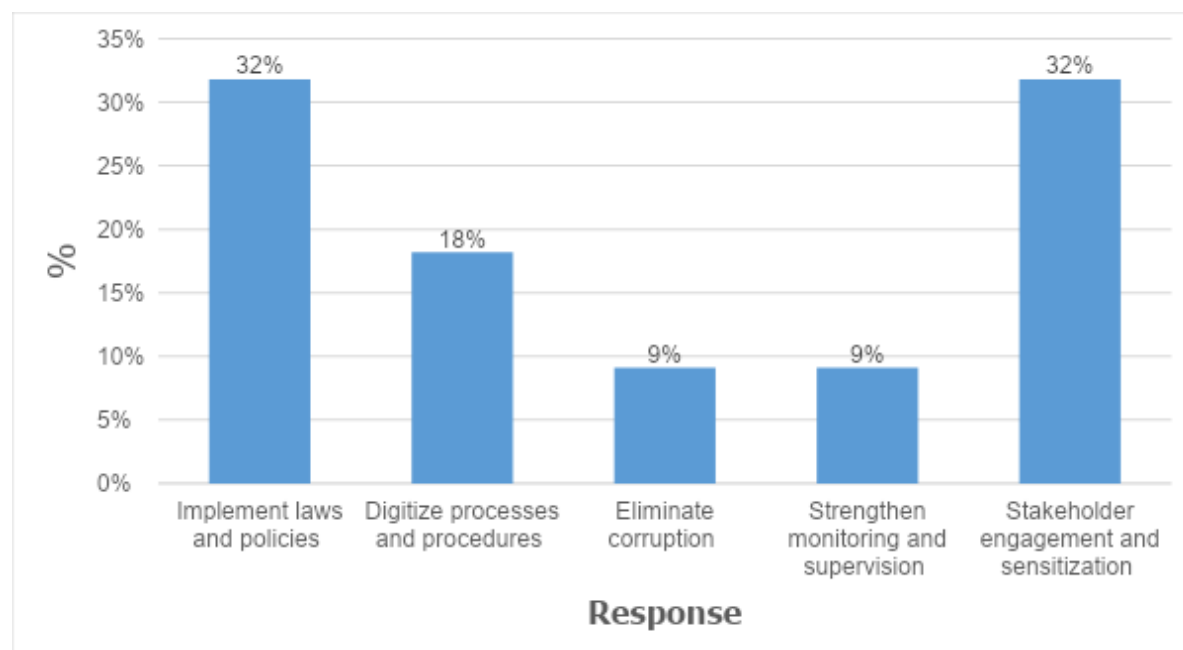
While PPDA obligates entities to publicize their procurement plans, bid opportunities and best-evaluated bidders, the sanctions for any deviant behaviours are weak. Previously, PPDA (PPDA Act, section 9) could only make recommendations to the responsible authorities (competent

Authorities) to take action on the officers found in persistent or serious breach of the procurement law. However, the 2021 amendments provide for sanctions executable by PPDA directly.

5.2.8 Reforms needed to promote access to information

Respondents were asked to propose reforms needed to promote access to information, disclose infrastructure data, or enhance broader democratization of government procurement function. Figure 5 presents the themes from the analysis of responses.

Figure 5: Reforms needed to promote access to information



Based on the results, the two major areas of improvement required to promote access to information were: implementation of laws and policies (32%); and (2) stakeholder engagement and sensitization. The two reforms together account for 64% of the requirements to enhance disclosure of infrastructure data and broader democratization of the procurement function in government. Also proposed to enhance access to information are the digitization of processes and procedures (18%), elimination of corruption (9%), and strengthening monitoring and supervision (9%).

In support of the findings, an Engineer from the District Local Government (from Western Uganda) responded thus... “Yes, there are processes; there is a need to proactively display key information on major information portals such as notice boards, websites and billboards as required by the law. Further, we need to raise public awareness through radio talk shows to update the citizens

on the activities the district is implementing to promote transparency and accountability and provide feedback on projects already implemented”.

Access and dissemination of data by the duty bearers is equally a challenge, especially in District local governments. However, the vignette below from a *District communications officer* is self-revealing:

“There are no resources and gadgets to enable us access and share information, e.g. Laptops, for now, we are using our gadgets to share information. We have no laptops, no smart phones, we are at the mercy of the district, no internet connection at the district/local government, we are not able to access any information, we just land on information, but we can’t access new ones. Websites are controlled by NITA-U. The government should increase budget allocation to NITA-Uganda such that they are able to support District communication departments. “Currently, the district website is active with updates only with little information about infrastructure, but we shall improve”. We are not even involved in government projects, especially procurement, yet we are supposed to collect information from all departments and update the district website with information from all departments (District communications officer).

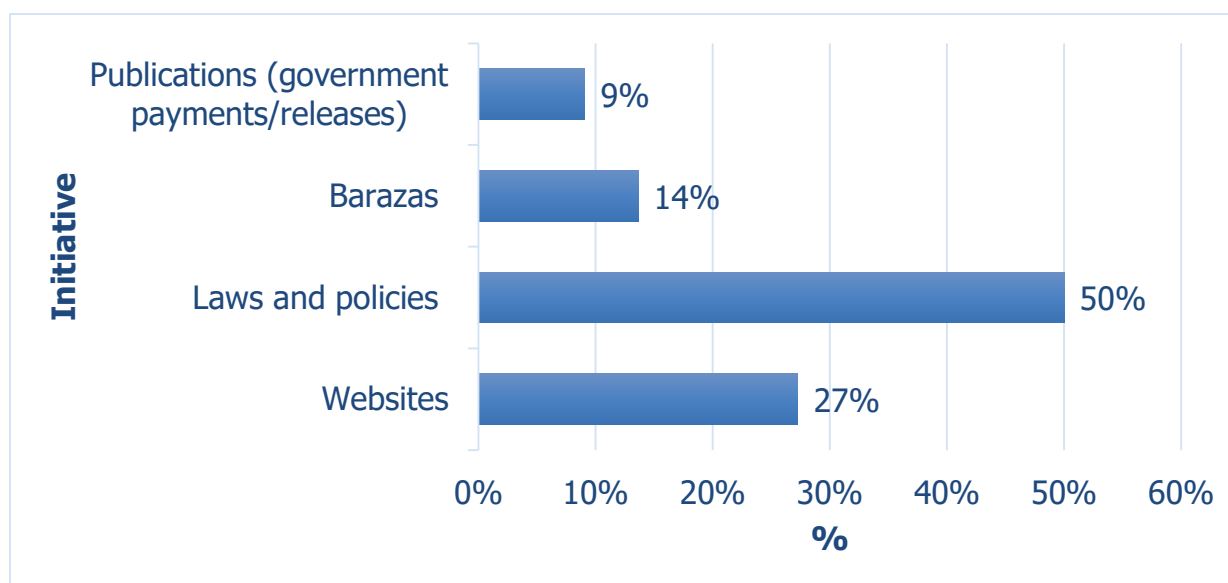
The above narrative is consistent with the finding from an interview with a District Engineer (Local Government in Northern Uganda who laid it bare as well... *“My local government has never budgeted for an information management system for infrastructure, no resources to enable me to collect data and share with the information department. The district has a website, and it’s the role of the communication officer to make sure that the website is functional. The government should invest in management information systems and provide a budget...”* Relatedly, a respondent from a Local government in western Uganda stated thus: *“...there is a lack of systems to access information. In some projects, communications officers are not even involved and therefore lack the information to share with the public”.*

Supporting the notion that corruption undermines access to information and overall democratization of the procurement function of government, a respondent revealed that *“if an officer does something wrong, he/she will not want to disclose”.* Moreover, there is weak enforcement of sanctions and penalties on persons who fail to disclose information without justifiable cause (District senior procurement officer).

5.2.9 Government initiatives on public access and use of information

Respondents were asked to list the initiatives implemented by the government to increase public access to and use of information. Figure 6 presents the results. The most implemented initiative was laws and policies (50%), followed by websites (27%), *Barazas* (14%); and lastly, government publications (government payments/releases), often through the press.

Figure 6: Government initiatives for public access and use of information



The results suggest more attention has been put on making laws and policies and perhaps popularizing them. For example, while there is a law on access to information (Access to Information Act, 2005; Access to information regulations (ATIR), 2011), the public has always found difficulties in navigating the rather complex procedures. According to ATIR (2011), a request for access to a record shall be through a specified form that the public body may provide [to the requester] in an electronic format. Clearly, such procedures are cumbersome and prohibitive to ordinary citizens that often have no email accounts, coupled with the need to pay an access fee of one currency point (UGX 20,000/=). The establishment of the media center to facilitate information dissemination and the Ministerial websites for government information are great initiatives in the right direction.

Under the stewardship of the Office of the Prime Minister, the government initiated community-based monitoring and accountability platforms (popularly known as *Barazas*) with the general objective of enhancing public involvement in holding the government accountable for service delivery in relation to the resources spent. In these town-hall-style meetings, citizens receive information and are allowed to call officials out on not delivering on their promises. Baraza events

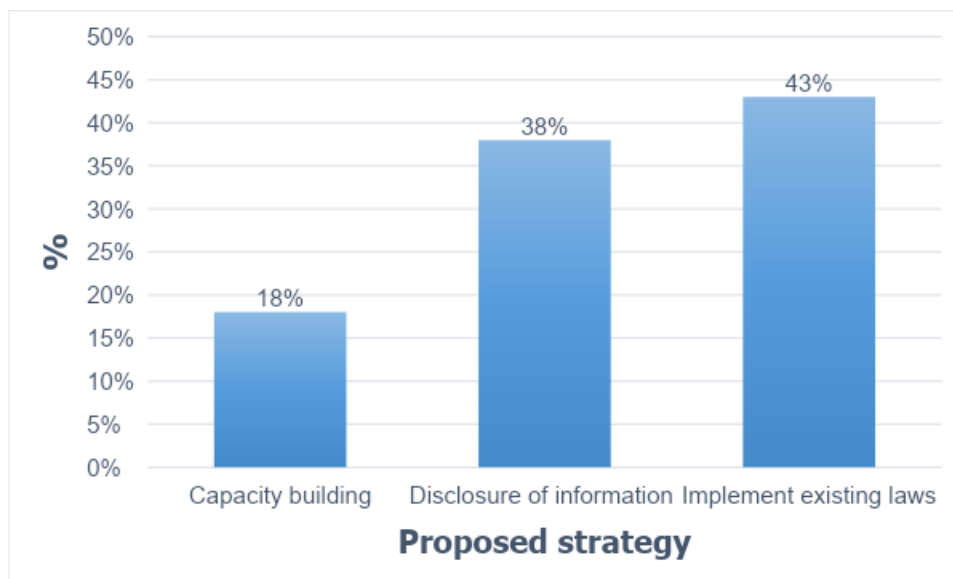
often become very emotional and attract considerable media attention. Unlike access to information through ATIA 2005, Barazas offer free and interactive access to information.

5.2.10 Stakeholder engagement in infrastructure delivery processes

Respondents were interviewed for their views of how to address the challenges affecting stakeholder engagement in infrastructure delivery processes. The myriad suggestions were evaluated and converted into quantitative data through content analysis. The resulting themes are presented in Figure 7.

The results show that a sizable proportion (43%) of respondents maintain several provisions in the existing laws and policies to support effective stakeholder engagement in infrastructure delivery. Similarly, 38% submitted in support of disclosure of information, and 18% suggested capacity building. The proposal to intensify the implementation of the existing laws and policies is from the backdrop that Uganda is said to have good laws but weak implementation. This stand point is buttressed by the Access to Information Act 2005. Under the Act (s.46), *a person who conceals a record commits an offence and is liable, on conviction, to a fine not exceeding 240 currency points (UGX 4,800,000/=) or to imprisonment for a period not exceeding 3 years or both.* Equally, the PPDA Act, 2003 (s.53) (as amended) obligates the Authority to make accessible to the public copies of the Act, regulations, guidelines and forms made under the Act, standard bidding documents and the decisions made by the Authority.

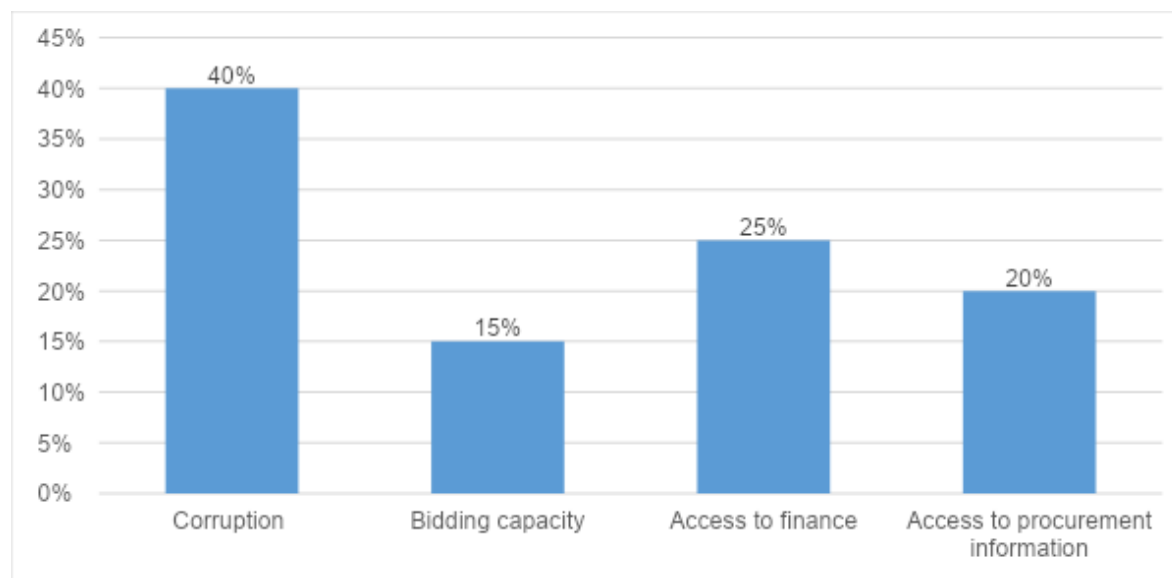
Figure 7: Stakeholder engagement in infrastructure delivery processes



5.2.11 Challenges faced in procurement and delivery of infrastructure

Through focus group discussions with UNABCEC and UACE, members were requested to share the challenges and factors that undermine their effective participation as the private sector in infrastructure procurement and delivery processes. Through a thematic analysis technique, the numerous challenges were collapsed into four themes; corruption, bidding capacity, access to finance, and access to procurement information. The results are illustrated in Figure 8

Figure 8: Challenges in procurement and delivery of infrastructure



The findings in figure 8 indicate the most impediments to infrastructure procurement and delivery as corruption (40%), followed by access to finance (25%), access to procurement information (20%) and bidding capacity (15%). Corruption in procurement significantly impedes economic development, distorts market mechanisms and creates inefficiencies, thereby reducing competitiveness, and the quality of service delivered. Procurement corruption was reported to occur through violations of procurement rules or through legitimate deviations from the rules. The result is consistent with the PPDA 4th integrity survey (2020) findings that revealed a rise in the perception index on public procurement from 71.8% in 2015 to 76.1% in 2020.

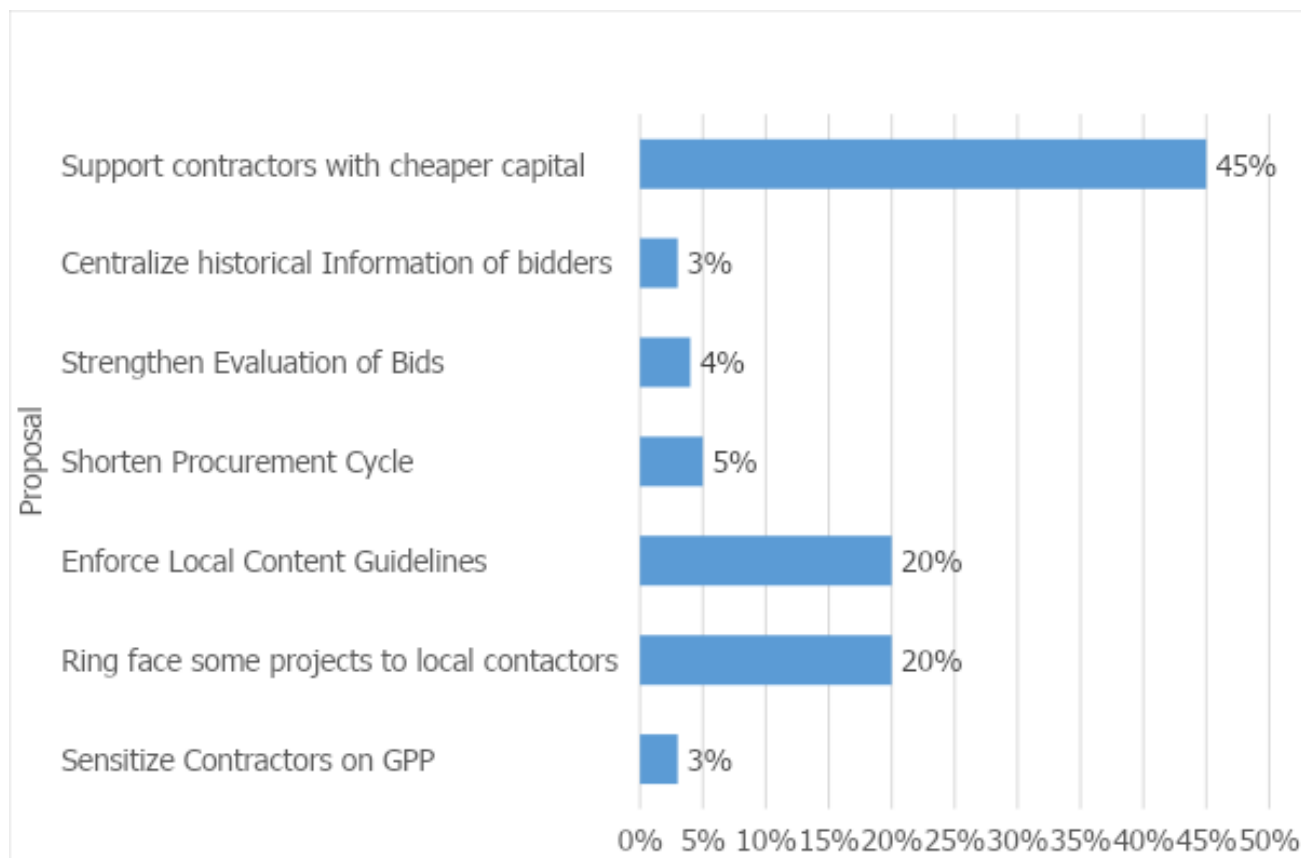
Regarding to access to information, the findings indicate that the challenge was exacerbated by the following factors:

- Information on the Government procurement portal (GPP) is scanty and often incomplete.
- Sometimes the information is presented in a form that is not user friendly
- Lack of capacity to access and mine data on GPP. It was revealed that some contractors were unaware of the existence and purpose of the GPP
- The negative attitude of some entity staff to provide information, especially on procurement plans, subcontractors and evaluation results
- Most PDEs never update their websites
- Failure to follow procurement plans
- Sometimes bidding documents are poorly drafted, thereby confusing bidders

5.2.12 Addressing Contractor challenges

Respondents were requested to suggest recommendations for addressing the challenges they face in the procurement and delivery of infrastructure projects. To achieve this, a question ... *“What are your recommendations (if any) for addressing some or all of these challenges?”* An analysis of suggested recommendations revealed several action areas. Figure 9 presents the weight of the proposed actions.

Figure 9: Addressing Contractor challenges



- Respondents suggested numerous proposals that the government can implement to address the challenges they face. Upon analysis of the content provided, the following themes as depicted in Figure 9 are noteworthy;
 - 45% of the enlisted proposals related to the need to support contractors with cheaper capital. The intervention would entail the extension of grants from Uganda Development Corporation (UDC) or the provision of cheaper loans to contractors for the acquisition of equipment and tools and strengthening working capital. Available information showed that local contractors accessed business loans at 20-25%, compared to their Chinese counterparts who accessed funding in their motherland at interest under 10%, making the latter's bid more competitive.
 - 20% of the suggestions related to the need to enforce local content guidelines to the letter.
 - There were concerns that some entities violated local content guidelines and in some cases had allowed foreign contractors to compete with local ones, without justification, in tenders that should be exclusively reserved for local contractors (see Table 6 for comments by Uganda Association of Consulting Engineers

(UACE) on Preference and Reservation Schemes Regulations, 2019. These reservations relate to procurements for road works whose estimated cost is UGX 45 billion and below; and other public works whose estimated cost is UGX 10 billion and below. Similarly, procurements for consultancy services whose estimated cost was UGX 1 billion and below. In the same vein, 20% of the proposals supported the notion that indeed such projects should be ring fenced to local contractors.

- The need to shorten the procurement cycle, centralization of historical information such as certificate of registration, directors, etc. (rather than submit them every time of bidding)
- Strengthen evaluation of bids to avoid declaring undeserving firms as best evaluated bidders and consequently awarding them contracts

Table 6: UACE on Preference and Reservation Schemes Regulations, 2019

Regulation	Comment	Rationale
3. Interpretation “National Provider”	<p>The current definition is limited to companies wholly-owned and controlled by Ugandans. This means 100% ownership</p> <p>Create room for the category of at least 51% ownership by Ugandans. To cater for companies that Ugandans and other citizens own. We suggest that the definition of national providers be changed to at least 51% owned by Ugandans, and at least one of the shareholders own equal or more shares than the non-citizens.</p>	<ul style="list-style-type: none"> • Companies with Ugandan Directors are likely to employ Ugandans to various levels of seniority and invest in capacity development. • Excluding companies with a higher % of Ugandan ownership from the reservation scheme risks discouraging the otherwise progressive practice of international firms or investors joining hands with Ugandans to form such ventures.
3. Interpretation “Resident Provider.”	<p>The 10 years of operating should be in a similar field</p> <p>The current definition is ... <i>“a provider incorporated in Uganda for at least 2 years at the time of the bid submission and is not a national provider.”</i></p> <p>The period should be revised to “10 years in operating in a similar field” and should demonstrate benefits such as:</p>	<ul style="list-style-type: none"> • Simply doing business in Uganda for the last 10 years is not sufficient qualification considering that capital flight might undermine or completely negate any benefits of this. • Developing individual engineers and technicians have long term benefits in ensuring that the

	<ul style="list-style-type: none"> • Evidence of employment of Ugandans at all levels (from the shop floor, back office, and management) • Evidence of provision of internship opportunities to students on engineering and technical courses 	<p>sector has a good pool of quality and quantity HR to carry out work in Uganda and competitively seek regional and international employment opportunities</p>
3. Interpretation “Local Provider.”	The term “Local provider” needs to be changed to “Regional provider.”	<ul style="list-style-type: none"> • This will create clarity and avoid confusion that might arise as the term “Local” is most likely to be interpreted as Ugandans.
<p>4. Participation in Preference and Reservation Schemes (5) (a) Disadvantaged Groups</p> <p>(5)(d) Identified Regions</p> <p>(7) Evidence of Eligibility</p>	<p><i>These definitions can be subjected to very wide interpretation, which risks the loss of intent.</i></p> <p><i>Regions should be specifically defined as where in the country the works are located/ being implemented.</i></p> <p><i>This needs to be more clearly defined to ensure that intended beneficiaries do not lose out. Apart from ownership, consider additional eligibility criteria related to employment and provision of internship Opportunities</i></p>	<ul style="list-style-type: none"> • Youth, particularly girls in engineering and technical courses, are relevant to UACE and UNABCEC because they are poorly paid, have difficulty being employed for extended periods etc. These should be included in a specific definition • This will compel central government PDEs to liaise with District local governments in the region to identify qualified local individuals and enterprises to target in a reservation scheme.
5. Preference Schemes (3) (a)	<p><i>“The Accounting Officer shall cause a report....”</i></p> <p><i>Inability to comply report by a PDE should include evidence of consultation of Sector Apex Body (UACE or UNABCEC) and Local Governments in the region where the contract will be implemented</i></p>	<ul style="list-style-type: none"> • Inability to comply—is quite subjective, and the report in itself should be a useful mechanism to trigger improvements and reform when gaps are identified in a procurement process.

<p>6. Reservation of public contracts by thresholds to National and Resident providers (5), (7), etc.</p>	<p>Section 6 should be read together with section 4(6), which sets a threshold for an accounting officer of a PDE to reserve not less than 30% of its budget. The 30% should be indexed annually to improvements in local capacity.</p>	
<p>(5)(a),(d),(e)</p>	<p>The percentage threshold ensures that a fixed proportion of the budget is reserved. Absolute contract sums should be subordinate to this provision. All projects funded by the government of Uganda should be reserved for national providers. They should be packaged in such a way that they fit within the thresholds for national providers.</p> <p>The consultancy services threshold in (d) should be 15 billion. The statement should read: <i>“Procurements for consultancy services other than the supervision of works whose estimated cost is UGX 2 billion and below; and for supervision works whose estimated cost is UGX 15 billion and below and...”</i></p>	<ul style="list-style-type: none"> • <i>“We have noticed over the years that over 80% of the high-value infrastructure is built and supervised by foreign companies or “resident companies” resulting in over 80% of the budget allocated to infrastructure leaving our country, this leaves our economy in bad shape.”</i>
<p>(7)(c)</p>	<p>Statement to read <i>“Procurements for consultancy services other than the supervision of works whose estimated cost is above UGX 2 billion but not above UGX 5 billion, and for supervision of works whose estimated cost is above UGX 15 billion but not above UGX 20 billion; and...”</i></p>	<ul style="list-style-type: none"> • Benefits from the reservation scheme should be tracked, and adjustments are made according to improvements. The threshold for consultancy services should increase to UGX 10 Billion since some national companies have successfully completed projects of such magnitude. For project values above UGX 10 billion, some key positions and all non-key positions should be reserved for national companies to employ Ugandan citizens. However, qualified Ugandans should be allowed to access any key positions. • Clarifying the type of works during the procurement process

<p>11. Reservation of at least 30% of the value of works through subcontracting of works and supply of materials, equipment and services to national and resident providers</p>	<p><i>UACE recommends this be increased to 40%</i></p>	<ul style="list-style-type: none"> • There is a capacity of national providers to handle 40%, as it has been demonstrated when working with the foreign firms where most of the services are provided by the national providers • Reservation of 40% of the value of works should be elaborated. Emphasis should be put on placement in the course of the project. Where skills are available, senior positions can be occupied by locals. This will help build capacity and create the required experience • This will also help create harmony with the current Local Content Bill that is under discussion
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5.3 Proactive and Reactive Disclosure of Public Infrastructure Projects.

The other objective of the study was to assess the level of transparency, stakeholder engagement and performance of public entities in regards to proactive and reactive disclosure of public infrastructure projects. The results were presented in the subsequent sections. Transparency in business is the basis for trust. Transparency means being honest and open when communicating with stakeholders about matters related to the business. Therefore, through her agencies responsible for infrastructure and service delivery, government ought to provide information to citizens about their operations as a means of promoting accountability. Accordingly, the study assessed this phenomenon through various lenses in the sections that follow.

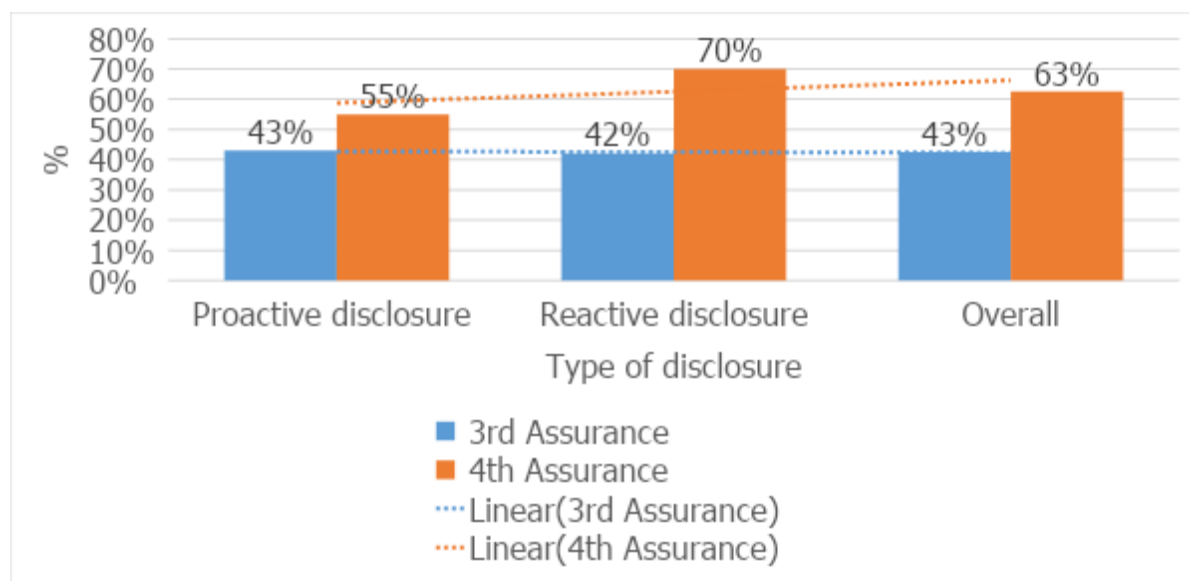
5.3.1 Infrastructure data points disclosed in the IDS and OC4IDS

Over the years, disclosure of infrastructure data has remained dismally small. In the 2017 CoST Uganda's Scoping Study, only 12 of the 40 proactive disclosure data points were legally recognized, but of the 12, only 20% was being disclosed by PDEs. In the CoST Uganda's 2020 report on promoting fair business practices using infrastructure Data disclosed on the GPP for Selected PDEs, the average proactive disclosure level was established to be 35.9%, which was unacceptably low. The results revealed that that information disclosed by the entities was generally less and, therefore, insufficient to help the private sector to participate in procurement and delivery of infrastructure projects meaningfully.

The situation is exacerbated by disparities between the Open Contracting for Infrastructure Data Standard (OC4IDS) and the PPDA's reporting standard through GPP. Whereas the GPP has 66 data points (Appendix B), only 14 of these (34%) are aligned to OC4IDS's 41 data points for proactive disclosure (see Appendix C). However, it is hoped that with the ongoing engagements between PPDA, Ministry of Finance, Planning and Economic Development (MoFPED), and CoST Uganda over the adoption of OC4IDS on the E-GP system currently being implemented, more data items will be incorporated and thus, released to the public.

As illustrated in figure 10, the CoST Uganda 4th assurance report revealed an improvement in overall disclosed data (proactive and reactive) compared to the 3rd assurance report, from 42% to 61.5%. However, while proactive disclosure has generally remained below for the period 2019-2021, reactive disclosure has improved over the same period. To this end, therefore, the observed general improvement in disclosure in the assurance report (2021) was attributed to improvements in reactive disclosure, which further reveals the prevailing gap on access to information to the public without request, with low levels of proactive disclosure, citizens and the private sector will not effectively and efficiently engage.

Figure 10: Infrastructure data points disclosed in the IDS and OC4IDS



In the 3rd Assurance Process, proactive disclosure was at 43%, and it improved to 55% in the 4th Assurance process, whereas reactive disclosure was at 42% in the 3rd Assurance process and has increased to 70% in the 4th Assurance process.

However, the findings in the Assurance reports [3rd report, 2019; 4th report, 2021] reveal that there have been improvements in the level of disclosure of both proactive and reactive data. This suggests, entities are steadily adopting the IDS and OC4IDS, as re-echoed by one procurement during the interview in the extant study: *... the IDS is okay. It captures almost everything we have in the Procurement Action File; I recommend its adoption. I am already implementing the IDS" (District Local government, senior procurement officer).*

These findings are somewhat supported by interview results from specialist stakeholders involved in procuring infrastructure projects such as engineers and procurement officers. For instance, an Engineer from one Local government submitted thus *"... this level of disclosure [IDS and OC4IDS] is good, and I would recommend that the District adopts it. However, on the other hand, the IDS may not be easily understood by everyone, especially the local/ordinary citizens, because of the technical terms used. IDS is hard to understand by lay people. I can understand it because I am directly involved in designing and procuring infrastructure projects; otherwise, I wouldn't have understood it. There is a need to educate the public about IDS on how to access such information (District Local Government, Eastern Uganda)".* Another interviewee (District Local Government Engineer, Western Uganda) also reasoned that *... "we usually disclose to the public for example, during the implementation of projects, all the project information is designed and put on the billboard for all citizens to access it". The information displayed on the billboard includes; the*

name of the project, beneficiary/client, funder, type of project, supervisor, location but without a budget”.

However, the attitude of the public toward the information disclosed is varied. *This was revealed in an interview with procurement personnel who reported that “...proactively, the PPDA laws demand the display of information on the notice boards. The duty bearers’ display but the interest of the citizens is low. Even if you display, no one will come to read the information. There is a need to educate the community on access to information. Besides, the low budget limits make disclosing information difficult. For example, the District cannot even budget for a radio programme because the budget is inadequate. Media is very expensive, and just one-hour radio talk show costs about UGX 600,000, this limits disclosure.” (District Senior procurement officer).*

Similarly, another respondent commenting on the challenge of accessing disclosed information had this to say, *“...we display information at the District headquarters, but the community from distant locations may not be able to access it when they don’t come to the district headquarters. Reactively, people are not aware that they can ask for information. The public is not much aware of the rights of access to information; they are not aware of the possibility to request information” (District Senior procurement officer, Western Uganda).* One other respondent (District Communications officer, Western Uganda) submitting on the concerns of reactive information relinquishing their mandate to non-state actors indicated this: *“...people don’t want to request for information, perhaps due to lack of ownership of government projects or the complex procedures involved in requesting for the information. We have not seen even an NGO implementing access to information in our district”.*

5.3.2 Responsiveness of PEs to reactive disclosure

Reactive disclosure means the provision or publication of information upon request. Similarly, the motivation for low reactive disclosure by entities was exciting and worthy noting. A respondent (on condition of anonymity) commenting on the level of proactive disclosure responded thus:

... “We do not normally disclose certain public information for fear of the likely impact the disclosed information might cause to the organization. For example, sometimes we test the quality of materials, which are not of good quality, but we can’t disclose it to the public. When it comes to the project budget, we can’t disclose it to the public to avoid comparing the work done with the money spent, hence causing tension to the public officials. We have not been doing this, but we shall improve”. This finding is affirmed by the following experience in the quest for reactive data from selected entities during the extant study:

Box 4 The experience of CoST on request for information

While the Access to Information Act 2005 should support the provision of such information, the experience from the extant study confirms the notion that PDEs are essentially non-responsive to information requests. To illustrate this challenge, we contacted eight entities on March 9, 2021, to provide information on signed contracts, designs, and Bills of Quantities (BoQs) for completed projects. The entities comprised the Ministry of Works and transport, National Water and Sewerage Corporation, Ministry of Health, and Ministry of Education and Sports. Others contacted were the Ministry of Energy and Mineral Development, UNRA, Ministry of Local Government and KCCA. Of these, only two entities (25%) – the Ministry of Works and Transport (MoWT), and National Water and Sewerage Corporation responded with the requested information.

Specifically, MoWT provided all the information requested for the five (5) selected projects. The information included contract documents for Aleles Bridge in Pallisa district, Kyabahanga Bridge in Rukungiri district, Ssezibwa (Bulandi-Gyira) swamp crossing between Kayunga and Nakasongola district, Buhindagye bridge in Rubirizi district, and Ojonai Box culvert in Amuria district. For NWSC, the information for the 2 selected projects, that is, Siting, drilling, construction and development of three productions bore holes in Ibuje Apac-area (lot 1) and Paidha (Ayonda band Nyapea b-two lots) in Nebbi area under reservation scheme, and construction of 100M3 cylindrical zinc alum steel tank for Abur in Tororo- Busia area were all provided. The law requires PDEs to provide the requested information or feedback to the information requester within 21 working days. To this end, NWSC responded within 14 working days (29th March 2021), while MoWT provided the required information on May 4, 2021, 19 days after the deadline of April 7, 2021.

However, despite numerous follow-ups through calls and email communications, no response from the remaining six (6) entities! The climax of all this was when the receiver of our call indicated they did not even know CoST Uganda! Similarly, in another entity, a Senior officer at the level of PAS (Principal Assistant secretary) also did not respond to the information request despite the assurance during the online meeting between the officer and CoST secretariat. Our observations from these engagements reveal the pain citizens have to endure to access information in PDEs, despite the existence of the Access to Information Act and regulations.”

5.3.3 Challenges of proactive and reactive disclosure in Uganda

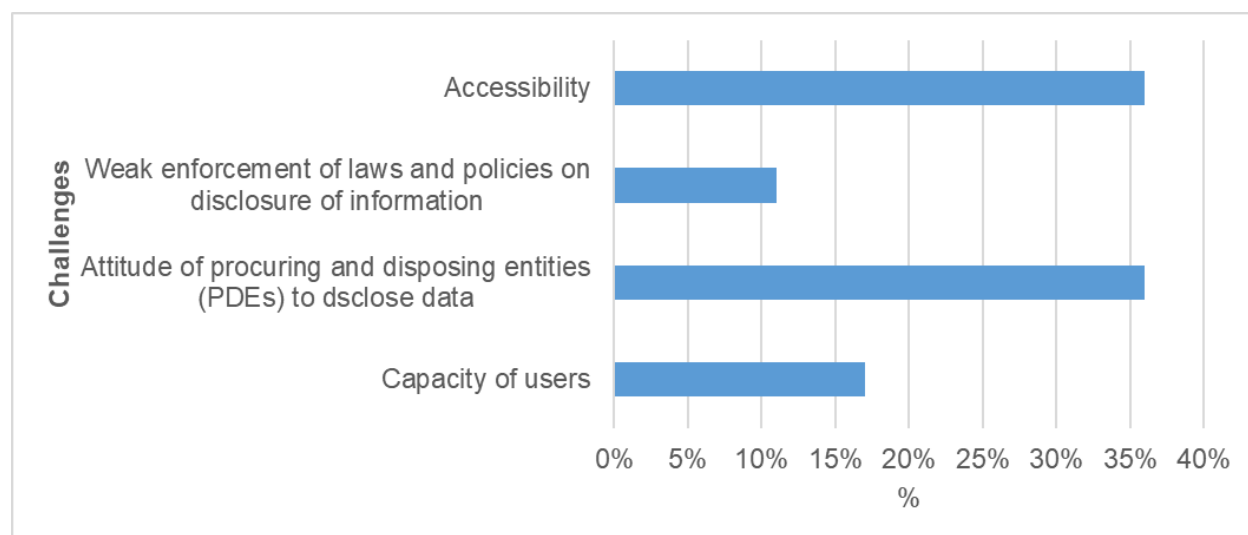
Respondents were asked to share the challenges of proactive and reactive disclosure in Uganda. The results are presented in Figure 11. The top two challenges of disclosure are (1) attitude of procuring entities (PEs) to disclose data (36%); and (2) accessibility of the disclosed information (36%). The other challenges relate to capacity of users of the information disclosed (17%) and weak enforcement of laws and policies on disclosure.

From the results, data accessibility (right format, time, place, and cost) and poor attitude of PEs to disclose data together account for 72% of the challenges to the reactive and proactive disclosure of infrastructure data in Uganda. The availability of the right information at the right time is essential for building mutual trust between citizens and the duty bearers for information disclosure. In support of this observation, one interviewee re-echoed this: *“The construction*

industry is not regulated, and as a result, there is a layer of commission agents who are privileged with vital information (upcoming projects and budget estimates) that they sell to gullible contractors” (Male, Former public official now contractor in Kampala)”

Respondents linked this attitude to the self-interest of public officers and the lack of enforcement of existing laws and policies on information access and disclosure in the PPDA Act and regulations. One respondent (*Communications Officer, District Local Government - Eastern Uganda*) indicated this: *“...the law does not provide for sanctions and penalties for duty bearers who decline to disclose information to the public; no action is taken even when a public official does not disclose information meant for citizens. Also, Entities fear the likely impact of the disclosed information on the project. Disclosing information can cause project delays due to misunderstandings of the information disclosed, violating the principle of confidentiality; this is both good and bad. It incites the public both negatively and positively. There is a need to sieve the information that goes out to the public, sharing information to the right stakeholders and for the right purpose.”*

Figure 11: Challenges of proactive and reactive disclosure in Uganda



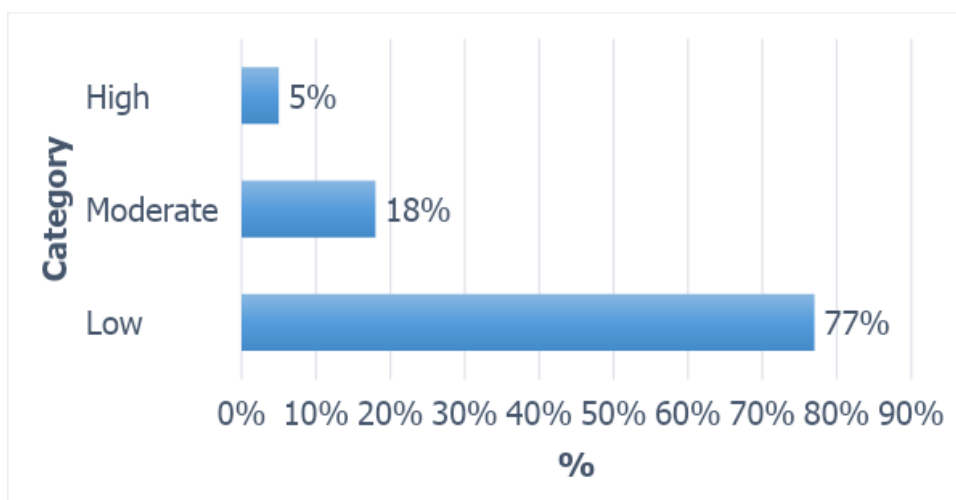
Similarly, the poor attitude to access information by a section of citizens was highlighted. For instance, a respondent (District Engineer, Eastern Uganda Local government) reported this: *“...when a disclosure meeting is organized, not all citizens and stakeholders will attend the meeting, ownership of projects by the community is still poor, and citizens view infrastructure projects as government projects, and for that reason, very few will attend disclosure meetings. Secondly, the technicalities involved in interpreting project documents such as the BoQs [Bills of quantities] also limit citizens’ ability to monitor construction projects”.*

The challenge of data accessibility and disclosure is further unveiled by one respondent (Head, Procurement and Disposal Unit, District local government) who put it bare..." *Many people are not literate about ICT use, and this limits access and disclosure of information. Most district technocrats and politicians lack ICT knowledge and skills, making it difficult to share and access information". Also, the information is prepared in English, yet most of the contractors (in Local governments) do not understand English. Most of them prefer the local language. There is a need to translate infrastructure projects information in local languages that everybody can understand*".

5.3.4 Level of disclosure of infrastructure data in Uganda

On a scale of low to high, respondents were asked to rate the level of disclosure of infrastructure data in Uganda. Figure 12 reveals that 77% of respondents thought that the level of disclosure was low, while 18% opined that the level was moderate. Only 5% of the respondents rated the level of disclosure of infrastructure data in Uganda as high.

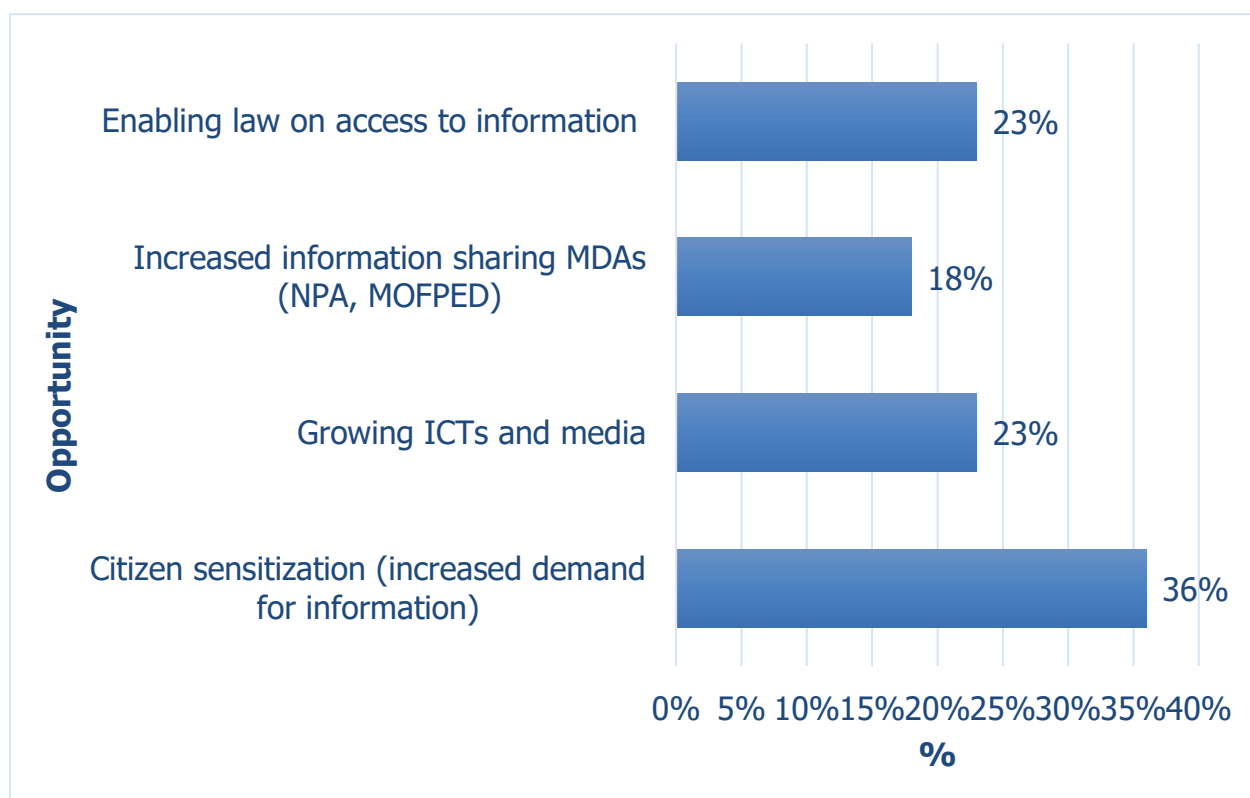
Figure 12: Level of disclosure of infrastructure data in Uganda



5.3.5 Opportunity for proactive and reactive data disclosure

Respondents were asked to comment on the question, "*What are the most promising windows of opportunity to improve proactive and reactive data disclosure?*" Figure 13 illustrates the results.

Figure 13: Opportunity for proactive and reactive data disclosure

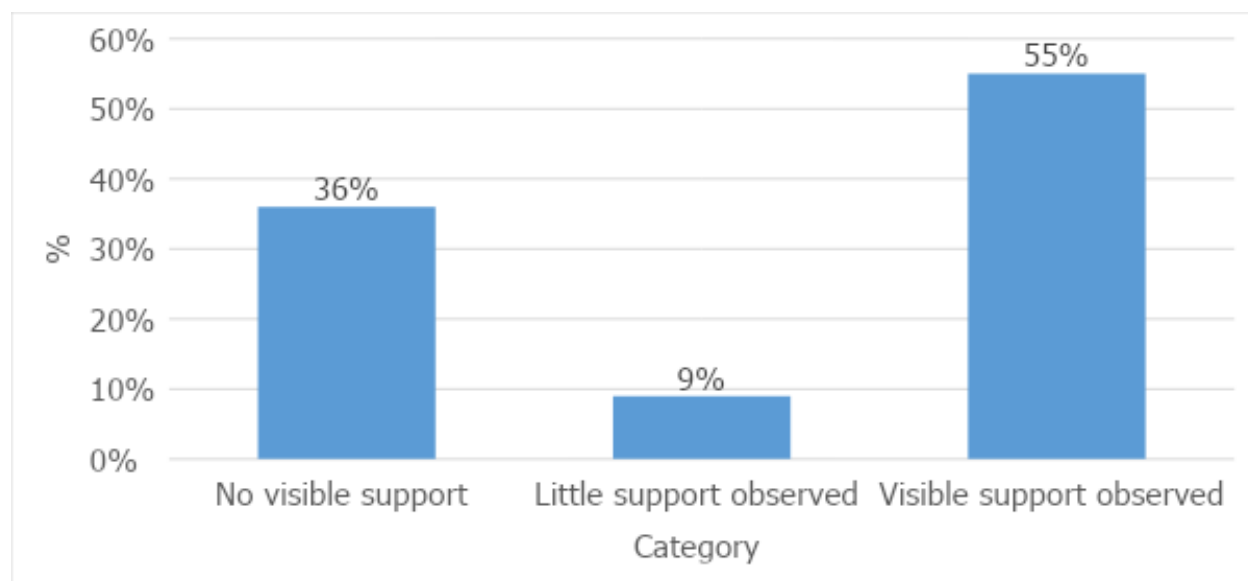


The results indicate that increased awareness-raising of citizens (36%) and the proliferation of ICTs and media (23%) together account for about 60% of the opportunities to improve proactive and reactive data disclosure. Therefore, initiatives aimed at creating awareness of citizens, especially on the nature and scope of infrastructure projects being delivered in their localities, should spur citizens' demand for information and hold the responsible persons to account. Also cited was the increased information sharing across MDAs (18%) and the enabling law on access to information (Access to Information Act, 2005).

5.3.6 Assessment of Government commitment to transparency

In a bid to inculcate disclosure of data on infrastructure procurements and service delivery, persons in authority, including political leaders, should express publicly visible support for transparency and access to procurement and general project delivery information to the stakeholders. To this respect, the responses were somewhat mixed, as shown in Figure 14. As indicated, the majority of responses (55%) indicated that political leaders indeed expressed publicly visible support for transparency and access to procurement and infrastructure data, while 36% of responses were on the contrary.

Figure 14: Assessment of Political Support for transparency



Overall, data revealed that *there is unequivocal political commitment to transparency of infrastructure data*. This finding negates the public's widely held view that some government agencies' non-performance is due to weak political support. The commitment of the political leadership towards disclosure of infrastructure data is reached by a respondent (from the civil society) who stated thus: *"Yes, the Minister of Works, Hon. Gen. Katumba Wamala has on a number of occasions stated how much of Public money has been saved due to increased scrutiny of public works"*. Although, it could not establish how much has been saved resulting from public scrutiny.

While there is some noticeable political support to the disclosure of data on infrastructure procurements and service delivery by the political leadership, this support is yet to be translated into actual disclosure of the required data to spur transparency. Moreover, according to the National Public Procurement Policy (2016), some government entities lack complete documentation of the procurements implemented, nor do they comply with the disclosure requirements to PPDA. This suggests that some officers responsible for the procurement process cannot account for their actions and decisions, raising fraud and corruption risks.

However, the study established some capacity gaps among politicians that hinder their oversight function in implementing infrastructure projects. For instance, one respondent (District Local Government Engineer, Eastern Uganda) submitted thus:

- *"Some political leaders do not understand the intricacies of infrastructure projects. For instance, in the case of a building, it's always mandatory to test building materials like sand*

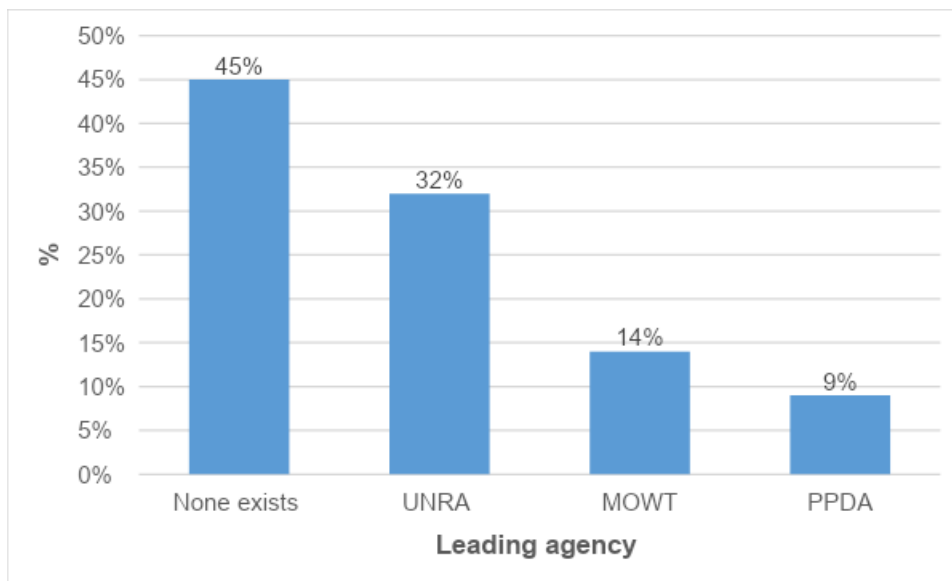
and bricks, and if they are of poor quality, the political team is always negative about the results. They term it “corruption” which breeds tension. Most times the results of poor quality materials are interpreted (by politicians) to mean the District does not want to offer contracts to locals, yet the intention is to avoid shoddy work”.

- Relatedly, another respondent (District Local Government Engineer, Northern Uganda) observed... *“The political wing needs support, especially during the evaluation of best-evaluated bidders. Notices are placed on the notice boards with explanations on both the winners and the losers, highlighting the reasons for winning or losing but still, politicians always put pressure on technocrats to explain why some contractors lost and how the best-evaluated bidder was identified. Yes, there is still a need to support them [politicians] to understand and interpret the IDS, for instance, most of the councillors are not educated, and it becomes complicated for them to understand and interpret the IDS, some councillors have a low level of education as low as Primary Seven (P.7) except L.C 5 councillors who have a qualification of Senior six (Uganda Advanced certificate of education). Generally, the challenge here is the low level of education for politicians in local governments”.*

5.3.7 Centralization of data standards and implementation of Infrastructure

Respondents were asked to indicate the agency with sufficient political weight and competency currently leading on data standards or an agency with demonstrated potential to lead on matters of implementation of the Infrastructure. Figure 15 reveals that respondents were unsure of any agency responsible for data standards and infrastructure implementation in Uganda. It is clear and stakeholders do not understand the agency (with sufficient political weight and competency). While a sizable proportion of respondents (45%) believe there is no such an agency in Uganda currently, 32% think it is UNRA, 14% believe it is MoWT, while 9% think it is actually PPDA.

Figure 15: Agency suitable to lead on matters of Infrastructure data standards

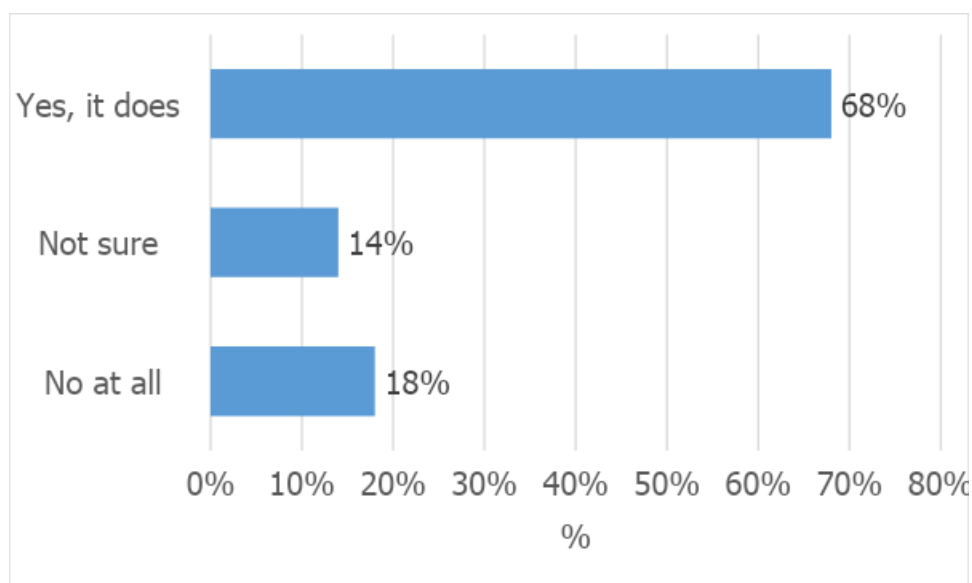


The confusion is further demonstrated in an interview response from a District engineer (Easter Uganda) who indicated that... “Yes, MoWT [Ministry of works and transport] is taking the lead; the Ministry has set up laboratories for testing construction materials such as sand, concrete and cement among others”. However, another respondent (Communications officer, District local government) indicated that it was UNRA when he submitted that ...” It is UNRA; they are always tasking the district to account on roads, at some point they held the district accountable for shoddy road works”. The results suggest the need to centralize infrastructure data and infrastructure development concerns at a defined agency to facilitate easy access and retrieval and appreciation of stakeholders. The current practice where each agency plans, budgets and implements infrastructure projects makes management and disclosure of infrastructure data cumbersome.

5.3.8 Support to disclosure and use of public infrastructure information

Respondents were asked to share their opinions on whether the current legal, policy framework and institutional setup support disclosure and use of public infrastructure information. The results are presented in Figure 16. A higher share of respondents (68%) affirmed that the current legal and policy framework was adequate to support infrastructure data disclosure.

Figure 16: Support to the disclosure of infrastructure information



These findings are further buttressed in existing legal frameworks. For example, in local governments, the Local Government Act Cap 243 obligates all Districts and municipalities to disclose particulars of procurements conducted, including details of the contracts awarded, contracts amended or varied, contracts completed, and a report on micro procurements. Table 7 presents the particulars to be disclosed under the law.

Table 7: Particulars of procurements to be disclosed by an Entity

S/n	What to disclose	Particulars to be disclosed
1	Contracts awarded	<ol style="list-style-type: none"> 1. Procurement reference number 2. Subject of procurement 3. Method of procurement 4. Provider 5. Date of award of contract 6. The market price of the procurement 7. Contract value (currency and amount)
2	Contracts amended or varied	<ol style="list-style-type: none"> 1. Procurement reference number 2. Subject of procurement 3. The amendment or variation 4. Provider 5. Date of amendment or variation 6. Value of amendment/variation, where applicable 7. Revised contract value and currency, where applicable
3	Contracts completed	<ol style="list-style-type: none"> 1. Procurement reference number 2. Subject of procurement 3. Provider 4. Date of completion 5. The total amount paid and currency 6. Contract value (currency and amount)
4	Report on micro procurements	<ol style="list-style-type: none"> 1. Procurement reference number 2. Subject of procurement

		3. Provider
		4. Invoice/date of delivery/completion
		5. Contract value (currency and amount)

Source: PPDA (PDEs) Regulations, 2014, Reg. 20(2)

The act provides thus: *“Every district contracts committee and municipal contracts committee shall publish quarterly summary reports of all procurements [works, supplies and services] made by it during the quarter... and shall give a copy of the published quarterly report to the council for which the procurement was made, the Permanent Secretary of the ministry responsible for local government and the Public Procurement and Disposal of Public Assets Authority” (LGA Cap 243, section 94D).* The fact that each sub-county of the district (or ward, in case of a municipality) is represented in the council, the reports so provided should be interrogated and in turn, disseminated to the public in the respective electoral areas.

For central government entities, the PPDA regulations (2014), reg. 20 provides thus... *“... A procuring and disposing entity shall for each month, submit to the Authority, by the fifteenth day of the following month, a report on the procurement activities undertaken by the procuring and disposing entity in the month”.* The results support the adage that Uganda’s challenge, including inadequate procurement disclosure, is not good laws and policies, or even institutions, but implementation!

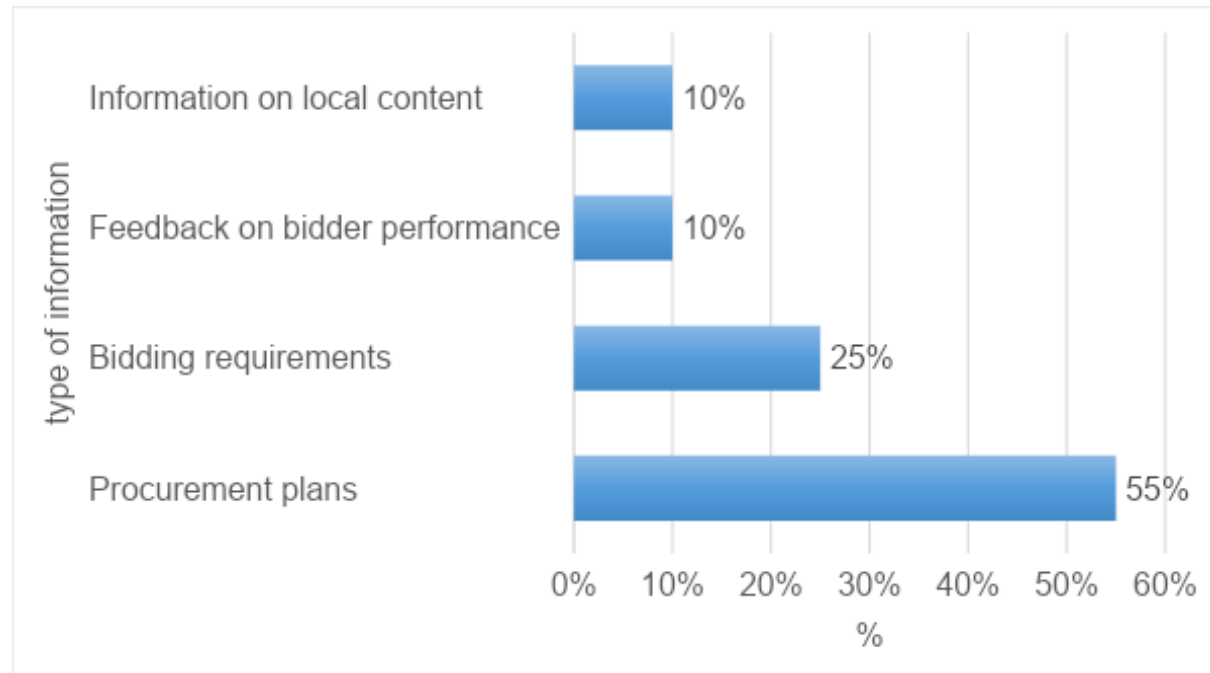
5.3.9 Private sector information requirements for effective participation

The private sector is part of the economy that is run by individuals and companies for profit and is largely not state-controlled. Therefore, it encompasses all for-profit businesses that are not owned or operated by the government. According to the Third National Development Plan (NDPIII) 2020-2021-2024/25, Uganda’s private sector generates 77% of formal jobs, contributes 80% to GDP, and funds 60% of all investments and provides more than 80% of government domestic revenues. Therefore, understanding the operating context and challenges of the private sector in infrastructure transparency is critical to the achievement of CoST Uganda’s transparency campaign.

To achieve this, interviews were conducted with both the Uganda National Association of Building and Civil Engineering Contractors (UNABCEC) and the Uganda Association of Consulting Engineers (UACE). The organizations are member associations responsible for advocacy and lobbying, continuous professional development, engineering professional ethics, standards, and client/consultant/contractor relationships.

Accordingly, respondents were asked to enumerate the information they would expect from Procuring Entities (PEs) to procure public infrastructure projects effectively. The interview results generated four major themes. The results are presented in figure 17 below:

Figure 17: Information required for effective participation



As revealed in Figure 17, the information most sought out for in entities were procurement plans (55%) and bidding requirements (25%), with details in the latter comprising essentially the required experience, scope of work and financial requirements, also required by bidders is information on bidder performance (10%) and local content (10%). The findings underscore the value of procurement plan information to the private sector. The entity procurement plan reveals the upcoming projects and their estimated values, the planned sourcing strategy (whether contractors will be sourced locally or internationally), and the timing of the procurements, among others. This information is critical to bidders to prepare early for personnel, equipment, financing, partners, and the like.

The study revealed the importance attached to local content information by bidders. Information on local content, implemented through reservation and preference schemes, would ensure that only eligible bidders are allowed to participate in the given procurement tender. The interviews revealed that where bidders have had knowledge of local content being applied in the procurement of given projects, ineligible bidders have been protested against, leaving only eligible ones to compete in the procurement. Besides, respondents indicated that knowledge of local content in the procurement helps determine any subcontracting opportunities. Currently, at least

30% of the value of the contract is awarded to a foreign contractor. Timely provision of feedback on bidder performance would help bidders learn from their mistakes, if any, and determine whether they have unfairly failed to petition the entity and PPDA for redress through the administrative review process enshrined in the PPDA Act (section 91).

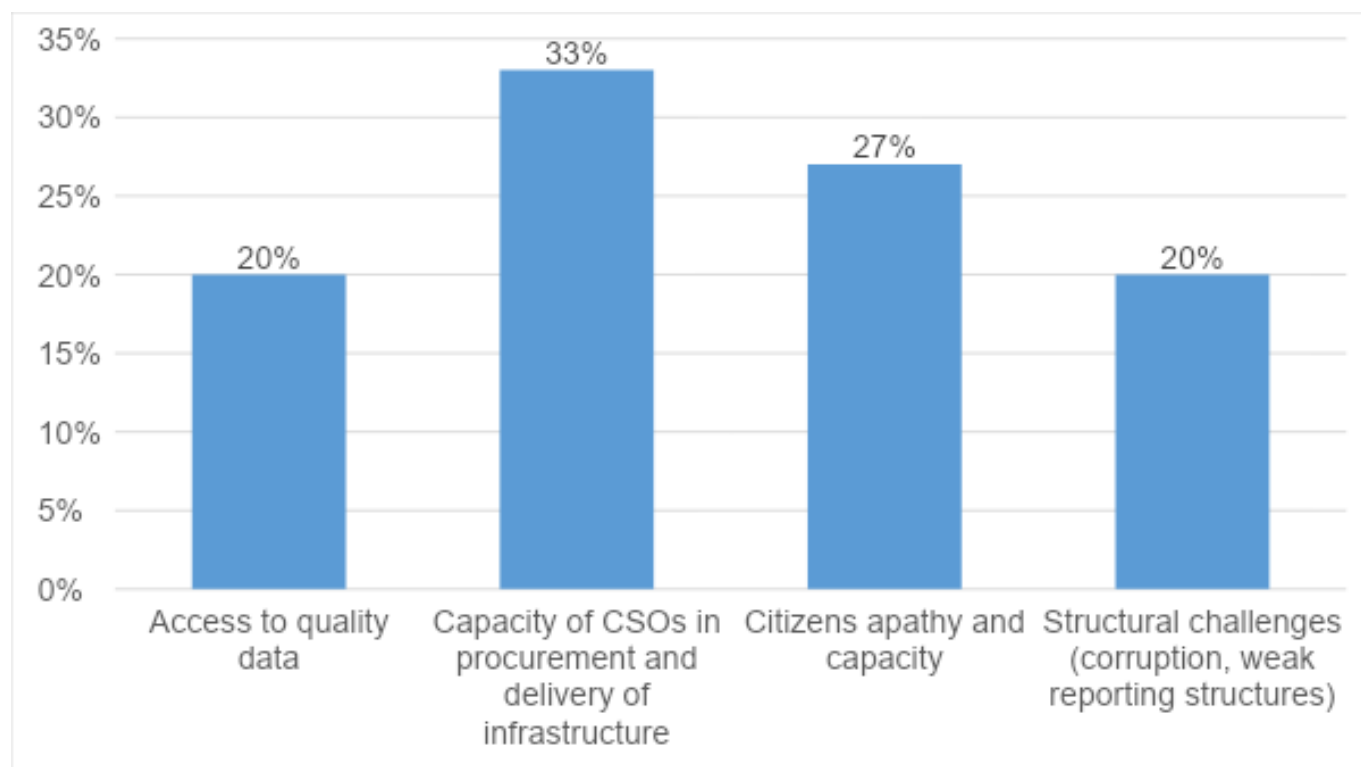
5.3.10 Challenges of CSOs in building the capacity of citizens

Civil Society organizations (CSOs) play a vital role in enabling people to claim their rights, shape development policies and partnerships, and in overseeing their implementation. This fosters social accountability, thereby strengthening the voice and building the citizens' capacity to demand service delivery.

In this regard, respondents shared their challenges in building the capacity of citizens to demand for service delivery and performance of public infrastructure projects in Uganda. Figure 18 presents the major challenges following a content analysis of a portfolio of challenges provided by respondents. The results indicate that the major challenge in strengthening the voice and capacity of citizens to demand for service delivery is limited capacity of CSOs in procurement and delivery of infrastructure (33%), followed by citizens apathy and capacity (27%), then access to quality data (20%); and structural challenges (including political interference, weak reporting structures, and structural challenges (including lobbyists who divert some sections of the media from following and exposing issues that affect citizens) (20%).

Besides, citizen apathy (the indifference of individuals and the lack of interest in participating in activities that affect them) was quite significant among the challenges of building their voice.

Figure 18: Challenges in building the capacity of citizens

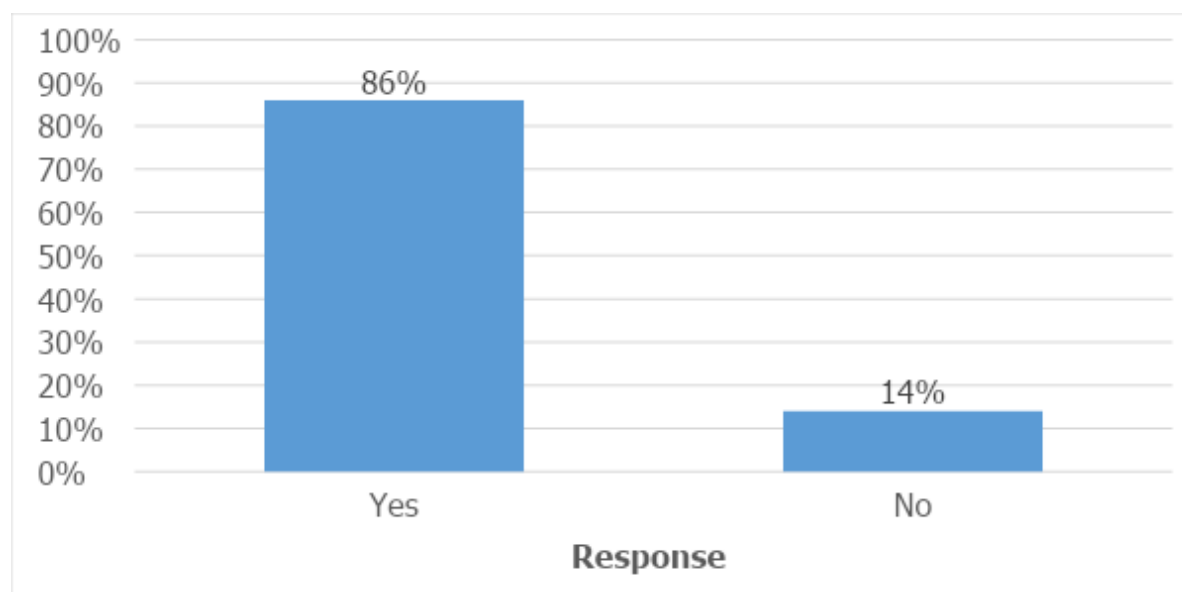


Based on the results, the major challenge is lack of capacity of CSOs (in procurement and infrastructure delivery) and citizen apathy and capacity to engage in infrastructure delivery processes.

5.3.11 Opportunities for delivery of public infrastructure projects

Figure 19 shows that the majority of respondents (86%) affirmed that the opportunities for delivery of public infrastructure projects, challenges notwithstanding, were enormous. One respondent in affirmation had this to say: *“Yes, there are many opportunities and the government is willing to share information; it is only individuals within government who frustrate citizens in getting access to information. Therefore, the actors need to be positive about information disclosure”* (Male Respondent, Public official).

Figure 19: Opportunities for delivery of public infrastructure projects



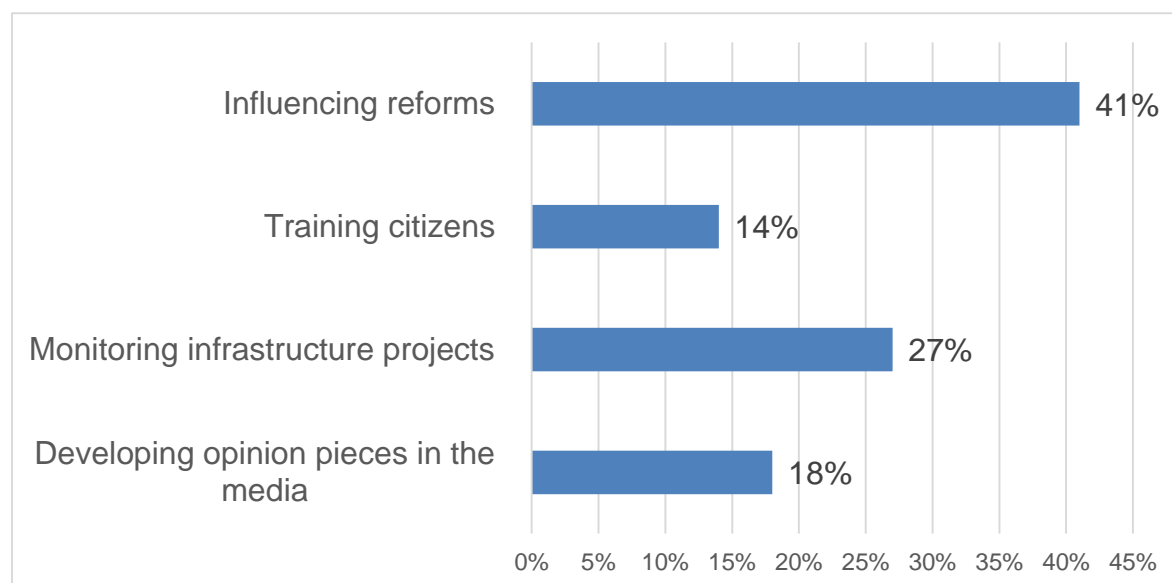
The highlighted opportunities include:

- Infrastructure projects indicated in the National Development Plan (NDP III)
- Increased vigilance of anti-corruption agencies (State House Anti-corruption and Inspectorate of government)
- Increased coordination between the government, citizens, private sector and CSOs
- BUBU (Buy Uganda, Build Uganda) policy
- East African Crude Oil Pipeline (EACOP)

5.3.12 CSOs promotion of transparency and accountability

As already noted, CSOs have a key role in strengthening citizens' voices and building their capacity to demand service delivery. To this effect, respondents were asked to indicate participation in promoting transparency and accountability, particularly in infrastructure projects. As shown in figure 20, a substantial proportion of participation was in influencing policy and legal reforms (41%) [classification of contractors, using assurance work to advocate for the retention of Uganda National Roads Authority, UNRA, under the current reform programme], followed by monitoring infrastructure projects (27%), developing opinion pieces in the media (18%), and training citizens (14%).

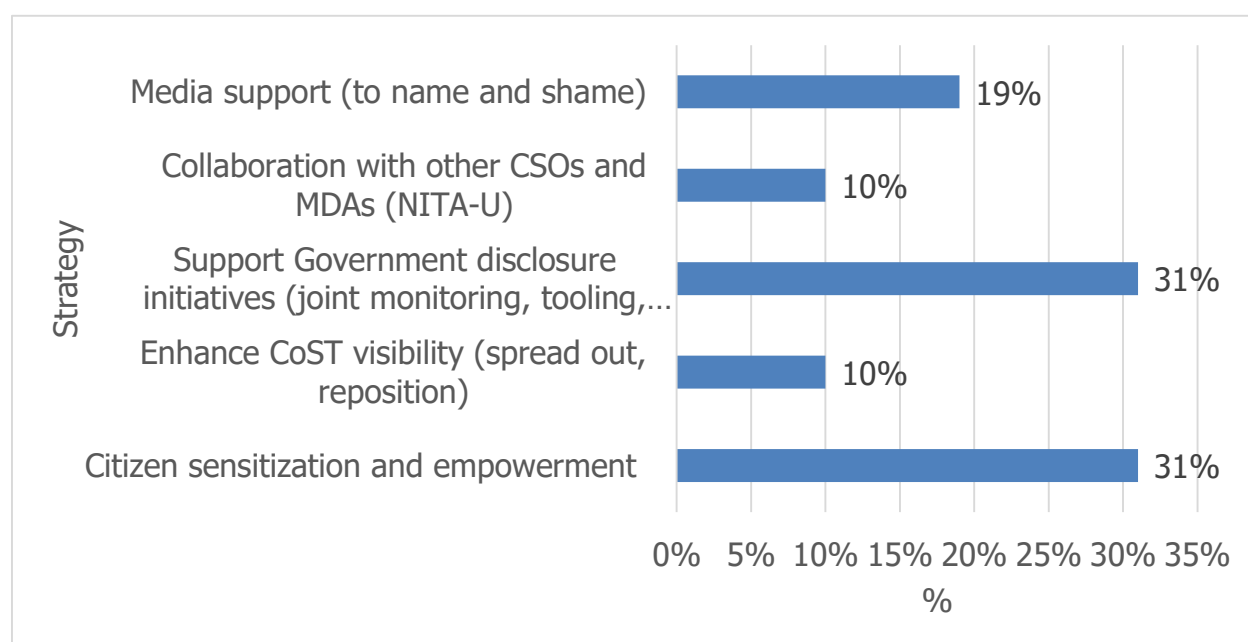
Figure 20: Participation of CSOs in promotion of public infrastructure projects



5.3.13 Strategies for CoST Uganda to further infrastructure transparency

The study also sought to identify how the CoST approach could add value to existing systems for delivering and procuring public infrastructure projects. The core features of the CoST approach are disclosure, Assurance (which entails an independent assessment of disclosed information), Multi-Stakeholder working, and Social accountability, which involves strengthening the voice and building the capacity of the citizens and other stakeholders to demand service delivery. To this end, respondents were asked to indicate how CoST Uganda can further its advocacy for infrastructure transparency. The question: *“In your view, how best should CoST Uganda further its advocacy for infrastructure transparency?”* elicited numerous proposals and were subjected to content analysis to generate higher-level themes. The results are shown in Figure 21.

Figure 21: Strategies for CoST Uganda to further infrastructure transparency



From the results, respondents indicated that CoST should:

- Reinforce citizen sensitization and empowerment (31%). This strategy will develop the capabilities that are valuable to actively participate, especially in monitoring infrastructure delivery in the community
- Support government disclosure initiatives (31%). Currently the government is implementing e-procurement, albeit at the pilot stage with few entities. CoST could offer support to scale up the number of entities from the current 11 to say 15 Entities. This would track the implementation of e-procurement currently considered a remedy for inefficiencies, non-disclosure of data and corruption in public procurement. Besides, *CoST should continue with the recognition awards for the best performing entities and individuals on information disclosure. This is a critical approach to enhance its visibility in the country.*
- Collaborate with other CSOs and MDAs (10%). CoST should, for example, engage NITA-U, MOWT, UNRA, ACCU, etc., to implement a one-stop centre for public infrastructure data. This would cut out middlemen and bureaucracy in information access, currently limiting effective access to information. Proposals to review the cumbersome Access to information Act could also be shared among collaborating CSOs and agencies.
- Enhance CoST visibility (10%). Respondents were concerned about the absence of CoST in local governments where over 80% of the projects are implemented. To this effect, CoST should consider decentralizing operations to lower local governments and engage

them on the value of transparency. This would help reposition the initiative from a “Kampala” initiative to a national outlook.

- Media support (19%). The proposal is consistent with the submissions by Journalists summarized in Box 3.

Box 3 Recommendations from Journalists

Responding to the question: *In your view, how best should CoST Uganda further its advocacy for infrastructure transparency?*” the Journalists underscored the following for CoST:

- Engage media trainers to build the capacity of participating Journalists in Uganda on how to pitch grand stories to funders (to avoid being compromised) and engender accurate and balanced news coverage to inform public opinion by exposing abuses of power and holding authorities to account. Examples include Thomson Reuters Foundation (<https://www.trust.org>), Global investigative journalism (<https://gijn.org>), The Journalists in Distress (JID) Network (<https://cpj.org>), among others. The training should also equip journalists with data observation and analysis skills.
- Identify few resourceful journalists and media and invest in them. In this line, CoST should engage at least five journalists who should be adequately trained and facilitated. The training should include digital skills and investigative Reporting.
- Develop and implement a public awareness campaign
- Train journalists on how to access information
- There is a need to follow up on the story to create an impact. ... *“Otherwise, a big story is broken but what next?”* This will require facilitation to conduct investigations and publication of follow up stories.

6.0 SUMMARY OF KEY FINDINGS

1. The legal, policy and institutional framework for disclosing information in Uganda is adequate to support transparency, including infrastructure procurement and delivery. This is buttressed in the extant study where 68% of respondents affirmed the enabling laws and policies on information disclosure, despite the concerns on the quality of disclosed data, and its complexity.
2. Overall, the data revealed an unequivocal political commitment to transparency of infrastructure data, thereby refuting the narrative that the non-performance of government agencies is due to a lack of political will. Accordingly, 55% of respondents indicated that some political leaders have severally expressed public support for transparency and disclosure.
3. There have been marked improvements in infrastructure procurement and delivery data disclosure over the last 3 years (2018/19-2020/21), from under 50% to an average of 61.5% (4th A process report, 2021). This performance is, however, undermined by the low levels of proactive disclosure by entities. Nevertheless, the results bring a ray of hope to transparency and accountability in infrastructure procurement and delivery in Uganda. Sustaining this performance, will require consistent social accountability.
4. Access to procurement plans and clarity of bidding documents together accounted for 80% of the information required by the private sector. In the context of infrastructure projects, the procurement plan specifically describes what projects (often including value and scope) will be implemented, when and how. Such information helps bidders to mobilize the required capacity to bid and implement the works efficiently and effectively.
5. Lack of access to cheaper funding sources by local contractors and weak implementation of local content regulations accounted for 65% of the challenges contractors face in the private sector. Cheaper financing should enable local firms to submit competitive price bids. Currently, the interest rate on commercial loans in Uganda is in the range of 20-25%, which is outrageous and has made local firms uncompetitive when pitted against their counterparts from China that access funding at interest rates under 10% in their home country.
6. From the results, infrastructure projects data accessibility in the right format, time, place, and cost, and poor attitude of PEs to disclose data together account for 72% of the challenges in disclosing infrastructure data in Uganda. Therefore, any turnaround strategy should focus on people rather than policies, laws or structures; for the people who implement them.

7. Implementation of laws and policies and stakeholder engagement and sensitization are key in promoting access to information. Based on the results, these two interventions jointly accounted for 64% of the requirements to promote access to information.
8. From the study, stakeholders expect CoST Uganda to reinforce citizen awareness, empowerment, and collaboration with state and non-state actors (CSOs, private sector and media) to further its advocacy for infrastructure transparency and fair business practices.
9. Respondents expressed visible concerns about the absence of CoST in local governments, where over 80% of the projects are implemented. To this end, CoST was considered a “Kampala” initiative with a limited national outlook.
10. The engagement between CoST Uganda and the media was loose and lacked a strategic focus. As a result, most journalists, especially from private media houses, were under facilitated and had difficulties in investigating and reporting on infrastructure projects being implemented all over the country.
11. The private sector remains concerned about the low threshold for local content provisions and the definition of the resident provider. Respondents stressed the need to revise the duration of a resident provider from 2 years to “**10 years and with evidence** of employment and training of Ugandans at all levels.
12. Government progress on implementation of the 2017 scoping study recommendations was at 69%. The PPDA (Amendment) Act, 2021) now provides for electronic records and communication with offences and penalties for breach of the provision. The e-procurement system is currently under pilot and will soon cover most entities. However, these efforts were undermined by the high cost of the internet and the lack of interactive databases across government agencies. Also, there is no single agency responsible for the collection and subsequent disclosure of project information. In addition, data centralization was still a challenge with no clarity on the lead agency to effect this mandate.
13. The status of implementation of CSOs was found to be 60%. CSOs such as Transparency International Uganda (TIU), Africa Freedom of Information Centre (AFIC) and Anti-Corruption Coalition Uganda (ACCU) among others continue to raise awareness and access to information and engage a wider range of stakeholders in disseminating and taking up information. However, this is often done in general and not specific on infrastructure projects life cycle, although, AFIC has engaged on procurement issues. There is a need to further CoST goals by linking with other initiatives, including supporting procuring entities and contracting agencies to strengthen their operations.

7.0 SUGGESTED RECOMMENDATIONS

1. PPDA should create awareness across those required to disclose information and enforce sanctions and penalties for non-disclosure of data as provided for under section 95 of the PPDA Act 2003 (as amended).
2. **MOFPED should fast-track the review of the local content Act in consultation with the private sector.** To ensure inclusive growth and avoid crowding out national providers. Policies like compulsory subcontracting, advance payment, reservation of certain contracts (by value and type) already provided in the law should be enforced.
3. **CoST should support public entities in data management skills and tools to enhance data capture, storage and dissemination.** Through this intervention, entities would support the public to access the required information, be it electronic or physical. Some members of the public quite often lack the skills to mine the data they need. Even if they were available, they would need extra help and support.
4. **The Ministry of Finance, together with PPDA, should expedite the implementation of the Electronic Government Procurement (e-GP) system to enhance the quality and integrity of disclosed data.** Currently, the project is at the pilot stage. The e-GP system is robust and assures data integrity, thereby eliminating corruption and fraudulent procurement practices. Recognizing that infrastructure projects are complex compared to other procurements, PPDA, in line with her strategic plan (2020/21-2024/25), underscores leveraging technology to deliver efficiency in public procurement, should harmonize the OC4IDS and IDS with the existing PPDA reporting framework. For example, the CoST Infrastructure Data Standard has 41 proactive disclosure data points, while the PPDA reporting template has only about 20 data points. Therefore, PPDA and CoST Uganda should expedite the harmonization of proactive disclosure and reporting frameworks to enhance data transparency and real-time access to infrastructure procurement data.
5. **Government should fast-track the creation of the Construction Industry Development Fund, currently under pursuit by the Uganda National Association of Building and Civil Engineering Contractors (UNABCEC).** The fund is envisaged to provide economic empowerment of domestic contractors undertaking government projects. Otherwise, the current interest rates for commercial loans in the range of 20-25% are outrageous and make local firms uncompetitive compared to their counterparts, especially from China, where capital cost is way under 10%.
6. **Government through MoFPED should approve and implement a National Provider Development programme.** The programme should ring-fence some contracts as an Affirmative Road Development Pilot project to deliberately address the critical needs for

domestic paved roads construction providers. It is envisaged that the programme will stimulate further investment in equipment and human resource development among domestic contractors.

7. **PPDA should enforce the display of procurement plans on notice boards for at least 20 working days per Section 58 (6) of the PPDA Act to ensure access to information.** The plans should clearly disseminate the planned projects, implementation strategy, expected outputs, funding details, and the cost. In addition, the same information should be uploaded to entity websites, PPDA websites, blogs, radios, TVs, social media platforms, etc. and enable substantial numbers of the interested public to access the information. Accessibility of information provided in the right format, at the right time, in the right place, and at minimal cost would help bidders to mobilize the required capacity to bid and implement the works efficiently and effectively.
8. Every sector should provide a quarterly update to the public on infrastructure projects delivery and procurement status.
9. Government, through MoFPED, should engage and capacitate Procuring and Disposing Entities (PDEs) with equipment and tools (computers, software and internet connectivity) to fast-track infrastructure data capture and reporting to improve disclosure.
10. **CoST should support the MoFPED and PPDA to design and implement sector focused mind set change on infrastructure transparency programmes across all government entities.** The issue of poor attitude of staff in PEs to disclose data stood out prominently in the study. Procurement information is largely regarded private, and staff are unwilling to disclose unless compelled. Negative attitudes can derail disclosure efforts currently taking root across Government on the sector. The programmes should espouse good practices in transparency and accountability, legal and policy framework for access to information, integrity in procurement, offences and penalties for defiant behaviours among others.
11. **Government through PPDA, in partnership with CoST Uganda should continue with the current initiative to recognising best performing entities in disclosure of both proactive and reactive data.** Recognition should range from the awards of certificates, plaques to sponsorship to benchmarking studies in and outside the country, the offer of working tools such as laptops among others. Considerations should also be made to recognising officers performing well in infrastructure transparency but not only the entities/institutions.
12. **CoST should strengthen collaboration and partnerships with Procuring entities, CSOs and the media on infrastructure transparency and accountability. The outcomes of CoST activities on PDEs would easily feed into government policy.** The CSOs should be those whose primary aim is to promote transparency and accountability in service delivery.

Through these initiatives, it is hoped. In addition, CoST would further its advocacy for infrastructure transparency through a wider reach to the community, particularly in local governments where most infrastructure projects are implemented.

13. **CoST Uganda should adopt and sustain a strategic media engagement approach.** Under this initiative, a few resourceful journalists and media houses should be identified and engaged with clear terms of reference. These would then be supported to acquire the necessary skills (such as digital skills and investigative Reporting) and facilitated to investigate and report on strategic infrastructure projects in the country. The study established that most journalists, especially from private media houses, were under facilitated and susceptible to compromise while performing their duties.
14. **PPDA should enforce aggregation of infrastructure procurements.** The current practice where each agency plans, budgets and implements infrastructure projects makes management and disclosure of infrastructure data cumbersome. Besides, through aggregation, governments would benefit from economies of scale, such as reduced prices and enhanced standardization.
15. CoST, Government and the private sector lead entities should carry on with the fair business practices, ethics and integrity engagements to further enhance participation and build trust of the private sector.

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APPENDICES

APPENDIX A: List of Respondents - Scoping Study 2021

s/n	Organization	Individuals interviews	Job title	Gender
1	ACCU	Arthur Oyako	Communications Manager	Male
2	BBS-TV	Jackie Nantale	Reporter/BBS-TV	Female
3	Media-New vision	Henry Sekanjako	Reporter/New vision	Male
4	Media-Shift media	Patrick Jaramogi Oketch	Editor/ Shift Media	Male
5	Media-UBC-TV	Sudat Kaye	Reporter/UBC-TV	Female
6	EU	Simon Mulisa		Male
		Fiona Nakasiga		Female
7	Gulu DLG	Onekalit Bosco	Senior Procurement Officer	Male
		Nyeko Samuel	District Engineer	Male
8	Iganga DLG	Daniel Saire	Communication Officer	Male
9	IGG	James Onying Penywii	Director Programmes	Male
		Akure Peter	Principal Inspectorate Officer	Male
10	Jinja DLG	Buyinza Joseph	District Engineer	Male
11	Kabarole DLG	Kisembo Michael	Assistant CAO	Male
12	Kapchorwa DLG	Chelimo Titus	Procurement Officer	Male
		Yeko Justine Jims	Communication Officer	Female
		Chemutai Calvin	Information Technology Officer	Male
13	Kasese DLG	Muhindo Stephen	Procurement Officer	Male
		Kabughho Sharon	Communication Officer	Female
14	Masindi DLG	Atuhura Brian	Communications Officer	Male
		Ibanda Phoenia Friday	Procurement Officer	Female
		Byarugaba Godfrey	Senior Procurement Officer	Male
15	Mbale DLG	Nambozo Loyce Joyce	Chief Administrative Officer	Female
16	Mbarara DLG	Muganzi Julius	Chief Finance Officer	Male
17	MoFPED	Simon Nabyama	Principal Procurement Officer	Male
		Immaculate Asiimwe		Female
18	MoLG	Mike Duncan Tumwikirize	PPO/HPDU	Male
		Dr. Masembe Kamaradi	Principal Inspector	Male
19	MWE	Matovu Ronald	Engineer	Male
20	NITA-U	Gloria Kansime	Data Analyst	Female
		Richard Obita	Director Planning, Research and Development	Male
		Paul Ngabirano	Infrastructure Implementation Manager	Male
21	OAG	Maxwell Ogenthoo	Director Technical Services/Head INTOSAI	Male

			WGEI Secretariat & International relations	
22	OPM	Benjamin Kachero	Economist	Male
		Timothy Lubanga	Commissioner M&E Central Government	Male
23	PPDA	Edwin Muhumuza	Director Corporate Affairs	Male
24	Transparency international Uganda (TIU)	Brenda Ireo	Program Officer	Female
		Samuel Okulony	Program Officer	Male
		David Kizito	Program Officer	Male
25	UACE	Florence Mambwa	Executive Director	Female
26	UNABCEC	Elizabeth Muhebwa	Executive Director	Female
27	UNRA	John Omeke	Director/Procurement	Male
28	Wakiso DLG	Lwanyagga Henry	Procurement Officer	Male
		Sseguya Nashir	Civil Engineer	Male

APPENDIX B: Proactive Data Points on GPP (N = 66)

Planning	1. Procurement Subject
	2. Currency
	3. Estimate
	4. Source of funding
	5. Method
	6. Procurement type
	7. Contract type
	8. Reservation/preference schemes
	9. Bid Invitation date
	10. Bid closing date
	11. Date Of approval of evaluation report
	12. Contract award date
	13. Contract signing date
Initiation & Bid Invitation	14. Financial Year
	15. Procurement Subject
	16. Reference Number
	17. Lotting/Framework
	18. Initiation date
	19. Confirmation of funding date
	20. Estimate
	21. Bid security
	22. Source of funding
	23. Method
	24. Contracts committee approval date
	25. Price of bidding documents
	26. Bid Invitation date
	27. Pre-bid meeting date and time
	28. Bid closing date and time
	29. Address for inspection/delivery/opening of bid documents
	30. Bid opening date and time
	31. proposed evaluation period
	32. Bid validity period
	33. Planned award date
	34. Planned display of NoBEB
	35. Planned contract signing date
Bid submission, evaluation & contract ward	36. Name of bidder
	37. Joint venture/not
	38. Country of registration
	39. Read-out price
	40. Currency
	41. Bid security
	42. Date bid received
	43. Person receiving the bid

	44. Evaluation methodology
	45. Date of Commencement of evaluation
	46. Number of technically responsive bids
	47. Application of preference/reservation schemes
	48. Date of signing of the combined evaluation report
	49. Date of CC approval of evaluation report
	50. Best evaluated bidder
	51. Award price
	52. Date of display and removal of the notice of best evaluated bidder
	53. Unsuccessful bidders
	54. Reasons for being unsuccessful
Contract signing and contract management	55. Contract signing date
	56. Name of provider
	57. Contract amount
	58. Contract commencement date
	59. Contract duration
	60. Planned contract completion date
	61. Contract manager
	62. Advance payment
	63. Payments made
	64. Date of payment
	65. Contract completion date
	66. Provider performance rating

APPENDIX C: COST IDS (Project and Contract Data for Proactive Disclosure)

Project Phase	Data points	Alignment to GPP
Project Identification	1. Project reference number	Yes
	2. Project owner	Yes
	3. Sector, subsector	No
	4. Project name	Yes
	5. Project Location	No
	6. Purpose	No
	7. Project description	No
Project Preparation	8. Project Scope (primary output)	No
	9. Environmental impact	No
	10. Land and settlement impact	No
	11. Contact details	No
	12. Funding sources	Yes
	13. Project Budget	No
	14. Project budget approval date	No
Project Completion	15. Project status (current)	No
	16. Completion cost (projected)	No
	17. Completion date (projected)	Yes
	18. Scope at completion (projected)	No
	19. Reasons for project changes	No
	20. Reference to audit and evaluation reports	No
Procurement	21. Procuring entity	Yes
	22. Procuring entity contact details	Yes
	23. Procurement process	Yes
	24. Contract type	No
	25. Contract status (current)	No
	26. Number of firms tendering	No
	27. Cost estimate	Yes
	28. Contract administration entity	No
	29. Contract title	Yes
	30. Contract firm(s)	Yes
	31. Contract price	Yes
	32. The contract scope of work	No
	33. Contract start date	Yes
	34. Contract duration	Yes
	35. Project Life span	No
Implementation	36. Variation to the contract price	No
	37. Escalation of the contract price	No
	38. Variation to contract duration	No
	39. Variation to contract scope	No
	40. Reasons for price changes	No
	41. Reasons for scope and duration changes	No