

**STATUTORY INSTRUMENTS SUPPLEMENT**

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**S T A T U T O R Y I N S T R U M E N T S**

**2023 No. 102.**

**THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS  
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# STATUTORY INSTRUMENTS

2023 No. 102.

## **The Public Procurement and Disposal of Public Assets (Disposal of Public Assets) Regulations, 2023.**

*(Made under sections 96(1) and 96A of the Public Procurement and Disposal of Public Assets Act, 2003, Act No 1 of 2023).*

IN EXERCISE of the powers conferred upon the Minister responsible for finance by sections 96(1) and 96A of the Public Procurement and Disposal of Public Assets Act, 2003, in consultation with the Minister responsible for the Kampala Capital City Authority and the Minister responsible for local governments, and on the recommendation of the Authority, these Regulations are made, this 26<sup>th</sup> day of September, 2023.

### PART I—PRELIMINARY

#### **1. Title and commencement.**

(1) These Regulations may be cited as the Public Procurement and Disposal of Public Assets (Disposal of Public Assets) Regulations, 2023.

(2) These Regulations shall come into force on the 5<sup>th</sup> day of February, 2024.

#### **2. Disposal planning.**

(1) For the purposes of disposal planning, an Accounting Officer shall, in each financial year, cause the public assets of a procuring and disposing entity to be reviewed, to identify the public assets to be disposed of in the following financial year.

(2) A procuring and disposing entity may use the board of survey or a user department to identify the public assets to be disposed of.

(3) For the purposes of maximizing competition and achieving value for money, a procuring and disposing entity shall group the public assets to be disposed of in lots.

(4) In order to reduce the administration and transaction costs, a procuring and disposing entity shall dispose of as many public assets as possible at a given time, where the public auction disposal method is to be used.

(5) Two or more procuring and disposing entities may dispose of public assets under a collaborative arrangement, where savings on cost and other business related benefits may be envisaged.

**3. Initiation of disposal requirements and approval for disposal.**

(1) A User Department or the appropriate department of a procuring and disposing entity that is responsible for the management of public assets, shall initiate a process for disposal of a public asset by making a request for disposal of the public asset to the Accounting Officer.

(2) A User Department may initiate a process for disposal of public assets where the board of survey of the entity recommends for the disposal of a public asset.

(3) A User Department or the appropriate department of a procuring and disposing entity that is responsible for the management of public assets which initiates a disposal process shall in the request for disposal, clearly indicate the public asset to be disposed of.

(4) The Accounting Officer of a procuring and disposing entity shall approve a request for disposal prior to the commencement of the disposal process.

(5) Every disposal process shall—

(a) have a reference number, allocated using the referencing system in the guidelines; and

(b) be identified by the reference number of the asset in the assets register of the procuring and disposing entity.

(6) The request and approval of the disposal of a public asset shall be made by the User Department or the appropriate department of a procuring and disposing entity that is responsible for the management of public assets and the Accounting Officer, respectively, using Form 28 in the Schedule.

**4. Minister to approve disposal of strategic assets.**

(1) The disposal of a strategic asset shall be undertaken after approval of the disposal by the Minister.

(2) A procuring and disposing that seeks to dispose of the public asset shall make a request for approval of the disposal to the Minister which shall include a report of the valuation of the asset.

PART II—CONDITIONS AND RULES FOR DISPOSAL  
OF PUBLIC ASSETS

*Conditions and rules for public bidding*

**5. Conditions for use of public bidding.**

Public bidding shall be used as a method of disposal where—

- (a) the assets could attract competition;
- (b) the asset has a geographically dispersed potential market;  
or
- (c) no conditions need to be attached to the sale of the asset.

**6. Rules for disposal of public assets by public bidding.**

(1) The Procurement and Disposal Unit, shall make a request to the Contracts Committee, for the use of the public bidding method using Form 29 in the Schedule.

(2) The Contracts Committee shall state its decision of the Form submitted under sub-regulation (1).

(3) A procuring and disposing entity shall solicit for bids to dispose of a public asset by public bidding by publishing an invitation notice to the public.

(4) The invitation notice to the public shall be published in at least one newspaper of national circulation and may be communicated to the public using any other appropriate media, which offers an efficient means of communicating with potential bidders and which increases competition.

(5) The invitation notice shall be displayed on the procurement and disposal notice board of the procuring and disposing entity and where available, on the website of the procuring and disposing entity and on the website of the Authority.

(6) The invitation notice shall indicate that an interested bidder shall obtain the bidding documents from a procuring and disposing entity.

(7) The bidding documents shall be drafted using the format issued by the Authority and shall—

- (a) include a description and location of the public asset to be disposed of;
- (b) indicate the documentation required for bidding; and
- (c) indicate the evaluation criteria.

(8) The bidding documents may be sold and where the bidding documents are sold, they shall be sold at a price that covers the costs of copying the documents.

(9) A procuring and disposing entity shall record the issue or sale of bidding documents using Form 30 in the Schedule.

(10) The minimum bidding period shall be three working days for biological assets except where the life of the asset is at risk, in which case the minimum period shall be less than three working days, and ten working days for the other assets.

(11) The bids shall be evaluated using the “price only” methodology.



(12) A procuring and disposing entity may hold negotiations with the highest bidder where the bidder is below the reserve price.

(13) Where the successful bidder fails to pay the contract price in accordance with the terms of the contract, the procuring and disposing entity shall terminate the contract and make an offer for sale to the next highest bidder.

*Conditions and rules for public auction*

**7. Conditions for use of public auction.**

(1) A public auction shall be used where—

- (a) there is a large number of potential bidders for the public asset; or
- (b) the public assets to be disposed of are at one or several locations.

(2) Where the public auction method is used, the sale shall be at a reserve price.

**8. Rules for disposal of public assets by public auction.**

(1) The Procurement and Disposal Unit shall make a request to the Contracts Committee, for the use of the public auction method using Form 31 in the Schedule.

(2) The Contracts Committee shall state its decision on the Form submitted under sub-regulation (1).

(3) A procuring and disposing entity shall solicit for bids to dispose of a public asset by public auction, by publishing an invitation notice to the public.

(4) The invitation notice to the public shall be published in at least one newspaper of national circulation and may be communicated to the public using any other appropriate media, which offers an

efficient means of communicating with potential bidders and which increases competition.

(5) The invitation notice shall be displayed on the procurement and disposal notice board of the procuring and disposing entity and on the website of the Authority.

(6) A procuring and disposing entity shall appoint an auctioneer to conduct a public auction on behalf of the procuring and disposing entity.

(7) A procuring and disposing entity shall allow a period of at least ten working days for the potential bidders to inspect the public asset to be auctioned, which shall be between the date of publication of the invitation notice to the public and the date of the public auction.

(8) Bidding at a public auction shall be made orally.

(9) The procedure for bidding at a public auction shall be specified by the auctioneer.

(10) The auctioneer shall not hold negotiations with any bidder

(11) The auctioneer shall at the public auction announce the successful bidder who shall be advised to pay the contract price for the disposal item to the procuring and disposing entity within one working day from the date of the public auction.

(12) Notwithstanding subregulation (11), the auctioneer shall also record the particulars of the next highest bidder who may be considered where the highest bidder fails to pay the contract amount within the stipulated time.

(13) The auctioneer shall submit the record of the two highest ranked bidders for the public assets at the auction to the procuring and disposing entity.

**9. Appointment of auctioneer.**

(1) The auctioneer to be appointed by a procuring and disposing entity to conduct a public auction on behalf of the procuring and disposing entity shall be an auctioneer licenced under the Auctioneers Act, Cap. 270.

(2) The auctioneer shall be procured using the procurement methods in the Act.

(3) In procuring an auctioneer, a procuring and disposing entity shall take into account—

- (a) the commission rate of the auctioneer; and
- (b) the performance record and integrity of the auctioneer.

*Conditions and rules for direct negotiations*

**10. Conditions for use of direct negotiations.**

Direct negotiations shall be used where national security, public interest, health and safety issues, or environmental considerations or other considerations are served, when a disposal is made to a particular bidder.

**11. Rules for disposal of public assets by direct negotiations.**

(1) The Procurement and Disposal Unit shall make a request to the Contracts Committee, for the use of the direct negotiations method using Form 32 in the Schedule.

(2) The Contracts Committee shall state its decision on the Form submitted under sub-regulation (1).

(3) Where a public asset is to be disposed of through direct negotiations, a procuring and disposing entity shall obtain a valuation for the public asset before the negotiations are conducted.

(4) A procuring and disposing entity shall solicit for bids to dispose of a public asset by direct negotiations by issuing bidding documents.

(5) The bidding document shall be drafted using the format issued by the Authority.

(6) The minimum bidding period for disposal by direct negotiations shall be three working days.

(7) The bids shall be evaluated using the “price only” methodology.

(8) A procuring and disposing entity may hold negotiations with the successful bidder where the bidder’s price is less than the reserve price.

(9) Where the successful bidder fails to pay the contract price in accordance with the terms of the contract, the procuring and disposing entity shall terminate the contract and dispose of the asset using another appropriate method of disposal.

*Conditions and rules for sale to public officers*

**12. Conditions for use of sale to public officers.**

(1) Sale to a public officer shall be used for the disposal of a public asset where the use of the public asset by the public officer, would directly enhance the performance of the public officer in the execution of his or her duties within a procuring and disposing entity, if the asset is put to the personal use of the public officer.

(2) The procuring and disposing entity that disposes of public assets by sale to public officials shall contract out the disposal to a procuring and disposing entity that is not participating in the disposal process.

**13. Rules for disposal of public assets by sale to public officers**

(1) The Procurement and Disposal Unit shall make a request to the Contracts Committee, for sale to public officers using Form 33 in the Schedule and the Contracts Committee shall state its decision on the Form.

(2) The procuring and disposing entity to which a disposal is contracted out under regulation 12 (2) shall solicit for bids to dispose of a public asset by sale to public officers by publication of a non-public invitation notice which shall be displayed within at least five procuring and disposing entities, which are freely and easily accessible by public officers and on the website of the Authority.

(3) The non-public invitation notice shall indicate that the public officers interested in bidding for the public assets shall obtain the bidding documents from the procuring and disposing entity referred to in regulation 12 (2).

(4) The bidding documents for disposal by sale to public officers shall indicate—

- (a) a description and location of the public assets to be disposed of; and
- (b) the documentation required for bidding.

(5) The bidding documents shall be drafted using the format issued by the Authority.

(6) The bidding documents shall not be sold.

(7) The procuring and disposing entity to which a disposal is contracted out under regulation 12 (2) shall record the issuance of the bidding documents using Form 30 in the Schedule.

(8) The public assets to be sold to public officers shall not be grouped in lots, but shall be sold as separate items, except where—

- (a) a group of items is of a very low value;
- (b) a group of items forms a natural set; or
- (c) the items would have a lower value if sold as separate items.

(9) The minimum bidding period for sale to public officers shall be ten working days.

(10) The bids shall be evaluated using the “price only” methodology.

(11) Where the successful bidder fails to pay the contract price in accordance with the terms of the contract, the procuring and disposing entity shall terminate the contract and make an offer to the next highest bidder.

*Conditions and rules for destruction of public assets*

**14. Conditions for use of destruction of public asset.**

Destruction of a public asset shall be used where—

- (a) national security, public interest, health and safety issues, or environmental considerations will be served if the public asset is destroyed; or
- (b) the public asset has no residual value and it cannot be transferred to another procuring and disposing entity, converted or classified into another form with value or disposed of by donation.

**15. Rules for disposal of public assets by destruction.**

(1) The Procurement and Disposal Unit shall make a request to the Contracts Committee, for disposal by destruction using Form 34 in the Schedule.

(2) The Contracts Committee shall state its decision on the Form submitted under sub-regulation (1).

(3) A procuring and disposing entity shall undertake the destruction of the public asset or engage a competent authority or a provider to undertake the destruction.

(4) Where a procuring and disposing entity engages a provider to undertake the destruction, the provider shall be procured using the procurement methods in the Act.

(5) The Accounting Officer shall, using Form 35 in the Schedule give approval for the destruction, prior to the destruction.

(6) Where a procuring and disposing entity engages a competent authority or a provider to undertake the destruction, the competent authority or provider shall issue a certificate of destruction to the procuring and disposing entity which shall be part of the record of disposal proceedings.

*Conditions and rules for conversion or classification  
of public assets into another form*

**16. Conditions for use of conversion or classification of a public asset into another form for disposal by sale.**

Conversion or classification of a public asset into another form for disposal by sale shall be used, where the public asset has no residual value in its current form, but where some sale value can be obtained through conversion or classification of the public asset into another form.

**17. Rules for disposal of public assets by conversion or classification of the public assets into another form.**

(1) The Procurement and Disposal Unit shall make a request to the Contracts Committee, for disposal by conversion or classification of public assets into another form using Form 36 in the Schedule.

(2) The Contracts Committee shall state its decision on the form submitted under sub-regulation (1).

(3) A procuring and disposing entity may convert or classify the asset into another form.

(4) Where a procuring and disposing entity is not able to convert or classify the asset into another form, the procuring and

disposing entity may engage a provider to undertake the conversion or classification using the applicable procurement methods as specified in the Act.

*Conditions and rules for use of trade-in*

**18. Conditions for use of trade-in.**

(1) Trade-in shall be used where a public asset of a procuring and disposing entity will be upgraded in a convenient, economic and efficient way, by trading-in a surplus public asset of the procuring and disposing entity, to offset the purchase price of a new asset.

(2) Trade-in shall not be used where competition and value for money will not be achieved in the procurement process.

**19. Rules for disposal of public assets by trade-in.**

(1) The Procurement and Disposal Unit shall make a request to the Contracts Committee, for disposal by trade-in using Form 37 in the Schedule.

(2) The Contracts Committee shall state its decision on the Form submitted under sub-regulation (1).

(3) A procuring and disposing entity shall solicit for bids for the procurement to be done under the trade-in of a public asset using the relevant regulations on procurement.

(4) A procuring and disposing entity shall cause the public assets to be disposed of by trade-in to be valued before the disposal.

(5) For the purposes of selecting the appropriate method of disposal to use, the estimated value of the asset of the trade-in shall be included in the estimated value of the procurement.

(6) The disposal process of the trade-in shall be an integral part of the procurement process and shall follow the procurement rules in the Act and the Regulations made under the Act.



(7) The method used to evaluate trade-in offers shall be stated in the evaluation report.

(8) A procuring and disposing entity may hold negotiations with the successful bidder.

*Conditions and rules for transfer to another procuring and disposing entity*

**20. Conditions for use of transfer to another procuring and disposing entity.**

Transfer to another procuring and disposing entity shall be used where further use of the asset can be obtained by the procuring and disposing entity to which the asset is transferred.

**21. Rules for disposal of public assets by transfer to another procuring and disposing entity.**

(1) The Procurement and Disposal Unit shall make a request to the Contracts Committee, for the transfer to another procuring and disposing entity using Form 38 in the Schedule.

(2) The Contracts Committee shall state its decision on the Form submitted under sub-regulation (1).

(3) The concerned procuring and disposing entity shall prior to the transfer, agree on the following—

- (a) the public assets to be transferred;
- (b) the date for the transfer;
- (c) the responsibility for meeting the associated costs of the transfer; and
- (d) the procedure of handing over the public asset and the documentation to be transferred with the public asset.

(4) The agreement for the transfer shall be recorded using Form 39 in the Schedule.

## *Conditions and rules for donation*

### **22. Conditions for use of donation.**

Donation of a public asset shall be used where—

- (a) the procuring and disposing entity is to pursue the corporate social responsibility program with a private entity;
- (b) the public asset cannot be transferred to another procuring and disposing entity.

### **23. Rules for disposal of public assets by donation.**

(1) The Procurement and Disposal Unit shall make a request to the Contracts Committee, for disposal by donation using Form 40 in the Schedule.

(2) The Contracts Committee shall state its decision on the Form submitted under sub-regulation (1).

(3) The procuring and disposing entity shall identify a recipient of the public assets to be donated and confirm the interest of the recipient to receive the public asset on the terms and conditions offered by the procuring and disposing entity.

(4) Regulation 22 shall not apply to an asset that is procured by a procuring and disposing entity for the purpose of donation to any person.

(5) A procuring and disposing entity shall confirm the donation of a public asset using Form 41 in the Schedule.

## PART III—RULES AND PROCESSES FOR DISPOSAL OF PUBLIC ASSETS

### **24. Valuations and reserve price.**

(1) A procuring and disposing entity shall prior to the commencement of a disposal process determine the reserve price of the asset to be disposed of.

(2) The reserve price shall be determined by obtaining a valuation for a public asset by—

- (a) a competent authority, where this is so required by law;
- (b) a provider procured in accordance with the Act, where there is no requirement for valuation under the relevant laws; or
- (c) the board of survey of the procuring and disposing entity.

(3) The user department shall determine whether the valuation required under sub-regulation (2) (b) should be conducted.

(4) A valuation shall not be carried out under sub-regulation (2) (b) where the cost of the valuation is likely to be more than the money expected to be realised from the disposal.

(5) The user department may decide to cause a second valuation to be undertaken where it is not satisfied with the first valuation.

(6) Where more than one valuation is conducted, the identities and recommendations of a valuer shall not be revealed to the other valuer.

(7) The Procurement and Disposal Unit in consultation with the user department shall use the valuation to propose a disposal method to the Contracts Committee, for approval.

(8) The reserve price shall be the minimum sale price of a public asset.

## **25. Description of public assets for disposal.**

(1) A procuring and disposing entity shall in the invitation notice to the public and the bidding documents, give a description of a public asset to be disposed of including pictures of the asset, the size of the asset, the encumbrances on the assets, if any, the current usage of the asset, the condition and location of the asset.

(2) The description of a public asset shall, where applicable, indicate the risk and cost of dismantling and removing the public asset upon completion of the disposal proceedings.

**26. Inspection of public assets.**

(1) A procuring and disposing entity shall offer a reasonable opportunity to potential bidders, to inspect a public asset before the deadline for bidding.

(2) The arrangements for the inspection of the public assets shall be included in the invitation or bidding documents.

**27. Submission of bids.**

(1) A written bid shall be submitted to the procuring and disposing entity for the public asset except where a procuring and disposing entity uses any of the following methods—

- (a) public auction;
- (b) destruction of assets;
- (c) conversion or classification of assets into another form for disposal by sale;
- (d) trade in;
- (e) electronic auctioning;
- (f) Transfer to another procuring and disposing entity; or
- (g) donation.

(2) The bids submitted shall include a bid securing declaration in the format provided by the Authority.

**28. Cancellation of disposal process.**

(1) A Procurement and Disposal Unit shall where it deems it necessary, or upon the recommendation of the User Department, recommend to the Contracts Committee that the disposal process be cancelled prior to award of the contract.

- (2) The recommendation for cancellation shall indicate—
  - (a) the reference number of the disposal and the respective public asset;
  - (b) the reasons for the recommendation;
  - (c) the recommended alternative disposal method, where applicable; and
  - (d) and other relevant information.

(3) The Contracts Committee shall consider the recommendation and forward it to the Accounting Officer for a decision.

## **29. Withdrawal of bids.**

(1) A bidder may, at any time before the deadline for submission of bids, withdraw a bid, by a letter notifying a procuring and disposing entity of the withdrawal.

(2) A withdrawal letter shall be authorised and submitted in the same way as the bid and shall be opened, read out and recorded at the bid opening session.

(3) A bidder who withdraws a bid may submit a new bid in accordance with the provisions of the bidding documents.

(4) A bidder may at any time before the deadline for submission of bids withdraw a bid and submit another bid.

## **30. Methods of receipt of bids.**

- (1) A procuring or disposing entity shall receive bids—
  - (a) through the staff of the Procurement and Disposal Unit, and issue a receipt, in accordance with regulation 31; or
  - (b) by use of a bid box in accordance with regulation 32.

(2) Where a bid is delivered by registered mail or courier, a procuring and disposing entity shall not be held liable for risk of loss or delay in delivery.

**31. Receipt of bids in person and deadline for submission of bids.**

(1) An officer of the Procurement and Disposal Unit shall be available at the location for submission, before the deadline for submission of bids, to receive the bids and to issue receipts.

(2) The Procurement and Disposal Unit shall issue a signed receipt for each bid received, stating the date and time the bid is received.

(3) A procuring and disposing entity shall maintain a record of the bids received using Form 42 in the Schedule which shall indicate the name of each bidder, the date and time when each bid is received and name of the staff member of the Procurement and Disposal Unit who receives the bid.

(4) Bidding shall be closed at the precise time of the deadline for submission of bids.

(5) A bid that is brought to the location of submission of bids after the deadline for submission of bids shall not be accepted for purposes of bidding.

(6) The bid that is brought to the location of submission after the deadline for submission of bids shall be labelled "LATE" and returned unopened to the bidder.

(7) A bid that is brought to the location of submission of bids after the deadline for submission of bids, which is not labelled with the name of the bidder, shall be left unopened.

(8) The Procurement and Disposal Unit shall manage the process specified under this regulation and a representative of the Contracts Committee or of the User Department shall witness the process.

(9) The persons referred to in sub-regulation (8) shall sign Form 42 in the Schedule to confirm that bidding was closed at the precise time of the deadline for submission of bids.

(10) Immediately after the deadline for submission of bids, the bids received shall be moved to the location to be used for opening the bids.

**32. Receipt of bids by bid box and deadline for submission of bids.**

(1) A Procurement and Disposal Unit shall ensure that a bidder has access to the bid box at all times during working hours until the deadline for submission of bids.

(2) Where a procuring and disposing entity considers it appropriate, it may require a bidder to register a bid.

(3) A bidder whose bid is registered under subregulation (2) shall be given a receipt, stating the date and time the bid is received, before the bid is placed in the bid box.

(4) Bidding shall be closed at the precise time of the deadline for submission of bids by sealing the bid box.

(5) The bid that is brought to the location of submission after the deadline for submission of bids shall be labelled “LATE” and returned unopened to the bidder.

(6) A bid that is brought to the location of submission of bids after the deadline for submission of bids, which is not labelled with the name of the bidder, shall be left unopened and destroyed.

(7) The Procurement and Disposal Unit shall manage the process specified under this regulation and a representative of the Contracts Committee or of the User Department shall witness the process.

(8) The persons referred to in subregulation (8) shall sign Form 42 in the Schedule to confirm that the bid box was sealed at the precise time of the deadline for submission of bids.

(9) Immediately after the deadline for submission of bids, the bid box shall be moved to the location to be used for opening the bids.

(10) The bid box shall not be opened until the time of the public opening of the bids.

**33. Notification to bidders of public bid opening.**

(1) The procuring and disposing entity shall include in the invitation to bid for public assets or bidding documents—

- (a) the date and time of the bid opening;
- (b) the location of the bid opening; and
- (c) the information to be read out and recorded at the bid opening session.

(2) Where the information in subregulation (1) is not available at the time of issue of the bidding document, the information shall be communicated to all the bidders who purchased or were issued with the bidding document, before the deadline for submission of bids.

**34. Information to be read out.**

(1) The information to be read out at the bid opening under regulation 32, shall be in accordance with the bidding document and shall include—

- (a) the name of the bidder;
- (b) the presence or absence of a bid securing declaration;
- (c) the currency and price of the bid; and
- (d) any other information required as may be stated in the bidding documents.

(2) The information in this regulation may be varied where it is required by an alternative bid submission or evaluation method.



### **35. Procedure for public bid openings.**

(1) The bid opening session shall be managed by a member of the Procurement and Disposal Unit and shall be witnessed by a representative of the Contracts Committee or user department.

(2) The envelopes marked “WITHDRAWAL” shall be opened first and read out and the envelopes containing the withdrawn bid shall be located and returned to the bidder unopened.

(3) A procuring and disposing entity shall only allow a bid to be withdrawn where the withdrawal notice is in accordance with the requirements in the bidding document and where the notice is read out at the bid opening session.

(4) The other envelopes, including the envelopes marked “REPLACEMENT”, shall be opened one at a time and the relevant details read out in accordance with the bidding document.

(5) A replacement bid shall be recorded as such at the bid opening session.

(6) The key pages of a bid that is opened shall be stamped with the stamp of the procuring and disposing entity and signed or initialed by the chairperson of the bid opening session.

(7) The chairperson of the bid opening session shall determine the key pages to be stamped and initialed, which shall include the typed pages of the bid that are unique to the bid, and the bid form or bid submission sheet and the pages containing financial information.

(8) With the exception of a bid that is brought to the location of submission of bids after the deadline for submission of bids, a bid shall not be rejected or evaluated in any way at the public bid opening session.

(9) A procuring and disposing entity shall in the record of the bid opening session, note any discrepancies in a bid or any missing documents but shall not comment on the discrepancies or missing documents.

**36. Representation of bidder at public bid opening.**

(1) Public bid opening shall be conducted in the presence of a bidder or a representative of a bidder who chooses to attend.

(2) The procuring and disposing entity shall permit a bidder or a representative of a bidder to confirm that the bid is intact and sealed and any addition, deletion or modification to the exterior or the contents of a sealed bid shall not be permitted.

(3) A bidder or a representative of a bidder may ask questions after all the bids are opened, but a procuring and disposing entity shall not enter into discussion on the specific details of any bid.

**37. Record of public bid opening.**

(1) The bid opening shall be recorded using Form 43 in the Schedule.

(2) Any person who attends or participates in a bid opening shall sign Part II of Form 43 in the Schedule.

(3) After the bids are opened, read out and recorded, the record of the opening shall be signed by the chairperson and countersigned by the secretary.

(4) Copies of the record shall, upon request, be made available to a bidder or a representative of a bidder.

(5) The record of the bid opening shall be posted on the notice board of the procuring and disposing entity, within one working day of the opening and shall be displayed for a minimum of seven days.

**38. Complaints on the bidding process.**

(1) A member of a procuring and disposing entity, who suspects collusion between bidders, may request the Authority to investigate this.

(2) A member of a procuring and disposing entity who suspects mismanagement or malpractice of a procurement or disposal

process within the procuring and disposing entity, shall report this to the Accounting Officer who shall take appropriate action.

(3) A bidder may complain about the disposal process in accordance with the Public Procurement and Disposal of Assets (Administrative Review) Regulations, 2023.

**39. Re-bidding due to identical highest price bids.**

(1) Where the highest bid price for a disposal is by two or more bidders, the procuring and disposing entity shall invite the bidders with the same price to submit revised bids.

(2) A bidder who is invited to submit a revised bid under subregulation (1) shall not quote a price lower than the price quoted in the original bid.

(3) A revised bid shall be written, sealed and submitted in the same way as the original bid.

(4) A procuring and disposing entity shall give the bidders who are invited to submit revised bids reasonable time within which to submit revised bids.

(5) The procedure for opening the revised bids shall be the same as the procedure for opening the original bids.

(6) Where the revised bids have identical prices, the process shall be repeated in accordance with this regulation.

PART IV—EVALUATION OF BIDS

**40. Evaluation of bids.**

The Public Procurement and Disposal of Public Assets (Evaluation) Regulations 2023, shall, with the necessary modifications, apply to evaluation of bids under these Regulations.

**41. Evaluation based on price only.**

(1) Where the evaluation is based on the price only, the bidder with the highest price shall be awarded the contract.

(2) The Evaluation Committee shall, in evaluating the bids, compare the price of each bid with the reserve price.-

(3) The Evaluation Committee shall recommend award of the disposal contract to the bidder with the best evaluated price, subject to any reservations in regard to the reserve price.

(4) The evaluation report shall be prepared using Form 44 in the Schedule and shall indicate—

- (a) the price of each bid;
- (b) the best evaluated bid;
- (c) the comparison of the best evaluated bid with the reserve price, if any; and
- (d) a recommendation to—
  - (i) award the contract to the best evaluated bidder and where necessary, to hold negotiations with the best evaluated bidder and a copy of the negotiation plan;
  - (ii) cancel the disposal process; or
  - (iii) dispose of the public asset using another disposal method.

(5) For the purposes of subregulation (4) (d) (i), the Evaluation Committee shall prepare for the approval of the Contracts Committee a negotiation plan using Form 45 in the Schedule which shall—

- (a) propose the negotiation team;
- (b) specify the issues to be negotiated;
- (c) specify the objectives to be achieved; and

- (d) where possible shall quantify the objectives and set maximum and minimum negotiating parameters for a negotiation team.

**42. Evaluation based on price and other factors.**

(1) Where the evaluation is based on price and other factors, the eligibility requirements and compliance with the other factors, shall be evaluated on a pass or fail basis.

(2) Notwithstanding subregulation (1), evaluation of compliance with the other factors may include an evaluation of the relative merits of each bid in exceptional circumstances.

(3) The other factors shall be stated and the reasons for evaluating them justified and approved by the Contracts Committee, prior to the issuance of bidding documents.

(4) The Evaluation Committee shall—

- (a) use a preliminary examination to assess the eligibility of a bidder on a pass or fail basis and shall reject a bidder who fails to meet the eligibility criteria;

- (b) evaluate other factors in the manner stated in the bidding document; and

- (c) use a price evaluation to compare the bid price with the valuation of the public asset or reserve price, where applicable.

(5) The Evaluation Committee shall recommend award of the disposal contract to the bidder with the best evaluated price, and who meets the evaluation criteria.

(6) The evaluation report shall be prepared using Form 44 in the Schedule and shall indicate—

- (a) whether a bidder is eligible;

- (b) the results of the application of any other evaluation criteria;
- (c) the price of each bid;
- (d) the best evaluated bid; and
- (e) a recommendation to—
  - (i) award the contract to the best evaluated bidder and where necessary, to hold negotiations with the best evaluated bidder;
  - (ii) cancel the disposal process; or
  - (iii) dispose of the public asset using another disposal method.

(7) For the purposes of sub-regulation (6) (e) (i), the Evaluation Committee shall prepare for the approval of the Contracts Committee a negotiations plan using Form 45 in the Schedule which shall—

- (a) propose the negotiations team;
- (b) specify the issues to be negotiated; and
- (c) specify the objectives to be achieved and where possible shall quantify the objectives and set maximum and minimum negotiation parameters for a negotiation team.

#### **43. Submission of evaluation report.**

(1) Where the disposal of a public asset is by public auction, the auctioneer shall within fourteen days from the date of the public auction, submit the name of the highest bidder, the price of the bid, and the proceeds from the public auction, to the Accounting Officer, using Form 46 in the Schedule.

(2) Where the disposal method requires the submission of a written bid, the Evaluation Committee shall submit the name of the highest bidder and the price of the bid, to the Procurement and Disposal Unit using Form 44 in the Schedule.

**44. Procedure for negotiations.**

The procedure for negotiations shall be in accordance with the relevant provisions of the Act.

**45. Failure to reach the reserve price.**

(1) Where the price of the best evaluated bid is lower than the reserve price, the Contracts Committee shall, taking into consideration the difference between the best evaluated bid and the valuation or reserve price, the likely costs of the recommended action and the possibility of collusion of the bidders, make a recommendation to Accounting Officer.

(2) A recommendation under sub-regulation (1) shall specify whether—

- (a) another valuation for the public asset should be obtained;
- (b) negotiations should be conducted with the highest bidder, where the direct negotiations method was used for the disposal;
- (c) an invitation for new bids should be made;
- (d) the disposal process should be repeated using another method of disposal which is likely to obtain a higher price; or
- (e) the public asset should be sold at a reduced price.

**46. Records of disposal of public assets.**

(1) A procuring and disposing entity shall in respect of each disposal process keep the following records—

- (a) records of the disposal;
- (b) records relating to the management of the contract for disposal;
- (c) records of the Contracts Committee; and
- (d) records of the Accounting Officer including records of investigations of complaints.

(2) “Records of the disposal” in sub-regulation (1) (a) includes, as appropriate—

- (a) a request to initiate disposal proceedings;
- (b) a report of the board of survey;
- (c) a copy of an invitation notice;
- (d) a copy of the bidding documents, and the amendments, clarifications and additions to the bidding documents such as the catalogue of the auctioneer or general descriptive literature;
- (e) a report on the inspection of the public assets by the potential bidders;
- (f) a record of the bid opening process;
- (g) the records of the Contracts Committee;
- (h) a copy of the bids that were evaluated and the requests for clarifications by the Evaluation Committee and the responses received in respect of the requests;
- (i) the evaluation report;
- (j) minutes of the negotiation proceedings;
- (k) the best evaluated bidder notice;
- (l) the contract;
- (m) documents related to the management of the contract for disposal receipts of payment and the handing over certificate;
- (n) a copy of the public assets register of the procuring and disposing entity; and
- (o) all correspondence between the procuring and disposing entity and the bidders, the auctioneer or the third party disposal agent.



(3) A procuring and disposing entity shall, using Form 47 in the Schedule, by the 15th day of the month, submit a monthly report to the Authority on all disposal contracts awarded during the preceding month.

**47. Contract of disposal.**

(1) The Public Procurement and Disposal of Public Assets (Contracts) Regulations, 2023 shall, with the necessary modifications, apply to a contract of disposal entered into between a procuring and disposing entity and a bidder.

(2) Notwithstanding subregulation (1), a procuring and disposing entity shall not release a public asset disposed of under these Regulations, to the best evaluated bidder until the best evaluated bidder pays the full contract price.

PART V—REVOCATION AND TRANSITION

**48. Revocation and transition.**

(1) The Public Procurement and Disposal of Public Assets (Disposal of Public Assets) Regulations, 2014, are revoked.

(2) A disposal process that had commenced under the Public Procurement and Disposal of Public Assets (Disposal of Public Assets) Regulations, 2014 and the Local Governments (Public Procurement and Disposal of Public Assets) Regulations, 2006 shall be continued and completed under these Regulations.

**FORM 28**

*Regulation 3(6)*

**THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS ACT, 2003**

**REQUISITION FOR DISPOSAL**

<b>Disposal Reference Number</b>		
Code of Procuring and Disposing Entity	Financial Year	Sequence Number

<b>Particulars of Disposal</b>		
Subject of Disposal		
Disposal Plan Reference		
Location/site of Asset		

Details relating to the asset for disposal			
Item No.	Description of Asset <i>(Attach a detailed list or Board of Survey report)</i>	Reference Number from Asset Register	Reserve Price and Currency
			Currency: _____ Estimated total value: _____

**(1) Request for Disposal**  
(Originating Officer)

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

**(2) Approval to Disposal**  
(Accounting Officer)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**FORM 29**

*Regulation 6(1)*

THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS ACT, 2003

**REQUEST BY THE PROCUREMENT AND DISPOSAL UNIT TO CONTRACTS COMMITTEE FOR  
APPROVAL OF DISPOSAL BY PUBLIC BIDDING**

<b>Disposal Reference Number</b>		
Code of Procuring and Disposing Entity	Financial Year	Sequence Number

<b>Particulars of Disposal</b>	
Subject of Disposal	
Disposal Plan Reference	
Location/site of asset	

<b>Details Relating to Submission and Decision of the Contracts Committee</b>			
	<b>Submission by the Procurement and Disposal Unit</b>	<b>Decision of the Contracts Committee</b>	<b>Conditions/ Justification for Decision</b>
	<b>Date of Submission to the Contracts Committee</b>	<b>Date/ Reference of Contracts Committee Meeting</b>	
1.	Assets to be disposed of, proposed reserve price and justification for using public bidding		
2.	Arrangements for inspection of assets by bidders ( <i>venue, dates and time</i> )		
3.	Individual/ company who/which valued the asset.		
4.	Names of persons recommended to constitute the evaluation committee and justification ( <i>Names and positions</i> )		
5.	Cost of the bidding documents if any		
6.	Any other information		

**Documents attached:**

1. Request for Proposal Document/ Expression of Interest Notice
2. Bidding document

**Declaration by Procurement and Disposal Unit**

The information contained in this Form and the attached documents is complete, true and accurate and in accordance with the Public Procurement and Disposal of Public Assets Act, 2003.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

**Declaration by Contracts Committee**

The information contained in this form is a true and accurate record of the decision of the Contracts Committee meeting held on the above date.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Position: **Chairperson Contracts Committee**

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Position: **Secretary Contracts Committee**

Date: \_\_\_\_\_

**FORM 30**

*Regulation 6(9)*

**THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS ACT, 2003**

**RECORD OF ISSUE OR SALE OF BIDDING DOCUMENTS /ADDENDA**

<b>Disposal Reference Number</b>		
Code of Procuring and Disposing Entity	Financial Year	Sequence Number

<b>Particulars of Disposal</b>	
Subject of Disposal	
Location/Site of Asset	
Date of Publication of Bid Notice	
Date Bidding Document is Available	

Particulars of Issue of Bidding Document or Addenda							
No	Name and Address of Bidder	Date of Application for the Document	Fee Paid	Date and Time of issue of Document	Name and Address of Person issued with the Document	Signature of Person Issued with Document	Name and Signature of Officer Issuing Document

I hereby certify that the above is a true and accurate record of the issue of bidding documents.

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**FORM 31**

*Regulation 8(1) and (2)*

THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS ACT, 2003

**REQUEST BY PROCUREMENT AND DISPOSAL UNIT TO CONTRACTS COMMITTEE FOR  
DISPOSAL BY PUBLIC AUCTION**

<b>Disposal Reference Number</b>		
Code of Procuring and Disposing Entity	Financial Year	Sequence Number

<b>Particulars of Disposal</b>	
Subject of Disposal	
Disposal Plan Reference	
Location/Site of Asset	

<b>Details relating to submission and decision of the Contracts Committee</b>				
	<b>Submission by the Procurement and Disposal Unit</b>		<b>Decision of the Contracts Committee</b>	<b>Conditions/ Justification for Decision</b>
	<b>Date of Submission to the Contracts Committee</b>		<b>Date/Reference of Contracts Meeting</b>	
1.	Assets to be disposed of, proposed reserve price and justification for using public auction			
2.	Arrangements for inspection of assets by bidders ( <i>venue, dates and time</i> )			
3.	Individual/ company who/which valued the asset.			
4.	Proposed auctioneer, contract arrangement and costs to be incurred where applicable			
5.	Any other information			

**Documents attached:**

1. Requisition for Disposal Form

**Declaration by the Procurement and Disposal Unit**

The information contained in this Form and the attached documents is complete, true and accurate and is in accordance with the Public Procurement and Disposal of Public Assets Act, 2003.

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Declaration by Contracts Committee**

The information contained in this Form is a true and accurate record of the decision of the Contracts Committee meeting held on the above mentioned date.

Name: \_\_\_\_\_

Position: **Chairperson Contracts Committee**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Position: **Secretary Contracts Committee**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**FORM 32**

*Regulation 11 (1) and (2)*

THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS ACT, 2003

**REQUEST BY THE PROCUREMENT AND DISPOSAL UNIT TO CONTRACTS COMMITTEE FOR APPROVAL OF DISPOSAL BY DIRECT NEGOTIATIONS**

<b>Disposal Reference Number</b>		
Code of Procuring and Disposing Entity	Financial Year	Sequence Number

<b>Particulars of Disposal</b>	
Subject of Disposal	
Disposal Plan Reference	
Location/Site of Asset	

**Details Relating to Submission and Decision of the Contracts Committee**

<b>Submission by the Procurement and Disposal Unit</b>		<b>Decision of the Contracts Committee</b>	<b>Conditions/ Justification for Decision</b>
<b>Date of submission to the Contracts Committee</b>		<b>Date/ Reference of Contracts Committee Meeting</b>	
1.	Asset to be disposed of, proposed reserve price and justification for using direct negotiations		
2.	Individual/ company who/which valued the asset.		
3.	Name of proposed bidder and reason for selection		
4.	Names of persons recommended to constitute the evaluation committee and justification ( <i>Names and positions</i> )		
5.	Any other information		

**Documents attached:**

1. Requisition for Disposal Form
2. Bidding document

**Declaration by the Procurement and Disposal Unit**

The information contained in this Form and the attached documents is complete, true and accurate and is in accordance with the Public Procurement and Disposal of Public Assets Act, 2003.

Name: \_\_\_\_\_  
Position: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

**Declaration by the Contracts Committee**

The information contained in this Form is a true and accurate record of the decision of the Contracts Committee meeting held on the above-mentioned date.

Name: \_\_\_\_\_  
Position: **Chairperson Contracts Committee**  
Signature: \_\_\_\_\_  
Date: \_\_\_\_\_  
Name: \_\_\_\_\_  
Position: **Secretary Contracts Committee**  
Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

**FORM 33**

*Regulation 13(1)*

THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS ACT, 2003

**REQUEST BY THE PROCUREMENT AND DISPOSAL UNIT TO CONTRACTS COMMITTEE FOR APPROVAL OF DISPOSAL BY SALE TO PUBLIC OFFICERS**

<b>Disposal Reference Number</b>		
Code of Procuring and Disposing Entity	Financial Year	Sequence Number

<b>Particulars of Disposal</b>	
Subject of Disposal	
Disposal Plan Reference	
Location/Site of Asset	

<b>Details Relating to Submission and Decision of the Contracts Committee</b>			
	<b>Submission by the Procurement and Disposal Unit</b>	<b>Decision of the Contracts Committee</b>	<b>Conditions/ Justification for Decision</b>
	<b>Date of submission to the Contracts Committee</b>	<b>Date/ Reference of Contracts Committee Meeting</b>	
1.	Assets to be disposed of, proposed reserve price and justification for using sale to public officers.		
2.	Arrangement for inspection of assets by bidders ( <i>venue, dates and time</i> )		
3.	Individual/ company who/which valued the asset.		
4.	Independent agent to be contracted.		
5.	Names of procuring and disposing entities to participate in the disposal process and justification for selection.		
6.	Names of persons recommended to constitute the evaluation committee and justification ( <i>Names and positions</i> )		
7.	Cost of bidding document if any		
8.	Any other information		



**Documents attached:**

1. Requisition for Disposal Form
2. Bidding document

**Declaration by the Procurement and Disposal Unit**

The information contained in this Form and the attached documents is complete, true and accurate and is in accordance with the Public Procurement and Disposal of Public Assets Act, 2003.

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Declaration by the Contracts Committee**

The information contained in this Form is a true and accurate record of the decision of the Contracts Committee meeting held on the above-mentioned date.

Name: \_\_\_\_\_

Position : **Chairperson Contracts Committee**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Position : **Secretary Contracts Committee**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**FORM 34**

*Regulation 15 (1) and (2)*

THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS ACT, 2003

**REQUEST BY THE PROCUREMENT AND DISPOSAL UNIT TO CONTRACTS COMMITTEE  
FOR APPROVAL OF DISPOSAL BY DESTRUCTION**

<b>Disposal Reference Number</b>		
Code of Procuring and Disposing Entity	Financial Year	Sequence Number

<b>Particulars of Disposal</b>	
Subject of Disposal	
Disposal Plan Reference	
Location/Site of Asset	

**Details Relating to Submission and Decision of the Contracts Committee**

<b>Submission by the Procurement and Disposal Unit</b>		<b>Decision of the Contracts Committee</b>	<b>Conditions/ Justification for Decision</b>
<b>Date of submission to the Contracts Committee</b>		<b>Date/ Reference of Contracts Committee Meeting</b>	
1.	Assets to be disposed of, proposed reserve price and justification for using destruction.		
2.	Competent authority or provider to undertake destruction.		
3.	Costs to be paid for the destruction.		
4.	Any other information		

**Documents attached:**

1. Requisition for Disposal Form

**Declaration by the Procurement and Disposal Unit**

The information contained in this Form and the attached documents is complete, true and accurate and is in accordance with the Public Procurement and Disposal of Public Assets Act, 2003.

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Declaration by the Contracts Committee**

The information contained in this Form is a true and accurate record of the decision of the Contracts Committee meeting held on the above-mentioned date.

Name: \_\_\_\_\_

Position: **Chairperson Contracts Committee**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Position: **Secretary Contracts Committee**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**FORM 35**

*Regulation 15(5)*

**THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS ACT, 2003**

**APPROVAL OF DESTRUCTION OF PUBLIC ASSETS**

<b>Disposal Reference Number</b>		
Code of Procuring and Disposing Entity	Financial Year	Sequence Number

<b>Particulars of Disposal</b>	
Subject of Disposal	
Disposal Plan Reference	
Location/Site of Asset	

<b>Details of Asset(s) to be Destroyed</b>			
<b>Asset(s) to be destroyed</b>	<b>Asset description</b>	<b>Assets Reference Number</b>	<b>Quantity</b>
<b>Method of Destruction</b>			
<b>Official or Provider Responsible for Destruction</b>			

Approval to destroy asset is granted.

Name: \_\_\_\_\_

Position: **Accounting Officer**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**FORM 36**

*Regulation 17(1) and (2)*

THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS ACT, 2003

**REQUEST BY THE PROCUREMENT AND DISPOSAL UNIT TO CONTRACTS COMMITTEE FOR APPROVAL OF DISPOSAL BY CONVERSION OR CLASSIFICATION INTO ANOTHER FORM**

<b>Disposal Reference Number</b>		
Code of Procuring and Disposing Entity	Financial Year	Sequence Number

<b>Particulars of Disposal</b>	
Subject of Disposal	
Disposal Plan Reference	
Location/Site of Asset	

<b>Details Relating to Submission and Decision of the Contracts Committee</b>			
	<b>Submission by the Procurement and Disposal Unit</b>	<b>Decision of the Contracts Committee</b>	<b>Conditions/ Justification for Decision</b>
	<b>Date of Submission to the Contracts Committee</b>	<b>Date/ Reference of Contracts Committee Meeting</b>	
1.	Assets to be disposed of, proposed reserve price and justification for using conversion or classification of asset into another form.		
2.	Competent authority or provider to undertake the conversion or classification		
3.	Costs to be undertaken for the conversion or classification, if any.		
4.	Any other information		



**Documents attached:**

1. Requisition for Disposal Form

**Declaration by the Procurement and Disposal Unit**

The information contained in this Form and the attached documents is complete, true and accurate and is in accordance with the Public Procurement and Disposal of Public Assets Act, 2003.

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Declaration by the Contracts Committee**

The information contained in this Form is a true and accurate record of the decision of the Contracts Committee meeting held on the above-mentioned date.

Name: \_\_\_\_\_

Position: **Chairperson Contracts Committee**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Position: **Secretary Contracts Committee**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**FORM 37**

*Regulation 19(1) and (2)*

THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS ACT, 2003

**REQUEST BY THE PROCUREMENT AND DISPOSAL UNIT TO CONTRACTS COMMITTEE FOR  
APPROVAL OF DISPOSAL BY TRADE IN**

<b>Disposal Reference Number</b>		
Code of Procuring and Disposing Entity	Financial Year	Sequence Number

<b>Particulars of Disposal</b>	
Subject of Disposal	
Disposal Plan Reference	
Location/Site of Asset	

<b>Details Relating to Submission and Decision of the Contracts Committee</b>			
	<b>Submission by the Procurement and Disposal Unit</b>	<b>Decision of the Contracts Committee</b>	<b>Conditions/ Justification for Decision</b>
	<b>Date of Submission to the Contracts Committee</b>	<b>Date/ Reference of Contracts Committee Meeting</b>	
1.	Assets to be disposed of, proposed reserve price and justification for using trade in.		
2.	Individual / company who/which valued the asset and estimated trade-in value if different.		
3.	Procurement requirement in which trade in will be included.		
4.	Any other information		

**Documents attached:**

1. Requisition for Disposal Form

**Declaration by the Procurement and Disposal Unit**

The information contained in this Form and the attached documents is complete, true and accurate and is in accordance with the Public Procurement and Disposal of Public Assets Act, 2003.

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Declaration by the Contracts Committee**

The information contained in this Form is a true and accurate record of the decision of the Contracts Committee meeting held on the above-mentioned date.

Name: \_\_\_\_\_

Position: **Chairperson Contracts Committee**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Position: **Secretary Contracts Committee**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**FORM 38**

*Regulation 21(1) and (2)*

THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS ACT, 2003

**REQUEST BY THE PROCUREMENT AND DISPOSAL UNIT TO CONTRACTS COMMITTEE FOR APPROVAL OF DISPOSAL BY TRANSFER TO ANOTHER PROCURING AND DISPOSING ENTITY**

<b>Disposal Reference Number</b>		
Code of Procuring and Disposing Entity	Financial Year	Sequence Number

<b>Particulars of Disposal</b>	
Subject of Disposal	
Disposal Plan Reference	
Location/Site of Asset	

<b>Details Relating to Submission and Decision of the Contracts Committee</b>					
	<b>Submission by the Procurement and Disposal Unit</b>		<b>Decision of the Contracts Committee</b>	<b>Conditions/ Justification for Decision</b>	
	<b>Date of submission to the Contracts Committee</b>		<b>Date/ Reference of Contracts Committee Meeting</b>		
1.	Assets to be disposed of, proposed reserve price and justification for using transfer to another entity.				
2.	Individual/ company who/which valued the asset and value of the asset to be transferred.				
3.	Procuring and Disposing Entity/ entities with potential interest in asset to be transferred.				
4.	Any other information.				

**Documents attached:**

1. Requisition for Disposal Form

**Declaration by the Procurement and Disposal Unit**

The information contained in this Form and the attached documents is complete, true and accurate and is in accordance with the Public Procurement and Disposal of Public Assets Act, 2003.

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Declaration by the Contracts Committee**

The information contained in this Form is a true and accurate record of the decision of the Contracts Committee meeting held on the above-mentioned date.

Name: \_\_\_\_\_

Position: **Chairperson Contracts Committee**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Position: **Secretary Contracts Committee**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**FORM 39**

*Regulation 21(4)*

**THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS ACT, 2003  
AGREEMENT FOR THE TRANSFER OF AN ASSET TO ANOTHER PROCURING AND  
DISPOSING ENTITY**

<b>Disposal Reference Number</b>		
Code of Procuring and Disposing Entity	Financial Year	Sequence Number

<b>Particulars of Disposal</b>	
Subject of Disposal	
Disposal Plan Reference	



**Details of the Transfer**

Transferring Procuring and Disposing Entity			
Recipient Procuring and Disposing Entity			
Description of asset(s) to be transferred	Asset (Description)	Asset Reference Number	Quantity
Cost to be paid by recipient for transfer if any			
Date of transfer			
Date and method of payment if applicable			
Documentation to be provided by transferring Procuring and Disposing Entity e.g. manual, handbook, registration certificate, licence etc			
Any items or accessories linked or excluded from transfer			
Additional information or terms			

I hereby certify the release of the asset(s) for transfer on the terms and conditions described above.

Name : \_\_\_\_\_ Position: **Accounting Officer** :

Signature : \_\_\_\_\_ Date: \_\_\_\_\_

I hereby accept the assets(s) on the terms and conditions described above.

Name : \_\_\_\_\_ Position: **Accounting Officer** :

Signature : \_\_\_\_\_ Date: \_\_\_\_\_

**FORM 40**

*Regulation 23(1) and (2)*

THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS ACT, 2003

**REQUEST BY THE PROCUREMENT AND DISPOSAL UNIT TO CONTRACTS COMMITTEE FOR  
APPROVAL OF DISPOSAL BY DONATION**

<b>Disposal Reference Number</b>		
Code of Procuring and Disposing Entity	Financial Year	Sequence Number

<b>Particulars of Disposal</b>	
Subject of Disposal	
Disposal Plan Reference	
Location/Site of Asset	

<b>Details Relating to Submission and Decision of the Contracts Committee</b>			
	<b>Submission by the Procurement and Disposal Unit</b>	<b>Decision of the Contracts Committee</b>	<b>Conditions/ Justification for Decision</b>
	<b>Date of submission to the Contracts Committee</b>	<b>Date/ Reference of Contracts Committee Meeting</b>	
1.	Assets to be disposed of, proposed reserve price and justification for using donation.		
2.	Individual / company who/which valued the asset to be donated.		
3.	Proposed recipient(s) of the asset(s)		
4.	Any other information		

**Documents attached:**

1. Requisition for Disposal Form

**Declaration by the Procurement and Disposal Unit**

The information contained in this Form and the attached documents is complete, true and accurate and is in accordance with the Public Procurement and Disposal of Public Assets Act, 2003.

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Declaration by the Contracts Committee**

The information contained in this Form is a true and accurate record of the decision of the Contracts Committee meeting held on the above-mentioned date.

Name: \_\_\_\_\_

Position: **Chairperson Contracts Committee**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Position: **Secretary Contracts Committee**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**FORM 41**

*Regulation 23(5)*

**THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS ACT, 2003**

**CONFIRMATION OF DONATION OF ASSET**

<b>Disposal Reference Number</b>		
Code of Procuring and Disposing Entity	Financial Year	Sequence Number

<b>Particulars of Disposal</b>	
Subject of Disposal	
Disposal Plan Reference	
Location/site of asset	

Details of the Donation			
Procuring and Disposing Entity donating the asset			
Recipient			
Description of asset(s) to be donated	Asset (Description)	Asset Reference Number	Quantity
Cost of donation			
Documentation to be provided by donating Procuring and Disposing Entity e.g. manual, handbook, registration certificate, licence ,etc			
Any items or accessories linked or excluded from donation.			
Additional information or terms			

I hereby certify the donation of the asset(s) for transfer on the terms and conditions described above.

Name: \_\_\_\_\_ Position: **Accounting Officer**  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

I hereby accept that I have received the assets(s) on the terms and conditions described above.

Name: \_\_\_\_\_ Position: **Accounting Officer**  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**FORM 42**

*Regulation 31(3) 31(9), 32(8)*

**THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS ACT, 2003**

**RECORD OF RECEIPT OF BIDS/BID CLOSING**

<b>Disposal Reference Number</b>		
Code of Procuring and Disposing Entity	Financial Year	Sequence Number

<b>Particulars of Disposal</b>	
Subject of Disposal	
Deadline for bid submission <i>(date and time)</i>	
Location for bid closing	

**Particulars of Receipt or Bid Closing**

No.	Name and Address of Bidder	Date of Receipt	Time of Receipt	Number of Envelopes	Method of Receipt: Person/ Bid Box	Name of Officer who Received the Bid	Signature of Officer who Received the Bid Document

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**FORM 43**

*Regulation 37(1) and (2)*

**THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS ACT, 2003**

**RECORD OF BID OPENING**

<b>Disposal Reference Number</b>		
Code of Procuring and Disposing Entity	Financial Year	Sequence Number

<b>Particulars of Disposal</b>	
Subject of Disposal	
Date and Time of Bid Opening	
Location for Bid Opening	

**Particulars of Bid Opening**

**PART I: Record of Bids Opened and Details Read out**

No.	Name and Address of the Bidder	Currency and Price	No. of Copies (Including Original)

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**PART II: RECORD OF ATTENDANCE**

<b>No.</b>	<b>Name and Address</b>	<b>Position</b>	<b>Company or Department</b>	<b>Signature</b>

**FORM 44**

*Regulation 41(4), 42(6)*

**THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS ACT, 2003**

**DISPOSAL EVALUATION REPORT  
(EVALUATION BASED ON PRICE ONLY/ PRICE AND OTHER FACTORS)**

<b>Disposal Reference Number</b>		
Code of Procuring and Disposing Entity	Financial Year	Sequence Number

**\*\* Please read the guidance notes for preparing evaluation report at the end of this Form**

**1. Introduction**

- (1) The asset(s) being disposed of is/are [description of asset and number in asset register] \_\_\_\_\_.
- (2) The disposal method used and approved by the Contracts Committee was [public bidding/direct negotiations/sale to public officers] \_\_\_\_\_.

**2. Details of invitation**

{For public bidding}

- (1) The bidding document was approved by the Contracts Committee on [date] \_\_\_\_\_.

(2) The bid notice was advertised on the [date] \_\_\_\_\_ in [name of publications] \_\_\_\_\_.

(3) The list of persons issued with the bidding documents was recorded using Form 30 which is attached.

*{For sale to public officers}*

(1) The bidding document was approved by the Contracts Committee on [date] \_\_\_\_\_.

(2) The bid notice was advertised on the [date] \_\_\_\_\_ at the premises of the following procuring and disposing entities *[insert locations of notices]* \_\_\_\_\_.

(3) The list of staff issued with the bidding documents was recorded using Form 31 which is attached.

*{For direct negotiations}*

(1) The bidding document and proposed bidder were approved by the Contracts Committee on [date] \_\_\_\_\_.

(2) The bidding document was issued on [date] \_\_\_\_\_.

### 3. **Inspection of assets**

Potential bidders were given the opportunity to inspect the assets at [location] \_\_\_\_\_ on [date(s)] \_\_\_\_\_.

### 4. **Details of bid closing**

*{For public bidding and sale to public officers}*

(1) Bidding was closed on [date] \_\_\_\_\_ at [time] \_\_\_\_\_ at [location] \_\_\_\_\_.

(2) The receipt of bids was recorded using Form 43 which is attached.

*{For direct negotiation}*

The sealed bid was received on [date] \_\_\_\_\_.

**5. Details of bid opening**

- (1) A public bid opening was held at [location] \_\_\_\_\_ on [date] \_\_\_\_\_ at [time] \_\_\_\_\_.
- (2) The bid opening and attendance was recorded using Form 44 which is attached.

**6. Details of Evaluation Committee**

The evaluation committee approved by the Contracts Committee on [date] \_\_\_\_\_ comprised of the following:

- [Name] \_\_\_\_\_
  - [Name] \_\_\_\_\_
  - [Name] \_\_\_\_\_
- {For evaluation based on price only}

- [Designation and department] \_\_\_\_\_
- [Designation and department] \_\_\_\_\_
- [Designation and department] \_\_\_\_\_

**7.**

**Details of evaluation**

- (1) The evaluation was based on price only.  
Refer to Table 1, which summarises the bid prices.
- (2) The highest bid received was [price of highest bid].
- (3) The official valuation/reserve price was [valuation or reserve price, if any].

{For disposal by sale to public officers only}

- (1) The previous purchases of the best evaluated bidder were checked on the Authority's register and it was determined that the bidder was not purchasing for business or commercial use.  
{or}
- (2) The previous purchases of the best evaluated bidder were checked on the Authority's register and it was determined that the bidder was purchasing for business or commercial use. [Give details of why this conclusion was reached.]



- (3) The same check was therefore made on the next best evaluated bidder and it was determined that he/she was not purchasing for business or commercial use.

*{For evaluation based on price and other factors}*

**8. Details of evaluation methodology**

The evaluation was based on price and other factors, using the following three stage methodology. *{amend as appropriate}*.

- (a) preliminary examination on a pass/fail basis to determine the eligibility of the bidders. Non eligible bidders were eliminated from further evaluation;
- (b) application of other evaluation criteria in the manner stated in the bidding document. The technically non compliant bids were eliminated from further evaluation/bids were awarded scores according to merit; and
- (c) financial evaluation to correct any errors in calculations, convert to a common evaluation currency and rank the bids according to price or score. The bids were compared to the official valuation/reserve price.

**9. Preliminary examination**

*[Brief narrative on the result of the preliminary examination and detailed justification with reasons why any bidders were declared not eligible].*

Refer Table 2, which summarises the preliminary examination.

**10. Other evaluation criteria (if any)**

*[Brief narrative on the application of any other evaluation criteria and detailed justification with reasons why any bids were declared non compliant or for the scores awarded].*

Refer to Table 3, which summarises the technical evaluation.

**11. Financial evaluation**

[Describe any errors in calculation and corrections made and the conversion to a common currency if necessary.]

[Describe the ranking of bids according to price or scores].

Refer to Table 4, which summarises the price evaluation.

- (1) The best evaluated bid was [name of bidder] at a total bid price of [price of bid].
- (2) The official valuation/reserve price was [valuation or reserve price, if any].

**12. Recommendation** {amend as appropriate}

{Where the highest bid is equal to or higher than the valuation or reserve price, if any}

On the basis of evaluation based on price only, it is recommended that the award be made to [name of bidder] for a total contract value of [currency and amount] for [list all items that the award relates to].  
{Repeat recommendation for multiple contracts.}

{Where the highest bid is lower than the valuation or reserve price}

- (1) The best evaluated bid is less than the valuation/reserve price and it is therefore recommended that no contract award be made.
  - (2) It is further recommended that the asset(s) be revalued/disposed of by [method of disposal].
- {or}

The highest bid received is only [state percentage] \_\_\_\_\_ % below the valuation/reserve price and it is therefore recommended that negotiations be held with [name of bidder] \_\_\_\_\_ in relation to the bid price.

{or}

The highest bid received is only [state percentage] \_\_\_\_\_ % below the valuation/reserve price and it is therefore recommended that the award be made to [name of bidder] \_\_\_\_\_

for a total contract value of [currency and amount] \_\_\_\_\_ for [list all items that the award relates to] \_\_\_\_\_.  
{or} [State other appropriate recommendation.] \_\_\_\_\_

**13. Disagreement by the Evaluation Committee** *{delete if not applicable}*

The Evaluation Committee could not reach a unanimous decision on the evaluation and this evaluation report details the view of the majority of the team.  
[Give details of the issues where the team disagreed, the discussions held, the alternative views and the names of those with alternative views].

**14. Signed by the Evaluation Committee:**

We confirm that this evaluation report gives a complete and accurate report of the evaluation conducted:

Name: _____	Signature: _____	Date: _____
Name: _____	Signature: _____	Date: _____
Name: _____	Signature: _____	Date: _____

**Documents available from the Procurement and Disposal Unit: {amend as appropriate}**

Copy of the bidding document.

Copy of all bids.

**Annexes: {amend as appropriate}**

Form 30: Record of issue of bidding documents/ addenda

Form 42: Record of receipt of bids/bid closing

Form 43: Record of bid opening

Table 1: Summary of bid prices

Table 2: Summary of preliminary examination and assessment of eligibility

Table 3: Summary of application of other evaluation criteria

Table 4: Summary of financial evaluation

**TABLE 1: SUMMARY OF BID PRICES**

**ITEM/LOT NUMBER:** \_\_\_\_\_

**EVALUATION CURRENCY:** \_\_\_\_\_

**ASSET REGISTER NUMBER:** \_\_\_\_\_

**VALUATION/RESERVE PRICE:** \_\_\_\_\_

No.	Name of Bidder	Bid Currency	Bid Total Read Out	Evaluated Total	Rank

*(The highest price should be ranked as number 1. Attach a separate table for each item or lot)*

**TABLE 2 – PRELIMINARY EXAMINATION AND ASSESSMENT OF ELIGIBILITY**

<b>Disposal Reference Number</b>							
Code of Procuring and Disposing Entity	Financial Year	1	2	3	4	5	6
<b>Name of Bidder</b>		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
<b>Eligibility Criteria</b>							
<i>{Complete criteria as per bidding document}</i>		C/NC	C/NC	C/NC	C/NC	C/NC	C/NC
		C/NC	C/NC	C/NC	C/NC	C/NC	C/NC
		C/NC	C/NC	C/NC	C/NC	C/NC	C/NC
<b>Administrative compliance criteria</b>		C/NC	C/NC	C/NC	C/NC	C/NC	C/NC
<i>{Complete criteria as per bidding document}</i>		C/NC	C/NC	C/NC	C/NC	C/NC	C/NC
		C/NC	C/NC	C/NC	C/NC	C/NC	C/NC
		C/NC	C/NC	C/NC	C/NC	C/NC	C/NC
<b>Conclusion</b>		<b>C/NC</b>	<b>C/NC</b>	<b>C/NC</b>	<b>C/NC</b>	<b>C/NC</b>	<b>C/NC</b>

**KEY: C = Compliant NC = Non Compliant** *{delete that which is not applicable from the table above}*  
 This preliminary examination eliminated [number] bidders, [Names of bidders]

**TABLE 3 – SUMMARY OF APPLICATION OF OTHER EVALUATION CRITERIA**

Disposal Reference Number						
Code of Procuring and Disposing Entity	Financial Year	Sequence Number				
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
<b>Bidder Name</b>						
<b>Other Evaluation Criteria</b>	<i>{Enter compliant/non compliant or score}</i>					
<i>{Complete criteria as listed in bidding document}</i>						
<b>Conclusion</b>						

This examination eliminated [number] \_\_\_\_\_ bidders, [Names of Bidders] \_\_\_\_\_.

**TABLE 4 – SUMMARY OF FINANCIAL EVALUATION**

Disposal Reference Number		
Code of Procuring and Disposing Entity	Financial Year	Sequence Number

  

<b>ITEM/LOT NUMBER:</b>	_____	<b>EVALUATION CURRENCY:</b>	_____
<b>ASSET REGISTER NUMBER:</b>	_____	<b>VALUATION/RESERVE PRICE:</b>	_____

  

No	Name of Bidder	Bid Currency	Bid Total as Read Out	Evaluated Total	Rank

*{The highest price should be ranked as number 1. Attach a separate table for each item or lot}.*  
*\*\* This form provides an outline format to assist evaluation committees in drafting evaluation reports for disposal where the evaluation is based on price only. The content should be amended as appropriate.*  
*Italic text in {} brackets indicates either a drafting instruction, which should be deleted from the final report or a section included for a possible option, where the whole section should be deleted if not appropriate. Normal text in [] brackets indicates data which should be completed for each individual evaluation.*

**Form 45**

*Regulation 41(5) and 42(7)*

**THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS ACT, 2003  
NEGOTIATIONS PLAN**

<b>Disposal Reference Number</b>		
Code of Procuring and Disposing Entity	Financial Year	Sequence Number

<b>Particulars of Disposal</b>	
<b>Subject of Disposal</b>	
Name of Bidder	

<b>Details of the Negotiations</b>	
Issue for Negotiation	Objectives



**Proposed negotiations prepared by:**

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Form 46**

*Regulation 43(1)*

**THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS ACT, 2003  
RECORD OF PUBLIC AUCTION**

<b>Details of Auctioneer</b>	
<b>Name of Auctioneer</b>	
<b>Address of Auctioneer</b>	

<b>Place of Auction</b>						
<b>Date and Place of Auction</b>						
No	Disposal Reference Number	Subject of Disposal	Reference Number from Asset Register	Name of Successful Bidder	Reserve Price	Contract Value
<b>Grand Total:</b>						

I hereby certify that the above is a true and accurate record of the auction:

Name of auctioneer: \_\_\_\_\_ Position: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Form 47**

*Regulation 46(3)*

**THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS ACT, 2003**

**MONTHLY REPORT ON DISPOSAL**

*(Insert Name of Procuring and Disposing Entity here)*

<b>Month of Reporting</b>	
<b>Financial Year</b>	

<b>Details of Disposals</b>						
Disposal Reference Number	Subject of Disposal	Method of Disposal	Name of Buyer	Date of Award	Reserve Price	Contract Price (Currency and Amount)
<b>TOTAL</b>						

I hereby certify that the above is a true and accurate record of the disposal transactions for this Procuring and Disposing Entity.

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Accounting Officer**

**MATIA KASAIJA,**  
*Minister of Finance, Planning and Economic Development.*