

## **GURA`S PUBLIC PROCUREMENT PRACTICES AND CHALLENGES**

Goba Urban Road Agency (GURA), located in Singida Region is the public entity that is responsible for the repair, maintenance, and construction of road infrastructures in Singida Region. The agency is the most ambitious in terms of construction operations and its objective is to be the best among the government agencies in Tanzania. However, the inadequate number of staff specialized in procurement function has been identified as the biggest challenge facing GURA towards achieving its objectives. In dealing with those challenges GURA used to hire staff from other public entities on a part-time basis when the need arose. In August 2018, GURA received funds from African Development Bank (ADB) through the Ministry responsible for infrastructure and therefore put up a plan of constructing a 200 km road from Kwao District to Leo District in the Singida Region. The appointed contractor was expected to fully collaborate with GURA and be able to demonstrate competency in project management. By July 2019, the Agency`s Procurement Management Unit initiated tendering process aimed at obtaining a contractor who could professionally execute the project.

According to the technical evaluation, three construction companies; Bongo Construction Company (BCC), Longo Construction Company (LCC), and Kwembe Construction Companies (KCC) were ranked as top favorable bidders who were considered for financial evaluation. The results of the financial evaluation revealed KCC as the lowest evaluated bidder who was required to sign the contract with GURA subject to procedural approvals. Before ratification of the final decisions by GURA`s tender board, the head of Procurement Management Unit (PMU) being aware of professional codes of ethics and conduct pursued bid documents of KCC and discovered that two employees from GURA`s top management were among the shareholders of KCC hence directed an evaluation committee to re-evaluate the bids. After re-evaluation, the committee recommended KCC be a technically and financially capable bidder with the most economic advantages. The situation ended in disagreement between the Procurement Management Unit and Evaluation Committee which was resolved by the legal officer of GURA. This situation forced the accounting officer to quickly convene the tender board meeting which approved the recommendations of the Evaluation Committee.

Two days after the commencement of the contract the accounting officer received an application for administrative review from BCC complaining about the existence of corrupt practices and unethical behaviors between bidders and some of GURA's staff members during tendering proceedings. On the other hand, the ADB which was the main funder of the project raised concerns about the failures of the Procurement Management Unit to perform its duties per the international procurement principles and ethical values. On the other hand, the application for administrative review reached the highest authority which conducted its investigation and revealed a lot of irregularities and corrupt practices in the tendering process. The Authority then directed GURA to reissue the tender documents to BCC, KCC, and LCC as it was found that the tender document issued during the previous tendering proceedings was not related to the required construction work. After re-evaluation of bidders, BCC was considered the lowest evaluated bidders and was considered for the award of the contract.

The Procurement Management Unit (PMU) managed to prepare the contract and called BCC for the contract negotiation. Unfortunately, the negotiation couldn't be successful because BCC claimed several amendments to be made to the contract. Therefore another bidder was considered to appear for negotiations. Before the second bidder was called in, the accounting officer suggested a review of the contract for improvement and therefore selected the consultant based on the required qualifications to review the contract. Fortunately, the reviewed contract by the consultant was found to accommodate some of the amendments requested by BCC. This motivated the accounting officer to re-invite BCC for negotiations. This time the negotiation with BCC was successful hence the bidder signed the contract ready for implementation