Open Contracting in
Uganda

Scoping study, November 2016

This report provides an overview of the country specific conditions for open contracting in the summer of 2016. Given this limited scope, the report is not intended for cross-country comparisons, measurement or scoring.

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Abbreviations and Acronyms

AFIC	Africa Freedom of Information Centre
CIO	Chief Information Officer
CSV	Comma separated value
CTO	Chief Technology Officer
DHIS	District Health Information System
EPRC	Economic Policy Research Center
ESC	Education Service Commission
GAPR	Government Annual Performance Report
GIZ	German International Cooperation
GoU	Government of Uganda
HMIS	Health Management Information System
IFMIS	Integrated Financial Management Information System
KCCA	Kampala Capital City Authority
IPPS	Integrated Personnel and Payroll System
LMIS	Land Management Information System
MAAIF	Ministry of Agriculture, Animal Industry and Fisheries
MoES	Ministry of Education and Sports
MoFPED	Ministry of Finance, Planning, and Economic Development
MoH	Ministry of Health
MoICT	Ministry of Information and Communications Technology
MoING	Ministry of Information and National Guidance
MoJCA	Ministry of Justice and Constitutional Affairs
MoLHUD	Ministry of Lands, Housing, and Urban Development
MoPS	Ministry of Public Service
MoW	Ministry of Works and Transport
MoWE	Ministry of Water and Environment
MTIC	Ministry of Trade, Industry and Cooperatives
NARO	National Agricultural Research Organization
NGO	Nongovernmental Organizations
NITA	National Information Technology Authority
NPA	National Planning Authority
NSO	National Statistical Office
OPM	Office of the Prime Minister
PDF	Portable document format
PIMIS	Prime Minister's Integrated Management Information System
PPDA	Public Procurement and Disposal of Assets Authority
PROBICOU	Pro-biodiversity Conservationists in Uganda
RCIP	Regional Communications Infrastructure Program
TOR	Terms of Reference
UBOS	Uganda Bureau of Statistics
UIA	Uganda Investment Authority
UNDP	United Nations Development Program
UNHCO	Uganda National Health Consumers Organization
UNRA	Uganda National Roads Authority
URA	Uganda Revenue Authority
URSB	Uganda Registration Services Bureau

INTRODUCTION TO OPEN CONTRACTING

Governments spend an estimated USD 9.5 trillion annually through contracts,[1] but how, when, and where this money is spent is often not available to the public. Even when such information is open to the public, it can be difficult to access and process because it is not available in a machine-readable format and it often carries restrictions on reuse.

To promote greater transparency in public contracting, stakeholders from government, civil society organizations (CSOs), and international organizations have created the Open Contracting Partnership (OCP).[2] As part of this effort, and with financial support from Omidyar Network, the World Wide Web Foundation (Web Foundation) developed Version 1.0 of the Open Contracting Data Standard (OCDS) to help governments publish procurement data in a format that addresses the needs of a broad range of user groups, including CSOs and private companies. The standard's ongoing development is managed by Open Data Services Co-operative, which is contracted with OCP. This standard should enable governments to create a fairer system for government contracts, allowing more robust and reliable contract outcomes as well as an opportunity to increase public trust and transparency. For CSOs, it may provide them with the opportunity to access details of public contracting processes and monitor spending, ensuring citizens get the best value for their money.

Open contracting is an approach to improving public procurement through three core elements: (1) disclosure of open data, documents, and information about the planning, procurement, and management of public contracts; (2) participation and use of contracting data by non-state actors; and (3) accountability and redress by government agencies or contractors acting on the feedback that they receive from civil society and companies. The Hivos[3] open contracting program's current focus is to strengthen civil society groups as "infomediaries" that advocate for open contracting data, to reinforce the sustainability of procurement reforms, and to strengthen oversight of results and performance.

OBJECTIVES OF THE COUNTRY REPORT

The main objectives of the report are threefold:

- Documentation of current levels of openness in public contracting in target system;

- Mapping of key stakeholders and their capacities and enthusiasm for advancing open contracting; and

- Development of recommendations on realistic targets and use cases for open contracting moving forward.

METHODOLOGICAL NOTE

The paper is composed of four sections with subsections. These sections cover issues relevant to potential open contracting intervention in a given country:

1. Law, policy, and institutional setup analysis
2. Open contracting data and user engagement analysis
3. Stakeholder and existing projects analysis
4. Analysis of the current situation regarding advocacy around open contracting

This report provides an overview of the country specific conditions for open contracting. It is not intended for cross-country comparison, measurement or scoring.

ASSESSMENT ACTIVITY DESCRIPTION

The methodology is designed to gather data using various qualitative research methods, including interviews and reviews of legal, regulatory, and policy documents. Once the information obtained from these interviews and literature study was analyzed, the interviewees and stakeholders were invited to participate in workshops to validate and complete the research findings. Recommendations are drawn from the research and stakeholder feedback and are included in the study.

EXECUTIVE SUMMARY

In recent years, governments around the world have begun taking action to enhance disclosure and participation in public contracting. These efforts are taking place at all stages of public contracting (from planning to completion of contractual obligations) and are being implemented at national, sub-national, sector, and agency levels. Such open contracting efforts include:

- Developing an enabling environment in the form of law, policy, and institutional set up to promote a transparent and equitable contracting process;
- Open contracting data and user engagement, recognizing the right of the public to access public contracting information, and routinely disclosing core classes of documents and data about public contracting;
- Stakeholders and projects, creating mechanisms for participation at all stages of contracting; and
- Building and sustaining capacity of stakeholders to disclose, understand, monitor, and act upon contracting information.

The information contained in this report is based on analysis, desk reviews of documents, and interviews with key informants, as well as interviews from selected stakeholders within the government, civil society, and private sector. The government of Uganda has undertaken several initiatives with

great potential for promoting open contracting and improving government service delivery. The status and issues relevant to open contracting in Uganda are presented under the following rubrics:

1) Law, policy, and institutional setup analysis
2) Open contracting data and user engagement analysis
3) Stakeholder and existing projects analysis
4) Recommendations around open contracting in Uganda

This study found that Uganda promotes open contracting as reflected in the legal and policy environment, infrastructure, and human resource initiatives. Within the top leadership, there was political willingness to promote open contracting. However, this willingness has yet to translate into total commitment and action. The study found that there is competence to implement open contracting initiatives especially around proactive disclosure of contract information since the launch of the procurement portal. Public participants needs to be enhanced.

The overall finding of this assessment is that Uganda has the potential to implement open contracting initiatives, considering that large quantities of contracting data are proactively disclosed through the government procurement portal. Issues regarding existing policy, data capacity, and civic engagement should be urgently addressed to institutionalize open contracting. Goals should be aimed at achieving early success and gaining demonstrable benefits with respect to improving service delivery, and the government should strive to build a sound foundation for sustainability over the long term.

A number of recommendations were made, including having the government, particularly at the top executive level, fully commit to open contracting; tasking a government body like the Public Procurement and Disposal of Public Assets Authority (PPDA) to champion open contracting; and creating awareness among public officers, citizens, and the private sector on the benefits of open contracting. Commitment from the top executive level will pave the way for more opportunities for open contracting in the private and public sectors.

On the whole, it was noted that although the government is implementing a number of initiatives on open contracting there is lack of effective coordination and direction. Therefore, it is important to establish leadership to champion open contracting in a structured and coordinated manner.

COUNTRY OVERVIEW

Every year, governments around the world spend over USD 9.5 trillion on contracting. The Organisation for Economic Cooperation and Development (OECD) estimates that governments spend up to 20 percent of national budgets on public contracting.[4]

Notwithstanding the economic improvements achieved by the country in the last 25 years, Uganda still suffers from extreme poverty, high income inequality, and significant disparity among regions. The country is also highly dependent on international aid for the delivery of basic services to its citizens. Low transparency and accountability and widespread corruption threaten both access to and the quality of public services.

A recent commission of inquiry into Uganda's National Roads Authority (UNRA) discovered that billions of shillings were paid to nonexistent firms, contracts were poorly managed, and double

payments were common. In 2012, the Inspectorate of Government (IG) reported that 99.3 percent of all contracts overshot original budgets, and the PPDA reported in the same year that 71 percent of contracts are not completed on time.

To tackle these governance challenges and reinforce its commitment to fight corruption, Uganda has fine-tuned its anti-corruption framework over the years. The framework includes the Penal Code Act, the Anti-Corruption Act of 2009, the Leadership Act of 2002, the Code of Conduct and Ethics of the Uganda Public Service, the Whistleblowers Protection Act of 2010, and the Access to Information Act of 2005. Since 2004, Uganda has also been a signatory to the United Nations Convention against Corruption (UNCAC) as well as the African Union Convention on Preventing and Combating Corruption.

The Penal Code and Anti-Corruption Act provide for criminal responsibility.[5] Individuals guilty of bribing public officials, diversion of public funds, influence peddling, or nepotism are liable on conviction to a term not exceeding ten years.[6] The Leadership Code Act, the Anti-Corruption Act, and the Code of Conduct and Ethics of the Ugandan Public Service regulate conflict of interest, as well as related prohibitions such the acceptance of gifts and hospitality.[7] The Leadership Code Act also requires the president, ministers, members of Parliament, judges, civil servants, and their spouses to disclose their assets.[8,9] Furthermore, the Whistleblowers Protection Act provides for mechanisms that encourage individuals to blow the whistle on corruption cases, while the Access to Information Act provides every citizen the right to access information with the exception of information likely to threaten the country's security or sovereignty.

There are several institutions in the country tasked with investigating wrongdoings and fighting corruption. While a system of checks and balances is guaranteed by the 1995 Ugandan Constitution, in practice, many of the country's institutions are unable to perform their duties efficiently because they are understaffed and lack sufficient resources.[10]

The framework also includes institutions like the Inspectorate of Government (IG), which was established in 1986 and mandated to fight corruption in the country in 1995. The Inspectorate of Government Act of 2002 further regulates the office's mandate.[11] The Directorate of Public Prosecutions (DPP) is mandated to handle and prosecute all criminal cases in the country, including corruption-related cases, or to delegate such powers where necessary, and the Office of the Auditor General is responsible for overseeing government operations through financial and other management audits. The Directorate of Ethics and Integrity (DEI) within the Office of the Presidency is responsible for coordinating the government's efforts in the fight against corruption and for establishing an integrity system that promotes good governance across the administration. The directorate is also the chair of the Inter Agency Forum (IAF), which is tasked with ensuring effective coordination among all institutions involved in fighting corruption in the country.[12] Lastly, a specialized anti-corruption court was established with the aim of judging corruption-related cases in a swifter and more efficient way.

Uganda ranks 26 out of 93 countries with access to information laws in the Global Right to Information Rating 2012, with a score of 98 points out of 150.[13] Reputed international monitoring groups like Global Integrity (GI) have celebrated Uganda's anti-corruption framework. However, the actual implementation of these laws is poor, and the effectiveness of oversight institutions has been compromised by a lack of capacity and resources. In 2007 Global Integrity introduced an indicator to capture the gap between a country's anti-corruption laws and the actual degree of enforcement of those laws. In its 2009 report, GI noted a discrepancy between Uganda's anti-corruption laws, which elicit the highest scores possible, and their actual implementation by pointing out that aid-dependent countries "are often times adept at engineering laws and institutions to meet foreign donor requirements despite their failure to deliver for ordinary citizens."[14]

Other challenges to access to information under the framework relate to a lack of administrative appeal mechanisms and gaps in the system of judicial review. A report published in 2012 by Africa Freedom of Information Centre, notes that negative attitudes of public officials toward information requesters, ignorance about the law, poor information storage and retrieval systems, and inadequate financing undermine the full implementation of the law. Nevertheless, CSOs have already demonstrated the power of Uganda's Access to Information Act. For instance, in 2011 the Human Rights Network Uganda (HURINET-U) and West Ankole Civil Society Forum forced Bushenyi District Local Government to release information about a ghost stadium. By analyzing the documents, this group was able to provide evidence of corruption.[15]

Despite this, a seven-point reduction in the implementation gap from 54 in 2009 to 47 in 2011 could be signaling a commitment for reform. Demand-side or civil society-led governance interventions can play a very strategic role in closing this implementation gap. Uganda is increasingly becoming less dependent on official development assistance (ODA), which means donors will have increasingly less leverage to demand good governance and accountability. Once the oil revenue starts flowing, this tendency will be exacerbated.

SECTION I: POLICY, LAW, AND INSTITUTIONS

Policy & Open Contracting

Open contracting works only when every agency follows the same general policies and laws. There is always a need for a harmonized policy framework which can ensure that agencies follow consistent policies on the release of open contracting data, procedure for use, and policies that promote compliance with technical standards for open formats. There is a need for policies that clearly and consistently address the right to information and also promote public participation.

National Priorities & Open Contracting

Although there is no specific policy on open contracting in Uganda, there exists political will and support for open contracting. The political context and top national priorities/strategic plans create an enabling environment for advocacy around open contracting in the country. For example, the Uganda National Development Plan II, 2016–2020 provides for access to information on public debt management through the annual publication of a financing plan (5.3). Government is also committed to strengthening the policy, legal, and institutional framework to promote transparency and accountability over the vision 2040 period.

Furthermore, the PPDA has launched an e-procurement strategy, and its 2014/15–2018/19 strategic plan aims to strengthen the public procurement system to provide value for money through better contract management and performance. Section 1.7 of the strategy provides for citizen monitoring of public contracts.

Support from Policy Leaders

The most critical success factor for open contracting is leadership. It is essential that top leaders publicly communicate their commitment to the open contracting agenda and keep agencies accountable for its implementation. Leaders must ensure that open contracting plans turn into action. It is also important that open contracting champions and promoters emerge across government among senior leaders, mid-level officials, and outside government.

In Uganda key political leaders (the prime minister, ministers, and the president) have publicly expressed support for open contracting or open government data. (The media has on several occasions published statements made by these officials in public). For example, President Yoweri Museveni has consistently made remarks on fighting corruption in public contracts; the most recent remarks were made on 12 May 2016 during his inauguration for the fifth term[16] and 26 May 2016 when he received a report from the commission of inquiry into UNRA. In addition, the government is committed to competitive licensing of firms under the new oil and gas sector. However, the government has not put these commitments into practice, at least not visibly, and some key government data is still confidential like the production of oil-sharing agreements.

Data-Owning Agencies' Support of Open Contracting

Open contracting can only succeed if government data-owning agencies can publicly show their support, and in Uganda key government ministries and line departments have publicly expressed support to not only open contracting but also to broader open data issues.

The government is already making significant investments in information management systems in several key sectors such as health, education, public registries, and land management; these systems can likely play a core role in the infrastructure for open data. On top of this, some key data agencies (e.g., Ministry of Finance Planning and Economic Development, and Uganda National al Roads Authority) have publicly expressed support for open contracting. The Ministry of Finance Planning and Economic Development coordinates the implementation of the *Internal Audit and Inspection Manual*, which is a handbook for use by the Internal Audit staff, departments, and other agencies. The manual emphasizes timely access of information for public contracts during the audit process. Furthermore, the open budgets portal on the Ministry of Finance website provides the public with detailed information on how public money is being spent on the provision of services. The two sources of information can be accessed at www.finance.go and www.budget.go.ug.

The PPDA, the government's lead agency on matters of procurement, has a government-wide public procurement portal (GGP), which seeks to provide an online platform about all procurement and disposal opportunities and generation of reports by PPDA and PDEs. Procurement plans of different entities, disposal plans and notices, current tenders, best evaluation notices, summary of signed contracts, and suspended providers are posted at http://gpp.ppda.go.ug/. PPDA also runs routine updates on its website and notice boards, and has a mechanism of information display that requires local- and central-government procurement and disposal entities to display information on procurement and contracting decentralized to the local-government level.

Finally, the Inspectorate of Government (IG) maintains an updated display of current information (about cases or violations of open contracting and corruption) on its information platforms. Similarly, district local governments display open contracting data on public notice boards in districts and the PPDA procurement portal (e.g., Wakiso District, Kayunga District, and Ntungamo Municipality).

Despite the above, some public institutions like the Ministry of Defence, the Ministry of Security, and the Ministry of Internal Affairs do not publish any information on procurement; in others (e.g., Uganda Bureau of Statistics and the Ministry of Finance Planning and Economic Development), information is released in bits.

Interinstitutional Data Disclosure Policies

The long-term success and sustainability of open contracting is greatly influenced by how individual institutions prepare to manage open contracting initiatives. Open contracting requires some level of commitment in which responsible agencies should develop their own policies to guide implementation. Institutions need to put in place policies that guide planning, procurement, and implementation of all types of public contracts. The evidence in Uganda to date is as follows:

Key government data-owning agencies such as PPDA have established policies and guidelines on procurement and disposal of public assets by central- and local-government procurement and disposal units. In addition, the PPDA-managed government procurement portal publishes online procurement and disposal plans and notices, current tenders, best evaluated tenders, suspended providers, etc. of all central- and local-government procurement and disposal entities.

Procurement plans also exist in many government agencies, such as the Uganda National Roads Authority (UNRA) and Kampala Capital City Authority (KCCA); finally, the Local Government Management Service (LGMS) program encourages transparency and openness at all levels of government. It has three components: local development grants, community-driven development, and capacity-building grants.

Despite the progress made in establishing policies regarding the release of information, some policies do not explicitly focus on open contracting but instead cover general transparency and accountability requirements and guidelines. Worse still, not all public contracts information is available to the general public like some classified expenditures by the Ministries of Finance, Defence, Security, Internal Affairs, and the Uganda Police Force.

Interinstitutional Data Disclosure Mechanisms and Track Record

Open contracting calls for the release of information. Either a centralized entity or individual agencies are responsible for the functioning of these mechanisms. In Uganda the government or concerned agencies have a track record of releasing information related to planning, procurement and implementation of all types of public contracts. For example, key procurement information is published on the government procurement portal, such as procurement plans, disposal plans, notices, current tenders, best evaluation notices, summary of signed contracts, and suspended providers.

All key ministries produce and publish annual sector performance reports, which are consolidated into the Government Annual Performance Report. Furthermore, some local governments have public notice boards where information on contracts, such as invitations for bids and successful bidders, is occasionally displayed. In addition to information published in gazettes, newspapers, and other print and electronic media, ongoing implementation of government contracts, particularly those involving physical works and construction, is always displayed on large signposts at the project sites. Finally, individual ministries, departments, and agencies (MDAs) publish tendering information. However, it is not as detailed as the information on the central procurement portal.

Law

Access to Open Contracting Information

The success and sustainability of open contracting in any country depends on how strong the legal framework is. The legal framework for open contracting should address a wide variety of issues, ranging from licensing of open contracting data reuse and protection, safeguarding of privacy rights, freedom of and access to information, safeguarding intellectual property rights, defined institutional mandate, and provisions for stakeholder participation and engagement. It is important to identify actual or perceived obstacles and to initiate policy or legal changes if required. Uganda has a legal framework that can promote open contracting. Key laws related to open contracting in Uganda include: the Uganda Bureau of Statistics Act 1998;[17] the National Information Technology Authority Act of 2009;[18] Access to Information Act in 2005; and the related Access to Information Regulation in 2011.

The laws and regulations recognize the right of the public to access information. For example, the Constitution of Uganda[19] and the Access to Information Act 2005[20] recognize that the public has a right to access information held by public officers or authorities. There are also laws that provide for access to information related to planning and procurement of public contracts like the Public Procurement and Disposal of Public Assets Act 2003,[21] Procurement Regulations (for both local and central government), the Petroleum (Exploration and Production) Act 2013,[22] and the Petroleum (Refining Conversion, Transmission, Midstream Storage) Act 2013.[23]

These laws and regulations provide for the planning, procurement, and implementation of all types of public contracts. For example, the Local Government Public Procurement and Disposal of Public Assets (LGPPDA) Regulations guide local governments through the procurement process, and the Whistleblowers Protection Act of 2010 protects persons or entities who publish information that is of public interest regarding public contracts, even if such information is confidential.

Finally, the Ugandan Constitution (1995) provides that all lawful measures shall be taken to combat and eradicate corruption and misuse of power. However, save for the petroleum laws, other laws are silent in respect to participation and access to information during the implementation of contracts. These laws also have some gaps, and there are serious enforcement challenges.

Accessibility of Laws and Regulations Governing Public Procurement & Their Accessibility

The scoping study analyzed the laws and regulations governing public procurement. The study also carried out interviews to ascertain whether these laws are easily accessed by the public, and whether they clearly outline the process for the planning, procurement, and implementation of public contracts, including requirements related to the disclosure of information and participation of stakeholders.

The findings indicate that laws and regulations governing procurement are available in print, online on the PPDA website at https://ppda.go.ug/, and on the Uganda Legal Information Institute website www.ulii.org.

However, the laws and regulations governing procurement are not widely circulated; they are also written in legal and technical language that limits interpretation and use. Hence, they are more easily accessible by educated members of society. Also, they are available only in English, and there is little effort to translate them into local languages.

Requirements for Disclosure

The laws in Uganda provide for access to open contracting information (e.g., procurement plans, tender notices, bidding documents, and award notices, including winner, price, reasons, and non-competitively awarded contracts). The Local Government Act 1997 and other regulations provide for quarterly reporting, generation, and sharing of inspection reports. Information relating to these procurement stages is published by the procuring entities using different media such as websites, notice boards, the *Uganda Gazette* and newspapers with wide circulation like *The Dairy Monitor* and *New Vision*.

However, some public procurement officials do not regard such publication as necessary since summaries are published on the PPDA website. In addition, in the majority of cases reviewed, there was no evidence of published full contracts detailing technical specifications and implementation details. This is probably because in some instances the laws are silent on publication of detailed information on contracts (e.g., contracts awarded and their implementation). Furthermore, in some laws[24] the provisions for access to information on public contracts contain "claw back clauses" that seem to provide for access but make it discretionary for the information holder to furnish that information.

Lastly, compliance with the full publication of contract information varies from project to project and is more lacking in government-funded projects. Access to detailed procurement information is only possible through formal request by interested public entities and may suffer delays due to bureaucracy, including requirements for payment of a prescribed fee.

Citizen Participation Rights

Ugandan laws enable citizen participation, in consultation, observation, and monitoring at all levels of planning, procurement, and implementation of public contracts. Citizen participation in public affairs is a right enshrined in Article 38 of the 1995 Constitution of Uganda. The National Oil and Gas Policy for Uganda 2008 recognizes important roles different stakeholders have to play in order to achieve transparency and accountability in the oil and gas industry, such as licensing, procurement, exploration, and production operations.

Uganda also has a Public Sector Monitoring and Evaluation Policy, and the prime minister has directed all the sectors to start operationalizing the policy. The policy promotes open contracting by advocating for accountability and value for money. It can be accessed at http://www.opm.go.ug/manage/pdfs/1303949786.pdf. In line with the PPDA Act, procuring entities consult with project-affected persons prior to awarding contracts, and these individuals are also engaged to participate in the monitoring and implementation of public contracts.[25]

In practice, participation in public-contracting processes is largely limited to potential bidders and members of the business community, and does not include the general public, partly because the laws specify long and bureaucratic procedures for accessing information and project sites. Most often public contracts do not have special provisions explaining the role of citizens in contract execution. The general public and civil society are, therefore, denied participation on the grounds that they are not parties and their roles are not provided for in the contract. In addition, cumbersome security checks tend to deter citizen participation in monitoring the implementation of public contracts.

Institutions & Open Contracting

The government has the essential institutional elements necessary to operate an open contracting initiative. There is already strong evidence of interagency working groups and processes, which could be used to coordinate policies and activities for open data. However, some agencies express a range of concerns about releasing their data. Although the Ugandan government is qualified to join the Open Government Partnership, its failure to do so represents a missed opportunity for it to share experiences and learn from its peers.

Who Leads on Open Contracting Issues?

In Uganda the Public Procurement and Disposal of Public Assets Authority is the lead institution for promoting open contracting. The institution is mandated by the PPDA Act. PPDA has prioritized citizen participation, trains CSOs on procurement laws and regulations, and supports the Uganda Contracts Monitoring Coalition. Recently PPDA also signed a memorandum of understanding (MoU) with this coalition to advance citizen monitoring of contracts.

On top of PPDA, there are other supporting agencies like the Office of the Inspectorate General of Government (IGG), the Office of the Auditor General, the Ministry of Finance, the Ministry of Local Government, the Directorate of Ethics and Integrity, and the Office of the Prime Minister that have essential elements necessary for promoting open contracting.

Although the institutional elements for open contracting are in place, there are some outstanding challenges. For example, at the contract implementation level, each procuring entity takes responsibility for its processes and may establish its own arrangements for citizen participation. However, the main challenge for open contracting in Uganda is political interference. This notwithstanding, PPDA decisions are, by and large, respected by other government entities.

Interagency Data Release Coordination Mechanisms

Uganda's already existing anti-corruption framework provides an opportunity for institutional coordination. This is provided for under the National Strategy to Fight Corruption and Rebuild Ethics and Integrity in Uganda. The national strategy is an action plan designed to make a significant impact on building the quality of accountability and reducing the levels of corruption in Uganda. This strategic framework is implemented by a range of agencies under the Inter Agency Forum (IAF), led by the IG and coordinated by the Directorate for Ethics and Integrity (DEI). The government, therefore, has the essential institutional elements necessary for coordinating open contracting processes.

There is strong evidence of interagency working groups and processes which could be used to coordinate policies and activities for open contracting. The PPDA, which is the lead agency on matters of open contracting, is also a member of the IAF, which brings together all agencies that deal with matters of corruption. The IAF has been used by anti-corruption agencies to work together in the design and implementation of national anti-corruption strategies and to promote awareness and advancement of reforms. These milestones can be accessed at www.dei.go.ug/IAF.html. However, due to inadequate funding and insufficient staff in the Directorate of Ethics and Integrity, the IAF is not effective in facilitating dialogue between public and private anti-corruption stakeholders.

In addition to IAF, the Office of the Prime Minister (OPM) has also taken a lead in community meetings called Barrazas (open public dialogue).[26] At these meetings technical officers answer questions from the public on all sectors, and each sector is supposed to generate a client charter, a document explaining products and outputs of different government agencies.

With the introduction of the government procurement portal, more and more agencies disclose data through the portal, although efforts are needed to get all agencies to release data. Government Information and Communication Technology (ICT) Skill Base

Several government agencies and ministries already have significant experience and technical capacity in working with ICT and digital data and with providing data services to the public and other ministries. The government, through the Ministry of ICT as well as the National Information Technology Authority, has rolled out fiber optic cable across the country, elaborated ICT policies and regulations, and trained government officers in ICT capabilities.

Additionally, the PPDA website and the government procurement portal are regularly updated. This is also true of some agencies like KCCA, UNRA, UBOS, URA, and NITA. However, some agencies' websites are not regularly updated. Despite this, each government agency has communication and/or ICT officers who can potentially support open contracting.

Some MDAs and district local governments simply lack ICT capacity, and their data may reside in paper-based filing systems or personal hard drives. As a result, these agencies are not in a good position to meaningfully contribute to (or benefit from) open contracting initiatives. Although the government has put in place ICT infrastructure that could promote open contracting, for the country as a whole ICT literacy and broadband internet penetration rates are still low, which is a barrier to open contracting.

SECTION II: OPEN CONTRACTING DATA & USER ENGAGEMENT

Timeliness, Usefulness, and Completeness of Information

The government already has several examples of making data publicly available for improved service delivery and other purposes. Even in the absence of a formal open data policy, it is clear that most government departments and ministries see the value in making data available, and several have begun to publish data on their websites. The Public Procurement and Disposal of Public Assets Authority takes a lead in publishing public contracting information. However, the schedule, timing, and frequency of publication of this data is not uniform.

Similarly, the National IT Authority under the Ministry of ICT has created institutional frameworks and invested in the use of ICT in public administration. Additionally, all government ministries have appointed information officers as required by the Access to Information Act; however, they need political support so as to make meaningful information available to the public.

Information on central- and local-government procurement is published in a timely manner and in a useful format on the government procurement portal:

http://gpp.ppda.go.ug/page/procurement_plans. However, it is fragmented and incomplete because plans do not display due dates for bids; this information is on another tab: (http://gpp.ppda.go.ug/page/procurement_plans). Worse still, information is published online and in technical formats (content and language) that are not user friendly to ordinary citizens: (http://gpp.ppda.go.ug/page/procurement_plans). Publishing information online limits access for rural and some urban populations without internet connectivity or a reliable source of energy.

Publication of Open Contracting Information

The study inquired whether open contracting information was being collected and published online or offline in a timely manner.

Evidence from the study indicated that some agencies publish information more comprehensively, routinely, and promptly than others. For example, some agencies publish calls for proposals, expressions of interest, prequalifications, bid notices, and tender notices promptly in national newspapers—like *New Vision* (http://www.newvision.co.ug/category/tenders) and the *Daily Monitor* — and on websites of ministries and public authorities.

It was also found that some ministries and public authorities publish information more comprehensively, routinely, and promptly than others. (See these sites for specifics: http://health.go.ug/projects; http://www.mtic.go.ug/index.php?/procurement-notices/; and http://www.agriculture.go.ug/Procurement/366.)

Others, like the Uganda National Roads Authority publish information on the costs, duration, and contract details of its ongoing projects. The authority also publishes road works updates and strategic plans (see www.unra.go.ug/). Also, the Uganda Revenue Authority (URA) publishes a tremendous amount of information, such as quarterly gains and losses, net taxes collected, international trade performance, and monthly performance updates. It also updates its exchange rates for imports, exports, and VAT. Details of this information can be accessed at www.ura.go.ug/ and www.facebook.com/URApage.

Despite the progress made, integration of ICT within Uganda's public sector to promote public information openness is uneven, probably due to disparities between individual departments, inadequate resources dedicated to ICT, and the lack of common standards.

Some ministries, such as Ministry of Defence[27] and Ministry of Foreign Affairs[28] don't publish information on procurement at all. Others such as Kampala Capital City Authority[29], and the Ministry of Trade, Industry and Cooperatives[30] publish incomplete and inconsistent information. There are also variations in dates of publishing information online and offline. Finally, whereas PPDA publishes content of contracts for various agencies, it is yet to start publishing actual signed contracts either online or offline.

Data Structure & Formats

Successful open contracting requires that information published online be in an open and structured machine-readable format, using unique identifiers and classifications.

A close look at the websites and online publications revealed that information in digital format exists on all ministerial and institutional websites, although often not in reusable or machine-readable formats. Despite this, there are several programs under which the Ugandan government publishes data

publicly. For example, the datasets of the Uganda Bureau of Statistics (UBoS) are structured (although often still in PDF) and accessible publicly from a set of portals via its website, http://www.ubos.org.

Apart from the advances made by UBoS, information in most government agencies is being published online but not in structured or machine-readable formats. In addition, their datasets are not necessarily open, licensed, accessible, or set in context. In most cases, these data are locked in PDF-formatted documents, and in some cases individuals can only gain access to this data by knowing the specific (often unpublished) URL or by having contacts within a ministry. Furthermore, there is no harmonized structure, style, and format for even the information that is not machine readable on websites of ministries, local governments, and other government agencies.

Open Contracting & User Engagement

Engagement of Citizens and the Private Sector & Data Reuse Examples

Public oversight authorities and implementing agencies—including line ministries, supreme audit institutions, and anti-corruption commissions—often lack the staff, money, capacity, and time to exhaustively inspect, audit, and review all planning and award processes or performance of contracts.[31] Governments are therefore beginning to mobilize citizen participation in public contracting as a means to complement government oversight and redress mechanisms.

From time to time, the government conducts public hearings at which citizens are invited to participate in public contracting. The goal is normally to invite feedback on needs assessments, feasibility studies, and environmental and social impact assessments. The government has found this to be relevant and useful, and it has taken public concerns into consideration.[32]

Government must continuously engage users of open contracting data. It must ensure that oversight authorities (including Parliament, audit institutions, and implementing agencies) acknowledge and act upon citizen feedback, and it must encourage consultations between contracting parties and civil society. There are, however, many challenges to engaging civil society participation in contract monitoring, including overcoming mistrust among stakeholders to cooperate, as well as ensuring that civil society organizations have sufficient technical capacity and resources to effectively participate. In addition, the cost of funding trainers and monitors, the trainings themselves, travel, toolkits, and coordination is high. Furthermore, there is a need to establish mechanisms for citizen feedback to be incorporated into the management of contracts.[33]

In interviews, stakeholders indicated that demand for open data is high, and infomediaries are willing to support the release of open contracting data. The government is already using social media to connect in some areas with the public, and with a few changes, the government would be in a good position to engage members of the open contracting data ecosystem.

Innovation hubs in Uganda present a particularly interesting opportunity for civic engagement. These organizations can help new and existing businesses realize the economic potential of open data, which could lead to the development of new data-driven products and services, new economic growth, and jobs. These new products could in turn produce additional economic benefits as all Ugandans benefit from better information. For instance, improved information about transportation options can improve mobility and decrease commute times, while basic information about the capacity and operating hours of health clinics can improve well-being and levels of care.

In Uganda citizens are informed and empowered through public meetings and rallies organized by politicians, technicians, and representatives of government departments. Information on projects and contracts being implemented is shared, and citizens are able to interact and ask questions. These engagements not only create a platform for information sharing but also provide an opportunity for people to demand accountability. However, there is no clear program and guidance for engaging citizens. Engagement of citizens is on a project by project basis (e.g., http://health.go.ug/projects/uganda-health-system-strengthening-project-uhssp-0).

The above notwithstanding, procuring entities and oversight authorities recognize the need for citizen engagement. A feedback redress mechanism for matters related to public contracting has also been put in place. For instance, PPDA conducts administrative reviews in case of conflicts in contracting (https://ppda.go.ug/administrative-reviews complaints/). Tribunals also exist for conflict resolution in case of any grievances arising from the contracting and procurement process.

More importantly, there is evidence of the government, the private sector, and civil society using disclosed information for policy making, business development, and advocacy. For example, disclosed information has been used to review contract performance (http://gpp.ppda.go.ug/page/suspended_providers) and to carry out administrative reviews (https://ppda.go.ug/administrative-reviews-complaints/.

Feedback Redress Mechanism

PPDA conducts administrative reviews in case the procurement in question was conducted outside of established procedures.[34] Further, there exists the PPDA Appeals Tribunal in case further redress is needed. However, this mechanism is general to procurement matters and is not established in direct connection to access of information about public procurement.

SECTION III: STAKEHOLDERS & ONGOING INITIATIVES

Stakeholders

Government

Public Procurement and Disposal of Assets Authority (PPDA)
Corruption in public procurement manifests itself through breaches like conducting procurement outside the pre-established procurement plans, failure to publish procurement plans on notice boards, signing of contracts without confirmation of availability of funds, manipulation of the bidding process to limit the number of bidders participating in the procurement process, deliberate delay of procurement planning leading to emergency processes, lack of effective reporting systems to expose perpetrators of corruption, and poor record management by procuring agencies such that it jeopardizes evidence of procurement requests, payments, and disposal of public assets. In line with this, PPDA, being the lead agency in Uganda's public procurement process, plays the central role of ensuring openness for better contract performance and service delivery. This is the first objective in PPDA's current five-year strategic plan FY14/15.[35]

Ministry of Finance Planning and Economic Development (MoFPED)
The role played by MoFPED is very important in public procurement and budgeting, making it a major player in these processes. Accordingly, the ministry plays a pivotal role in coordinating development planning; mobilizing public resources; and ensuring effective accountability for the use of such resources for the benefit of all Ugandans. The mission of the ministry is to formulate sound economic policies, maximize revenue mobilization, and ensure efficient allocation and accountability for public resources so as to achieve the most rapid and sustainable economic growth and development.

Ministry of Works and Transport (MoWT)
The ministry has a structured procurement system and welcomes the idea of open contracting. The ministry strives to develop, maintain, and promote economic efficiency to ensure good standards in the construction industry. These can only be achieved through having a reliable and transparent procurement system.

Uganda National Roads Authority (UNRA)
UNRA is the responsible authority for road construction in Uganda, and given the high levels of corruption in the past, it aims to be open and to improve its operations with zero tolerance for corruption: http://unra.go.ug/.

Office of the Prime Minister (OPM)
The OPM is a major player in government business, hence the need to foster better relations with other players in the field of open contracting.

Inspectorate General of Government (IGG)
The IGG office runs a social accountability program in northern Uganda where thousands of citizen monitors have been trained to ensure that the implementation of a rehabilitation program is not abused. The IGG has developed a number of tools and has significantly improved its information sharing with civil society over the past few years: http://www.igg.go.ug/.

National Information Technology Authority (NITA-U)
The government intends to consolidate its efforts and focus its energies on harnessing information resources. This will help service delivery and will assist citizens in accessing information. Information management is one of the core components of government infrastructure. The NITA is responsible for providing technical leadership and guidance for the implementation of the Information Management Services Policy. A scan of government ministries, departments and agencies (MDAs) reveals that there are varying efforts to embrace information technology to support information management for effective service delivery.

Ministry of Local Government
The Ministry of Local Government is the government agency responsible for spearheading the implementation of the decentralization policy. The coordination role in the decentralization process requires continuous dissemination of information to keep all stakeholders abreast of the milestones, benchmarks, and transformations in the local governance system: http://molg.go.ug/.

Kampala Capital City Authority (KCCA)
Kampala Capital City Authority (KCCA) is the legal entity, established by the Ugandan Parliament, that is responsible for the operations of Kampala. It replaced the Kampala City Council (KCC). The authority is a corporate body with perpetual succession, may sue and be sued in its corporate name, and enjoys all the privileges and disadvantages of a corporation. The authority is the governing body of the capital city and administers on behalf of the central government, subject to the Kampala Capital City Authority Act. The city authority is responsible for improved service delivery for citizens who work and stay in Kampala, and it is responsible for the construction of city roads and works: http://www.kcca.go.ug/.

Ministry of Energy and Mineral Development

The Ministry of Energy and Mineral Development manages energy and mineral resources for the country. The mandate of the ministry, according to its website (www.energyandminerals.go.ug/), is "to establish, promote the development, strategically manage and safeguard the rational and sustainable exploitation and utilization of energy and mineral resources for social and economic development."

Ministry of Health

The Ministry of Health Uganda is a government body with the mandate of policy formulation and policy dialogue with health development partners, resource mobilization and budgeting, strategic planning, regulation, advising other ministries on health matters, setting standards and quality assurance, capacity development and technical support, provision of nationally coordinated services such as epidemic control, coordination of health research, and monitoring and evaluation of the overall sector performance: http://health.go.ug/.

Uganda Communications Commission (UCC)

The Uganda Communications Commission (UCC) is the government regulatory body of the communications sector in Uganda. Although owned by the Ugandan government, it acts independently. Its mandated responsibilities include licensing, regulation, communications infrastructure development, and the expansion of rural communications service: www.ucc.co.ug/.

Uganda Bureau of Statistics (UBoS)

The Uganda Bureau of Statistics has statutory authority over the national statistical system. This authority includes the establishment of standards to ensure uniformity of quality and coordination of statistics across agencies and levels of government to promote efficiency and quality. UBoS currently publishes some statistical series through Country Stat, a Food and Agriculture Organisation (FAO) project to provide national data for food and agriculture, and participates in the Open Institutionalization of Information and Communications Technology (ICT) Function in Ministries, Departments, Agencies/Local Governments (MDAs/LGs), Ministry of ICT, Final Task Force Report, May, 2012.

Ministry of Education and Sports

The mandate of the Ministry of Education and Sports (MoE) is to provide quality education and sports services in the country, which are constitutional obligations for the government. The mission of the ministry is "to provide technical support, guide, coordinate, regulate and promote quality education, training and sports to all persons in Uganda for national integration, development and individual advancement" (www.education.go.ug/).

Academia

Makerere University

Established in 1922, Makerere University is the oldest and largest university in Uganda with a student body of around 38,000 (local and International) and 10 constituent colleges. Being a research and training institution of higher learning, the university provides space for interface between consumers and producers of research related to open contracting, public administration, and business management.

Uganda Christian University

Established in 1997, the university was founded on the Christian principles of upholding honesty, transparency, truthfulness, and faithfulness as well as exercising humility. As a private university, the university has leverage to engage in open contracting advocacy mainly through research and publication.

Kyambogo University

Established in the year 2000, Kyambogo University is Uganda's third public university, and it is engaged in collaborative research and publication locally and internationally. The university states that it practices good corporate governance, accountability for decisions and actions, and transparency. Being a research and training institution, the university promotes dialogue between consumers and producers of research related to open contracting, public administration, and business.

Uganda Management Institute (UMI)

The institute is known for its speciality in training and consultancy in the area of public management. UMI has strongly attracted public servants for short-term, capacity-building training programs in public administration and management. Being a public training institution, UMI provides opportunities for engaging with other public institutions as well as civil society on issues to do with public contracting.

Islamic University in Uganda

The university is founded on the principles of Islam and love of the country. It aims at promoting and enhancing the civilization and scientific influence of Islam to produce well-cultured, morally upright graduates who, equipped with useful skills and knowledge, are able to participate positively in the development process of their countries. The university aims to achieve these goals through the pursuit of teaching, learning, research, scholarship, good governance, and service to humanity. Being a private university, the university has leverage to engage in open contracting advocacy mainly through seminars, teaching, research, and publication.

Civil Society

Africa Freedom of Information Centre (AFIC)

The Africa Freedom of Information Centre is Africa's largest civil society umbrella organization and resource center promoting the right of access to information in Africa. It has a membership of 39 CSO members, has Observer status with the African Commission on Human and Peoples' Rights, and sits on the Joint CSO Steering Committee of the Africa-EU Partnership on human rights and democratic governance. AFIC is a champion of open government and open contracting in Africa.

Transparency International Uganda (TIU)

Transparency International Uganda works to create a Uganda free of corruption and its effects. It has national jurisdiction and promotes good governance (transparency, integrity, and accountability) with a specific emphasis on health, education, water, private sector, extractive industry, and political corruption.

Pro-biodiversity Conservationists in Uganda (PROBICOU)

PROBICOU promotes the right to a clean and healthy environment and ensures the participation of the communities in the conservation and sustainable utilization of natural resources. PROBICOU is currently the NGO focal-point organization for the Strategic Approach to International Chemicals Management (SAICM) in Uganda, a member of the national steering committee on persistent organic pollutants (PoPs), and a member of the national steering committee on the elimination of child labor in agriculture in Uganda.

Global Rights Alert (GRA)

GRA promotes good governance in Uganda's natural resources sector, encompassing oil, gas, metallic minerals, land, forests, water bodies, as well as flora and fauna: http://www.globalrightsalert.org/.

Africa Centre for Energy and Minerals Policy (ACEMP)

ACEMP promotes sustainable development of natural resources through research, policy analysis, communication, and engagement with government ministries and agencies, Parliament, the me-

dia, members of civil society, the private sector, academia, resource-rich host communities, and the international community in order to share acceptable industry best practices across the entire extractive industries value chain: http://www.acemp.org/.

Africa Centre for Media Excellence (ACME)
The African Centre for Media Excellence is a nonprofit professional organization that is committed to excellence in journalism and mass communication in Africa. Its main goal is to make the media a more effective platform for the provision of information on public affairs, a tool for monitoring official power, and a forum for vibrant public debate: http://acme-ug.org/.

Anticorruption Coalition Uganda (ACCU)
Anticorruption Coalition Uganda (ACCU) brings together its sub-national chapters in the fight against corruption: http://accu.or.ug. ACCU is an active campaign for transparency of public affairs in general and contracts in particular. The organization is part of several civil society initiatives that promote citizen monitoring of public contracts in Uganda.

Uganda Road Sector Support Initiative (URSSI)
Uganda Road Sector Support Initiative (URSSI) is an NGO that promotes coherent and timely development and planning of road transport and urban development in Uganda with particular emphasis on roads, municipal planning, and sustainable transport management both in rural and urban areas (http://ugandaroadsector.org). URSSI actively promotes transparency and accountability in the roads subsector.

Uganda Debt Network
Uganda Debt Network (UDN) promotes and advocates for poor and marginalized people to participate in influencing poverty-focused policies, demand their rights, and monitor service delivery to ensure prudent, accountable, and transparent resource generation and utilization: http://www.udn.or.ug.

ActionAid
ActionAid focuses on defending and raising awareness of human rights—be they economic, social, cultural, civil, or political. ActionAid Uganda is an active player in supporting civil society initiatives to promote transparency and accountability in Uganda. These initiatives include the Monday campaign, which focuses on exposing and addressing corruption in the public institutions in Uganda.

Uganda National NGO Forum
Uganda National NGO Forum is an independent and inclusive national platform for NGOs in Uganda: http://ngoforum.or.ug. Among the platforms UNNGOF runs is one on social accountability where various NGOS share experiences and strategies on social accountability in Uganda.

Advocate Coalition on Development and Environment (ACODE)
ACODE is an independent public policy research and advocacy think tank registered in Uganda with operations in eastern and southern Africa. Through action, ACODE motivates people to demand for responsible government, accountability in leadership, and better governance: http://www.acode-u.org/.

ACODE hosts civil society on oil and gas in Uganda, a coalition that seeks to promote transparency and citizen participation in the sector. It also runs a program on the local government score card where citizens assess the performance of local governments on various governance issues.

Human Rights Network (HURINET)
HURINET brings together 53 organizations that are committed to the promotionof human rights in Uganda: https://hurinet.or.ug/hurinet-u/. HURINET is the convenor of the health cluster within the Uganda Contracts Monitoring Coalition. The cluster monitors contracts and services in the health sector.

Media

The New Vision Printing & Publishing Company Limited, also referred to as the New Vision Group www.newvision.co.ug/.

The government-owned New Vision Group owns a number of print newspaper, radio stations, and televisions. It plays a key role in open contracting. Request for bids, tender information, expression of interests, and all the other open contracting information are published or televised by the group.

The Daily Monitor Publications
It publishes key open contracting information. It is a private company and free from government influence: www.monitor.co.ug/.

Uganda Radio Network
Uganda Radio Network (URN) is Uganda's leading news agency. URN is trusted for breaking news fast and accurately. URN continues to lead and be trusted as the news source for a diverse range of clients that include radio stations, print newspapers, researchers, and media training institutions: http://ugandaradionetwork.com/.

Private Sector

Uganda National Chamber of Commerce
The Uganda National Chamber of Commerce and Industry is focused on enhancing business opportunities by ensuring that members take advantage of business opportunities locally, regionally, and internationally. The chamber is a nationwide umbrella organization for the private sector: http://www.chamberuganda.com/news/presidents-message/.

Hive Colab
Hive Colab is an innovation and incubation hub, a collaborative co-working space for Uganda's business and tech community that could potentially enhance open contracting practices: http://hivecolab.org/.

Development Partners

Democratic Governance Facility
The Democratic Governance Facility (DGF) was established by Austria, Denmark, Ireland, the Netherlands, Norway, Sweden, the United Kingdom, and the European Union. DGF supports state and non-state partners to strengthen democratization, protect human rights, improve access to justice, and enhance accountability in Uganda.

The World Bank
World Bank is one of the big donors in the country, supporting projects in a wide range of areas including health, education, energy, agriculture, and infrastructure, among others.

The World Bank through the World Bank Institute pioneered open contracting in Uganda and the region through support to the Uganda Contracts Monitoring Coalition. At a global level, the World Bank and agencies like Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) played a key role in standard setting on open contracting. The World Bank, through the Global Partnership on Social Accountability (GPSA), funds AFIC and UCMC to monitor public contracts in Uganda. The World Bank recently announced that citizen engagement will be part of all the bank's operations.

Open Society Initiative for Eastern Africa (OSIEA)
The Open Society Initiative for Eastern Africa (OSIEA) works through two strategic priority areas critical

to addressing open society challenges in the region: 1) participation of citizens and 2) human rights. Although OSIEA does not support anything specific on open contracting, the organization funds a number of civil society initiatives on social accountability, access to information, and human rights.

Oxfam Novib
Oxfam Novib concentrates on three regions in the north—West Nile, Acholi, and Lango—where it supports the right to sustainable livelihoods, the right to basic social services, and the right to social and political participation. Oxfam partners with organizations like AFIC, CSBAG, and SEATIN in promoting social accountability in Uganda.

Infomediaries and Infomediary Networks

This study has already discussed infomediaries like AFrica Freedom of Information Centre, ACME, Transparency International Uganda, HURINET and PROBICOU. Other infomediaries include:

Public Accounts Committee (PAC)
It is mandated to examine the audited accounts showing the appropriation of the funds granted by the Parliament to meet the public expenditure of government. Membership comprises 20 members designated by political party whips on the basis of proportional party membership, taking into consideration the interests of independent members. PAC is chaired and deputized by members of the official opposition party or organization.

Uganda National NGO Forum
Uganda National NGO Forum is an independent and inclusive national platform for NGOs in Uganda: http://ngoforum.or.ug.

Advocate Coalition on Development and Environment (ACODE)
ACODE is an independent public policy research and advocacy think tank registered in Uganda with operations in eastern and southern Africa. Through action, ACODE motivates people to demand for responsible government, accountability in leadership, and better governance: http://www.acode-u.org/.

There are networks that work with matters directly or indirectly related to open contracting. These networks are directly connected to public contracting. Most have a significant role in the system of public contracting and have a stance toward open contracting.

Uganda Contracts Monitoring Coalition (UCMC)
The Uganda Contracts Monitoring Coalition (UCMC) is a nonpartisan, multi-stakeholder initiative established to promote contract performance through transparency, participatory approaches, and accountability in the planning, bidding, awarding, implementing, monitoring, and evaluating of contracts.

UCMC was initiated in 2010 as a multi-stakeholder grouping of CSOs, public- and private-sector actors, the media, and other stakeholders with an aim of enhancing delivery of public services through effective monitoring of public procurement and contracts. UCMC works to promote disclosure and citizen participation in public contracting. The coalition aspires to transform the quality of life of the majority of Ugandans by promoting value for money, reducing corruption, and improving service delivery. The coalition is committed to promoting performance and value for money in the design, execution, and monitoring of the performance of contracts. It has a total of 28 civil society members. Over the last six years, the UCMC has organized itself into six thematic areas, known as clusters: these are education, health, works and transport, water and environment, agriculture, and energy and extractives. Each member organization is required to belong to no more than two clusters.

Institute of Procurement Professionals of Uganda (IPPU)
The institute is a professional body that brings together both public- and private-sector procurement professionals in Uganda. It prescribes and regulates the practice and conduct of members of the procurement profession, and it promotes procurement professional standards in Uganda.

Civil Society Budget Advocacy Group (CSBAG)
CSBAG is a loose coalition of organizations promoting citizen monitoring of the budget in Uganda. CSBAG's opinions on budget are respected by a wide spectrum of stakeholders in government, civil society, and the private sector.

PPDA Cadres Forum
The Public Procurement & Disposal of Public Assets Authority (PPDA) has held the ninth Procurement Cadre Forum for Central Government Entities under the theme: "Improving Performance in Public Procurement and Disposal by the Amended PPDA Act 2003." PPDA regularly holds the forum, which brings together public procurement professionals from different government entities.

Construction Sector Transparency Initiative
CoST is a country-centered initiative that drives better value from infrastructure by increasing transparency and accountability in its delivery.

Currently Ongoing Initiatives

In Uganda there is an existing focus on specific current public matters that capture the public eye and particular attention from CSOs and the media. These require intensified open contracting interventions. For example, the ongoing projects related to the oil and gas sector require urgent attention.

Standard Gauge Railway Project
As a way to contribute to the fulfilment of the National Development Plan (NDP) 2010/112014/15 and Uganda Vision 2040, the government of Uganda, through the Ministry of Works and Transport, is spearheading the development of a standard gauge railway (SGR) network in order to raise the country's competitiveness, reduce the cost of doing business, and foster a faster socio-economic transformation of Uganda from a low-income economy to a high middle-income economy by 2040. The SGR will be a modern, high-capacity railway system that is efficient, reliable, safe, and affordable for both freight and passengers.

The works and transport sector in Uganda was allocated UGX 3.6 trillion in the new budget, half of which is going to the development of this ambitious SGR project.

These projects are mandated to follow the procurement regulations as set by PPDA, which is also enforcing transparency in all government procurement processes. In the design, over 20 public information sites have been planned where information about the project will be displayed.

The project is being implemented as a regional project. Partner states include: Kenya, Rwanda, and South Sudan. The countries agreed to use a uniform standard specification, but each country will construct their sections. The network will stretch from Mombasa through Nairobi to Kampala, Kigali, and Juba.

Construction of an Oil Refinery in Uganda

Uganda has been discussing plans for a refinery for about seven years. It would process some oil from fields it is developing, although most crude would be exported. Government plans to begin construction of a refinery have been delayed repeatedly by spats with oil companies over whether a refinery is necessary and by a protracted tendering process. "Tanzania has offered to take its full share of the eight percent offered in the refinery," Irene Muloni, Uganda's energy minister, told Reuters on the sidelines of a conference. She said she was awaiting written confirmation. The $2.5 billion project is to be developed as a public-private partnership.

It's a public project that will involve vast sums of money all through the procurement and contracting processes, hence the need for openness at every stage to ensure better service delivery to the citizenry.

Last year, the government picked a consortium led by Russian firm RT-Global Resources to acquire a majority stake, develop, and operate the plant. The Ugandan government has previously said the private developer would acquire 60 percent, with 40 percent shared between regional states.

Construction and Upgrading of Health Infrastructure and Services

There are a number of ongoing and upcoming projects in the Ministry of Health to improve and expand health facilities across the country. Ongoing initiatives include the Specialized Maternal & Neonatal Health Care Unit in Mulago Hospital, the East Africa Public Health Laboratory Networking Project (EAPHLNP), the Uganda Sanitation Fund (USF), the Improvement of Health Services Delivery at Mulago Hospital & the City of Kampala Project (MKCCAP), the Uganda Cancer Institute, Institutional Support to Ministry of Health, and the construction of general hospitals.

Additional upcoming projects include the rehabilitation of Kawolo and Busolowe hospitals, Italian support to Karamoja subregion, and institutional capacity building (phase 2).

Ministry of Education and Sports

Funded through the Global Partnership for Education, the Uganda Teacher and Educational Institutions Effectiveness Project aims to improve teaching and facilities in over 2,050 schools across the country.

About five years ago, the Commission of Inquiry into Corruption in the education sector revealed high levels of corruption and systematic secrecy in the management of the education sector. The scale and importance of this project necessitates active disclosure and citizen participation throughout the process.

SECTION IV: RECOMMENDATIONS

Policy

1. The political leadership at the top level—especially the presidency and the Ministry of Finance Planning and Economic Development—should publicly support open contracting and follow through with concrete steps toward implementing an open contracting program. Support should translate into real action.

2. The government must commit to supporting key public data-holding agencies, helping them streamline open contracting. At the institutional level, policies and guidelines should be developed to guide open contracting and information dissemination.

3. The government must also commitment to join partnerships that completely or partially embrace open contracting. For example, Uganda should join the Open Government Partnership (OGP) and commit to a comprehensive set of actions to open up public information.

4. Government ministries and departments are already promoting open contracting and publishing data for various purposes using a variety of approaches. However, there is often little uniformity in how the government is making open contracting information available, and there is no uniform policy to define and guide the process. The government has the essential institutional elements necessary to promote open contracting, but there is a need to streamline open contracting in existing policies and laws and to strengthen existing interagency coordination. Strengthening existing interagency coordination will not only help in coordinating policies and activities for open contracting but will also provide for a harmonized approach for increasing participation and data-user engagement.

5. Conduct a full due diligence review of existing policies relevant to open contracting to identify gaps and inconsistencies.

Legal Environment

1. Government departments in partnership with civil society groups should create awareness on existing legislation and laws, such as the Access to Information Act (2005,) that empower citizens to access information.

2. Inconsistent laws, such as the Official Secrets Act, should be amended to bring them in line with the requirements of increased transparency and openness by public bodies.

3. The government should develop a pilot program(s) aimed at changing attitudes of public officers in primary sectors of the economy on providing information to the public. Having in place a government portal that collects and processes information would be a step in the right direction.

4. Government departments should make mandatory information disclosures as required by the Access to Information Act (2005) and should file their annual compliance reports as demanded by this legislation. The government should promote accessibility to open contracting data for special groups, such as the deaf and visually disabled, including language options for content and access.

5. The government should focus on the publication of a select number of high-value data sets for initial release. These datasets will be determined by the open data working group and aligned with the government's goals of improving performance management and service delivery. Possibilities include datasets from the Government Annual Performance Report and the Open Budgets Portal, along with several open contracting datasets held by different government agencies.

Institutional Arrangements

1. Many governments are shifting to e-procurement and standardized contracting documents to provide a simple, secure, and efficient means to manage the entire procurement process online. Uganda should also embrace e-procurement. E-procurement portals, though not usually designed explicitly for transparency purposes, often disclose contract amounts; names of companies, contractors, and vendors; purpose of the contract including location and deliverables; and names of debarred firms. E-procurement has been shown to be a cost-effective way of implementing transparency, and has

improved value for money and participation of small- and medium-sized enterprises in public contracting. This digitization also reduces potential disclosure obstacles as documents are already in digital form and are organized with metadata. Where e-procurement and other portals exist, few provide open access to raw contracting data, and some are password protected for contractors.

2. The government needs to work on issues of accessibility to lower the cost of internet access. Most government websites have some data that can be accessed; however, with the exception of Ministry of Finance Planning and Economic Development (that has data in open format), a large amount of it is not in a reusable state. The government should therefore aim to turn its websites into open government data dissemination tools that enable and facilitate access to information and data.

3. The government should also use open data formats that are machine readable and allow computer applications to extract data from them. Excel format is an example of an open format because one can manipulate it. PDF formats are not open and as such not machine readable, although they are the most used format to disseminate data over the web.

4. There is a need for functional, interactive websites that facilitate two-way communication between the government and citizens. Interactive websites should enable a bottom-up approach that allows citizens to influence reforms.

5. Increase training for government staff in ICT and e-procurement.

Technical Environment

1. The country still has weak legislation pertaining to the ICT industry. Laws related to intellectual property rights, data security, privacy, data protection, and cyber crimes are still in their infancy, and their enforcement is poor. There is an urgent need to complete the new laws and legislation, and review related laws such as the Access to Information Act 2005. It is also important to harmonize these laws with policies such as the Information Management Services (IMS), Policy Draft-Data Protection and Privacy Bill, the National Information Technology Authority Uganda (E-Government) Regulations, 2014, Electronic Signatures Regulations (Statutory Instrument No. 43 of 2013), and Electronic Transactions Regulations (Statutory Instrument No. 42 of 2013).

2. The National Information Technology Authority of Uganda (NITA-U) has developed the interoperability framework and roadmap for the next five years. The roadmap recognizes that currently government systems are scattered, with each government entity running independent IT infrastructures and systems. There should be a deliberate effort to put in place government systems that share IT infrastructure services and interoperable systems in all government entities.

3. Although the Access to Information Act and other related laws exist, they have not yet been maximally utilized because of challenges associated with dissemination and use of information. Hence, there is need to build capacity for increased information access. Building capacity requires concerted efforts, ranging from empowering citizens to exercise their rights to handling information more effectively to developing human resources and enhancing institutional capacity.

4. In order to have a well-managed process, it is important to have in place procedures and processes for archiving and disseminating information on open contracting. This calls for a strategy to ensure that this is done in an appropriate manner.

User Engagement

1. Current and potential initiatives to reuse information by the private sector should be publicized

to make the benefits of opening up data stronger.

2. There is a need to initiate dialogue among various stakeholders about the importance of sharing information and its benefits to the public.

3. There needs to be research to establish citizens' information needs and barriers to information use and reuse.

4. There should be public-private partnerships to encourage innovation. This will lead to ventures for the worthwhile reuse, redistribution, and universal participation in open data standards such as applications development and an e-services provision.

5. In order to promote transparency and accountability of in government, the public needs to have ownership of public-contracting processes like needs assessments, project conception, contract execution, and eventual service delivery. This would insure informed participation. Informed participation also requires the development and adoption of open contracting data standards so that contracting information is uniformly presented and processed better across various stakeholder groups involved in contracting. This would lead to public accountability and what is often referred to as legitimate performance.

6. Besides the obligation to engage in constructive dialogue with civil society over public-contracting processes, government should also allow for, design, and pass legislation that enables proactive disclosure of the entire public-contracting process and the participation of civil society in this process. Practically, this requires the government to adopt policies that enable the following:
   (a) Increase the number of contracts that are publicly disclosed;
   (b) Improve the quality of publicly available information on contracting;
   (c) Enhance accessibility to contracting data;
   (d) Increase the strategic use of contracting data;
   (e) Increase opportunities and mechanisms for participation in all phases of public contracting;
   (f) Increase the number of citizens participating in contracting processes;
   (g) Ensure more timely and effective follow-up actions based on citizen monitoring feedback; and
   (h) Ensure more and better equipped champions promoting open contracting.

Support for Current Efforts

1. Through the inclusion of public information centers in the design of the standard gauge railway and oil pipeline, the Ministry of Works and Transport (MoWT) has expressed willingness to increase disclosure. This provides an important opportunity for citizen and multi-stakeholder initiatives like UCMC and CoST Uganda to collaborate with MoWT to implement open contracting initiatives. Support for these initiatives around this is recommended.

2. The Ministry of Health recently informed AFIC and Transparency International that it welcomes civil society to monitor construction of infrastructure, the supply of equipment, and delivery of services. Indeed, AFIC and TIU are developing a citizen tool to monitor these aspects. Support for work around this area should be considered.

3. The Ministry of Education is already welcoming civil society to monitor the World Bank/Global Partnership for Education project. Yet civil society lacks the necessary resources to execute this call. Consideration should be made to support open contracting in the education sector, with a special focus on the GPA project.

4. PPDA has specified in its strategic plan that it would promote civil society monitoring of public contracts, and civil society should receive support in this endeavor.

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ENDNOTES

1 - http://www.opencontracting.org/data%C2%ADstandard%C2%ADannouncement.

2 - http://www.open-contracting.org/steeringgroup.

3 - https://www.hivos.nl/.

4 - http://www.opengovguide.com/topics/public-contracting/.

5 - M. Martini, "Uganda: Overview of Corruption and Anti-Corruption," U4 Anti-Corruption Resource Centre (2012).

6 - Ibid. (2012), p. 6.

7 - Ibid. (2012), p. 6.

8 - Ibid. (2012), p. 6.

9 - Declarations should be filled upon taking office, annually, and upon leaving office, and should include information on assets, liabilities, and income items. These declarations are made publicly available, but not always timely.

10 - Martini (2012), p. 7.

11 - Martini (2012), p. 7.

12 - The IAF provides for a platform where different government agencies can exchange information and lessons learned with regards to the design and implementation of anti-corruption strategies.

13 - Martini (2012).

14 - Global Integrity, *Global Integrity Report* (2012).

15 - Open Society Foundations (2011).

16 - See recent presidential inauguration speech on 12 May 2016.

17 - Uganda Bureau of Statistics Act 1998, http://unstats.un.org/unsd/dnss/docViewer.aspx?docID=364#start, provides for confidentiality of data and also specifies that data are only disseminated in aggregate form.

18 - The National Information Technology Authority Act of 2009 includes confidentiality provisions nearly identical to those found in the UBoS Act.

19 - Art.29 (1), 38 (1o), 41(1), 237(2b).

20 - S.2 (1), S.2 (3a) S.5, S.37, S.44, and S.45.

21 - S.5, S.6, S.41 (2), S.45, S.53, S.50 (2b), and S.87.

22 - S.4 (2), S.47 (5), S.47 (6).

23 - S.8, S.12, S.14, S.74, S.75, and S.76.

24 - See Section 74 of the Petroleum (Refining, Conversion, Transmission and Mid-stream Storage) Act of 2013.

25 - PPDA strategic plan under Section 1.7 provides for third-party contract monitoring.

26 - Regular community/civic engagement meetings to discuss public matters including management of public projects.

27 - Ministry of Defence www.defence.go.ug.

28 - Ministry of Foreign Affairs www.mofa.go.ug.

29 - Kampala Capital City Authority www.kcca.go.ug/.

30 - Ministry of Trade, Industry and Cooperatives www.mtic.go.ug/index.php?/procurement-notices/.

31 - See World Economic Forum (2010), which surveyed 13 countries in three regions and found that "lack of government capacity to ensure compliance through contract monitoring and implementation/enforcement is a frequently cited problem." For example, while a recent mineral-backed infrastructure agreement between the Democratic Republic of Congo and a consortium of Chinese companies contained a commitment to hire external monitoring of the performance of the contract, insufficient funds were allocated [Smith (2011) p.16].

32 - Human Rights Watch (2013).

33 - Public Affairs Centre (2011).

34 - See https://ppda.go.ug/administrative-reviews.

35 - https://ppda.go.ug/empowering-the-young-generation-to-fight-corruption/.