



E-Bulletin



P u b l i c P r o c u r e m e n t A u t h o r i t y

ACT 914: WHAT IS EXPECTED OF ENTITY TENDER COMMITTEES AND FUNCTIONAL PROCUREMENT UNITS

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Tuesday, the 11th of May, 2016 marked a very historic and memorable day among the Public Procurement fraternity in Ghana and beyond. This was the day the Public Procurement (Amendment) Act, 2016 (Act 914) received Presidential assent following its enactment by the Parliament of Ghana. For us, the passage of this Amendment Act has a semblance of the two-faced *Janus* god of Roman mythology representing the end of a rather long wait for an amendment act (*after almost a decade of implementation with the Act 663*) which could not have come at a better time, and also the ushering in of a new dawn for more reforms and the injection of a new wave of dynamism into Ghana's Public Procurement System.

The Amendment Act which became operational on 1st July, 2016, principally seeks to address some of the identified weaknesses of

its principal enactment relating to the Categorisation of Entities, the Approval Thresholds, Composition of Entity Tender Committees and the need to clarify and harmonise their functions in order to minimize delays and reduce administrative costs. Consequently, the Amendments addressed almost half (58 out of the 99 sections-mainly a re-enactment of the Part-Two) of the Public Procurement Act, 2003 (Act 663) and also make further provisions for decentralised procurement. It is however important to stress that, the Public Procurement (Amendment) Act 2016 (Act 914) has not repealed its principal enactment and will therefore be applied alongside the Public Procurement Act 2003, Act 663

Highlights of the Amendments include Revised Approval Thresholds, Re-Constitution of Entity Tender Committees, Dissolution of District and Ministerial Tender Review Boards,

(Continued on page 7)

Online Activities

List of entities that have submitted their 2016 Procurement Plans Online As At August 31 , 2016

- | | |
|---|---|
| 1. Abor Senior High School | 70. Fisheries Commission |
| 2. Accra Polytechnic | 71. Foods and Drugs Board |
| 3. Accra College of Education | 72. Forestry Commission |
| 4. Adiembra Senior High School | 73. Ga South Municipal Assembly |
| 5. Adisadel College | 74. Ghana Academy of Arts And Sciences |
| 6. Aduman Senior High School | 75. Ghana Aids Commission |
| 7. Afadzato South District Assembly | 76. Ghana Airports Company Limited |
| 8. Agona West Municipal Assembly | 77. Ghana Atomic Energy Commission |
| 9. Achantaman Senior High School | 78. Ghana Audit Service |
| 10. Akatsi South District Assembly | 79. Ghana Book Development Council |
| 11. Akatsi College of Education | 80. Ghana Broadcasting Corporation |
| 12. Akim Oda Government Hospital | 81. Ghana Civil Aviation Authority |
| 13. Akokoaso Day Senior High School | 82. Ghana Cocoa Board |
| 14. Akontombra Sen. Senior High School | 83. Ghana College of Physicians and Surgeons |
| 15. Akrokerri College of Education | 84. Ghana Cylinder Manufacturing Company Limited |
| 16. Akuse Government Hospital | 85. Ghana Education Service |
| 17. Akwapim South Municipal Assembly | 86. Ghana Free Zones Board |
| 18. Ankafu Psychiatric Hospital | 87. Ghana Grid Company Ltd. |
| 19. Asante Akim Central Municipal | 88. Ghana Health Service |
| 20. Asare Bediako Senior High School | 89. Ghana Highway Authority |
| 21. Asokore Mampong Municipal Assembly | 90. Ghana Immigration Service |
| 22. Asonomaso district Hospital | 91. Ghana Institute of Journalism |
| 23. Assin Manso Senior High School | 92. Ghana Institute of Management And Public Administration |
| 24. Asuansi Technical Institute | 93. Ghana Investment Fund For Electronic Communications |
| 25. Atebubu College of Education | 94. Ghana Investment Promotion Council |
| 26. Atebutu Senior High School | 95. Ghana Library Board |
| 27. Ayirebi Senior High School | 96. Ghana National Fire Service |
| 28. Baidoo Bonsoe Senior High Technical School | 97. Ghana National Gas Company |
| 29. Bank of Ghana | 98. Ghana National Petroleum Corporation |
| 30. Benso Senior High Technical School | 99. Ghana National Senior High School |
| 31. Bia East District Assembly | 100. Ghana Police Service |
| 32. Bodi District Assembly | 101. Ghana Ports And Harbours Authority |
| 33. Bolgatanga Municipal Assembly | 102. Ghana Prisons Service |
| 34. Bolgatanga Polytechnic | 103. Ghana Railway Development Authority |
| 35. Bompeh Day Senior High Technical School | 104. Ghana Reinsurance Company Ltd |
| 36. Breman Asikuma Senior High School | 105. Ghana Revenue Authority |
| 37. Bulk Oil Storage and Transportation | 106. Ghana School of Law |
| 38. Cape Coast Metropolitan Assembly | 107. Ghana Shippers Authority |
| 39. Cape Coast Nursing and Midwifery Training College | 108. Ghana Standards Authority |
| 40. Central- Regional Co-ordinating Council | 109. Ghana Tourist Board |
| 41. Centre for Scientific Research Into Plant Medicine | 110. Ghana Water Company Limited |
| 42. Chiana Senior High School | 111. Ghana-India Kofi Annan Center of Excellence |
| 43. Cocoa Marketing Company (Ghana) Limited | 112. Gomaa East District Assembly |
| 44. College of Health Sciences | 113. Gomaa West District Assembly |
| 45. Community Health Nurses Training School - Tamale | 114. Grains And Legumes Development Board |
| 46. Controller And Accountant General Department | 115. Half Assini Senior High School |
| 47. Copyright Administration | 116. Ho Municipal Assembly |
| 48. Council for Law Reporting | 117. Ho Polytechnic |
| 49. Council for Scientific and Industrial Research | 118. Holy Child College of Education |
| 50. Council for Technical and Vocational Education and Training | 119. Internal Audit Agency |
| 51. Council of State | 120. Judicial Service |
| 52. Dabobase Senior High Technical School | 121. Ketu District Hospital |
| 53. Department Of Urban Roads | 122. Ketu North District Assembly |
| 54. District Assembly Common fund | 123. Ketu South District Assembly |
| 55. Driver and Vehicle Licensing Authority | 124. Kibi Government Hospital |
| 56. Dunkwa Senior High Technical School | 125. Kintampo North Municipal Assembly |
| 57. Economic and Organised Crime Office | 126. Koforidua General Hospital |
| 58. Effa Nkwanta Regional Hospital | 127. Komenda/ Edina/ Eguafu /Abirem Municipal Assembly |
| 59. Effutu Municipal Assembly | 128. Komfo Anokye Teaching Hospital |
| 60. Ekumfi District Assembly | 129. Konongo Odumase Senior High School |
| 61. Electoral Commission | 130. Korle bu Teaching Hospital |
| 62. Ellembele District Assembly | 131. Krachi West District Assembly |
| 63. Enchi District Hospital | 132. Krachi West District Hospital |
| 64. Energy Commission | 133. Kumasi Senior High School |
| 65. Environmental Protection Agency | 134. Kumasi Polytechnic |
| 66. Enyan Denkyira Senior High Technical School | 135. Kwaebibrem District Assembly |
| 67. Essikadu District Hospital | 136. La General Hospital |
| 68. Fantekwa District Assembly | 137. Lands Commission |
| 69. Fiaseman Senior High School | 138. Local Government Service Secretariat |



139. Management Development And Productivity Institute
140. Mankesim Senior High Technical School
141. Maternal and Child Health Hospital
142. Mfantisiman Girls Senior High School
143. Minerals Commission
144. Ministry Of Education
145. Ministry Of Employment And Labour Relations
146. Ministry Of Finance And Economic Planning
147. Ministry Of Fisheries And Aquaculture Development
148. Ministry Of Foreign Affairs And Regional Integration
149. Ministry Of Gender Children And Social Protection
150. Ministry Of Health
151. Ministry Of Lands And Natural Recourses
152. Ministry Of Local Government And Rural Development
153. Ministry Of Power
154. Ministry Of Roads And Highways
155. Ministry Of The Interior
156. Ministry Of Tourism Culture And Creative Arts
157. Ministry Of Trade and Industry
158. Ministry Of Transport
159. Ministry Of Water Resources, Works And Housing
160. Ministry Of Youth And Sports
161. Mpasatia Senior High Technical School
162. Mpohor District Assembly
163. Mpohor Senior High School
164. Namong Senior High School
165. Nanumba North District Assembly
166. Narcotics Control Board
167. National Accreditation Board
168. National Board for Professional And Technical Examinations
169. National Commission For Civic Education
170. National Communication Authority
171. National Council for Tertiary Education
172. National Development Planning Commission
173. National Film and Television Institute
174. National Health Insurance Authority
175. National Information Technology Agency
176. National Labour Commission
177. National Lottery Authority
178. National Pensions Regulatory Authority
179. National Petroleum Authority
180. National Road Safety Commission
181. National Service Secretariat
182. National Sports College
183. National Vocational Training Institute
184. Navrongo Community Health Nurses Training College
185. New Times Corporation
186. Nkroful Agric. Senior High School
187. Non Formal Education Division
188. North Tongu District Assembly
189. Northern Electricity Distribution Company
190. Notre Dame Sem/Senior High School
191. Nsaba-Presby Senior High School
192. Nsawam Government Hospital
193. Nurses and Midwifery Training College - Sekondi
194. Nursing and Midwifery Council of Ghana
195. Nursing and Midwifery Training College - Koforidua
196. Nyakrom Day Senior High School
197. O'relly Senior High School
198. Obuasi District Hospital
199. Office of the Head of Civil Service
200. Office Of The President - Main
201. Office of the Regional Health Directorate – Ashanti Region
202. Office of the Regional Health Directorate – Central Region
203. Office of the Regional Health Directorate – Eastern Region
204. Office of the Regional Health Directorate – Northern Region
205. Office of the Regional Health Directorate – Upper West Region
206. Office of the Regional Health Directorate – Western
207. Offinso College of Education
208. Ola College of Education
209. Opoku Ware Senior High School
210. Parliament
211. Peki Senior High Technical School
212. Petroleum Commission
213. Pharmacy Council
214. Potsin T.I. Ahd. Senior High School
215. Prempeh College
216. Presby College of Education - Akropong
217. Presby Senior High School. - Legon
218. Presby Womens College of Education- Aburi
219. Prestea District Hospital
220. Public Financial Management Reform Project (PFMRP)
221. Public Procurement Authority
222. Public Service Commission
223. Public Utilities Regulatory Commission
224. Registrar Generals Department
225. Savannah Accelerated Development Authority
226. School of Medicine and Dentistry
227. Securities and Exchange Commission
228. Sefwi Wiawso Senior High School
229. Sekondi-Takoradi Metropolitan Assembly
230. Sene
231. Shama District Assembly
232. SIC Life Company Limited
233. Social Security and National Insurance Trust (SSNIT)
234. Sogakope District Hospital
235. St. Augustine's College
236. St. Joseph's College of Education
237. St. Martin's Senior High School
238. St. Martins Senior High School
239. St. Mary's Boys Senior High School.
240. St. Monica Training College
241. St. Theresas Hospital - Nandom
242. Students Loan Trust Fund
243. Suaman District Assembly
244. Suhum Government Hospital
245. Suhum Municipal Assembly
246. Sunyani Polytechnic
247. Sunyani Senior High School
248. Sunyani West District Assembly
249. T.J. Ahm. Senior High School
250. Takoradi district Hospital
251. Takoradi Polytechnic
252. Tamale Polytechnic
253. Tamale Teaching Hospital
254. Tarkwa Nsuaem Municipal Assembly
255. Tarkwa Senior High School
256. Techiman Municipal Assembly
257. Tema Development Corporation
258. Tema Metropolitan Assembly
259. Tepa District Hospital
260. Tepa Senior High School
261. University For Development Studies
262. University Of Cape Coast (UCC)
263. University of Energy and Natural Resource
264. University Of Ghana (UG)
265. University of Ghana Business School (UGBS)
266. University of Health and Allied Sciences
267. University of Mines -Tarkwa
268. University of Professional Studies Accra
269. University Of Science And Technology (KNUST)
270. Upper Denkyira East Municipal Assembly
271. Uthman Bin Afan Senior High School
272. Volta River Authority
273. Wa East District Assembly
274. Wa General Hospital
275. Wa Polytechnic
276. Wesley Girls Senior High School
277. West Akim Municipal Assembly
278. West Mamprusi District Assembly
279. Wiawso College of Education
280. Youth Employment Agency



Public Procurement (Amendment) Act 2016, Act 914 – Re-Categorizing Of Entities



In March, 2016, Parliament passed amendment to the Public Procurement Act 2013, (Act 663). The amended Act, Public Procurement (Amendment) Act 2016, Act 914 came into effect on 1st July, 2016.

Having implemented Act 663 for the past 12 years, lessons learnt, observations, stakeholder interactions and activities by the Public Procurement Authority (PPA) among others served as input to the amended Act. One of the major highlights of the of the amendment Act, is the re-categorizing of Public Procuring Entities.

In Act 663, entities with respect to ETC compositions were done in groups, (Ref. Schedule 1, Section 17) namely;

- ⇒ Central Management Agency/ Ministry/ Subvented Agency
- ⇒ Regional Co-ordinating Councils
- ⇒ Metropolitan/Municipal/District
- ⇒ State Enterprises
- ⇒ Tertiary Institutions
- ⇒ College /School
- ⇒ Hospital/Health Institution
- ⇒ Bank of Ghana or Financial Institutions

New groupings referred to as re-categorization was

primarily informed by functions and spending levels of these entities. These spending levels have given rise to the new thresholds applicable to each category. Entities are now grouped into 6 categories as below;

- A - Special Constitutional Bodies
- B - CMAs, Ministries, SOEs, RCC
- C - Teaching Hospitals & Tertiary Educational Institutions
- D - Regional Hospitals & Colleges
- E - District Hospitals, Second Cycle schools
- F - Metropolitan, Municipal & District Assemblies

Full draft list of entity re-categorization is available on the PPA Website. See link below.

http://www.ppaghana.org/Documents/Draft_Entity_Categorization_30-06-2016.pdf

All Procurement Entities are hereby entreated to check its placement on the draft Re-Categorization Table. If there is a problem with your placement, please bring it to the attention of the PPA as soon as practicable for the necessary action to be taken.

Thomas K. Bondzi
Principal IT Officer
PPA

General And Specific Provisions on the Functions of an Entity Tender Committee –

Extract From The Public Procurement (Amendment) Act, 2016 (Act 914)



General Provisions On The Functions Of An Entity Tender Committee

20A. (1) An entity tender committee shall

- (a) ensure that at each stage of procurement activity, procedures prescribed in this Act have been followed;
- (b) work within the threshold limits specified in the Second Schedule and the method thresholds specified in the Fifth Schedule;
- (c) exercise sound judgment in making procurement decisions; and
- (d) review and refer to the central tender review committee for concurrent approval, procurement above the entity tender committee's threshold, that has been duly
 - (i) processed by the procurement unit; and
 - (ii) evaluated by the appropriate evaluation panel constituted by the head of entity.

(2) The chairpersons and members of an entity tender committee and a tender review committee may delegate their functions in writing.

Functions Of Specific Entity Tender Committees

20B. (1) An entity tender committee of a central management agency, ministry, department and subvented agency shall

- (a) review and approve annual procurement plans and quarterly updates of procurement plans in order to ensure that they support the objectives and operations of the entity;
- (b) confirm the range of acceptable costs of items to be procured and match these with the available funds in the approved budget of the entity;
- (c) review the schedules of procurement and specifications and ensure that the procurement procedures to be followed are in strict conformity with the provisions of this Act, the Regulations and guidelines made under this Act;

- (d) ensure that the necessary concurrent approval is obtained from the appropriate tender review committee where applicable, as specified in the Second Schedule;
 - (e) facilitate contract administration and ensure compliance with reporting requirements under this Act; and
 - (f) assist the head of entity to ensure that stores, vehicles and equipment are disposed of in accordance with this Act.
- (2) An entity tender committee of a Regional Coordinating Council shall
- (a) review procurement plans in order to ensure that they support the policies and programmes of the Regional Administration, Metropolitan, Municipal or District Assembly;
 - (b) confirm the range of acceptable costs of items to be procured and match these with the available funds in the approved budget of the Regional Administration, Metropolitan, Municipal Assembly or District Assembly;
 - (c) review the schedules of procurement and specifications and ensure that the procurement procedures to be followed are in strict conformity with the provisions of this Act, its Regulations and guidelines;
 - (d) ensure that the necessary concurrent approval is obtained from the appropriate tender review committee where applicable, as specified in the Third Schedule;
 - (e) facilitate contract administration and ensure compliance with reporting requirements under this Act; and
 - (f) assist the head of entity to ensure that stores, vehicles and equipment are disposed of in compliance with this Act.
- (3) An entity tender committee of a Metropolitan, Municipal or District Assembly shall
- (a) review and approve annual procurement plans and quarterly updates of procurement plans in order to ensure that they support the policies and programmes of the Assembly;
 - (b) confirm the range of acceptable costs of items to be procured and match these with the available funds in the approved budget of the Assembly;
 - (c) review the schedules of procurement and specifications and ensure that the procurement procedures to be followed are in strict conformity with the provisions of this Act, the Regulations and guidelines made under this Act;
 - (d) ensure that the necessary concurrent approval is obtained from the appropriate tender review committee where applicable, as specified in the Third Schedule;
 - (e) facilitate contract administration and ensure compliance with reporting requirements under this Act; and
 - (f) assist the head of entity to ensure that stores, vehicles and equipment are disposed of in compliance with this Act.

Extract From The Public Procurement (Amendment) Act, 2016 (Act 914)



Re-Categorization of Procuring Entities, Revised Thresholds for Procurement Methods, and the Introduction of New Procurement Structures for Local Government Agencies.

To ensure effective implementation of these new provisions, the PPA through this bulletin will take the opportunity to develop serialized editions going forward, to deliberate on specifics regarding the amendments in order to provide broader understanding. Hence, we share with you in this edition, the expectations of Act 914 regarding Entity Tender Committees (ETCs) and Functional Procurement Units.

A quick comparison of provisions for ETCs and Procurement Units as referenced in both the principal and the Amendment Acts (namely Act 663 and Act 914) indicates well detailed provisions in the form of General Provisions on the functions of ETCs and that of Specific ETCs namely – the Central Management Agencies and MDAs, Regional Coordinating Councils and MMDAs. Their roles include by not limited to the review and approval of annual procurement plans to ensure that they support the organisational objectives and have acceptable costs that match budgetary allocations and facilitate effective contract administration and assets disposals of Entities.

Entity Tender Committees are expected to meet at least once each quarter and notice of meeting shall be given at least two weeks before the date of meeting. The roles of Chairpersons and members of these ETCs

may be delegated only in writing and their composition would have to be in accordance with Schedule IB or 1 C with respect to their categories as referenced in Schedule 1A.

Additionally, Section 19 of Act 914 requires the Head of Entity to establish and appoint staff of Procurement Units with personnel with requisite knowledge and skills. The Head of Unit shall be Secretary to the ETC but not a member. It is therefore expected that ETCs together with a functional Procurement Unit will exercise sound judgement in all procurement decisions.

Considering the extent of amendments introduced in this particular enactment, the PPA will be conducting a series of stakeholder engagements such as the upcoming Public Forum on the theme-“**Act 914: Transitioning into a Vibrant Public Procurement System in Ghana**” scheduled for **Thursday, 13th October, 2016** in Accra to discuss issues that are pertinent for effective implementation. We look forward to a fruitful time.

Rhoda E. Appiah (Mrs.)

Head—Public Affairs

PPA



Tendering and Contract Information for periods indicated

[Tendering Opportunities for Sep - Oct 2016](#)

[Contracts Awarded for Jan - Dec 2016](#)

[Restricted Tender Awards Jan - Dec 2016](#)

[Expression of Interest Requests Sep - Oct 2016](#)

The links above will take you directly to the PPA Website Reports for the months of period indicated.



Editorial Team

Emelia Nortey—Director, MIS

Yvonne Vanderpuye—Chief Operations Officer—HR&A

Rhoda E. Appiah—Chief Operations Officer—Public Affairs

Thomas K. Bondzi—Principal IT Officer

P u b l i c
P r o c u r e m e n t
A u t h o r i t y

PMB 30
Ministries
ACCRA

Phone: 0302 - 765641-2
Fax : 0302—765643

