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 It is however important to stress that, the Public Procurement (Amendment) Act 2016 (Act 914) has not repealed its principal enactment and will therefore be applied alongside the Public Procurement Act 2003, Act 663.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,
Online Activities

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

1. Abor Senior High School
2. Accra Polytechnic
3. Accra College of Education
4. Adiebram Senior High School
5. Aidsadel College
6. Aduman Senior High School
7. Afadzato North District Assembly
8. Agona West Municipal Assembly
9. Ahanteman Senior High School
10. Akatsi South District Assembly
11. Akatsi College of Education
12. Akim Oda Government Hospital
13. Akosombo Day Senior High School
14. Akontombra Senior High School
15. Akrokrantor College of Education
16. Akuse Government Hospital
17. Akwapim South Municipal Assembly
18. Ankaful Psychiatric Hospital
19. Asante Akim Central Municipal
20. Asare Bediako Senior High School
21. Assafo Mampong Municipal Assembly
22. Asonomasi district Hospital
23. Asin Hannah Senior High School
24. Asanteman Technical Institute
25. Atebubu College of Education
26. Atebubu Senior High School
27. Ayinibi Senior High School
28. Baidoa Banso Senior High Technical School
29. Bank of Ghana
30. Benso Senior High Technical School
31. Bia East District Assembly
32. Bodie District Assembly
33. Bolgatanga Municipal Assembly
34. Bolgatanga Polytechnic
35. Bompeh Senior High Technical School
36. Breman Askuma Senior High School
37. Bulk Oil Storage and Transportation
38. Cape Coast Metropolitan Assembly
39. Cape Coast Nursing and Midwifery Training College
40. Central-Regional Co-ordinating Council
41. Centre for Scientific Research into Plant Medicine
42. Chiana Senior High School
43. Cocoa Marketing Company (Ghana) Limited
44. College of Health Sciences
45. Community Health Nurses Training School - Tamale
46. Controller And Accountant General Department
47. Copyright Administration
48. Council for Law Reporting
49. Council for Scientific and Industrial Research
50. Council for Technical and Vocational Education and Training
51. Council of State
52. Database Senior High Technical School
53. Department Of Urban Roads
54. District Assembly Common fund
55. Driver and Vehicle Licensing Authority
56. Dunkwa Senior High Technical School
57. Economic and Organised Crime Office
58. Efo Nkwanta Regional Hospital
59. Effutu Municipal Assembly
60. Ekuimi District Assembly
61. Electoral Commission
62. Eltembelle District Assembly
63. Enchi District Hospital
64. Energy Commission
65. Environmental Protection Agency
66. Enyan Denkyira Senior High Technical School
67. Esikidu District Hospital
68. Fanteakwa District Assembly
69. Fiaseman Senior High School
70. Fisheries Commission
71. Foods and Drugs Board
72. Forestry Commission
73. Ga South Municipal Assembly
74. Ghana Academy of Arts And Sciences
75. Ghana Aids Commission
76. Ghana Airports Company Limited
77. Ghana Atomic Energy Commission
78. Ghana Audit Service
79. Ghana Book Development Council
80. Ghana Broadcasting Corporation
81. Ghana Civil Aviation Authority
82. Ghana Cocoa Board
83. Ghana College of Physicians and Surgeons
84. Ghana Cylinder Manufacturing Company Limited
85. Ghana Education Service
86. Ghana Free Zones Board
87. Ghana Grid Company Ltd.
88. Ghana Health Service
89. Ghana Highway Authority
90. Ghana Immigration Service
91. Ghana Institute of Journalism
92. Ghana Institute of Management And Public Administration
93. Ghana Investment Fund For Electronic Communications
94. Ghana Investment Promotion Council
95. Ghana Library Board
96. Ghana National Fire Service
97. Ghana National Gas Company
98. Ghana National Petroleum Corporation
99. Ghana National Senior High School
100. Ghana Police Service
101. Ghana Ports And Harbours Authority
102. Ghana Prisons Service
103. Ghana Railway Development Authority
104. Ghana Reinsurance Company Ltd
105. Ghana Revenue Authority
106. Ghana School of Law
107. Ghana Shippers Authority
108. Ghana Standards Authority
109. Ghana Tourist Board
110. Ghana Water Company Limited
111. Ghana-Africa Kofi Annan Center of Excellence
112. Gomoa East District Assembly
113. Gomoa West District Assembly
114. Grains And Legumes Development Board
115. Half Assini Senior High School
116. Ho Municipal Assembly
117. Ho Polytechnic
118. Holy Child College of Education
119. Internal Audit Agency
120. Judicial Service
121. Ketu District Hospital
122. Ketu North District Assembly
123. Ketu South District Assembly
124. Kibi Government Hospital
125. Kintampo North Municipal Assembly
126. Koforidua General Hospital
127. Komenda/Edina/Eguafo/Aibiem Municipal Assembly
128. Kumfa Anoyeke Teaching Hospital
129. Konongo Odumase Senior High School
130. Korle bu Teaching Hospital
131. Krachi West District Assembly
132. Krachi West District Hospital
133. Kumasi Senior High School
134. Kumasi Polytechnic
135. Kwaebibrem District Assembly
136. La General Hospital
137. Lands Commission
138. Local Government Service Secretariat
139. Management Development And Productivity Institute
140. Mankesim Senior High Technical School
141. Maternal and Child Health Hospital
142. Mfantseman 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. Masapa Senior High Technical School
162. Mponor District Assembly
163. Mponor Senior High School
164. Nampong Senior High School
165. Nasumba 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. Nkowu 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 General 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'Byell 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. Pekin 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. Prefsey Senior High School. – Legon
218. Prefsey 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. Sepwi Wiasos Senior High School
229. Sekondi-Takoradi Metropolitan Assembly
230. Sen
231. Shama District Assembly
232. SIC Life Company Limited
233. Social Security and National Insurance Trust (SSNIT)
234. Sagakope 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. Thereseas 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.I. Ahm. Senior High School
250. Takoradi district Hospital
251. Takoradi Polytechnic
252. Tamale Polytechnic
253. Tamale Teaching Hospital
254. Takwia Nsaeam Municipal Assembly
255. Takwia 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. Utman Bin Afdan 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

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.


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 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 compliance 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 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.