



HOME

LAWS OF GHANA



The Public Procurement (Amendment) Act 2016 ACT 914

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ACT

OF THE PARLIAMENT OF THE REPUBLIC OF GHANA ACT

ENTITLED

THE PUBLIC PROCUREMENT (AMENDMENT) ACT, 2016

AN ACT to amend the Public Procurement Act, 2003 (Act 663), to make further provision for public procurement, re-enact Part Two of the Act, provide for decentralised procurement and for connected purposes.

DATE OF ASSENT: 10TH MAY 2016

PASSED by Parliament and assented to by the President:

Section 2 of Act 663 amended

1. Section 2 of the Public Procurement Act, 2003 (Act 663) referred to in this Act as the principal enactment is amended by the insertion of "environmentally and socially sustainable" after "non-discriminatory."

Section 3 of Act 663 amended

2. Section 3 of the principal enactment is amended by

(a) the deletion of "draft" in paragraph (c);

(b) the substitution for "a monthly" in paragraph (g) of "by the end of each month a";

(c) the insertion of "to the Board" after "proposals" in paragraph (h);

(d) the insertion of "including Metropolitan, Municipal and District Assemblies after" Government" in paragraph (l); and

(e) the insertion of "complaints and" before " administrative review" in paragraph (m).

Section 4 of Act 663 amended

3. The principal enactment is amended by the substitution for section 4 of

"Governing body of the Authority

4. (1) The governing body of the Authority is a Board consisting of nine persons

(a) a person competent and experienced in public procurement, as the chairperson;

(b) four persons from the public sector made up of one representative of the Attorney General and three other persons nominated by the Minister, one of whom is a woman and each of whom is a person who has experience in public procurement and is familiar with governmental and multilateral agency procurement procedures; \

(c) three persons from the private sector who have experience in procurement, at least one of whom is a woman; and

(d) the chief executive officer of the Authority.

(2) The vice chairperson shall be elected by members from among their number.

(3) The members of the Board shall be appointed by the President in accordance with article 70 of the Constitution.

(4) The Board shall ensure the proper and effective performance of the functions of the Authority."

Section 10 of Act 663 amended

4. The principal enactment is amended by the substitution for section 10 of

"Funds of the Authority

10. (1) The funds of the Authority include

(a) moneys provided by Parliament;

(b) administrative fines, fees and other income accruing to the Authority in the performance of its functions;

(c) donations, grants and gifts; and

(d) any other moneys provided by the Minister.

(2) The Minister may, by legislative instrument, make provision for the Authority to retain part or all of its internally generated funds for specified purposes."

Section 13 of Act 663 amended

5. Section 13 of the principal enactment is amended by the insertion of a new subsection (3)

"(3) The part of the annual report concerning a Metropolitan, Municipal or a District Assembly and the relevant part of the audited accounts, together with relevant parts of the Auditor-General's Report affecting specific Metropolitan, Municipal or District Assemblies shall be submitted to that Metropolitan, Municipal or District Assembly for debate."

Part Two of Act 663 amended

6. The principal enactment is amended by the substitution for Part Two of

"PART TWO

Procurement Structures

Scope and application

14. (1) This Act applies to

(a) the procurement of goods, works and services, financed in whole or in part from public funds;

(b) functions that pertain to the procurement of goods, works and services including the description of requirements and sources of supply, selection and award of contracts and the phases of contract administration;

(c) the disposal of public stores, vehicles and equipment; and

(d) procurement with public funds including loans procured by government, grants, foreign aid funds and internally generated funds except as exempted under section 96.

(2) In addition to subsection (1), this Act applies to

(a) central management agencies;

(b) ministries, departments and agencies;

(c) subvented agencies;

(d) governance institutions;

(e) state owned enterprises to the extent that they utilise public funds;

(f) public universities, public schools, colleges and hospitals;

(g) the Bank of Ghana and financial institutions including public trusts, pension funds, insurance companies and building societies which are wholly owned by the Republic or in which the Republic has a majority interest;

- (h) institutions established by Government for the general welfare of the public or community;
- (i) statutory funds, Commissions and other bodies established by Government for a special purpose; and
- (j) the phases of contract administration as specified in the Contract Administration Manuals.

(3) The Contract Administrator shall

(a) manage the obligations and duties of the procurement entity specified in the contract; and

(b) ensure that the supplier or contractor performs the contract in accordance with its terms and conditions.

(4) The Board may recommend to the Minister, new procurement methods where the context requires.

(5) A procurement entity in conducting procurement, s guided by further procedures specified in manuals, regulatory and guidelines issued by the Board.

Declaration of procurement entity

15. (1) The Minister in consultation with the Board may, by notice in the *Gazette*, declare an entity, a subsidiary or agency of an entity or a person to be a procurement entity. |

(2) Subject to approval by the Board, a procurement entity may undertake procurement in accordance with established commercial practices if

(a) the procurement entity is legally and financially autonomous and operates under commercial law;

(b) it is beyond contention that public procurement procedures are not suitable, considering the strategic nature of the procurement; and

(c) the proposed procurement method will ensure value for money, provide competition and transparency to the extent possible.

(3) The approval given by the Board to a procurement entity to undertake procurement in accordance with established commercial practices shall be published in the *Gazette*.

Procurement entity

16. (1) A procurement entity is responsible for procurement, subject to this Act and any other conditions that may be established in Regulations and administrative instructions issued by the Minister in consultation with the Board.

(2) Procurement decisions of an entity shall be taken in a corporate manner and the internal units concerned shall contribute to the decision-making process.

Head of procurement entity

17. (1) The head of entity and an officer to whom responsibility is delegated are responsible and accountable for action taken and for instructions as regards the implementation of this Act.

(2) The liability of the head of entity or officer to whom responsibility is delegated is however limited to acts that are inconsistent with this Act.

Functions of the head of a procurement entity

18. (1) The head of entity shall ensure that provisions of this Act are complied with.

(2) The concurrent approval by a tender review committee shall not absolve the head of entity from accountability for a contract that may be determined to have been procured in a manner that is inconsistent with a provision of this Act.

(3) The head of entity shall

(a) establish within the procurement entity, a procurement unit, staffed with qualified procurement personnel;

(b) empanel competent and qualified evaluation panels;

(c) ensure that at each stage of the procurement activity, procedures prescribed in this Act have been followed;

(d) ensure that stores, vehicles and equipment are disposed of in compliance with this Act;

(e) exercise sound judgment in making procurement decisions; and

(f) refer to the entity tender committee for approval, a procurement above the approval threshold of the head of entity.

(4) The head of entity shall

(a) apply the thresholds that relate to heads of entities as specified in the Second and Third Schedules to this Act; and

(b) facilitate contract administration and ensure compliance with the reporting requirements under this Act.

Procurement unit

19. (1) The head of a procurement entity of each ministry, department and agency and Metropolitan, Municipal and District Assembly, shall establish a procurement unit within the entity which shall be headed and staffed by qualified procurement personnel.

(2) The head of a procurement entity shall appoint a head of procurement of the procurement entity who shall be the Secretary to the entity tender committee.

Entity tender committee

20. (1) A procurement entity shall establish a tender committee in the manner set out in the First Schedule and in accordance with the categories set out in Schedule IA.

(2) An entity tender committee of each procurement entity shall have the composition specified in Schedule IB or Schedule I C of the First Schedule.

(3) An entity tender committee may co-opt a person to act as a technical adviser at a meeting of the entity tender- committee, but a co-opted person shall not vote on a matter for decision before the entity tender committee.

(4) An entity tender committee shall work within the method thresholds specified in the Fifth Schedule and approval limits specified in the Second and Third Schedules in the conduct of its duties as regards tenders for works, goods or services.

(5) The thresholds applicable to an entity tender committee shall be as specified in the Second and Third Schedules.

General provisions on the functions of an entity tender committee 20A.

(l) 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.

Applicable thresholds

20C. (1) The threshold limits for ministries, departments and agencies and Metropolitan, Municipal and District Assemblies for procurement shall be as specified in the Second and Third Schedules.

(2) The threshold limits for procurement methods for ministries, departments and agencies, and Metropolitan, Municipal and District Assemblies shall be as specified in the Fifth Schedule.

Meetings of entity tender committees

20D. An entity tender committee shall meet at least once each quarter and notice of the meetings shall be given at least two weeks before the date of the meeting.

Tender evaluation panel

20E. (1) A procurement entity shall appoint a tender evaluation panel with the required expertise to evaluate tenders.

(2) A tender evaluation panel shall, in the performance of its functions, proceed according to the predetermined and published evaluation criteria.

Tender review committees

20F. (1) There shall be established tender review committees for ministries, departments and agencies and Metropolitan, Municipal and District Assemblies as specified in the Fourth Schedule.

(2) The tender review committee of a ministry, department or agency is the central tender review committee.

(3) The tender review committee of a Metropolitan, Municipal and District Assembly is the regional tender review committee.

(4) The members of the central tender review committee shall be appointed by the Minister in consultation with the Board.

(5) The members of a regional tender review committee shall be appointed by the Regional Minister in consultation with the Minister.

(6) The central tender review committee, the regional tender review committee and each entity tender committee shall perform the functions of the tender review committee for the entities for which they are responsible.

(7) A tender review committee shall perform the following functions:

(a) review the activities at each step of the procurement cycle leading to the selection of the lowest evaluated bid or best offer by the procurement entity in relation to the particular procurement under consideration, in order to ensure compliance with this Act, its operating instructions and guidelines;

(b) give concurrent approval or otherwise to enable the procurement entity continue with the procurement process subject to subsection (1) of section (16);

(c) participate in public procurement fora; and

(d) review decisions of heads of entities in respect of a complaint.

(8) The regional tender review committee shall furnish the Board, Metropolitan, Municipal and District Assembly with reports pertaining to the regional tender review committee's operations in the prescribed format.

(9) A tender review committee may engage the services of consultants and advisers or co-opt persons with the specialised expertise that it may require for the proper and efficient performance of its functions.

Review of tender review committee decisions

20G. (1) A procurement entity or tenderer aggrieved by the decision of a tender review committee may apply to the Board for the review of the decision of that tender review committee.

(2) The Board shall take appropriate action and determine the grievance in accordance with section 80(3) or as it considers appropriate.

(3) A tenderer or procurement entity that is dissatisfied with a decision of the Board may seek redress in court.

Section 21 of Act 663 amended

7. Section 21 of the principal enactment is amended

(a) in subsection (2) (a) by the insertion after "packages" of "description or lots";

(b) in subsection (2) (c) by the insertion after "method" of "approvals needed";

(c) by the substitution for subsection (3) of

"(3) A procurement entity shall submit to its entity tender committee not later than one month to the end of the financial year the procurement plan for the following year for approval and shall post the procurement plan on the website of the Authority

(d) by the substitution for subsection (4) of

"(4) After budget approval and at quarterly intervals after that, a procurement entity shall submit an update of the procurement plan to the entity tender committee and shall post the update of the procurement plan on the website of the Authority."; and

(e) by the repeal of subsection (5).

Section 22 of Act 663 amended

8. Section 22 of the principal enactment is amended

(a) by the substitution for subsection (1) (a) (i) of

"(i) professional, technical and environmental qualifications";

(b) by the insertion of a new paragraph after paragraph (b) as paragraph (ba)

"(ba) meet ethical and other standards applicable in this country;"

(c) by the substitution for "disbarment" of "debarment" before "proceedings" in paragraph (e) (ii);

(d) by the addition of "that does not discriminate and is objectively justifiable" at the end of subsection (1) (f);

(e) by the insertion of "Subject to the right of tenderers to protect their intellectual property or trade secrets" at the beginning of subsection (2);

(f) by the addition of "and shall be set out in the pre-qualification or pre-selection documents" at the end of subsection (3);

(g) by the insertion of "that constitutes a misrepresentation" after "information" in subsection (5);

(h) by the addition of new subsections (7), (8) and (9)

"(7) Other than in a case to which subsection (1) (a) applies, a procurement entity shall not disqualify a tenderer on the grounds that the information submitted concerning the qualifications of the tenderer were inaccurate or incomplete in a non-material respect.

(8) The tenderer may however be disqualified for failure to remedy the deficiency promptly on request by the procurement entity.

(9) The procurement entity may require the authentication of a foreign document provided by a tenderer to demonstrate the qualification of the tenderer."

Section 22A of Act 663 inserted

9. The principal enactment is amended by the insertion after section

22 of a new section 22A

"Suspension of a supplier or consultant

22A. (1) The Board may suspend a supplier or consultant from engaging in any public procurement or disposal process for a period determined by the Board

(a) on the recommendation of a procurement entity or after investigations on its own initiative; and

(b) where it is determined after a special audit or by a court, that a tenderer is engaged in corrupt or fraudulent practices.

(2) The suspension of a supplier or consultant by the Board shall occur where

(a) the supplier or consultant is in contravention of a provision in this Act;

(b) the supplier or consultant is debarred from the procurement processes of an international agency of which the Republic of Ghana is a member;

(c) the supplier or consultant is found to have a record of unsatisfactory performance after investigations by the Auditor-General;

(d) the supplier or consultant fails to substantially perform its obligations under the contract;

- (e) the supplier or consultant is suspended by a professional body for professional misconduct;
- (f) the supplier or consultant is found to have faulted on its obligations by an Act of Parliament; or
- (g) the supplier or consultant has been convicted of corrupt practice or a fraudulent act under this Act."

Section 26 of Act 663 amended

10. Section 26 of Act 663 is amended by the substitution for section 26 of

"Form of communication

26. (1) A procurement entity shall, when soliciting the participation of a tenderer in procurement proceedings, specify

- (a) the form of the procurement proceedings; and
- (b) measures and requirements needed

the protection of classified information involved to ensure in the procurement.

(2) A procurement entity shall only use the means of communication commonly used by a tenderer in a specific type of procurement in the procurement process and in any meeting with tenderers shall use means of communication that ensure the full participation of tenderers.

(3) A procurement entity shall put in place measures to secure the authenticity, integrity and confidentiality of the information used in a procurement process.

(4) Communication between procurement entities and tenderers shall be in writing and communication in any other form shall be referred to and confirmed in writing."

Section 28 of Act 663 amended

11. Section 28 of the principal enactment is amended

(a) in subsection (1) (l) by the substitution for "section 25 (1)" of "section 25."

(b) by the addition of new paragraphs (0) to (y)

"(0) a statement of the reasons and circumstances relied on by the procurement entity when the procurement is cancelled, stating the reasons and circumstances relied on by the procurement entity for its decision to cancel the procurement;

(p) the reasons and circumstances for which a procurement entity rejected a tender or consultancy proposal;

(q) any socio-economic policies considered in the procurement proceedings, details of the policies and the manner in which they were applied;

(r) a copy of the review proceedings where a complaint is submitted to the procurement entity;

(5) where a system other than competitive tendering has been used, the reasons and circumstances the procurement entity considered when selecting the other procurement method;

(t) the reasons and circumstances relied on by a procurement entity when a tenderer is excluded from procurement proceedings;

(u) a statement where the award of a procurement contract is as a result of the failure of the previous tenderer to sign the procurement contract or provide the required security for the performance of the contract;

(v) the reasons and circumstances relied on by a procurement entity where confidentiality in the procurement proceedings is required;

(w) the requirements imposed on tenderers for the protection of classified information in a procurement process;

(x) a statement of the reasons and circumstances used to justify the framework agreement process where applicable; and

(y) any other information required to be included in the record by a procurement entity in furtherance of the procurement process.";

(c) in subsection (4) by the deletion of the words after "competent court" in the second line;

(d) by the insertion of a new subsection (4A) after subsection (4);

"(4A) A procurement entity shall not disclose the portion of the record referred to in subsection (1) (c) to (e), (l) and (m) or information that relates to the examination, evaluation and comparison of tenders, proposals, offers or quotations and tenders, proposals, offers or quotation prices other than the summary referred to in subsection (1) (e) if

(a) non-disclosure of the information is necessary for the protection of essential security interests of the State; or

(b) disclosure of the information would be contrary to law and would

(i) impede law enforcement;

(ii) not be in the public interest,

(iii) prejudice the legitimate commercial interests of the tenderer or consultant;
and

(iv) inhibit fair competition as provided under the Protection Against Unfair Competition Act, 2000 (Act 589), unless the disclosure is ordered by a court or the Board in which case the procurement entity shall comply with the conditions of the order."; and

(c) by the addition of a new subsection (7) after subsection (6)

"(7) A procurement entity shall record, file and preserve the documents that relate to the procurement proceedings, Regulations and the Public Records and Archives Administration Act, 1997 (Act 535)."

Section 28A of Act 663 inserted

12. The principal enactment is amended by the insertion after section 28 of a new section 28A

"Cancellation of procurement proceedings

28A. (1) A procurement entity may, for specific and fully justified reasons, cancel procurement proceedings before the expiry of the deadline for the submission of tenders, where

(a) the entity discovers an imperfection in the wording of the request for submission of tenders, which could mislead tenderers;

(b) the procurement entity decides to carry out the work subject of the tender by itself;

(c) there is a cut in the budget intended for performing the contract;

(d) no bid has been submitted;

(e) exceptional circumstances or a force majeure render normal performance of the contract impossible;

(f) the economic or technical data of the project has fundamentally changed.

(2) The head of a procurement entity may, after the expiry of the deadline for the submission of tenders, cancel a procurement proceeding where

(a) no tender has been submitted within the specified deadline;

(b) the tender procedure has been unsuccessful;

(c) it is established that the tender documents contain terms or technical specifications that cannot be met by any of the tenderers or that these specifications lead exclusively to a specific economic operator;

(d) the prices of the tenders that meet the terms and the technical requirements of the tender documents are unrealistic or appear to be the product of collusion between the tenderers, resulting in the circumvention of healthy competition;

(e) the circumstances under which the procurement procedure was announced have changed to such an extent that the scope of the tender procedure is no longer necessary;

(f) exceptional circumstances or a force majeure render normal performance of the contract impossible; or

(g) any other serious unforeseeable reason, which the procurement entity considers justifiable, applies.

(3) The head of a procurement entity shall, before cancelling a procurement proceeding under subsection (2) have due regard to

(a) the time and resources expended by interested tenderers, particularly in the case of complex contracts with a complicated scope;

(b) the right of an interested party who has or had an interest in being awarded the specific contract, and who has sustained or is likely to sustain a loss as a result of the cancellation, to seek administrative review under this Act or to seek redress in court; and

(c) general principles of good faith and transparency and public policy.

(4) A procurement entity may cancel procurement proceedings after acceptance of a successful tender if the tenderer whose submission has been accepted, fails to sign the applicable contract as required or fails to provide the applicable security required for performance of the contract.

(5) Subject to subsection (3), where a procurement proceeding is cancelled before the contract is signed, a tenderer or interested party shall not be entitled to claim any compensation from the procurement entity.

(6) For the avoidance of doubt, a procurement entity shall not incur liability for invoking this section and shall in no event be liable for any damages including, damages for loss of profits in any way connected with the cancellation of a tender.

(7) The publication of a tender notice does not commit the procurement entity that published the notice to implement the programme or project announced.

(8) Subject to this section, where a tender proceeding divides tenders into lots, individual lots may be cancelled.

(9) The decision of a procurement entity to cancel the procurement and reasons for that decision shall be included in the record of procurement proceedings and shall be promptly communicated to any tenderer or consultant who presented a tender or proposal.

(10) A cancellation notice shall promptly after decision to cancel is made, be published on the website of the procurement entity or of the Authority.

(11) After cancelling a procurement proceeding, the procurement entity may

(a) start a new tender proceeding; or

(b) re-start the tender proceeding using the same reference as the original invitation."

Section 31 of Act 663 amended

13. Section 31 of the principal enactment is amended

(a) in subsection (1) by the addition of "on the website of the Authority" at the end of the subsection; and

(b) by the substitution for subsection (2) of

"(2) The Regulations shall provide for any other manner of publication of the notice of procurement contract awards."

Section 32A of Act 663 inserted

14. The principal enactment is amended by the insertion after section 32 of a new section 32A

"Confidentiality

32A. (1) A procurement entity shall not disclose information to a supplier or contractor if the disclosure will compromise national security or if the disclosure will impede law enforcement, prejudice the legitimate commercial interest of a supplier or contractor, or impede fair competition.

(2) A procurement entity shall treat applications to pre-qualify, applications for pre-selection and submissions for a procurement contract in a manner that avoids the disclosure of their contents to a competing tenderer or any unauthorised person, except as provided under this Act.

(3) A discussion or communication permitted under this Act between a procurement entity and a tenderer during the tender process or other procurement process that permits discussions, negotiations or dialogue at any stage, is confidential and, unless required by law or ordered by a court, a person concerned with the discussion or communication shall not disclose any technical information, price or other information to another person without the consent of the other party.

(4) A person concerned with the discussion or communication in a procurement process shall not disclose any technical information, price or other information to another person without the consent of the other party.

(5) A person who contravenes subsections (3) or (4) commits an offence.

(6) Subject to section 28 (4), a procurement entity involved in classified information may

(a) impose requirements on tenderers to protect classified information; and

(b) demand that tenderers ensure that their subcontractors comply with the requirements to protect classified information."

Section 33 of Act 663 amended

15. Section 33 of the principal enactment is amended

(a) by the substitution for "or" in the headnote of "and";

(b) by the insertion of "goods, works and" after "de- scription of" in the first line of paragraph (1) (c) and addition of "of renderers" at the end of the paragraph;

(c) by the substitution for subsection (3) of

"(3) Standardised features, requirements, symbols and terminology relating to the technical, quality and performance characteristics of the goods, works or services to be procured shall be used, where available, to formulate the specifications, plans, drawings and designs to be included in the pre-qualification documents, invitation documents or any other documents for invitation of proposals, offers or quotations.

(4) A procurement entity shall pay due regard to the use of standardised trade terms and standardised conditions where available in the formulation of the terms and conditions of the procurement, the procurement contract, the framework agreement, pre-qualification, pre-selection agreements and the tender documents."

Section 34A of Act 663 inserted

16. The principal enactment is amended by the insertion after section 34 of a new section 34A under Part Four

"Methods of procurement and conditions of use, including framework contracting

34A. (1) The procurement entity may conduct procurement by means of the following methods and as from time to time determined by Regulations:

(a) competitive tendering that includes;

- (i) international competitive tendering,
- (ii) national competitive tendering,
- (iii) request for quotations, and
- (iv) restricted tendering;

(b) single source procurement;

(c) selection of consultants determined by (i) quality and cost based selection,

- (ii) quality based selection,
- (iii) selection based on consultant's qualification,
- (iv) least cost selection,
- (v) fixed budget selection, and
- (vi) single source selection; and

(d) framework contracting where

(i) the Board in consultation with the Minister, may introduce framework contracting agreements and other methods for any specific entity where the context permits until it is possible to do so nationally; and

(ii) a procurement entity may engage in a framework agreement procedure in accordance with regulations or guidelines issued by the Board.

(2) These methods shall be used subject to and in accordance with the methods specified in the Fifth Schedule."

Section 38 of Act 663 amended

17. Section 38 of the principal enactment is amended

(a) by the insertion of "by reason of the highly complex and specialised nature" after "if" in paragraph (a);

(b) by the numbering of the section as subsection (1);

(c) by the addition of a new paragraph (c) after paragraph (b) "(c) if an offer for competitive tendering fails to receive any response after publication."; and

(d) by the addition of a new subsection (2)

"(2) The Authority may charge a processing fee as determined by the Board for single source and restricted tendering applications."

Section 40 of Act 663 amended

18. Section 40 of the principal enactment is amended

(a) in subsection (1) by the addition of "in the following exceptional circumstances" at the end of the second line;

(b) by the substitution for paragraph (d) of

"(d) where the procurement entity having procured goods, equipment, technology or services from a supplier, contractor or consultant, determines that additional supplies must be procured from the supplier, contractor or consultant because of standardisation or compatibility with existing goods, equipment, technology or services taking into account

(i) the effectiveness of the original procurement in meeting the needs of the procurement entity;

(ii) the limited size of the proposed procurement in relation to the original procurement;

(iii) the reasonableness of the price; and

(iv) the unsuitability of alternatives to the goods or services in question."; and

(c) by the addition of "or socio-economic policy" after "69 (2) (c) (i)", in the penultimate line of subsection (2).

Section 42 of Act 663 amended

19. Section 42 of the principal enactment is amended

(a) in paragraph (a), by the insertion of "works" after "goods" in line one;

(b) by the re-numbering of the provision as subsection (1);

(c) in section 42 (b) by the substitution for "Third Schedule" of "Fifth Schedule"; and

(d) by the addition of a new subsection (2)

"(2) The successful quotation shall be the lowest evaluated responsive quotation that meets the needs of the procurement entity in the request for quotations."

Section 43 of Act 663 amended

20. Section 43 of the principal enactment is amended by the substitution for subsection (1) of

"(1) The procurement entity shall request for quotations from as many suppliers or contractors as practicable, but shall compare quotations from at least three different sources that should not be related in terms of ownership, shareholding or directorship and the principles of conflict of interest shall apply between the procurement entities and their members and the different price quotation sources."

Section 44 of Act 663 amended

21. The principal enactment is amended by the substitution for section 44 of "National competitive tendering

44. (1) Locally registered suppliers, contractors or consultants may participate in national competitive tendering procurement proceedings without regard to nationality, except where the procurement entity decides to limit participation in national competitive tendering proceedings to only domestic suppliers, contractors or consultants, in accordance with this section.

(2) In procurement proceedings in which the procurement entity decides that only domestic suppliers, contractors or consultants may submit tenders, the procurement entity shall employ national competitive tendering procedures.

(3) A procurement entity is not required to employ the procedures set out in sections 47 and 48 if the estimated contract amount is lower than the value threshold specified in the Fifth Schedule.

(4) A procurement entity, when first calling for participation in procurement proceedings, shall notify prospective tenderers whether the proceedings are limited to domestic suppliers only and the declaration shall not be altered later.

(5) A procurement entity that decides to limit the participation of suppliers, contractors and consultants in procurement proceedings, shall include in the record of procurement proceedings, a statement of the reasons and circumstances on which it relied and shall make available to any person, on request, its reasons for limiting participation.

(6) A procurement entity may stipulate in the tender documents that tenderers must quote only in the local currency and payments must be made wholly in the local currency.

(7) A procurement entity shall stipulate a minimum period of two weeks or a maximum period of six weeks for the submission of tenders under the national competitive tender procedures."

Section 47 of Act 663 amended

22. The principal enactment is amended by the substitution for section 47 of

"Procedures for inviting tenders or applications to prequalify

47. (1) A procurement entity shall invite tenders or, where applicable, applications to pre qualify by causing an invitation to tender or an invitation to pre qualify, to be published in the Public Procurement Bulletin and on the website of the Authority.

(2) An invitation to tender or pre qualify shall be published in at least one daily newspaper of national circulation.

(3) The invitation may also be published in a newspaper of wide international circulation, in a relevant trade publication or a technical or professional journal of wide international circulation.

(4) The invitation shall be published on the website of the Authority at a fee to be determined by the Board."

Section 49 of Act 663 amended

23. Section 49 of the principal enactment is amended by the addition after subsection (3) of a new subsection (4)

"(4) Where electronic procurement procedures are applied, the price of tender documents shall be determined by the Board."

Section 50 of Act 663 amended

24. Section 50 of the principal enactment is amended

(a) in subsection (1) by the substitution for "Fourth Schedule" of "Sixth Schedule";and

(b) in subsection (3) (v) by the deletion of "outside the procurement contract" and the insertion of "a statement of" at the beginning of the paragraph.

Section 53 of Act 663 amended

25. Section 53 of the principal enactment is amended by the repeal of subsection (2).

Section 54 of Act 663 amended

26. Section 54 of the principal enactment is amended in subsection (2) by the addition of "before the expiry of the period of validity of tenders" at the end of the subsection.

Section 57 of Act 663 amended

27. Section 57 of the principal enactment is amended by the insertion of "in writing" after "tender" in subsection (1).

Section 58 of Act 663 amended

28. Section 58 of the principal enactment is amended in subsection (4) (b) by the substitution for "section 1(b)" of "section 57 (3)".

Section 59 of Act 663 amended

29. Section 59 of the principal enactment is amended

(a) by the insertion of new subsections (2), (3), (4) and (5) after subsection (1);

"(2) The evaluation criteria relating to the subject matter of the procurement shall include

(a) the price;

(b) the cost of operating, maintaining and repairing goods and the functional characteristics of the goods;

(c) the time for delivery of goods;

(d) the costs of construction and the functional characteristics of the construction;

(e) the completion of construction;

(f) the cost of the provision of services;

(g) the environmental and other characteristics of the subject matter of the procurement;

(h) the terms of payment of the procurement;

(i) the guarantees in respect of the subject matter; and

(j) any other matter the procurement entity considers relevant to the procurement.

(3) The evaluation criteria shall also include

(a) any criteria authorised or required to be taken into account by the procurement regulations and any other enactment; and

(b) a margin of preference for the benefit of a domestic supplier or for domestically produced goods or any other preference authorised or required by procurement regulations or any other enactment.

(4) The procurement entity shall set out in the tender documents

(a) whether the successful tender will be determined on the basis of price or price and other criteria;

(b) the evaluation criteria in pursuance of this section, including the price as modified by any preference;

(c) the relative weights of the evaluation criteria; and

(d) the manner of application of the criteria in the evaluation procedure.

(5) A procurement entity shall use only the criteria and procedures in the tender documents and shall apply criteria and procedures in the manner disclosed in the tender documents.:";

(b) by the renumbering of subsections 59 (2), (3) and (4) as subsections (6), (7) and (8); and

(c) by the insertion of "that" after "effect" in the renumbered subsection (8) (c).

Section 60 of Act 663 amended

30. Section 60 (1) of the principal enactment is amended by the addition of "or any other preference authorized by the Board or required by Regulations or any other enactment" at the end of the subsection.

Section 64 of Act 663 amended

31. Section 64 (2) (b) of the principal enactment is amended by the substitution for "Board" of "committee."

Section 66 of Act 663 amended

32. Section 66 (1) of the principal enactment is amended by the substitution for "above the threshold in the Third Schedule" of "in accordance with the Fifth Schedule".

Section 68 of Act 663 amended

33. Section 68 of the principal enactment is amended

(a) in subsection (1) by the substitution for "Fourth Schedule" of "Sixth Schedule"; and

(b) in subsection (2)(1) by the substitution for "section 57" of "section 60."

Section 69 of Act 663 amended

34. Section 69 (2) (c) of the principal enactment is amended by the repeal of subparagraph (vii).

Section 72 of Act 663 amended

35. Section 72 of the principal enactment is amended in subsections (3) and (4) by the substitution for "Third Schedule" of "Fifth Schedule".

Section 74 of Act 663 amended

36. Section 74 of the principal enactment is amended

(a) in subsection (2) by the substitution for "including the tender board reviews is concluded" of "is reviewed and approved by the appropriate approving authority"; and

(b) by the addition of a new subsection as subsection (4)

"(4) The evaluation panel shall open the financial proposals after the approval of the technical evaluation report by the appropriate approving authority and prepare a final evaluation report for approval by the appropriate entity tender committee."

Section 77 of Act 663 amended

37. The headnote of section 77 of the principal enactment is amended by the addition of "in selection procedure" after "confidentiality."

Heading of Part Seven of Act 633 amended

38. The heading of Part Seven of the principal enactment is amended by the insertion of "Complaints and Administrative" before "Review".

Section 78 of Act 663 amended

39. Section 78 of the principal enactment is amended

(a) by the substitution for the headnote of "Right to complaint or administrative review";

(b) in subsection (1), by the substitution for "review" in line three of "redress";

(c) in subsection (2), by the substitution for "the review" of "complaint or administrative review;"

(d) by the addition of new subsections (3), (4) and (5)

"(3) A complaint may be made by an application to the procurement entity;

(4) A request for administrative review may be made by an application to the Board.

(5) A tenderer, supplier, contractor or consultant may appeal a decision taken in administrative review in court."

Section 79 of Act 663 amended

40. Section 79 of the principal enactment is amended

(a) by the substitution for the head note of "Complaint procedure by procurement entity";

(b) by the insertion of a new subsection after subsection (1) as subsection (1A)

"(1A) The procurement entity shall not take any step that will bring into force a procurement contract or framework agreement where the entity

(a) receives a complaint within the time limits specified;

(b) receives notice of an application for administrative review from the Board; or

(c) receives notice of an application to or appeal from court. ";

(c) by the deletion of "head of the" in subsections (3), (S) and (7);

(d) by the insertion of a new subsection after subsection (S) as subsection (SA);

"(SA) The procurement entity may overturn, correct, vary or uphold any decision or action taken by itself in the procurement proceedings to which the application relates but this shall not apply to decisions taken by the Board or the court.;"

(e) by the insertion of new subsections after subsection (7) as subsections (7 A) and (7B)

"(7A) All decisions taken under this section, shall be in writing and shall state the action taken and the reasons for the decision.

(7B) All decisions taken shall promptly be made part of the record of the procurement proceedings and shall include the complaint received by the procurement entity under this section.;" and

(f) by the insertion of "for administrative review under section 80" after "proceedings" in the first line of subsection (8).

Section 80 of Act 663 amended

41. The principal enactment is amended by the substitution for section 80 of

"80. Administrative review

(1) A supplier, contractor or consultant entitled to seek administrative review may submit a petition to the Board if

(a) the head of the procurement entity does not entertain the complaint because the procurement contract has entered into force; or

(b) the supplier, contractor, or consultant claims to be adversely affected by a decision of the head of the procurement entity under section 79.

(2) The petition shall be submitted within twenty-one days after

(a) the supplier, contractor or consultant became aware of the circumstances giving rise to the complaint, or

(b) the time when the supplier, contractor or consultant ought to have become aware of those circumstances, if the complaint cannot be submitted under section 79 because of the entry into force of the procurement contract.

(3) On receipt of a complaint, the Authority shall give notice of the complaint promptly to the procurement entity.

(4) The Board may

(a) declare the legal rules or principles that govern the subject-matter of the complaint and address any suspension in force;

(b) order that the provisions of this Act be complied with;

(c) prohibit the procurement entity from acting, taking a decision or following a procedure that is not in compliance with the provisions of this Act;

(d) require the procurement entity that has acted or proceeded in a manner that is not in compliance with the provisions of this Act to take action or make a decision or proceed in a manner that is in compliance with the provisions of this Act;

(e) overturn in whole or in part an act or decision of the procurement entity that is not in compliance with the provisions of this Act other than an act or decision that brings the procurement contract or framework agreement into force;

(f) revise a decision by the procurement entity that is not in compliance with the provisions of this Act other than any act or decision that brings the procurement contract or framework agreement into force;

(g) confirm a decision of the procurement entity;

(h) require the payment of compensation for reasonable costs incurred by the supplier or contractor who submitted the complaint,

(i) in connection with the procurement proceedings as a result of an act, decision or procedure followed by the procurement entity in the procurement proceedings that is not in compliance with the provisions of this Act, and

(ii) for any loss or damage suffered; which shall be limited to the costs of the preparation of the tender or the costs related to the application or both;

(j) order that the procurement proceedings be terminated;

(k) authorize the procurement entity to enter into the procurement contract or framework agreement where it is satisfied that public interest justifies this;

(l) dismiss the complaint and require the payment of compensation from the complainant for reasonable costs incurred by the procurement entity or the Board;

(5) The Board shall issue a written decision concerning the complaint within twenty-one days after starting an administrative review, stating the reasons for the decision.

(6) The decision of the Board and reasons for the decision shall be made part of the record of procurement proceedings.

(7) Correspondence pertaining to a complaint shall be copied to the Board.

(8) Without limiting this section, the Minister may, in consultation with the Board by legislative instrument, specify different administrative review procedures for specific sectors or entities."

Section 82 of Act 663 amended

42. The principal enactment is amended by the substitution for section 82 of

"Suspension of procurement proceedings

82. (1) The Authority in administrative review proceedings may

(a) order the suspension of the procurement proceedings at any time before the entry into force of the procurement contract; or

(b) order the suspension of the performance of a procurement contract or the operation of a framework agreement that has entered into force; for as long as it finds the suspension necessary to protect the interests of the applicant, unless it decides that urgent public interest considerations require the procurement proceedings, the procurement contract or framework agreement to proceed; or

(c) order that any suspension applied be extended or lifted.

(2) The Authority shall order the suspension of a procurement proceeding for an initial period of thirty working days or as required under subsection (1).

- (3) The Authority shall, upon receipt of an application for administrative review, promptly
- (a) suspend or decide not to suspend the procurement proceedings or the performance of a procurement contract or the operation of a framework agreement in accordance with subsection *1(a)* and *(b)*;
- (b) notify the procurement entity and identified participants of the procurement proceedings to which the application relates, of the application and its substance; and
- (c) notify the identified participants of its decision on the suspension of the procurement proceedings to which the application relates.
- (4) Where the Authority decides to suspend
- (a) the procurement proceedings,
- (b) the performance of a procurement contract, or
- (c) the operation of a framework agreement,
- it shall also specify the period of suspension.
- (5) Where the Authority decides not to suspend the procurement, it shall
- (a) provide the applicant and procurement entity with the reasons for its decision; and
- (b) promptly publish a notice of the application on the website of the Authority when the application for administrative review is received.
- (6) The Board may dismiss the application and shall lift any suspension applied, where it decides that:
- (a) the application is manifestly without merit or was not presented in compliance with the deadlines in subsection 80 *(2(a))* and *(b)*; or
- (b) the application is without standing;
- and shall promptly notify the applicant, the procurement entity and any other relevant participants of the dismissal, the reasons for it and that the suspension is lifted.
- (7) The dismissal by the Board constitutes a decision on the application.
- (8) The procurement entity shall promptly provide the Board with effective access to documents in its possession related to the procurement proceedings after the lodgment of a complaint.
- (9) The procurement entity shall not take any step that would bring into force a procurement contract or framework agreement in the procurement proceedings concerned
- (a) where it receives notice of an application for administrative review from the Board; and or
- (b) where it receives notice of an application or appeal from court.
- (10) The prohibition in subsections (9) and 79 *(IA)* shall expire fourteen working days after the decision of the procurement entity, the Board or the court has been communicated to the applicant, the procurement entity and any other participants .
the review proceedings.
- (11) The procurement entity may request the Board or court to authorise it to enter into the procurement contract or frame work agreement on the grounds of urgent public interest.
- (12) The Board or court may, upon consideration of the request, authorise the procurement entity to enter into the procurement contract or framework agreement where it is satisfied that urgent public interest considerations justify this.
- (13) The decision of the Board or court shall be made part of the record of procurement proceedings and promptly communicated to the procurement entity, the applicant and to any other participant in the administrative review proceedings."
- Heading of Part Eight of Act 663 amended
43. The heading of Part Eight of the principal enactment is amended by the insertion of "Vehicles," after "Stores".
- Section 83 of Act 663 amended
44. Section 83 of the principal enactment is amended in subsection
- (1) by the insertion of "vehicles," before "unserviceable" in line two of the subsection.
- Section 83A of Act 663 inserted
45. The principal enactment is amended by the insertion after section 83 of a new section 83A
- "Instructions and guidelines for disposal of vehicles and unserviceable stores
- 83A. (1) The Minister shall, in consultation with the Board, make further Regulations on the disposal of vehicles, unserviceable stores, and obsolete equipment.
- (2) The Board shall issue detailed instructions and policy guidelines related to the disposal of vehicles, unserviceable stores and obsolete equipment."
- Section 85 of Act 663 amended

46. The principal enactment is amended by the repeal of section 85.

Section 86 of Act 663 amended

47. The principal enactment is amended by the substitution for section 86 of

"Code of conduct

86. (1) The Board shall, with the approval of the Minister, compile and publish a code of conduct that shall apply to each official of a procurement entity, the members of an evaluation panel, members of a tender review committee, members of the Board as well as tenderers, suppliers, contractors and consultants.

(2) The code of conduct shall address

(a) conflicts of interest in procurement;

(b) measures to regulate matters concerning personnel responsible for procurement;

(c) declarations of interest in particular procurements;

(d) screening procedures and training requirements; and

(e) any other matter related to the ethics of procurement.

(3) For the purpose of subsection (2) (a), where a tenderer has a disqualifying conflict of interest, the affected party shall be given the opportunity to remedy the conflict of interest in accordance with the relevant procedures of the procurement entity concerned.

(4) A decision of a procurement entity to exclude a tenderer from the procurement process by reason of conflict of interest and the reasons for the exclusion shall be included in the record of procurement proceedings and shall be promptly communicated to the tenderer concerned.

(5) The code of conduct shall promptly be made accessible to the public and shall be updated regularly as directed by the Board."

Section 87 of Act 663 amended

48. Section 87 of the principal enactment is amended by the substitution for "tender review board" in subsections (1) and (2) of "tender review committee".

Section 89 of Act 663 amended

49. Section 89 of the principal enactment is amended in subsection (2) by the insertion of "or any other person" after "consultant" in paragraphs (a), (b), (d), (e) and (f).

Section 90 of Act 663 amended

50. The principal enactment is amended by the substitution for section 90 of

"Procedures on completion of investigation

90. (1) An investigator shall forward a copy of the investigation report to the Board.

(2) The Board shall afford a person adequate opportunity to make representations in a matter, before taking an action in terms of subsection (3) which may adversely alter the rights or property of that person.

(3) The Board shall, if satisfied that there has been a contravention of a provision of this Act or any other enactment in relation to procurement proceedings or procurement contracts, take action to rectify the contravention which action shall include

(a) annulment of the procurement proceedings;

(b) cancellation of the procurement contract;

(c) ratification of anything done in relation to the proceedings; or

(d) a declaration consistent with the relevant provisions of this Act."

Section 92 of Act 663 amended

51. The principal enactment is amended in section 92 by

(a) the substitution for "one thousand" of "two thousand five hundred" in line three of section 92 (1);

(b) the addition of a new subsection (3)

"(3) Despite anything to the contrary in an enactment, a person who contravenes a Regulation made under this Act is liable on summary conviction to a fine of not more than two thousand five hundred penalty units or to a term of imprisonment of not more than five years or to both."

Section 94 of Act 663 amended

52. The principal enactment is amended by the repeal of section 94.

Section 95 of Act 663 amended

53. Section 95 of the principal enactment is amended by the deletion of "chief executive officer of the" in the first line.

Section 96 of Act 663 amended

54. The principal enactment is amended by the substitution for section 96 of

"International obligations

96. (1) Despite the extent of the application of this Act to the procurement, procurement with international obligations arising from a grant or concessionary loan to the Government shall be in accordance with the terms of the grant or loan subject to the prior review and "no objection" of procurement procedures by the Authority.

(2) Procurement arising from an external loan and commercial facility, secured by Government, other than a concessionary loan and grant which specifies particular procurement procedures shall be subject to the prior review and "no objection" of those procurement procedures by the Authority."

Section 97 of Act 663 amended

55. Section 97 (2) of the principal enactment is amended

(a) by the insertion of a new paragraph (i)

"(i) to review the levels of method thresholds or approval thresholds;"

(b) by the re-lettering of paragraph (i) as paragraph 0); and

(c) by the deletion of subsection (3).

Section 98 of Act 663 amended

56. Section 98 of the principal enactment is amended;

(a) by the insertion in the appropriate alphabetical order of the following new definitions:

"Commission" includes a committee and an ad hoc body established for a particular purpose;

"contract administrator" means an individual appointed by the head of entity to administer a contract on behalf of the entity;

"court" means court of competent jurisdiction;

"domestic contractor" means, for the purpose of eligibility for a margin of domestic preference under international competitive tender for Works, a contractor registered and incorporated under the laws of Ghana, having majority share holding by Ghanaians and not subcontracting more than 50 percent of the total value of Works to foreign contractors;

"framework agreement" means a long-term agreement with suppliers, contractors and providers of non-consulting services which sets out terms and conditions under which specific procurements (call-offs) can be made throughout the term of the agreement. Framework agreements are generally based on prices that are either pre-agreed, or determined at the call-off stage through competition or a process allowing their revision without further competition;

"locally registered supplier" means a business entity registered to do business under the Companies Act, 1963 (Act 179);

"promptly" means without delay;

"public interest" includes a right or advantage which enures or is intended to enure to the general benefit of the people of this country;

"socio-economic policy" means environmental, social, economic and other policies of the Government which promote social or economic impact, authorised or required by the procurement regulations or any other enactment taken into account by the procurement entity in procurement proceedings;

"statutory fund" means a fund established by Act of Parliament; and

"vehicle" includes a serviceable and unserviceable means of conveyance for people and goods;

(b) by the deletion of (v) appearing under the definition of "head of entity" and the insertion of

"(v) State Owned Enterprises, the chief executive officer";

(c) by the insertion of "and" after "quality" in the definition of "quality cost based selection"; and

(d) by the insertion of "entity" in the definition of "tender committee" .

Section 99 of Act 663 amended

57. The principal enactment is amended in section 99 by the substitution for subsection (4) of

"(4) Any tender review board and entity tender committee that performed the functions of an entity tender committee or tender review board under the First and Second Schedules of the principal enactment are reconstituted in accordance with the First and Fourth Schedules of this Act."

Schedules to Act 663 amended

58. The principal enactment is amended by the substitution for the Schedules of the following new Schedules:



The Public Procurement (Amendment) Act, 2016

((FIRST SCHEDULE
(Section 20 and 20A)

CATEGORIES OF ENTITY TENDER COMMITTEES

SCHEDULE I A

CATEGORY A (SPECIAL CONSTITUTIONAL BODIES)

1. Legislature
2. Judiciary
3. Council of State
4. Bank of Ghana

CATEGORY B

1. Independent Constitutional Bodies'
2. Office of the President
4. Ministries
5. State Owned Enterprises
6. Regional Coordinating Councils
7. Statutory fund management bodies

CATEGORY C

1. Head Office of subvented agencies and government departments"
2. Teaching Hospitals
3. Tertiary Institutions including autonomous schools, institutes, colleges and campuses of universities.

CATEGORY D

1. Regional office of subvented agencies and government departments
2. Regional hospitals
3. Colleges"

CATEGORY E

1. District office of subvented agencies and government departments'
2. District hospitals
3. Second cycle schools or institutions
3. Second cycle schools or institutions

CATEGORY F

1. Metropolitan Assemblies
2. Municipal Assemblies and District Assemblies

(footnotes)

1. Category BI includes -Public Services Commission, National Development Planning Commission, Office of the Head of Civil Service, Electoral Commission, Office of the District Assemblies Common Fund Administrator, Commission On Human Rights and Administrative Justice, National Media Commission, Lands Commission and National Commission for Civic Education.

2. Category CI, DI and EI includes the Ghana Education Service, Ghana Health Service, Ghana Police Service, Ghana Prisons Service, Ghana Immigration Service, Ghana National Fire Service, Ghana Revenue Service and the Local Government Service.

3. Colleges - Training Colleges (Nursing & Agricultural or similar Colleges). , ;

4. That are not decentralised departments

SIXTH SCHEDULE (Sections 50 and 68)

Standard Tender Documents and Standard Requests for Proposals

1. Standard tender document for procurement of works
 2. Standard tender document for procurement of works, smaller contracts
 3. Standard tender document for roads - major
 4. Standard tender document for roads - minor
 5. Standard tender document for procurement of goods
 6. Standard tender document for procurement of health goods
 7. Standard tender document for procurement of text books
 8. Standard tender document for procurement of information technology systems
 9. Standard request for proposals for selection of consultants
 10. Standard document for pre qualification of suppliers, consultants and contractors
 11. Standard document for request for expression of interest
 12. Sample format request for quotations
 13. Disposal of stores, vehicles and equipment
 14. Board of survey form/disposal certificate/destruction certificate
 15. Standard tender evaluation format and reporting format for goods, works and selection of consultants
 16. Standard and sample contracts for consultants services
Complex time based assignments
Lump-sum remuneration
Small assignments time based payments
Lump-sum payments."
- Date of *Gazette* notification: