

STATUTORY INSTRUMENTS SUPPLEMENT

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S T A T U T O R Y I N S T R U M E N T S

2014 No. 15.

**THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS
(FORCE ACCOUNT MECHANISM) REGULATIONS, 2014.**

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S T A T U T O R Y I N S T R U M E N T S

2014 No. 15.

The Public Procurement and Disposal of Public Assets (Force Account Mechanism) Regulations, 2014.

(Made under sections 95A and 96 (1) of the Public Procurement and Disposal of Public Assets Act, 2003).

IN EXERCISE of the powers conferred upon the Minister responsible for finance by sections 95A and 96(1) of the Public Procurement and Disposal of Public Assets Act, 2003, on the recommendation of the Authority and with the approval of Parliament, these Regulations are made, this 6th day of February, 2014.

1. Title and Commencement.

These Regulations may be cited as the Public Procurement and Disposal of Public Assets (Force Account Mechanism) Regulations, 2014.

(2) These Regulations shall come into force on the 3rd day of March, 2014.

2. Interpretation.

In these Regulations, unless the context otherwise requires—

“Act” means the Public Procurement and Disposal of Public Assets Act, 2003;

“competent authority” means a Government office which has the mandate to perform a specified function;

“works” means any work associated with the construction, reconstruction, demolition, repair or renovation of a building or structure, on the surface or underground, on or under water.

3. Determination of the costs of the force account mechanism.

(1) To determine that the direct, indirect and overhead costs to be incurred in using the force account mechanism are less than would be incurred if the assignment was executed by a contractor, as required by section 95 A (3) (b) of the Act, a procuring and disposing entity shall cost the indirect and overhead costs to be incurred using the force account, using the rates provided by a competent authority.

(2) The indirect and overhead costs to be incurred by a procuring and disposing entity shall be compared with the cost that would be incurred if the assignment was executed by a contractor.

(3) To determine that no contractor is willing to execute the assignment, as required by section 95A (4) of the Act, a procuring and disposing entity shall—

- (a) make an assessment of previous similar procurements for works where no contractor was willing to execute a similar assignment for the procuring and disposing entity or for another procuring and disposing entity; or
- (b) use the procuring and disposing entity's knowledge of the market.

(4) For the purposes of this regulation, a procuring and disposing entity may request another procuring and disposing entity or a competent authority to cost the indirect or overhead costs.

4. Procurement of equipment and supplies for the force account mechanism.

The procuring and disposing entity shall procure the equipment and supplies required to undertake works using the force account mechanism using procurement rules and methods in the Act.

5. Appointment of supervisor.

(1) For the purposes of these Regulations, an Accounting Officer shall, in writing, appoint a member of the procuring and disposing entity as supervisor, to supervise the works to be executed using these Regulations.

(2) The supervisor shall—

- (a) approve the work plan;
- (b) supervise the progress of the assignment;
- (c) verify the works undertaken and the costs of the works; and
- (d) issue performance and completion certificates in respect of the assignment.

(3) The supervisor shall supervise the public officer appointed under regulation 6.

(4) The appointment shall indicate—

- (a) the functions and powers of the supervisor;
- (b) the duration of the assignment;
- (c) the reporting mechanism between the supervisor and the Accounting Officer; and
- (d) the facilitation to be given to the supervisor.

(5) The supervisor shall submit to the Accounting Officer, progress reports and at the completion of the assignment, a final report.

(6) For the purposes of this regulation, the Accounting Officer may with the approval of the Accounting Officer of another procuring and disposing entity, appoint a member of that procuring and disposing entity to perform the functions of supervisor, specified in this regulation.

6. Appointment of public officer to manage works using force account mechanism.

(1) The Accounting Officer shall appoint a public officer from the procuring and disposing entity to manage works executed using the force account mechanism.

(2) The public officer appointed under this regulation shall manage the works and the personnel to be used in the execution of the works and shall be responsible for the equipment to be used.

(3) The appointment shall indicate—

- (a) the scope of works to be carried out by the public officer;
- (b) the powers of the public officer to be exercised in the execution of the works;
- (c) the equipment to be used for the works;
- (d) the personnel of the procuring and disposing entity to be engaged in the works;
- (e) the duration of the works to be executed;
- (f) where applicable, the personnel and equipment of another procuring and disposing entity to be used;
- (g) the direct, indirect and overhead costs projected for the works; and
- (h) any facilitation to be given to the public officer.

(4) The public officer appointed under this regulation shall, prepare a work plan for the execution of the works, for the approval of the supervisor.

(5) The public officer shall—

- (a) fill a daily work sheet to indicate the works executed;
- (b) submit monthly reports to the supervisor; and
- (c) submit a report on the assignment at its completion, including the daily work sheets filled under paragraph (a), to the supervisor.

(6) For the purposes of this regulation, the Accounting Officer may request another procuring and disposing entity to perform the functions of the public officer specified in this regulation.

MARIA KIWANUKA,
Minister of Finance, Planning and Economic Development.