



Guideline

for

Carrying out Works under Force Account

**Public Procurement Regulatory Authority
P. O. Box 2865
DODOMA**

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PART I: INTRODUCTION

1. Background	<p>1.1 The Public Procurement Act No. 7 of 2011 (PPA 2011) and its Regulations 2013, G.N No. 446 as amended, provides for circumstances which may necessitate the use of Force Account (FA) in carrying out works;</p> <p>1.2 These guidelines provide for the manner on how works under FA shall be carried out;</p> <p>1.3 These guidelines shall be used by all Procuring Entities (PEs) when carrying out works by means of Force Account.</p>
2. Short Title	<p>2.1 These Guidelines may be cited as Guideline for Carrying Out Works using Force Account by Procuring Entities in Tanzania.</p>
3. Application	<p>3.1 These guidelines shall come into force from the date they are issued to the Public through publication in the Tanzania Public Procurement Journal and the Authority's website and they may be amended from time to time when needs arise;</p> <p>3.2 These Guidelines shall apply in all circumstances involved in the execution of Procuring Entity's works under FA;</p> <p>3.3 All PEs executing projects under FA shall abide with these guidelines. Non-compliance arising out of ignorance of provisions of these guidelines during its execution shall not be condoned and shall be subjected to measures provided for under procurement laws and other relevant Laws in Tanzania;</p> <p>3.4 Where the interpretation of any provision of these guidelines conveys a meaning contrary to Public Procurement Act and its Regulations, the provisions of such Act and Regulation shall prevail and its interpretation shall be final and</p>

	<p>conclusive;</p> <p>3.5 Any guidelines for carrying out works through FA issued by any other authority shall be discontinued effectively following issue of this guideline.</p>
<p>4. Definitions</p>	<p>4.1. In these Guidelines, unless the context requires otherwise;</p> <p>“Accounting Officer” also known as acronym “AO” means “a Government officer appointed in accordance with the provisions of the Public Finance Act or a public officer statutorily appointed to hold a vote or subvention and accounts for all monies expended from that vote or subvention”</p> <p>“Authority” means “the Public Procurement Regulatory Authority”</p> <p>“Act” means Public Procurement Act</p> <p>“Consultant” means a firm, company, corporation, organization, partnership or an individual person engaged in or able to be engaged in the business of providing services in architecture, economics, engineering, surveying or any field of professional services, and who is, according to the context, a potential party or the party to a contract with the procuring entity.</p> <p>“Execution team” means appointed experts related to a particular assignment for implementation purposes.</p> <p>“Force Account” also known as acronym “FA” means a process where works are carried out by a public or semi public departments or agencies by using its personnel and equipment or in collaboration with any other public or private entity.</p> <p>“Head of Department” means the officer in</p>

	<p>charge of the department for head office, or in the delegated Authority.</p> <p>“Labour” means skilled or unskilled personnel employed by procuring entity or hired for execution of work.</p> <p>“Major works” means works which are civil and buildings in nature and requires special skills in design, preparations of specifications and execution.</p> <p>“Minor works” means works which are civil and buildings in nature but not necessarily requires special skills in design, preparations of specifications and execution.</p> <p>“Private Entity” means any <i>entity that is not a unit of government</i>, including but not limited to a corporation, partnership, company, nonprofit organization or other legal entity or a natural person.</p> <p>“Procurement laws” means the Public Procurement Act, 2011 and the Public Procurement Regulations, 2013 as amended from time to time.</p> <p>“Public Entity” any Ministry, Department or Agency of the Government; or anybody corporate or statutory body or authority established by the government; or any company registered under the Companies Act being a company in which the Government or an agency of the Government, is in the position to influence the policy of the company; or any local government authority.</p> <p>“Technical Department” means a department with technical knowhow of required works to be carried out.</p>
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<p>5. Purpose of the Guideline</p>	<p>5.1. General Purpose:</p> <p>To guide procuring entities (PEs) in a proper use of Force Account in executing works.</p> <p>5.2. Specific Purpose:</p> <p>Specific purpose of these guidelines is to:-</p> <p>a) Set procedure for procurement of labour and construction materials in implementation of FA; and</p> <p>b) To make use of any available resources internally.</p>
<p>PART II: GENERAL PRINCIPLES</p>	
<p>6. General Conditions for use of FA</p>	<p>6.1 The conditions that may justify the use of force account by procuring entity shall be those enlisted under the provision of Section 64(5) of PPA, 2011 and Regulation 167 (1) of The Public Procurement Regulations, 2013 as amended respectively. These shall include any of the following:</p> <p>a) The works are small, scattered and in remote location for which qualified construction firms are unlikely to tender at a reasonable price;</p> <p>b) Work is required to be carried out without disrupting ongoing operations;</p> <p>c) There is an emergency that needs immediate attention;</p> <p>d) Risks of unavoidable work interruption are better borne by a PE or public authority than by a contractor;</p> <p>e) The PE has <i>qualified personnel</i> recognized by relevant professional bodies to carry out and supervise the required works; or</p> <p>f) The maintenance or construction is part</p>

	<p style="text-align: center;">of the <i>routine activity</i> of the PE</p> <p>6.2 Prior Tender Board approval to use force account shall be obtained. The submission for request for approval must accompany sufficient justification for use of force account;</p> <p>6.3 Tender Board may reject the request to use Force Account if the request does not have sufficient justification. Where Tender Board rejects the request, the Procurement Management Unit shall propose another appropriate method to carry out particular works.</p>
7. Construction and Maintenance Works	7.1 FA will be applicable during construction of new projects or while carrying out maintenance works.
8. Action plan and Meetings	<p>8.1 In order to meet the objectives of FA application, PE shall endeavor to enhance quick implementation of projects in terms of procurement of materials and equipment to be used in the projects;</p> <p>8.2 There shall be meetings of respective departments within the PE to draw action plan and other manners of execution of the intended work.</p>
PART III PROJECT IMPLEMENTATION	
9. Appointment of Project Manager	<p>9.1 There shall be appointed a Project Manager or Supervisor for each project to be executed. The Project Manager shall be proposed by the Technical department and be appointed by the Accounting Officer;</p> <p>9.2 The Project Manager or Supervisor shall be appointed on the basis of his profession, expertise and experience in the particular type of a project;</p> <p>9.3 The appointed project manager shall be a registered Architect, Quantity Surveyor or</p>

	<p>Engineer;</p> <p>9.4 Duties and responsibility of the project manager shall be determined by the PE which shall include but not limited to:</p> <ul style="list-style-type: none"> a) Approve work plan; b) Supervise the work; c) Verify the works undertaken and the costs of the work; d) Issue performance ad completion certificates in collaboration with implementation team; e) Supervise the immediate work supervisors.
<p>10. Appointment of Implementation Team</p>	<p>10.1 There shall be an appointment of project implementation team. This team may be comprised of sub-teams for supervision and execution;</p> <p>10.2 Members of supervision and execution teams shall be proposed by the Head of Technical Department and appointed by the Accounting Officer;</p> <p>10.3 Depending on the complexity of the project, the project manager may propose other individuals or groups to be added to the team where it deems necessary, and where the Accounting Officer approves, they will be included in the team;</p> <p>10.4 The criteria for appointment of such teams shall be based on Professional/Technical expertise and or experience;</p> <p>10.5 The number of members in supervision or execution team shall depend on the complexity of the project with intention to achieving value for money;</p> <p>10.6 The implementation team shall be responsible for preparing specific tasks for personnel and or piece work contracts for labourers; other duties</p>

	<p>and responsibilities may be determined by the project manager;</p> <p>10.7 The public officials in the implementation team may be paid allowances in accordance with government policies and circulars.</p>
11. Determination of Scope of Work	<p>11.1 The user/technical department shall describe the construction or maintenance work required to be executed</p> <p>11.2 Where user department is different from technical department, the user department shall request experts from technical department (or technical personnel within the PE or in collaboration with another PE) to determine scope of work by preparing drawings, specifications and bill of quantities in terms of schedule of materials for the work to be executed;</p> <p>11.3 Prior to execution of works, the user department shall in consultation with the technical personnel, submit prepared scope of work and schedule of materials to the PMU for procurement of such materials;</p> <p>11.4 Procurement of materials shall be carried out using procurement procedures specified in the Regulations.</p>
12. Budget and Annual Procurement Plan (APP)	<p>12.1 All works shall be executed when the budget has been allocated for and included in the Annual Procurement Plan;</p> <p>12.2 PE shall observe APP and any unplanned works to be executed shall receive prior written approval from the Accounting Officer and APP updated accordingly.</p>
13. Procurement of Construction Materials	<p>13.1 For purposes of achieving value for money, during procurement of materials, preference shall be given to procurement of materials</p>

	<p>directly from Manufacturers or its authorized dealers;</p> <p>13.2 Where, there is more than one manufacturer or dealer of the materials to be procured, the mode of procurement shall be through competition as provided for in the public procurement laws;</p> <p>13.3 In the circumstances where manufacturer or dealer of the materials to be procured is justifiably impossible, normal procurement procedure through competition shall be applied;</p> <p>13.4 Preference shall be given to locally made materials or local manufacturers or suppliers;</p> <p>13.5 In order to meet the spirit behind force account arrangement for procurement of materials to be used in the execution of work may be unbundled so as to be procured within manageable capacity.</p>
<p>14. Use of Framework Contracts</p>	<p>14.1 Where necessary, the use of framework contracts by PEs should be encouraged during procurement of construction materials for the purposes of speeding up execution of projects in the procuring entity;</p> <p>14.2 For materials falling under common used items and services by Government Procurement Services Agency (GPSA), PEs shall proceed to procure materials from the suppliers awarded framework contracts by GPSA in accordance with Public Procurement Regulations and Guidelines.</p>
<p>15. Procurement of Semi-skilled and Un-skilled Labour</p>	<p>15.1 Unless stated otherwise, the procurement of semi and unskilled labour under Force Account shall be under Non Consultancy procurement category;</p> <p>15.2 PE may engage a public entity with capacity to</p>

	<p>supply semi or unskilled or both labourers to be engaged in force account implementations through specific agreement. Where there is more than one public entity, PE shall request quotation for the same, where the lowest evaluated quotation will be awarded the tender</p> <p>15.3 PE may engage a private entity through competitive procurement methods for supply of semi or unskilled or both labourers to be engaged in force account implementations</p>
	<p>15.4 Where for the interest of project sustainability or to achieve certain specific social value of the project PE may call for the participation of local community or special groups in supply of semi and unskilled labours.</p> <p>15.5 Labourers shall be paid in accordance with the market rates.</p>
PART IV: MANAGEMENT OF WORKS	
<p>16. Project Records Keeping</p>	<p>16.1 All records of list of materials procured, labour, working drawings, as built drawings, project progress report on weekly/monthly with pictures and all payment made shall be properly kept and retrievable on demand;</p> <p>16.2 All payments to laborers shall be made properly and promptly; and must be supported by required documents.</p>
<p>17. Project Monitoring, Evaluation and Quality Control</p>	<p>17.1 During execution of the project there shall be close monitoring, assessment and evaluation of the project through planned site inspections and meetings between project implementation team and user department;</p> <p>17.2 It shall be the duty of project manager to ensure that monitoring and evaluation of the project is properly and effectively carried out;</p> <p>17.3 Weekly/monthly Progress reports for the project</p>

	<p>shall be prepared by PM and disseminated to all stakeholders for purposes of project monitoring;</p> <p>17.4 Project Implementation team should monitor closely all risks associated with cost, time and quality and take corrective actions as appropriate and any variations arising during execution of works shall obtain prior written approval of the tender board;</p> <p>17.5 Implementing team shall commit themselves to satisfactory performance and rectification of any non performance</p>
<p>18. Liability of persons or entities involved in management of works</p>	<p>18.1 All personnel or entity appointed or involved in execution of works through FA, shall be jointly or severally liable for any non performance or poor performance;</p> <p>18.2 Liability of personnel or entity may include disciplinary actions by appointing or competent authority or may be subjected to legal proceedings in accordance with laws of Tanzania.</p>
<p>PART V: EXECUTION OF PROJECTS UNDER FORCE ACCOUNT IN COLLABORATION WITH OTHER PUBLIC OR PRIVATE ENTITY</p>	
<p>19. Collaboration with Other Entities</p>	<p>19.1 PEs shall as much as practicable utilize internal resources. However, certain projects may not be executed using only internal personnel and equipment due to insufficient internal resources;</p> <p>19.2 PE may collaborate with other Public or Private entity that has qualified personnel and appropriate equipment, to make sure that the project is carried out efficiently and effectively;</p> <p>19.3 The public or private entities referred to in 19.2 above shall be entities recognized by relevant regulatory authorities or professional bodies</p>

20. Contracting Out	20.1 Projects under this arrangement shall be contracted to other entities on the basis of personnel only, equipment only, or personnel and equipment only
21. Initiation Process	<p>21.1 It shall be the responsibility of the user department to initiate processes involved in the implementation of projects to be carried out in collaboration with other public or private entity;</p> <p>21.2 The process shall be channeled through the normal procedure of procurement initiation in consultation with technical department.</p>
22. Procurement of Public Entity	<p>22.1 The choice of a Public Entity shall be coordinated and managed by Procurement Management Unit and approved by the Tender Board of the PE;</p> <p>22.2 The choice of the Public Entity shall be based on the expertise and experience mandated to them in accordance with its establishment and or relevant circumstances giving rise to the needs or requirements;</p> <p>22.3 The PE shall prepare an approved shortlist of Public Entities eligible to carry out works and invite them to compete for desired service, save for Single Source method of procurement;</p> <p>22.4 The Procuring Entity shall evaluate and compare their tenders or quotations to arrive at the lowest evaluated price;</p> <p>22.5 The Accounting Officers of the collaborating PEs shall sign an agreement on the mode of carrying out such works or services</p>
23. Procurement of Private Entities	<p>23.1 Private entities shall only be engaged through competitive method of procurement in carrying out works through Force Account;</p> <p>23.2 Where no Pre-qualification has been conducted, PE shall advertise invitation for tenders for consideration;</p>

	<p>23.3 Advertisements in respect of 23.2 above shall be made through TANEPS and website. In case works are carried out in remote areas where electronic facilities are not available PE's notice boards and other sources may be used;</p> <p>23.4 Advertisement shall comply with timeframe set out in the Schedules to the Regulations.</p>
<p>24. Procurement of Construction Materials</p>	<p>24.1 Procurement of construction materials to be used in the implementation of Works projects shall be made through procurement procedures provided under Public Procurement Regulations;</p> <p>24.2 The construction materials to be procured shall conform to the Schedule of Requirements and stated Specifications approved by Project Manager</p>
<p>25. Payments to Entities</p>	<p>25.1 Payment to entities involved under this arrangement may be on piecework with prepared work schedule of rates as per contract;</p> <p>25.2 The entity executing the work shall submit claims of payment as per terms and conditions stipulated in the contract;</p> <p>25.3 The takeoff and measurement of executed works shall be carried jointly by Project Manager and executing entity;</p> <p>25.4 Payment claims submitted by the entity shall be checked and certified by the Project Manager;</p> <p>25.5 The PE shall retain money to cover defects liability period in event the entity engaged is fully responsible in Works execution;</p> <p>25.6 Certification for payment shall be made by the respective Project Manager;</p>

	25.7 No payment shall be made without issuance of certificate for the executed Works by the Project Manager.
26. Records	27.1 All necessary records for the procurement and execution of the project shall be in accordance with Public Procurement Laws, Regulations and guidelines. The records should include documents for procurement of construction materials, project management, payments and other correspondences related to project.
27. Quality Assurance and Control	<p>27.1 Collaborating entities shall commit themselves for satisfactory performance and rectification of any non-performance;</p> <p>27.2 During implementation, the Project Manager shall monitor closely all risks associated with cost, time and quality and take corrective actions as appropriate.</p>
PART VI: COMPLETION AND CLOSURE OF WORKS PROJECT	
28. Completion and Closure of Works Project	<p>28.1 Upon completion of the Works project, the implementation team shall carry out the following:</p> <ul style="list-style-type: none"> a) Inspect the executed Works ; b) Identify snag list for the Works; c) Prepare and issue completion certificate. ; d) Determine the commencement of defect liability period for the Works as per Contract; and e) For projects executed in collaboration with public entity, the PE may consider retaining of certain percentage of money to cover defects liability period if such has been stated. <p>28.2 For Works project executed in collaboration with other entities, the Contracts for Works shall provide for Defect Liability Period, associated with retention of 5% when appropriate, of the Contract price to be</p>

	<p>released upon satisfaction of the work at the closure of the works.</p> <p>28.3 Other terms and conditions of contracts entered for execution of the Works project with the entity shall apply in line with these guidelines;</p> <p>28.4 Where user department is different from technical, the technical department shall officially hand over the completed project to the user department for commissioning with all project records.</p>
<p>PART VII APPLICATION OF FORCE ACCOUNT AT THE LOWER GOVERNMENT LEVEL</p>	
<p>29. Lower Government Levels</p>	<p>29.1 Unless provided otherwise in these guidelines, Lower Government Levels shall mean schools, health facilities and similar establishments receiving funds directly from the government for the purpose of carrying out works and related activities</p>
<p>30. Delegation of procurement functions</p>	<p>30.1 The Accounting Officer may delegate certain procurement and disposal by tender functions to a member of staff, or a tender board function or procurement management unit to a sub-division, department or Unit of respective entity;</p> <p>30.2 Accounting Officer shall delegate procurement functions of the Accounting Officer to a member of staff at the lower government levels for all Works projects carried out through Force Account where the subject of procurement is as a result of public funds received directly from the Government;</p> <p>30.3 Without prejudice to Clause 30.2 above, in case of funds received directly from donors, terms and conditions for its use shall be in conformity with grant or loan agreement subject to Section 4 of the Act;</p> <p>30.4 Where Accounting Officer delegates his function to an officer in the Lower Government</p>

	<p>levels in accordance with Clause 30.2 above, the person to whom this function is delegated shall carry out duties and responsibilities as provided for under these guidelines;</p> <p>30.5 Where the office of the delegated Accounting Officer has qualified procurement specialist, the delegated Accounting Officer shall constitute delegated tender board and PMU to carry out procurement functions in accordance with the Public Procurement Act;</p> <p>30.6 Where there is no qualified procurement specialist in the delegated office, the delegated Accounting Officer shall appoint two to three staff within his jurisdiction to carry out all procurement functions of a particular project. The appointed procurement staff shall work under the guidance of the PMU of the delegating office</p>
<p>31. Appointment and functions of Bodies/Organs</p>	<p>31.1 Without prejudice to Clause 30.5 and 30.6 to this Guideline, delegated Accounting Officer shall cause to be constituted two Bodies/Organs, namely; implementation team, and inspection and acceptance team for the purpose of ensuring that the procurement of materials and works are carried out with due regards to the value formoney. Each team named above shall constitute three to five staff members from respective entity and shall be person with high integrity. The tenure of their appointment shall be for the period of the project. Members of these committees may be re-appointed as required;</p> <p>31.2 Each committee shall constitute of at least one member with technical knowhow based on the magnitude and complexity of the project;</p> <p>31.3 In addition, inspection and acceptance team shall consist of one member from the local</p>

	<p>government leadership of the community surrounding the entity, and one person from the community with technical knowhow on construction;</p> <p>31.4 The established organs/bodies shall ensure that procurement of construction materials are procured from the list of approved suppliers or shops;</p> <p>31.5 The list of approved suppliers/ shops shall be identified from the community surrounding the entity where there are no suppliers shortlisted by the Government Procurement Services Agency (GPSA); At least three mini-competition quotations shall be issued to the suppliers shortlisted and approved by the entity;</p> <p>31.6 The received quotations shall be evaluated by Evaluation Committee appointed by Delegated Account Officer and awarded basing on stated evaluation criteria in the Solicitation Documents;</p> <p>31.7 The implementation team shall be responsible for supervision of works during execution;</p> <p>31.8 The Inspection and acceptance team shall be responsible for inspection of materials and works carried out;</p> <p>31.9 The teams shall report directly to the delegated Accounting Officer on the progress of their duties and responsibilities assigned to them as prescribed in programme of works and approved by the delegated Accounting Officer;</p> <p>31.10 Delegated Accounting Officer may request technical assistance/personnel or special training from the delegating Accounting Officer in any area before or during execution of the project;</p>
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	<p>31.11 Accounting Officer, after receiving request for assistance may assign officer specialized in the area of concern, to train or assist the delegated Accounting Officer or his officers assigned to carry out duties in relation to a particular Project.</p>
<p>32. Procurement of Construction Materials and labour contracting</p>	<p>32.1 The delegated tender board shall ensure procurement of all construction materials are carried out before execution and shall be responsible for approving procurement of labourers to carry out the works;</p> <p>32.2 The list of suppliers/shops shall be identified from the community surrounding the entity, where there are no suppliers shortlisted by the Government Procurement Services Agency (GPSA), and shall be approved by the Tender Board or delegated Tender Board of respective entity;</p> <p>32.3 At least three mini-competition quotations shall be issued to the suppliers/shops shortlisted and approved by the entity;</p> <p>32.4 The labourers referred to in 32.1 above may be skilled, semi-skilled or unskilled;</p> <p>32.5 Where skilled labour is required, personnel required for in the assignment shall submit proof of professionalism certification from respective Board or authority responsible for a such professionalism;</p> <p>32.6 One of the skilled labour/personnel shall be appointed by the delegated accounting officer as a Project Supervisor, who shall possess necessary technical expertise and experience in the field of works;</p> <p>32.7 Where skilled personnel cannot be sourced from the community, request shall be submitted to the delegating Accounting Officer, who shall</p>

	<p>appoint an officer(s) from within his jurisdiction for such an assignment;</p> <p>32.8 Unskilled Labour sourced from the community shall sign an agreement for daily payment whose rate shall be negotiable but not higher than the current market rate in a particular locality.</p>
<p>33. Project Supervisor and Execution of Works</p>	<p>33.1 There shall be a Project Supervisor who shall be appointed in accordance with Clause 32.6 ;</p> <p>33.2 The Project Supervisor shall be responsible for establishment of gang leaders from the list of labourers listed or appointed with respect to Clause 32.8 or other labourers from the community if such has been requested by the Project Supervisor, provided that the project implementation team has approved such a request;</p> <p>33.3 The project implementation team shall meet often with the Project Supervisor to discuss progress of the work. Project supervisor shall submit work programme to the project implementation team on weekly basis as prescribed before submitting such report to the delegated Accounting Officer;</p> <p>33.4 Project implementation team shall ensure that work is carried out in accordance with terms and conditions of the engagement, schedule of works, budget, quality and any measures put in place for proper project administration;</p> <p>33.5 Project implementation team shall ensure that construction materials used during execution are issued using proper documentation in such a way that records are kept for inspection.</p>
<p>34. Payments to Labourers</p>	<p>34.1 Labourers daily wages shall be in accordance with agreement;</p>

	<p>34.2 All payments shall be supported with proper documentation and justification, with authorization by the delegated Accounting Officer;</p> <p>34.3 Labourers shall be paid on daily, weekly or monthly basis as determined by the delegated Accounting Officer.</p>
<p>35. Inspection and Audits</p>	<p>35.1 Inspection and acceptance team shall be responsible for day to day inspection of construction materials and works;</p> <p>35.2 Where special expertise is required, the inspection acceptance team shall submit a request to the delegated Accounting Officer;</p> <p>35.3 Upon receipt of the request, the delegated Accounting Officer shall promptly forward the request to the Accounting Officer;</p> <p>35.4 The Accounting Officer shall assign responsible officers from the PE to attend to the problem on timely basis;</p> <p>35.5 Delegating Accounting Officer shall assign the Head of Internal Audit Unit, head of works department and HPMU to audit and inspect procurement and works transactions on a regular basis.</p>
<p>36. Completion and Closure of the Works Project</p>	<p>36.1 Upon completion of the Works project, the Inspection and acceptance team shall carry out the following:-</p> <ul style="list-style-type: none"> a) Carry out final inspection and identify snags for the work; b) Prepare completion certificate and issue the same accordingly; c) Determine defect liability period for the works as necessary as contractual

	<p>obligation;</p> <p>d) For projects executed in collaboration with private entity, the PE may consider retaining of 50% of the retention money to cover defects liability period if such has been stated in the agreement.</p>
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