

The appointment letter of the public officer should indicate:

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

The public officer must prepare a work plan for the execution of the works, for the approval of the supervisor.

The public officer also must fill a daily work sheet to indicate the works executed, submit monthly reports to the supervisor and submit a report on the assignment at its completion, including the daily work sheet.

What are the benefits of using force account?

- i. Efficiency gains. The entity is able to execute minor/small works much faster.
- ii. Enhancement of internal capacity of the Procuring and Disposing Entity since works are executed and supervised by the Procuring and Disposing Entity staff.
- iii. Cost savings. In order to use force account, it must be ascertained that it is cheaper to execute the works in house as compared to contracting out. Therefore the procuring and Disposing Entity is able to deliver services at a cheaper cost.

- iv. Works can still be executed even where no contractor is willing to undertake the assignment.



Public Procurement & Disposal of Public Assets Authority

Amendments to the PPDA Law: Execution of Works by Force Account

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Amendments to the PPDA Law: Execution of Works by Force Account

The Public Procurement and Disposal of Public Assets Act 1 of 2003 set up the Public Procurement and Disposal of Public Assets Authority (PPDA) as the principal regulatory body for public procurement and disposal of public assets in Uganda. The amendments to the PPDA law have introduced the force account mechanism as a means of execution of public works by Procuring and Disposing Entity.

What is the Force Account Mechanism?

The force account mechanism is a means of undertaking works of a Procuring and Disposing Entity using the personnel and equipment of the Procuring and Disposing Entity or of another Procuring and Disposing Entity. It is not a method of procurement but a method of executing works.

When is the Force Account mechanism used?

Force Account is usually used to execute simple works. Its use is not tied to any thresholds. It is used where;

- i. The Procuring and Disposing Entity has the equipment and personnel to undertake the works; or
- ii. Where no contractor is willing to undertake the works.

To determine that no contractor is willing to execute the assignment, a Procuring and Disposing Entity shall 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 use the procuring and disposing entity's knowledge of the market.

Where a Procuring and Disposing Entity uses the force account mechanism –

- i. The supplies to be used for the assignment should be procured using the procurement methods in the PPDA Act; and
- ii. The Procuring and Disposing Entity has to determine that it is cheaper to use force account than to procure a contractor to undertake the works except in emergency situations or where no contractor is willing to execute the assignment.

How does the Procuring and Disposing Entity determine that it is cheaper to use force account than to execute the works by contracting out?

The Procuring and Disposing Entity needs to;

- i. Cost the personnel to be used, using the applicable rates of the Procuring and Disposing Entity;
- ii. Cost the indirect overheads using the rates provided by a competent authority. For this, a Procuring and Disposing Entity may request another Procuring and Disposing Entity or a competent authority to cost the indirect or overhead costs of undertaking the works using force account; and
- iii. Cost the equipment and supplies to be used, using market rates. To determine the equipment and supplies required to carry out the contract, a Procuring and Disposing Entity shall;
 - a. For a new building or structure, prepare a design, conduct a survey and prepare bills of quantities and schedule of inputs;

- b. For an existing building or structure, a procuring and disposing entity shall carry out an investigation or a design & condition survey.

How does the Procuring and Disposing Entity ensure that the works are properly executed?

1. The Accounting Officer appoints a member of the Procuring and Disposing Entity or a member of another Procuring and Disposing Entity (with the approval of their Accounting Officer) as supervisor, to supervise the works to be executed. The supervisor's roles are to:
 - a. Approve the work plan;
 - b. Supervise the progress of the assignment;
 - c. Verify the works undertaken and the cost of the works;
 - d. Issue performance and completion certificates; and
 - e. Supervise the public officer appointed as the immediate supervisor of the works.
2. The Accounting Officer also appoints a public officer from the Procuring and Disposing Entity or a member of another Procuring and Disposing Entity (with the approval of their Accounting Officer) to manage works executed using force account mechanism. The public officer manages the works and the personnel to be used in the execution of the works and is responsible for the equipment to be used.