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To all Accounting Officers:

Central Government Ministries
Referral Hospitals
Uganda Missions Abroad

GUIDELINES FOR DISPOSAL OF PUBLIC ASSETS

These guidelines are issued following guidance from the Attorney General with regard to disposal of public assets in government.

In general, all procurement and disposal activities are the responsibility of the procuring and disposing entity as contained in section 25 (1) of the Public Procurement and Disposal of Public Assets Authority Act, 2003 (PPDA Act). In addition, Section 26 of the PPDA Act gives Accounting Officers the overall responsibility for execution of the procurement and disposal process in the procuring and disposing entity.

On the other hand, overall management of public funds (procurement and disposal activities inclusive) is a responsibility of the Minister responsible for finance in accordance with section 3 of the Public Finance and Accountability Act, 2003 (PFAA). In addition, section 6 of the PFAA provides that the Secretary to the Treasury is responsible to the Minister for effective application of the PFAA.

In this regard, please be advised that the guidelines below will apply to disposal activities in conformity with the provisions of the existing laws and regulations.

Responsibilities for Accounting Officers with regard to Disposal of Public Assets

The responsibility for execution of the PPDA Act rests with the Accounting Officers in accordance with Section 26, in which case they are responsible for the management of all procurement and disposal activities under their jurisdictions. Accounting Officers are charged with, among other responsibilities, the establishment of Contracts Committees, and procuring and disposing units within their votes. Additionally, they should advertise items for disposal; communicate the award and sign contracts.

Accountability for the disposal proceeds

In addition to the responsibilities conferred upon the Accounting Officer by the Public Finance and Accountability Act, 2003 (PFAA), he or she shall be required to prepare disposal plans in accordance with Section 58 of the PPDA Act and Regulation 295 of the PPDA Regulations.

The Accounting Officer is further required to submit a monthly report to the PPDA on all disposal contracts awarded during the preceding month in conformity with Regulation 293(5) of the PPDA Regulations and to provide evidence of remittance of the disposal proceeds to the Consolidated Fund.

It is also obligatory that the procuring and disposing entity maintains a record of its disposal proceedings and contract management for a period of seven years as stipulated by Regulation 293 of the PPDA Regulations.

Annual Boards of Survey

The appointment of boards to survey votes on an annual basis shall remain the responsibility of the Accountant General and their conduct and reporting remain as provided for in the Public Finance and Accountability Regulations, 2003.

Other Boards of Survey

Other Boards of Survey may be appointed on an ad hoc basis to address specific issues and/or requests e.g. disposal needs. This is in recognition of the fact that asset disposal is not part of the day-to-day government business and requires special attention.

In accordance with Regulation 295 of the PPDA Regulations, on a periodic basis, a board of survey to identify assets due for disposal may be appointed by the procuring and disposing entity.

It is important to note that the procurement and disposal functions fall within the overall framework for financial management and as such these functions should be conducted with due regard to the applicable financial management laws and regulations to obtain value for money in addition to promoting probity, fairness and competition in all transactions.

It is therefore essential that you follow the PFAA and the PPDA Act in as far as the execution of financial management and procurement and disposal responsibilities are concerned. Please ensure that the contents of this circular are brought to the attention of all the officers concerned.


C. M. Kassami

PERMANENT SECRETARY/SECRETARY TO THE TREASURY

- cc The Rt. Hon. Prime Minister
- cc The Head of Public Service and Secretary to Cabinet
- cc Hon. Minister for Finance, Planning and Economic Development
- cc Hon. Minister for Justice and Constitutional Affairs, and Attorney General
- cc Hon. Minister of State for Justice and Constitutional Affairs
- cc The Inspector General of Government
- cc The Solicitor General
- cc The Auditor General
- cc The Deputy Secretary to the Treasury
- cc The Accountant General
- cc The Executive Director, PPDA
- cc Commissioner, Technical and Advisory Services, MoFPED
- cc Commissioner, Treasury Services, MoFPED