



**AFRICA-CHINA**  
CENTRE FOR POLICY & ADVISORY

# PROCUREMENT POLICY



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# Introduction



## Start Here!

It is expected of ACCPA to adhere to and follow the fundamentals of procurement while using donor monies. The utmost level of accountability in ACCPA's financial management is expected by donors, clients, and other stakeholders.

The procurement function assists businesses in delivering stated needs and targets while maintaining integrity and achieving value for money. Since ACCPA receives funding from donors for a sizable portion of its operations, it is dedicated to making sure that both donor monies and internally produced funds are used responsibly.

The ACCPA procurement function will be guided by the core procurement principles of transparency, fairness, value for money, integrity, efficiency, being fit for purpose, and timely delivery of the procurement, even though various routes may be taken to meet organizational needs.

The purpose of this document is to outline the general procurement policy and processes that govern ACCPA procurement, while acknowledging the unique regulations and policies of contributors.



## Purpose

The purpose of the procurement policy and procedures document is to guarantee that the ACCPA's procurement function complies with the fundamental procurement principles of value for money, transparency, fairness, integrity, efficiency, fairness, being fit for purpose, and timely delivery of procurement.

It also serves to protect the ACCPA from liabilities, unfavourable risks of disqualification from external audits, and unfavourable attention from donors or the governments with whom it works.

## Application

The procedures and policy for procurement are applicable to ACCPA's processes for acquiring commodities, works, and consulting services. For the avoidance of doubt, this also applies to hiring consultants who aren't ACCPA employees.

These could be temporary or part-time jobs associated with projects that have deadlines and specified deliverables. When appropriate, it also covers the processes involved in asset disposal.

## Alternative Procurement Arrangements

ACCPA may consent to alternate suggested procurement rules or regulations at the request of the donor or client. The management of ACCPA has to approve this.

When ACCPA and an external partner sign an agreement requiring the implementation of a specific procurement policy and procedure, the procurement policy and procedures mentioned in the agreement will take precedence.

## Ethical Considerations

The highest ethical standards are expected to be followed in all procurement-related actions. It is forbidden for anyone working in procurement or participating in any aspect of the process to use their position of power or influence for their own benefit.

According to these procurement processes, all procurement personnel are accountable for the propriety and compliance of the acts they take related to



procurement, and they may face consequences. The Staff Handbook will handle non-compliance by employees, and the provisions of their contracts will govern how independent contractors, suppliers, and consultants are handled.

Employees engaged in a specific procurement process whose role(s) could provide an unfair advantage to a profit-making company, or who have social or familial ties, or who have any other interest in a business or individual, including one in which they have a direct or indirect financial stake, shall either:

- Officially absolve themselves of any engagement in the case that could result in a conflict of interest and disclose such interest in writing.
- If necessary, give up that financial interest.

When engaging in the procurement process, ACCPA employees are required to treat all suppliers fairly and equally, adhering to the principles of integrity, fairness, and transparency.

Those participating in a procurement process are required to abide by the following codes of conduct:

- No one may provide suppliers with access to particular, proprietary information about a particular purchase during the pre-solicitation stage unless it has been authorized for distribution to such suppliers, contractors, or consultants.
- Every provider must receive the same information throughout the solicitation phase. All suppliers, contractors, and consultants must receive any clarifications on the solicitation materials at the same time, in writing.
- As much as possible, specifications and terms of reference should be connected to performance and function. Terms of reference or conformance specifications should only be utilized when absolutely required. They must not be unduly restrictive or contain terms that impede competition (such as branding unless necessary for standards), as this may discourage competition.
- It is forbidden for anybody with a direct or indirect financial or personal stake in a supplier answering an invitation to tender to participate in the procurement process.
- Every evaluated offer must be subjected to the same evaluation standards as outlined in the solicitation materials during the review process. It is strictly forbidden to incorporate new evaluation criteria during the review process that are not included in the request documents.
- Employees are not permitted to directly or indirectly approach anyone who has applied for or is attempting to secure ACCPA's business with a promise of future employment.
- Employees are forbidden from directly or indirectly disclosing source selection



and private information to anybody who isn't authorised to get it.

When a member of staff has personal financial interests or outside professional contacts that clash with their ability to fulfil their professional duties and commitments, it is considered a conflict of interest.

When working for ACCPA after leaving the organization, a conflict of interest may arise in relation to private interests like personal investments and assets, political or other outside activities and affiliations, or the acceptance of a gift that could put procurement staff or personnel in a difficult situation.

A conflict of interest also arises from using ACCPA's resources—human, financial, and material—or from using the organization's office or knowledge obtained from official duties for personal benefit or to harm the reputation of an individual that the procurement staff or personnel does not support. A conflict of interest may also occur when staff members are perceived to gain something directly or indirectly from their decisions, or when they permit a third party—such as friends, family, or someone they support—to gain something.

## Fraud

ACCPA has adopted the World Bank's definitions of terms related to fraud and prohibits its employees from engaging in such behavior when carrying out procurement-related tasks. The following terms are defined for the purposes of this provision:

- **Corrupt practice** is the offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence improperly the actions of another party.
- **Fraudulent practice** is any act or omission, including misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain a financial or other benefit or to avoid an obligation.
- **Collusive practice** is an arrangement between two or more parties designed to achieve an improper purpose, including to influence improperly the actions of another party.
- **Coercive practice** is impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of a party.



- **Obstructive practice** is deliberately destroying, falsifying, altering, or concealing of evidence material to the investigation or making false statements to investigators in order to materially impede investigation into allegations of a corrupt, fraudulent, coercive, or collusive practice; and/or threatening, harassing, or intimidating any party to prevent it from disclosing its knowledge of matters relevant to the investigation or from pursuing the investigation.

It is strictly prohibited for any member of the ACCPA personnel who works in procurement to be associated with any of the aforementioned acts.



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# Procurement Planning





The initial steps in the procurement process that are required in the forecasting of a particular procurement activity are the needs assessment, specification or drafting of terms of reference, and cost estimation, despite their complexity. To stay current, it might need to be adjusted multiple times.

Procurement planning typically has more advantages than downsides. The process of evaluating and projecting an organization's, program's, or project's procurement needs in order to establish its procurement strategy is known as procurement planning.

A crucial component of a successful implementation is creating a strategic approach to procurement through adequate and timely procurement planning.

In order to do this, the procurement officer will create a procurement strategy each year to support authorized activities in collaboration with the finance team and implementation units/departments.

This is required regardless of whether the procurement will follow ACCPAs or the preferred procurement rules of the donors.

The procurement plan, along with any revisions, must contain:

- A brief description of the activities/contracts.
- The selection methods to be applied.
- Source of funding
- Cost estimates.
- Time schedules.
- Any other relevant procurement information.

For emergency situations, the procurement plan may be completed during the implementation stage.

No later than one month before the end of the financial year of the year preceding the intended procurement year, a user department or unit must report its planned purchase operations for the year.

Every quarter, the purchase plan will be examined. Under no circumstances may a user department break bulk, i.e., purchase necessary products and services in smaller amounts in order to avoid choosing a certain procurement method that requires more examination.



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# Methods of Procurement



The following shall be included in the procurement methods:

- Open Competition
- Limited Method
- Direct Selection
- Request for Quotations

## Open Competition

When this strategy is used, all qualified potential companies, as well as individual consultants and suppliers, will receive timely and sufficient notice of procurement requests, as well as an equal opportunity to submit bids.

An explanation of the reasons and conditions supporting the decision to utilize that approach must be included in the record that is required in the event that an alternate route is chosen, subject to the Chief Operating Officer's approval. When requesting expressions of interest (EOI) prior to distributing bidding papers to eligible bidders who have been shortlisted, the Expression of Interests must adhere to the guidelines outlined above.

To be clear, in the event of a service procurement, expressions of interest will be requested. For the purchase of goods and works, the two-stage tendering process—requesting expressions of interest and then inviting shortlisted bidders to submit a formal bid—may be optional.

### **Procedure**

The following procedure must be adhered to:

- a. There shall be an advertisement which shall be widely circulated through mediums that command considerably significant patronage.
- b. The advertisement must clearly state the need(s), instruction to be adhered to for submission of bids, and deadline for the submission.
- c. There shall be a fair and transparent treatment of all prospective bidders.
- d. There shall be ample time provided to enable interested parties express their interest in partaking in the bidding process (minimum 10 working days)
- e. Pre-bid meetings may be organized as and when necessary to clearly explain the needs to prospective bidders. This must be recorded and documented.

## Limited Method

If the time and expense needed to review and assess several tenders is out of proportion to the value of the products, services, or works to be acquired, the limited method may be used for economic and efficient reasons.

### **Procedure**

- a. Shortlist of a minimum of three (3) bidders shall be prepared with a short writeup justifying their selection.



- b. Registration and other statutory documents as applicable shall be made available on request by the procurement officer. This may be waived for firms that have previously worked with ACCPA within six (6) months at the time of the procurement.
- c. There shall be a fair and transparent treatment of all prospective bidders.
- d. There shall be ample time provided to enable interested parties to express their interest in partaking in the bidding process.
- e. Pre-bid meetings may be organized as and when necessary to clearly explain the needs to prospective bidders. This must be recorded and documented.

## Direct Selection

Conditions under which a direct selection method shall be adopted include:

- Where goods, works or services are only available from a particular supplier or contractor, or if a particular supplier or contractor has exclusive rights in respect of the goods, works or services, and no reasonable alternative or substitute exists.
- Where there is an urgent need for the goods or services and engaging in tender proceedings or any other method of procurement is impractical due to unforeseeable circumstances giving rise to an urgency.
- Where additional supplies need to be procured from a particular supplier or consultant for the sake of standardisation
- Where there is a need for compatibility with existing goods, equipment, technology, or services, considering the effectiveness of the original procurement in meeting the need.
- Where there is the justification of continuation of the delivery of service which in relation to the initial contract is not very substantial and the justification of continuation of the initial vendor makes sense.

### Procedure

- a. A quotation shall be requested from a single supplier/consultant/contractor.
- b. In the case of a consultant rendering a service, a financial offer without a technical proposal may be requested.
- c. Justification for the selected supplier/consultant shall be provided by the requester/user department for approval.
- d. Registration and other statutory documents as applicable shall be made available on request by the procurement officer. This may be waived for firms/individuals that have previously worked with ACCPA within six (6) months at the time of the procurement.
- e. There shall be ample time provided to enable the quotations to be submitted.
- f. Upon approval of the justification, negotiations can be initiated in anticipation of the full preparation of the bidding documents.

## Request for Quotations

This method shall be used:

- Where there are readily available goods or technical services that are not specially produced or provided to the particular specifications.
- For goods where there is an established market if the estimated value of the procurement contract is less than the amount.

### Procedure



- a. This will not require the issue of standard bidding documentations.
- b. A minimum of three (3) quotations shall be solicited from different suppliers/consultants.
- c. Each supplier/consultant shall only give one price quotation that cannot be changed.
- d. No negotiations shall take place with respect to a quotation submitted by the supplier or consultant, prior to evaluation of bids.
- e. The submitted bids shall be evaluated for price and the lowest evaluated bidder shall be recommended for award.



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# Trendering Procedure



## Procurement Request

The user unit or department is supposed to submit the procurement request. Here is the overall procedure:

- Complete procurement request form to be signed by at least two persons, the requester and a superior (two eye principle).
- Provide detailed information on the specification of the goods to be procured
- In the case of consultancy, detailed terms of reference shall be attached.
- Include all signed justifications as may be applicable in the case of limited/direct selection.
- Procurement requests shall be submitted to the procurement officer for processing.

## Description of Services/Specification of Goods

Requests for consulting contracts must be accompanied by comprehensive terms of reference (TORs) that explicitly outline the tasks that must be completed, together with the deliverables and performance outcomes that are anticipated.

The following could be included in the basic outline:

- Background
- Objective(s) of the Assignment
- Scope of Services, Tasks (Components)
- Expected Deliverables
- Team Composition & Qualification Requirements for the Key Experts
- Reporting Requirements
- Time Schedule for Deliverables
- Client's Input and Counterpart Personnel (if applicable)

As much as possible, specifications should be connected to performance and function. Product specifications ought to be as brand-neutral as feasible.

They must not be unduly restrictive or contain terms that impede competition (such as branding unless necessary for standards), as this may discourage competition. It is possible to request brand-specific specs, but only with management's permission.

## Bidding Documents

As per the guidelines and specifications mentioned in the call to tender, bid materials must be sent to consultants or suppliers.

The invitation documents shall include:



- Instructions for preparing tenders.
- The criteria and procedures for the evaluation of the offers of suppliers or consultants.
- The requirements on additional documentary evidence or other information that is to be submitted by suppliers or consultants to demonstrate their qualifications.
- The terms of reference/specifications.
- In the case of consultancy requests that would require the submission of both technical and financial offers, the bidding document shall clearly state the weightings for both financial and technical offers – Technical 70%, Financial 30%, or as may be determined by the request).
- The minimum score required shall be clearly stated in the bidding documents.

## Modifications or clarifications of Bidding Documents

Before the deadline for bid submission, a bidder has a reasonable amount of time to obtain clarifications on the bidding materials. If changes are made to the bidding documents prior to the deadline for submission, all bidders will need to be informed.

## Communication

Procurement-related correspondence must be sent in writing and in a format that may be filed for future reference and auditing needs.

When communicating electronically, all correspondence should be sent through official emails, and when communicating verbally, any follow-up correspondence that can be documented should be handled and filed appropriately.

## Submission of Bids/Bid Opening

It is anticipated that proposals will be submitted prior to the deadline specified in the requests for bids issued. The procurement officer will coordinate with the user units to arrange a bid opening following the bid deadline. This ought to occur no later than five days following the bid request.

The precise location for submission should be included in the invitation. Furthermore, it is imperative to effectively convey the precise time and day designated as the tender submission deadline. There will be plenty of time for bidders to craft their offers.

The procurement officer may, however, extend the deadline for submission in advance of the deadline with the user department's consent, providing enough





time for bidders to clarify or amend their offers in response to any instructions from ACCPA. The procedure for accepting bids ought to be such that it prevents submitted bids from being manipulated.

At no point during the process, whether it be electronically or manually, can bids be manipulated before the procurement officer and the user department have decided to open the bids.

## Rejection of Bids

The following principles apply to the rejection of bids or proposals prior to submission and acceptance:

- If the reasons were stated in the tender documents or in the proposals or quotations.
- The reason must be communicated to the affected bidders.
- Notice of the rejection shall be given to participating bidders within 5 days should there be a discontinuation of the procurement process. Received bids will be returned to the affected bidders unopened.

## Evaluation of Bids

Following the opening of bids, the received bids will be assessed. An ad hoc evaluation panel including a minimum of two individuals with sufficient technical proficiency must be established by the user department in order to examine the opened bids and provide any recommendations that may be required in order for the best offer to be selected.

- No criterion shall be used except those stated in the invitation documents, and in the case of goods, the required basic specifications stated in the invitation.
- The successful bidder shall be the tender with the lowest evaluated tender price; and the lowest evaluated tender determined on the basis of criteria set-out in the invitation documents which shall be: z Objective and quantifiable;
- Given relative weight in the evaluation procedure or expressed in monetary terms where practicable if so stipulated in the invitation documents.
- The lowest evaluated tender shall consider the tender price and the quality of the technical offer, and in the case of goods, the quality of the specifications as well as the time of delivery.

## Non-Disclosure of Tender Evaluation Details

Suppliers, contractors, or anybody else not officially involved in the examination, evaluation, or comparison of tenders or in the decision of which tender should be accepted may not receive information about the examination, clarification, evaluation, or comparison of tenders.



## **Negotiations**

When a quote exceeds the budget by a significant amount, the reason for the discrepancy must be looked into and a retendering may be taken into consideration.

## **Consultancy fees**

Consultants will be hired on a predetermined basis according to specified consulting costs for consulting assignments. If it becomes necessary to pay a consultant more than what is specified, approval must be obtained.



PLOT No. 49  
Haatso RD, North Legon  
Accra, Ghana

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[www.africachinacentre.org](http://www.africachinacentre.org)  
+233 303 965 259

