Guidelines for
Procurement of Goods or
Services direct from
Manufacturers, Service Providers or Authorised
Dealers
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Public Procurement Regulatory Authority
P. O. Box 2865, DODOMA.
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Guidelines for Procurement of Goods or Services Direct from Manufacturers, Service Providers or Authorised Dealers

	PART I: INTRODUCTION
1. Background	 1.1. The Guidelines aims at guiding Procuring Entities when conducting procurement direct from manufacturers, service providers or authorised dealers so as to achieve Value for Money in public procurement. 1.2. Pursuant to Section 65A (1) of Public Procurement Act Cap 410 R.E 2022, a PE shall, for the purpose of obtaining value for money in terms of price, quality and delivery, procure goods or services directly from a manufacturer, service provider or authorised dealer or service provider.
	1.3. Section 106 of the Public Procurement Act Cap 410 has mandated the Authority to issue guidelines from time to time for the better carrying out of its objectives or any functions under the Act.
	1.4. Procurement direct from a manufacturer, service provider or authorised dealer refers to the process of buying goods or services directly from the source of production or its authorised dealers. In order for Procuring Entities (PEs) to save costs, negotiate better prices, and ensure quality control, it necessitated the introduction of procurement approach direct from manufacturer, service provider or authorised dealer.
	 1.5. When considering procurement direct from manufacturers, dealers or service providers, procuring entities should; i) Assess the quality of their products or services; ii) Negotiate favorable terms and conditions; and iii) Consider factors such as logistics, lead times, contract securities, warranties, and payment terms and after sales services to ensure a smooth and efficient procurement process.
	1.6. These Guidelines allow for procurement direct from manufacturers, service providers or authorised dealers, if the procurement approach is more advantageous for the PE to procure: (a) bulk quantities of goods; and (b) Specialised products or services where the number

	of suppliers or service providers are limited.
	1.7. Goods to be procured from manufacturers, dealers or service providers should be bundled into bulk requirement, so as to take full advantage of the benefits offered by combining expected purchases into larger packages. 1.8. These Guidelines provide details on the procedures for
	procurement of goods and services direct from manufacturers, service providers or authorised dealers in order to ensure successful and smooth process when PEs wants to apply such procurement approach.
	PART II: PRELIMINARY
2. Short Title	2.1 These Guidelines shall be cited as the Guidelines for Procurement of Goods or Services Direct from Manufacturers, Service Providers or Authorised Dealers.
3. Purpose of the Guideline	3.1 The purpose of these Guidelines is to provide guidance to Procuring Entities when procuring goods or services directly from manufacturers, service providers or authorised dealers in order to ensure that they obtain the best value for money, promote transparency, fairness, and competition in the procurement process.
4. Application of the Guidelines	4.1 These Guidelines shall be applied by PEs as an approach to enhance efficiency when procuring goods and services direct from manufacturer, service providers or authorised dealers.
	4.2 All PEs conducting procurement direct from manufacturer, service providers or authorised dealers shall abide with these Guidelines. Non-compliance during its execution will not be condoned/excused and therefore, will be subjected to measures provided for under the procurement laws and other relevant laws of Tanzania.
	4.3 Where the interpretation of any provision of these Guidelines conveys a meaning contrary to Public Procurement Act, Cap 410 and its Regulations, the provisions of such Act and Regulation shall prevail and its interpretation shall be final and conclusive.
5. Definitions	5.1 In these Guidelines, unless the context requires Otherwise:
	"Authority" means "the Public Procurement Regulatory

Authority;

"Act" means Public Procurement Act;

"Authorised Dealer" means dealer or Agent that is allowed to sell manufacturer's products, equipment and/or provide services whose Tender to perform the contract has been accepted by the purchaser and is named as such in a contract;

"First line dealer", also known as a primary dealer, is the first point of contact between the manufacturer and the customer. They purchase products directly from the manufacturer and sell them to end-users or to second line dealers. First line dealers are responsible for managing inventory, providing customer support, and maintaining relationships with the manufacturer;

"Goods" means raw materials, products, equipment and other physical objects of every kind and description, whether in solid, liquid or gaseous form, electricity, intangible asset and intellectual property, as well as services incidental to the supply of the goods provided that the value of the services does not exceed the value of the goods themselves;

"Government" means the Government of United Republic of Tanzania;

"Manufacturer" means the individual private or government entity or combination of the above and the original producer of goods or equipment whose tender to perform the contract has been accepted by the purchaser and is named as such in the Contract;

"Procurement" means buying, purchasing, renting, leasing or otherwise acquiring any goods, works or services by a procuring entity and includes all functions that pertain to the obtaining of any goods, works or services, including description of requirements, selection and invitation of tenderers, preparation, award and management of contracts;

"Performance Securing Declaration" means a security by way of declaration provided by the successful tenderer to the

performance of contractual obligations, whose violation resulting from the tenderer's failure to complete its obligations or breach of contractual terms under the contract shall be subjected to debarment procedures by the Authority as provided for under Section 62 of Public Procurement Act, 2011;

"Service provider" means the original Manufacturer providing after sale services or authorised dealers of Manufacturers providing after sale services or the only service provider providing specialized services including its first line authorised dealers;

"Public funds" means monetary resources appropriated to procuring entities through budgetary processes, including the Consolidated Fund, grants, loans and credits put at the disposal of the procuring entities by local or foreign donors and revenues generated by the procuring entities;

"Public officer" or "officer" means-

- (a) Any person holding or acting in an office of emolument in the public service;
- (b) A person holding or acting in the office of a Minister in the Government;
- (c) An employee of anybody corporate referred to in the definition of public body or public authority; or
- (d) A person who has been a public officer;

"Regulations" means the Public Procurement Regulations, 2013 as amended;

"Second line dealer", also known as a secondary dealer or distributor, purchases products from the first line dealer and sells them to other dealers, retailers, or end-users. Second line dealers can also provide value-added services such as installation, repair, and maintenance;

"Services" means both consultancy and non-consultancy

services;

"Specification" means a description of any commodity or works by reference to its nature, quality, strength, purity, composition, quantity, dimensions, weight, grade, durability, origin, age or other characteristics or to any substance or material of, or with which, or the manner in which, any commodity or works may be manufactured, produced, processed, treated, built or installed;

"Successful tender" means a tender evaluated and selected by the procuring entity as-

- (a) offering the lowest evaluated cost and has the capacity and capability to execute the contract, in case the method of procurement used was competitive tendering;
- (b) being the most responsive to the needs of the procuring entity where procurement used was competitive quotations, single source procurement, competitive selection or where goods or services of minor value were procured; or the highest evaluated price;

"Supplier" means company, corporation, organization, partnership or individual person supplying goods or services, hiring equipment or providing transport services and who is, according to the contract, a potential party or the party to a procurement contract with the procuring entity;

"Sustainable Public Procurement" means a process whereby organisations meet their need for goods, services and utilities in a way that achieves value for money on a whole-life basis in terms of generating benefits not only to the organisation, but also to society and the economy, while minimizing damage to the environment;

"**Tender**" means an offer, proposal or quotation made by a supplier, contractor or consultant in response to a request by a procuring entity;

"Tender Securing Declaration" means a security by way of

declaration provided by a manufacturer, service provider or authorised dealers under these Guidelines:

"Third line dealer", also known as a tertiary dealer, is the final point of contact in the supply chain before the product reaches the end-user. They purchase products from second line dealers or distributors and sell them to retailers or end-users. Third line dealers can also provide support services such as installation, training, and technical support;

"Tender document" means a written or electronic document or request for proposal inviting tenderers to participate in procuring or disposal by tender proceeding and includes document inviting potential tenderer for pre-qualification;

"Tenderer" means any natural or legal person or group of such persons participating or intending to participate in procurement proceeding with a view to submitting a tender in order to conclude a contract and includes a supplier, contractor service provider or asset buyer; and

"Value for money" means the maximum benefit from goods or services procured with the resources available worth the cost incurred.

PART III: GENERAL PRINCIPLES

6. Basic Principles of Public Procurement

- 6.1 Public Procurement Act Cap 410 and its Regulations provide the legal framework for public procurement. The Act and Regulations outline the rules and procedures that must be followed by public entities when procuring goods, works, and services;
- 6.2 Procuring entities are required to follow procurement procedures when procuring goods or services, including invitation to tender, receiving and evaluating bids, obtaining necessary approvals and awarding the contract to the successful manufacturer, service provider; or authorised dealer;
- 6.3 The Act and Regulations also require that public entities ensure that the goods procured meet the required quality standards.

6.4	Overall,	procuring	goods	or	services	directly	from
	manufact	turers, serv	ice provid	ers o	or authoris	ed dealer	s can
	be a cos	t-effective a	and efficie	nt wa	ay to obtai	n quality	goods
	and ser	vices. The	se princip	oles	will help	in ensur	ing a
	successf	ul procurem	ent proces	SS.			

- 7. Registration of Manufacturers, service providers or authorised dealers in the National Electronic Procurement System
- 7.1 In order to participate in the procurement processes, both foreign and local Manufacturers, service providers or authorised dealers with necessary eligibility requirements as per their registration categories shall do self-registration in the National Electronic Procurement System by providing necessary information as required by the system.
- 7.2 In registering in the National Electronic Procurement System, a Manufacturer, service provider or authorised dealer shall indicate in the system his business category ie. whether he is manufacturer or an authorised dealer or service provider who provides after sale services or specialized services and shall provide relevant evidences to support his registration category.
- 7.3 During registration in the National electronic Procurement system Manufacturers, service providers or authorised dealers shall pay registration fee at the rate provided by the Public Procurement Regulations.
- 7.4 A Manufacturer, service provider or authorised dealer who in exceptional circumstances is not willing to do self-registration in the National Electronic Procurement System, the registration may be done by the procuring entity which intends to obtain goods or services from the respective manufacturer, service provider or authorised dealer.
- 7.5 When the procuring entity is registering a manufacturer, service provider or authorised dealer in the National Electronic Procurement System, necessary information to be inserted in the system includes: -
 - (a) Name of the manufacturer, service provider or authorised dealer;

(b) Address of the manufacturer, service provider or authorised dealer as can be obtained from its website or from any other source: (c) Email address of the manufacturer, service provider or authorised dealer: (d) Country of the manufacturer, service provider or authorised dealer; and (e) Line of business as per information obtained from its website or from any other source (f) Notwithstanding the requirements of clause 7.3, in case a procuring entity is registering in the National Electronic Procurement System a manufacturer, service provider or authorised dealer, the procuring entity shall not be liable to payment of the registration fee. **PART IV: PROCUREMENT PROCEDURES** 8.1 When procuring goods or services directly from manufacturers, 8. Preliminary dealers or service providers there are several issues to be Issues considered by PEs that can ensure a successful outcome: i) Identify goods or services to be procured directly from the Manufacturers, service providers or authorised dealers during preparation of Annual Procurement Planning; ii) Prior to procurement, ensure that goods or services to be procured comply with established and approved standards except where such standards are not available: iii) The need for after sales services and the entire product life cycle is considered when procuring products or services and warranties are provided; iv) Identify the manufacturers by conducting market analysis so as to identify potential manufacturers, dealers or service providers that produce or provide the goods or service required; Identify and manage risks such as supply chain V) (i.e. uncertain lead-time, weather and political uncertainty) and other risks such as quality issues, or unexpected costs; Evaluate performance to vi) ensure that, the

	procurement process is successful and that the quality of the goods or services is maintained over
	time;
	vii) Develop a relationship by establishing a regular
	communication channel and having a clear point of
	contact can help foster a good relationship;
	viii) Ensure that manufacturers, dealers or service
	providers, comply with all relevant regulations and
	standards, such as safety, environmental, and labour
	standards;
	ix) Transfer of technology (for plants and equipment); and
	x) Consideration for Industrial localization
9. Procurement	9.1 In procuring goods or services from authorised dealers, the
from authorised	procuring entity may state in the tendering documents the
dealers	category of the authorised dealer required.
	9.2 The tendering documents may indicate whether dealers
	allowed to participate in the tender process are first line dealer,
	second line dealer, third line dealer etc.
10. Procurement	10.1 When procuring goods and services direct from
Methods	manufacturer, service provider or authorised dealer, PEs
	shall use alternative methods of procurements such as
	Restricted Tendering or Single Source Methods.
	10.2 Under restricted tendering, where more than one
	manufacturer, Service provider or authorised dealer is
	available, the procuring entity shall invite tenders or
	quotations from each manufacturer, service provider or
	authorised dealer or if they are many, tenders or
	quotations shall be invited from at least three
	manufacturers, service providers or authorised dealers.
	10.3 If there is only one manufacturer, service provider or
	authorised dealer in the market for the goods and
	services to be procured, or there is any other ground as
	provided in Regulation 159 (1) of GN. No. 446 of 2013,
	the procuring entity shall use single source method of
	procurement and justifications on the method of
	procurement used shall be indicated in the procurement
	records.

44. Dra	10.4	The PEs shall ensure that all conditions and procedures pertaining to the choice of the above methods of procurement are adhered as prescribed under the Public Procurement Regulations of 2013 (as amended). In case there is a need to procure goods or services from a
11. Procurement from unregistered manufacturer, service provider or authorised dealer	11.1	local or foreign manufacturer, service provider or authorised dealer who do not want to be register in the National Electronic Procurement System, the procuring entity through the National Electronic Procurement System will be able to send an email requesting the respective manufacturer, service provider or authorised dealer to fill the tendering documents and their response will be received through the National Electronic Procurement System.
	11.2	Manufacturers, service providers or authorised dealers who are registered in the National Electronic Procurement System by the procuring entity but are not willing to use the system, the procuring entity through the System will be able to send an email requesting the respective manufacturer, service provider or authorised dealer to fill the tendering documents and their response will be received through the National Electronic Procurement System.
	11.3	After receiving the response from the manufacturer, service provider or authorised dealer, the procuring entity shall proceed with the normal procurement process including, evaluating the submitted offer, obtaining necessary approvals, negotiations, if necessary, post qualifications where applicable and awarding of contract.
	11.4	A manufacturer, service provider or authorised dealer who is submitting an offer in response to an email sent to him by the procuring entity shall not be subjected to payment of the tender participation fee.
12. Due diligence	12.1	Procuring entities may conduct due diligence to Manufacturers, service providers or authorised dealers.
	12.2	Due diligence for foreign Manufacturers, service providers or authorised dealers shall be conducted by Tanzania Diplomatic Missions Abroad or experts from respective

		procuring entity.
13. Negotiation	13.1	PEs may be required to negotiate with Manufacturer, Service Provider or authorised dealer on different aspects such as transfer of technology, intellectual property, specifications, price, payment arrangements, amendment of Terms and Conditions of the contract, modality and period of delivery, after sales services and any other areas as parties to the contract may deem it necessary.
	13.2	PE shall invite manufacturers, service providers or authorised dealers using standard tendering documents.
	13.3	Where the terms and conditions provided by the manufacturer, service provider or authorised dealer differ with those provided by the PE, such PE may seek legal guidance of the Office of the Attorney General and or of the Authority.
13 Tender security	14.1	Procuring entities shall determine the type of tender security to be submitted by manufacturers, service providers or authorised dealers.
	14.2	All tenders shall be accompanied by a tender security or a tender securing declaration in the format provided in the Tendering Document.
	14.3	Tender Security shall be in the form of Bank Guarantee issued by a reputable Bank, Insurance Bond issued by a reputable insurance company or a tender securing declaration.
	14.4	Tender Securing Declaration shall be submitted in a format prescribed in the Standard Tender Documents (STDs);
	14.5	Procuring entities shall ensure that submitted tender securities are verified of its authenticity and validity.
	14.6	For the purposes of these Guidelines, confirmation to ascertain whether a bank is reputable shall be done by the Bank of Tanzania
15 Performance	15.1	Procuring entities shall determine the type of

Security		performance security to be submitted by manufacturers, service providers or authorised dealers.
	15.2	The Performance Security shall be in any of the following forms:
	(a)	Irrevocable letter of credit issued by a reputable commercial bank or in the case of an irrevocable letter of credit issued by a foreign bank, the letter shall be confirmed or authenticated by a reputable local bank;
	(b)	Bank Guarantee confirmed by a reputable local bank or, in the case of a successful foreign Tenderer, bonded by a foreign bank;
	(c)	Surety Bond issued by any reputable surety or Insurance company; or
	(d)	Performance securing declaration.
	15.3	Performance Securing Declaration shall be submitted in a format prescribed in the Standard Tender Documents (STDs);
	15.4	Procuring entities shall ensure that submitted performance securities are verified of its authenticity and validity.
16 Advance payments	16.1	If so required and stated in the Procurement Contract and after signing of the contract, the manufacturer, service provider or authorised dealers shall submit to the Procuring Entity a request for advance payments in the format provided in the tendering documents.
	16.2	The Advance Payment amount shall not be above that which is prescribed in the Contract.
	16.3	Advance payment shall only be granted by the Procuring Entity upon receipt of Advance Payment Bank Guarantee from a reputable bank.
17 Payments	17.1	Modalities of payments under direct from Manufacturer, service provider or authorised dealer shall depend upon

			negotiation and agreed Terms and Conditions of the contract.
		17.2	Payment shall not be made to a Manufacturer, service provider or authorised dealer under a contract for services or supplies without receipt of the deliverables specified in the contract.
		17.3	Upfront payment to foreign manufacturers, service providers or authorised dealers of any percentage of the contract price shall be made by the procuring entity through a letter of credit as a default method of payment or upon receipt by the procuring entity of one of the following documents:
		(a)	Commitment letter from the Embassy in Tanzania of the country of the foreign Manufacturer, service provider or authorised dealer; or
		(b)	Bank Guarantee from a reputable bank or
		(c)	Insurance Bonds from a reputable insurer
		17.4	Upfront payment to local manufacturers, service providers or authorised dealers of any percentage of the contract price shall be made by the procuring entity through a letter of credit as a default method of payment or upon receipt by the procuring entity of one of the following documents:
		(a) (b)	Bank Guarantee from a reputable bank or Insurance Bonds from a reputable insurer;
		17.5	More information on payment methods and conditions are specified on the STDs for procurement of goods or services directly from Manufacturers, dealer or service providers.
18	Shortlist of Manufacturers, service providers or authorised dealers	18.1	Procuring entities may prepare a shortlist of Manufacturers, service providers or authorised dealer using the procedures provided in the Public Procurement Regulations.

18.2 Procuring entities may enter into open or closed framework contracts with shortlisted manufacturers, service providers or authorised dealer for supply of goods or services. 18.3 Procuring entities shall make use of existing framework contracts with manufacturers, service providers or authorised dealers wherever appropriate to provide an efficient, cost effective and flexible means to procure goods and services that are required repeatedly or continuously over a set period of time. PART V: PROCUREMENT OF SECTOR SPECIFIC GOODS AND SERVICES Where a foreign manufacturer, service provider or 19.1 19 Procurement via authorised dealer is not willing to participate in the tender manufacturer, process through the National Electronic Procurement service provider or System and has a condition that procurement of goods or authorised dealer's services should be done through his portal, procuring Portal entities shall comply with the following conditions: In each financial year, the procuring entity shall prepare (a) the list of tenders for goods and services that will be procured through manufacturer, service provider or authorised dealer's Portal and submit to the Authority for approval; The request for approval by the procuring entity shall be (b) done at the start of the financial year and the approval by the Authority shall be against the list of specific tenders submitted to the Authority and the approval shall be valid only for the respective financial year; Applications to the Authority for approval shall be (c) submitted using the format prescribed in First Schedule to these these Guidelines; and (d) In procuring goods or services via manufacturer, service provider or authorised dealer's Portal, the procuring entity shall ensure that necessary procurement procedures are adhered to including obtaining all necessary approvals.

	19.2	After award of contract, the procuring entity shall within 5 working days upload in the National Electronic Procurement System all records of the tender process in a format provided in these Guidelines.
	19.3	After completion of contract implementation, the procuring entity shall within 5 working days upload in the National Electronic Procurement System all records of contract implementation in a format provided in these Guidelines.
	19.4	Procurement of goods or services via foreign manufacturer's, service provider's or authorised dealer's Portal shall only be applicable where there is no alternative manufacturer, service provider or authorised dealer whom the procurement process can be done through the National Electronic Procurement System.
20 Review of the Guideline	The Carises	Guidelines shall be reviewed from time to time as need s.

SCHEDULES

Schedule 1: Request for approval of procurement via manufacturer /service provider or authorised dealer's portal

(Made under paragraph 19.1 (c))

[For Approval by the Authority]

Name of the Procuring Entity: [insert name of Procuring Entity (PE)]

Financial year: (Insert Financial year)

No	Tender No	Tender Description	Quantity required (Where applicable)	Planned Value	Method of Procureme nt to be used	Name of manufacturer /Service provider/Aut horised dealer	Planned date to initiate the procurement process

I hereby submit the Request for your consideration

Accounting Officer
Signature:
Name:
Date:
Stamp

{Decision by the Authority}

The procurement via manufacturer/service provider /authorised dealer's portal has been or has not been approved

Director of monitoring and compliance	Chief executive officer
The request is recommended or is not recommended for approval.	The request is or is not been approved.
Signature:	Signature:
Name:	Name:
Date:	Date:
Stamp	Stamp

Schedule 2: Format for uploading in NeST records on tender process *(Made under paragraph 19.2)*

PUBLIC PROCU	REMEN	Γ REGUL	ATORY	AUTHORITY						
TENDER PROCE	ESS REP	ORTING	FORM (ON PROCURE	MENT	VIA				
MANUFACTURE										
Name of PE										
Tender number										
Tender descriptio	n									
DETAILS OF TE	NDER PI	ROCESS								
Method of Procure	ement									
	ender		of submission	of	Date of approva		Date of			
invitation closing/op		opening	evalua Repor	ation t to PMU		award By Tender Board Accounting office	d/	communicating Award decision		
Name and addres winner	s of the									
Pre bid estimated					Contra	ct Amount				
Completion/delive										
DETAILSOFOTH			IGFIRM		RS					
Name and address of the firm/bidder		Read out Tender fig	ure	Corrected Tender figure	9		Reasoı Award			
1.										
2.										
						ATIONS (If any)	1			
Name bidder Da		Date of re	quest	Brief description	on of the	e request		of issue cations		
DETAILS OF PR	E-TEND	ER COMP	LAINTS	RECEIVED (If any)					
Name bidder	Date of submiss the com	sion of	Brief de complai	escription of the	•			Date of communicati on of the decision by the Accounting Officer		
Prepared By: (Head of Prod	_	-								
Authorised by (Accounting (Signature_	Da	te						

Note; Pursuant to Section 60(12) of PPA No; 7 of 2011 this report shall be submitted to the Authority within 5 days from the date of award of contract.

Schedule 3: Format for uploading in Nest records on contract implementation

(Made under paragraph 19.3)

PUBLIC PROC	UREM	ENT RE	GULA	TOR	Y AUTHOR	ITY						
CONTRACT IN MANUFACTUR												
Name of Procu	uring E	ntity										
Contract number	ber											
Contract description												
Name and add manufacturer/	Author		aler									
or Service Pro												
DETAILS OF C	CONTR	ACT IMI	PLEMI	ENTA	TION		1_				T	
Start date				Completion date								
Tender award									ntract amou			
Original comp period		_		Final coperiod					completion/delivery d			
Reason for dif award amount Contract amou	and fi	nal	der									
Reason for de completion/de any)		period (lf									
Statement as t contract was i the contract re	mplem equire i	ented a	not									
DETAILS OF A					(If any)							
Variation No:	Date o variati		Approdate	oval	Amount	Du	Duration		Description and reasons for the variation		asons for the	
1.												
2.												
DETAILS OF A	PPRO	VED CO	NTRA	CT C	LAIMS (If a	any)			1			
Claim No: Date of claim		aim	Α	mount	Duration		ion Description a		and reasons for the			
1.												
2.												
DETAILS OF L	IQUIDA	ATED D	AMAG	SES (lf any)	ı						
Rate			Duration				Total amount			nount		
DETAILS OF D	ELAYI	ED PAY	MENT	S (If a	any)							
Certificate/Inv		Amoun		<u> </u>	Delayed o	durati	on	Inte	erest rate	Inte	rest amount	
No;												
Prepared By: Nar Authorised by: Na		Signature Signature		_Date _Date		^f Proci	ureme	ent l	Management l	Unit)		
Accounting Offic		_		•	_							

(Accounting Officer)
Note; Pursuant to Regulation 20(3) of GN No; 446 this report shall be submitted to the Authority with in five (5) days from the date of completion of the contract.