



TRAINING WORKSHOP ON PROJECT AND CONTRACT MANAGEMENT

Role of Stakeholders and Actors in Contract Administration



**INSTITUTE OF LOCAL GOVERNMENT
STUDIES**

OBJECTIVES



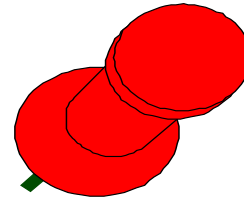
Definitions

Stakeholders and Actors in Contract Administration

Roles of Stakeholders

Conclusion

ICE BREAKER



“We cannot solve our problems with the same thinking we used when we created them.”

– Albert Einstein



INTRODUCTION

- For MMDAs it is everything from:
 - Planning for the solicitation until close of the contract (“cradle to grave”)
 - Contract award to closeout/termination
 - Project execution until closeout/termination
- “Includes all relationships between government and the contractor.” (Cibinic & Nash 1995)

DEFINITIONS

- The General Services Administration (GSA) of the USA considers Contract Administration as:
 - “...Government actions taken after the award to obtain compliance with such contract requirements as timely delivery of supplies or services, acceptance, payment, and closing of the contract. These actions include technical, financial, audit, legal, administrative and managerial services...”
 - “...may include additional tasks requested or needed by the contracting activity including support in the **pre-award phase** of contracting.”

DEFINITIONS

- The Public Procurement Authority (PPA) of Ghana also considers Contract Administration as:
 - *... the management of contracts made with suppliers, contractors, consultants or technical service providers to assure that all the parties comply with and fulfil the terms and conditions of the contract.*
- All dealings between parties from contract award till completion and acceptance or termination, payment, disputes resolution and close-out.

CONTRACT ADMINISTRATION

- All dealings between parties from contract award till completion and acceptance or termination, payment, disputes resolution and close-out.
- Contract Administration must ensure the effective management of all the various facets of contract so that:
 - The contractor's total performance and delivery is in accordance with the contractual commitments; and
 - Obligations to the procuring agency are fulfilled.



- WHO IS A STAKEHOLDER?

Coordinating Director

RCC:

- To provide leadership to ensure the implementation of official policies and programmes in the regions and headquarters.
- Assesses project proposals and contract agreements to ensure compliance with prescribed laws and regulations;

DCD:

- To coordinate and ensure the implementation of governmental policies, projects and programmes at the District level.
- Manages financial and other resources of the Assembly in consultation with the DCE
- Ensures the development of the capabilities, skills and knowledge of staff

Engineer

- Sets up (in collaboration with the relevant institutions) appropriate technical standards and specifications.
- Advises on procurement of works, goods and services;
- Participates in planning, designing and implementation of projects;
- Participates in procurement and contract administration;
- Provides technical backstopping;

Procurement Officer

- Manages the development and implementation of the procurement plan
- Ensures that the procurement activities are in harmony with the Public Procurement Act, 2003 (Act 663)
- Ensures effective management of tender processes;
- Supervises the organization of contract negotiations;

Stakeholders and Actors in P/CA

- Various parties directly or indirectly involved:
 - Employer – MMDAs
 - Engineer/Designer – for works
 - Contractor, supplier, consultant or technical service provider
 - Contract administrator
 - Engineer for major/medium works and/or Project Manager in Micro/Small Works contracts and Consultants – for works
 - Statutory agencies – inspection, environmental protection, financial and technical audit etc. and
 - Local communities, beneficiaries and end-users



Inherently Governmental Functions

- The Employer primarily is the MMDA with the Entity Head and Entity Tender Committee responsible for:
 - Determining **what** to procure
 - **Approving** solicitation documents including –
 - Requirements, specifications, scope of work
 - Incentives
 - Evaluation criteria
 - **Negotiating** cost and price
 - **Awarding** a contract

Inherently Governmental Functions

- **Approving changes** to an awarded contract including, but not limited to:
 - Ordering changes in scope, schedule, budget;
 - Taking actions based on contractor performance;
 - Accepting/rejecting contract goods or services
- **Terminating** a contract



ENGINEERING AND DESIGN

- The Engineer mobilizes diverse technical expertise –surveyors, roads, bridges, electronic, hydrogeological and hydrological engineers, etc.
- Responsibilities of the Engineer include:
 - Technical support to the operations unit
 - Technical assessment of new procurement operations
 - Design services for the implementation of current and future operations
 - Contract administration (Contact Administrator)



CONTRACTOR

- Contractor includes supplier, consultant or technical service provider
- The contractor is responsible for:
 - Overall coordination of a project
 - Performing according to stated standards in the procurement plan or solicitation documents
 - Day-to-day oversight of projects, including management of vendors and trades, and communication of information to involved parties



CONTRACTOR

- Contractor includes contractor, supplier, consultant or technical service provider
- The contractor is responsible for:
 - providing all of the material, labour, equipment and services necessary for the construction of the project; including
 - hiring specialist contractors and specialized subcontractors to perform all or portions of the construction work;
 - securing the property, providing temporary utilities on site, managing personnel on site, providing site surveying and engineering, disposing or recycling of construction waste, monitoring schedules and cash flows, and maintaining accurate records.

CONTRACT ADMINISTRATOR

- The role of the Contract Administrator is to manage, coordinate and control each contract and the consultant's performance of that contract
 - in accordance with the terms and conditions of the contract; and
 - in accordance with existing legislation.
- The Contract Administrator is appointed by the Employer.



CONTRACT ADMINISTRATOR

- The Contract Administrator is the person designated to manage the various facets of contracts to ensure:
 - The contractor's total performance and delivery is in accordance with the contractual commitments, and
 - Obligations to the Employer are fulfilled
- Appreciates the needs of the end user and ensures the solicitation and resulting contract reflect that.
- Facilitates mediation processes between end user and contractor over disagreements by referring to the contract.

STATUTORY AGENCIES

- Statutory agencies:
 - Building Inspectors of the Physical Planning Department of MMDAs
 - Environmental Protection Agency
 - Ghana Standards Authority
 - Controller and Accountant General
 - Auditor General's



LOCAL COMMUNITIES, BENEFICIARIES AND END-USERS

- **Local communities,**
- **Beneficiaries and end-users**
- **User/End User** – individuals or groups who will ultimately be using or may be benefitting from the contract
- **Stakeholders** - Individuals/Groups with a vested interest in the success of the contract. (a committee, heads of departments, etc.)



DISCUSSION

What are the challenges in dealing with stakeholders in contract administration by MMDAs?



DISCUSSION

What is the way forward in managing key stakeholder and actors in Contract Administration by MMDAs?



Thank
you

