

# **1 (a) Public Procurement And Asset Disposal Act, 2015 Provides For Formation Of Various Internal Committees**

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The Public Procurement and Asset Disposal Act, 2015 is a comprehensive legislative framework designed to streamline and regulate the processes of public procurement and asset disposal within the public sector. One of the key provisions of this Act is the establishment of various internal committees that play a vital role in ensuring transparency, accountability, and efficiency in procurement activities. These committees serve as the backbone of the procurement process, overseeing critical stages from planning to execution and disposal of assets.

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## **Understanding the Significance of Internal Committees in the Public Procurement Framework**

The formation of internal committees under the Public Procurement and Asset Disposal Act, 2015 is fundamental to fostering a structured and transparent procurement system. These committees are tasked with specific responsibilities that collectively contribute to the integrity and effectiveness of public procurement operations.

## **Role of Internal Committees in Enhancing Transparency and Accountability**

Transparency and accountability are cornerstones of good governance in public procurement. The internal committees established under the Act ensure that procurement processes are conducted openly and fairly. They create a system of checks and balances, minimizing the risk of corruption, favoritism, or misappropriation of resources.

Main ways internal committees promote transparency include:

- Implementing standardized procedures for procurement activities

- Reviewing and approving procurement plans and budgets
- Monitoring compliance with procurement laws and regulations
- Ensuring clear documentation and record-keeping of procurement decisions

Accountability measures enacted by these committees involve:

- Regular reporting on procurement activities to oversight authorities
- Conducting audits and evaluations of procurement processes
- Addressing grievances and complaints from suppliers or bidders

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## **Types of Internal Committees Formed Under the Act**

The Act mandates the formation of various specialized committees, each with distinct roles and responsibilities. These committees work collaboratively to uphold the integrity of procurement and asset disposal procedures.

### **1. Tender Committee**

The Tender Committee is responsible for overseeing the entire tendering process. Its primary functions include:

- Reviewing and approving procurement plans and specifications
- Advertising tenders and inviting bids from qualified suppliers
- Evaluating bids based on predefined criteria
- Making recommendations for award of contracts

This committee ensures that the bidding process is fair, competitive, and transparent, thereby fostering trust among stakeholders.

## **2. Asset Disposal Committee**

The Asset Disposal Committee manages the disposal of surplus, obsolete, or unserviceable assets owned by public entities. Its responsibilities encompass:

- Identifying assets suitable for disposal
- Determining the appropriate disposal methods (public auction, private treaty, etc.)
- Ensuring compliance with disposal procedures outlined in the Act
- Documenting disposal transactions for accountability

Proper asset disposal helps recover value and prevents misuse of government assets.

## **3. Procurement Review Committee**

This committee acts as a supervisory body that reviews procurement decisions and processes. Its functions include:

- Reviewing procurement complaints or disputes
- Ensuring that procurement activities adhere to legal and procedural standards
- Providing guidance and recommendations on procurement issues

The Procurement Review Committee enhances oversight and mitigates risks of irregularities.

## **4. Evaluation Committee**

The Evaluation Committee is tasked with the technical and financial assessment of bids. Its duties involve:

- Analyzing technical proposals for compliance and quality

- Verifying financial proposals against budget constraints
- Preparing evaluation reports with recommendations

This committee helps in selecting the most suitable and cost-effective suppliers.

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## **Legal Framework and Composition of Internal Committees**

The Public Procurement and Asset Disposal Act, 2015 prescribes clear guidelines regarding the composition, appointment, and functioning of these internal committees.

### **Membership and Qualifications**

The Act specifies that committee members should be individuals with appropriate expertise and integrity. Typically, members include:

- Procurement officers with relevant experience
- Finance or legal experts
- Technical specialists related to the procurement subject matter

Members are appointed based on merit to ensure competent oversight.

### **Terms of Reference and Procedures**

The Act mandates that each committee:

- Develops clear terms of reference outlining their scope and responsibilities
- Follows standardized procedures for decision-making
- Maintains detailed records of meetings and decisions

- Operates transparently and in accordance with established procurement policies

By adhering to these guidelines, the committees contribute to a robust procurement environment.

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## **Benefits of Establishing Internal Committees Under the Act**

The formation of these committees under the Public Procurement and Asset Disposal Act, 2015 offers numerous advantages:

### **1. Improved Governance and Oversight**

Internal committees provide dedicated oversight, reducing the likelihood of irregularities and fostering good governance practices.

### **2. Enhanced Efficiency**

Structured committees streamline procurement processes, enabling timely and effective decision-making.

### **3. Risk Mitigation**

By implementing checks and balances, committees help mitigate legal, financial, and operational risks.

### **4. Promoting Fair Competition**

Transparent procedures overseen by committees encourage fair competition among bidders, leading to better value for money.

### **5. Compliance with Legal Requirements**

The committees ensure that all procurement activities align with the

stipulations of the Public Procurement and Asset Disposal Act, 2015.

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## **Challenges in the Formation and Operations of Internal Committees**

Despite the benefits, establishing and maintaining effective internal committees can face hurdles such as:

- Limited capacity or expertise among members
- Resistance to transparency initiatives
- Resource constraints impacting oversight activities
- Potential conflicts of interest

Addressing these challenges requires continuous capacity building, clear policies, and strong leadership commitment.

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## **Conclusion: The Path Forward for Effective Public Procurement**

The Public Procurement and Asset Disposal Act, 2015's emphasis on forming various internal committees is a strategic move towards fostering transparency, accountability, and efficiency in public procurement. These committees serve as essential pillars that uphold best practices, safeguard public resources, and promote fair competition. As public entities continue to implement and strengthen these internal structures, they contribute significantly to building trust with stakeholders and ensuring that procurement processes deliver value for taxpayers and citizens alike.

By understanding the roles, composition, and importance of these internal committees, public sector organizations can enhance their procurement systems, comply with legal standards, and ultimately achieve better governance outcomes. The ongoing commitment to effective committee operations is crucial for realizing the full potential of the legislative framework established by the Public Procurement and Asset Disposal Act, 2015.

# **Frequently Asked Questions**

## **What is the primary purpose of the Public Procurement and Asset Disposal Act, 2015?**

The Act aims to regulate public procurement and asset disposal processes to promote transparency, accountability, and efficiency in government procurement activities.

## **Which internal committees are formed under the Public Procurement and Asset Disposal Act, 2015?**

The Act provides for the formation of various internal committees such as the Procurement Planning Committee, Tender Evaluation Committee, and Asset Disposal Committee to oversee different stages of procurement and disposal processes.

## **How does the formation of internal committees improve transparency in public procurement?**

Internal committees ensure that procurement and disposal procedures are followed properly, decisions are made collectively, and there is accountability, which enhances transparency and reduces corruption risks.

## **What are the key responsibilities of the Procurement Planning Committee as per the Act?**

The Procurement Planning Committee is responsible for preparing procurement plans, assessing needs, and ensuring that procurement activities align with legal and budgetary requirements.

## **Who is responsible for approving asset disposals under the Act?**

Asset disposals are approved by the Asset Disposal Committee, which ensures that disposals are conducted fairly, transparently, and in accordance with the law.

## **How does the Act ensure accountability of internal committees involved in procurement?**

The Act mandates clear roles, responsibilities, and reporting requirements for internal committees, along with oversight mechanisms to monitor their decisions and actions.

## **Can the formation of internal committees under the Act be customized for different government entities?**

Yes, the Act allows for the formation of specific internal committees tailored to the needs and size of different government entities, while maintaining core principles of transparency and accountability.

## **What are the benefits of having internal committees in the context of public asset disposal?**

Internal committees facilitate proper oversight, ensure adherence to legal procedures, promote fair disposal processes, and help prevent misuse or abuse of assets and resources.

## **Additional Resources**

Public Procurement And Asset Disposal Act, 2015: A Comprehensive Overview of Internal Committees Formation

The Public Procurement and Asset Disposal Act, 2015 marks a significant milestone in streamlining and institutionalizing public sector procurement and disposal processes across many jurisdictions. One of its core features involves the structured formation of various internal committees designed to enhance transparency, accountability, efficiency, and integrity in procurement and asset disposal activities. Understanding the roles, composition, and functions of these committees is essential for public officials, stakeholders, and oversight bodies committed to ensuring effective public resource management.

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## **Introduction to the Public Procurement and Asset Disposal Act, 2015**

The Public Procurement and Asset Disposal Act, 2015 was enacted to provide a comprehensive legal framework governing the procurement of goods, services, works, and the disposal of assets by public entities. Its primary objectives include promoting fairness, competitiveness, transparency, value for money, and accountability in public procurement processes.

A fundamental feature of this Act is the establishment of internal committees within public entities, tasked with overseeing various phases of procurement and asset disposal activities. These committees are integral to implementing the Act's principles and ensuring compliance with established procedures.

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# Significance of Internal Committees in the Act

Internal committees serve as specialized decision-making bodies that facilitate oversight, review, and approval at different levels of the procurement and disposal processes. They help to mitigate risks such as corruption, favoritism, and misappropriation of public resources, while reinforcing transparency and accountability.

The formation and proper functioning of these committees are mandated by the Act to ensure that procurement and asset disposal are conducted in a structured, ethical, and legally compliant manner.

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## Types of Internal Committees Established by the Act

The Act explicitly provides for the formation of multiple committees, each with distinct roles, responsibilities, and hierarchical authority. The key committees include:

1. Tender/Procurement Committee
2. Asset Disposal Committee
3. Evaluation/Selection Committee
4. Contract Management Committee
5. Internal Audit and Oversight Committee

Each of these committees plays a pivotal role in the procurement lifecycle, from planning and solicitation to award and post-award management.

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## Detailed Examination of Each Committee

### 1. Tender/Procurement Committee

Purpose and Role:

The Tender or Procurement Committee acts as the primary decision-making body responsible for approving procurement plans, issuing tenders, and overseeing the entire procurement process. It ensures that procurement activities adhere to legal and procedural standards.

Composition:

Typically, the committee comprises senior officials such as:

- The Head of the Procuring Entity (Chairperson)
- Procurement Officer
- Finance Officer
- Legal Advisor
- Technical Experts (as necessary)

Functions:

- Approving procurement plans and budgets
- Approving procurement methods (e.g., open tender, restricted tender)
- Reviewing and endorsing tender documents
- Ensuring compliance with procurement policies
- Approving award recommendations

Importance:

This committee maintains the integrity of the procurement process by providing oversight and making final decisions on procurement awards, thereby reducing the risk of biased or unfair practices.

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## **2. Asset Disposal Committee**

Purpose and Role:

The Asset Disposal Committee is responsible for managing the disposal of surplus, obsolete, or unserviceable assets owned by public entities. Its mandate includes ensuring disposals are conducted transparently and at fair market value.

Composition:

Members may include:

- The Head of the Entity (Chairperson)
- Asset Manager or Property Officer
- Finance Officer
- Legal Advisor
- Technical Experts (if necessary)

Functions:

- Approving disposal policies and procedures
- Identifying assets suitable for disposal
- Approving methods of disposal (e.g., auction, tender, donation)
- Overseeing valuation processes
- Approving disposal transactions and documenting them

Significance:

Proper asset disposal prevents misuse of assets, generates revenue, and ensures accountability in managing public resources.

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### **3. Evaluation/Selection Committee**

#### **Purpose and Role:**

This committee is tasked with evaluating bids or proposals received in response to tenders or requests for quotations. Its role is critical in ensuring a fair and objective assessment based on predetermined criteria.

#### **Composition:**

Members often include:

- Technical Experts relevant to the procurement
- Procurement Officer
- Finance Officer
- Legal Advisor (if necessary)

#### **Functions:**

- Reviewing and scoring bids against evaluation criteria
- Shortlisting qualified bidders
- Recommending suitable bidders for award
- Documenting evaluation processes and justifications

#### **Importance:**

An impartial evaluation process upholds fairness and competitiveness, leading to value-for-money awards.

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### **4. Contract Management Committee**

#### **Purpose and Role:**

Post-award, the Contract Management Committee oversees the execution and monitoring of contracts to ensure deliverables meet contractual obligations.

#### **Composition:**

Typically includes:

- The Contract Manager or Project Coordinator (Chairperson)
- Technical and Financial Representatives
- Legal Advisor
- Stakeholders involved in contract execution

#### **Functions:**

- Monitoring contract performance
- Addressing issues or disputes during implementation
- Approving amendments or variations
- Ensuring timely payments and compliance

#### **Significance:**

Effective contract management minimizes risks of delays, cost overruns, or non-compliance, safeguarding public interest.

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## **5. Internal Audit and Oversight Committee**

### **Purpose and Role:**

This committee provides independent oversight on procurement and asset disposal activities, ensuring adherence to policies, laws, and ethical standards.

### **Composition:**

#### **Members include:**

- Internal Auditor
- Senior Management representatives
- External auditors (as required)

### **Functions:**

- Conducting audits of procurement and disposal processes
- Identifying irregularities or inefficiencies
- Recommending improvements
- Reporting findings to senior management and oversight bodies

### **Impact:**

This committee enhances transparency and accountability, acting as a safeguard against misconduct.

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## **Operational Principles and Best Practices for Internal Committees**

To maximize effectiveness, the Act emphasizes certain operational principles and best practices for these committees:

- **Transparency:** All decisions should be documented and made accessible to relevant stakeholders.
- **Impartiality:** Committee members must act independently, avoiding conflicts of interest.
- **Competence:** Members should possess the necessary skills, knowledge, and experience.
- **Accountability:** Committees are accountable for their decisions, which should be justified and recorded.
- **Segregation of Duties:** Different committees handle various stages to prevent undue influence or fraud.

Furthermore, establishing clear terms of reference, operating procedures, and regular training enhances the capacity and integrity of these committees.

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## **Legal and Institutional Framework Supporting Committee Formation**

The Act mandates that public entities establish these committees through their internal policies, aligned with the legal provisions. It also underscores the importance of:

- Official Appointment: Members should be formally appointed through documented processes.
- Terms of Reference: Clear mandates and responsibilities must be articulated.
- Reporting Structures: Committees should report to the Board or senior management for accountability.
- Compliance Monitoring: Regular reviews and audits to ensure committees function effectively.

In addition, the Act encourages continuous capacity building and the use of technology (e.g., procurement management systems) to support committee operations.

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## **Impact of Internal Committees on Public Procurement and Asset Disposal**

The establishment of these internal committees has profound impacts:

- Enhanced Transparency: Decisions are made openly with documented rationale.
- Reduced Corruption Risks: Oversight and segregation of duties limit opportunities for misconduct.
- Improved Efficiency: Specialization accelerates procurement and disposal processes.
- Accountability and Auditability: Clear records facilitate audits and investigations.
- Public Confidence: Transparent processes bolster public trust in government and public institutions.

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# Conclusion

The Public Procurement and Asset Disposal Act, 2015's emphasis on forming specialized internal committees reflects a strategic approach to fostering integrity, accountability, and efficiency in public resource management. Each committee, with its distinct role and composition, contributes to a robust procurement and disposal framework that aligns with best practices and legal standards. Proper implementation and oversight of these committees are vital for realizing the Act's overarching goals of transparent, fair, and value-driven public sector operations.

As public entities continue to adapt and strengthen their internal governance structures, the principles embedded in this Act serve as a guiding beacon towards better stewardship of public assets and resources, ultimately enhancing service delivery and public trust.

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