CONTRACT COMMENCMENT DATE AUTOMATION OR AUTO-UPDATE WITH WORK ORDER Gathering Feedback

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- **Forum name:** #Feature Request

Good afternoon,

I would like to seek clarification on the eGP contract process in relation to PPRA contract requirements, as guided by the Public Procurement and Asset Disposal Act, 2015 and the Regulations, 2020.

During contract drafting, the Contract Creator is required to estimate and input the Contract Commencement Date in accordance with Regulation 137(b), in anticipation of a future contract signing date. The draft contract (Contract Form) is then forwarded to the Head of Procurement for review, after which it is submitted to the Accounting Officer and the Supplier for further review.

Upon completion of the review process, the contract (comprising the Contract Form and Terms and Conditions) is signed by the Accounting Officer and subsequently forwarded to the Contractor for execution, in line with Section 135(4) of the Act. Thereafter, a Work Order is issued.

From the above process, it can be deduced that a procurement contract is only deemed active and legally binding once a written contract document, incorporating all agreed terms, has been signed by both the Accounting Officer (or an authorized officer) and the successful tenderer.

However, a concern arises in instances where the contract is signed before the estimated Contract Commencement Date initially input by the Contract Creator, and a Work Order is issued through the eGP system prior to that commencement date.

In such circumstances:

Should the Contractor be allowed access to the site upon issuance of the Work Order, or must they wait until the

Contract Commencement Date?
Should site handover be delayed pending the lapse of the commencement date?
If site handover is not expected to be delayed, it may be beneficial for the eGP system to automatically (AUTOMATE) align the Contract Commencement Date with the date of issuance of the Work Order. This would help avoid inconsistencies, particularly in cases where Contractors prepare Statements of Works (SOW) dated prior to the stated Contract Commencement Date, due to having already been granted site access.

Kindly advise on the appropriate course of action.

Yours faithfully,

KWEYU BRIAN

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COUNTY GOVERNMENT OF KAKAMEGA