



NYAHURURU WATER & SANITATION CO. LTD.

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PROCUREMENT POLICY 2018

Preface

This Procurement Policy shall be used in the acquisition, receipt, storage, distribution and disposal of goods, works and services in Nyahururu Water and Sanitation Company Limited (NYAHUWASCO).

This policy is in line with the Public Procurement and Asset Disposal Act 2015, Public Procurement and Asset Disposal Regulations and manuals issued by Public Procurement Oversight Authority (PPOA). The provisions of the Act as amended from time to time supercedes all policies herein.

The purpose of this policy is to ensure that all procurement activities carried out by the company through various committees and employees comply fully with all the procurement Laws and Regulations.

I therefore urge all employees within the supply chain process to comply fully with this policy.

BERNARD MWAURA,
MANAGING DIRECTOR.

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Acronyms and Abbreviations

GRN	-	Goods Receipt Note
NYAHUWASCO	-	Nyahururu Water & Sanitation Company Ltd
VAT	-	Value Added Tax
PIN	-	Personal Identification Number
LPO	-	Local Purchase Order
LSO	-	Local Service Order
TOC	-	Tender Opening Committee
RFQ	-	Request for Quotation
PO	-	Procurement Officer
PIC	-	Project Implementation Committee
HFA	-	Head of Finance and Administration
HTS	-	Head of Technical Services
EC	-	Evaluation Committee
PC	-	Procurement Committee
DC	-	Disposal Committee
TC	-	Tender Committee

1.0 Introduction

Nyahururu Water and Sanitation Co. Ltd was incorporated on 18th February 2002 under the provisions of the companies Act 2015.

Mandate

The company's broad mandate is to provide water and sewerage services within its service provision area.

Vision

"To be the leading water and sanitation service provider in Kenya"

Mission

To offer our customers high quality water and sanitation services in the most efficient and cost effective manner"

Core Values

- Customer focus
- Competence and proffessionallism
- Transparency and accountability
- Integrity
- Innovation and Creativity
- Environmental conscience

2.0 Procurement Function

2.1 Objective of the Procurement Policy

The objectives of Procurement policy are;

- i) To spell out standard procurement practices and procedures
- ii) To facilitate value for money in procurement of goods, works and services
- iii) To act as a reference manual for supply chain management in the company.

2.2 Importance of Procurement function

The importance of Procurement function is to meet authorized requirements of goods, works and services to end users this will be effectively achieved through the five (5) rights of procurement summed up as: *the right item, in the right condition, at the right price, at the right place and the right time.*

2.3 Role of Procurement Function

The role of Procurement unit includes the following:

- Prepare the annual company procurement plan
- Procure goods, works and services competitively
- Warehousing and issue of stores to authorized users
- Stock control
- Preserve and safeguard stores

2.4 Procurement Process

- The company shall register and update the list of suppliers for goods, works and services annually. The company shall allow interested suppliers at least fourteen days (14) to submit their applications for registration. The company shall register at least three (3) firms for each category of goods, works and services.
- Quotations will be sourced from registered suppliers, unless there are reasons to the contrary
- For goods, works and services whose value exceed quotation thresholds open tendering will be used
- The tender documents shall be sold at cost recovery rate not exceeding Ksh.1000/=. However, where tenders documents are obtained electronically, Invitation for Expression of Interest and Invitation for Registration of Suppliers there will be no charges

- For Tenders that have not attracted any bidders for registration, suppliers may be obtained through a market survey. Alternatively the Company can utilize registered suppliers from other public institutions

2.4.1 Criteria for Registration of Suppliers

Suppliers will be registered based on fulfilling the following requirements: -

- a) Relevant certificates as follows:
 - PIN registration certificate
 - VAT registration certificate
 - Tax compliance certificate
 - Certificate of Incorporation or Business Registration Certificate
 - Certificates from relevant regulatory bodies.
 - Copy of annual returns for companys
 - Proof of certification for special interest groups
 - Certificate from accredited credit reference bureau.

In addition suppliers must proof the following;

- b) Business experience – profile and number of years in similar business
- c) Volume of business a firm can handle
- d) Capability of personnel, equipment and finance
- g) Conformity to tender instructions
- h) Attainment of evaluation score of at least 70% as prescribed in the tenders
- i) Litigation history

2.5 Disqualification of a Supplier

The Company may disqualify a supplier:

- If the bidder submits false information
- If the firm has failed to carry out its current obligations

2.6 Performance Appraisal of Registered Firms

Registered firms will be appraised as need arises. The following criteria will be used to evaluate performance of the firms during the financial year:

- Timely delivery.
- Delivery of the right quantity and to specifications.
- Number of goods returned due to defects, wrong brand, non-conformance to specifications, partial delivery etc.
- Promptness in response to request for quotation
- Number of Local Purchase Orders, Local Service Orders not honored
- Technical support and after-sales service
- Non compliance and honoring warranty or guarantee

The evaluation report will be forwarded to the head of procurement for a professional opinion .

2.7 Specifications for Goods, Works and Services

- Procurement unit in consultation with end users/ consultants shall prepare correct and complete specifications for goods, works, and services being procured.
- The technical specifications shall relate to performance rather than design or descriptive characteristics and shall be based on national or international standards

2.8 Procurement Plan

- The procurement unit shall consolidate an annual Procurement Plan before 1st July every year. The final Procurement Plan will be prepared after approval of annual budget by the company's Board of Directors.
- The Procurement Plan is an aggregation of the annual requirements of all the company's cost centers.
- The Procurement Plan shall be approved by the Board of directors before implementation.

2.9 Procurement Methods

Procurement of goods, works and services by the company shall be through any of the following methods as circumstances may dictate:

- Open tendering
- Direct procurement
- Request for quotations
- Request for proposals
- Restricted tendering
- Low value procurement

3.0 Open Tender

- Invitation to open tender for purchase or sale shall be made by advertising the tender in one newspaper of nationwide circulation.
- The tender notice must give details on the subject matter. The tender notice for national tender shall be valid within a minimum period of fourteen (**14**) days from the date it appears in the newspaper.
- For an open tender, contract between the successful Tenderer and the Company shall be entered into at least seven (7) days after notification of award and acceptance of the same.
- Open Tender shall be used for purchase of goods and services whose unit cost exceed Kenya Shillings one million (**Kshs.1,000,000.00**) and will require advertising and for works it will be Kshs two million(**Ksh.2,000,000**)

A tender box shall be provided at COMPANYYS HQ, in an accessible area and shall be fitted with two different locks and keys be held by two officers of the Tender Opening Committee (TOC). At least three officers shall be involved in the opening of the tender box. All the TOC members shall sign on all the priced pages of the bid documents and cancel non-priced pages.

3.1 Direct Procurement

Direct procurement is a non – competitive method. It is restricted to cases where no alternative to the just one supplier. Direct procurement can only apply in the following situations:

- In case of catastrophes, requiring urgent action, and in case of minor add-ons to contracts won through a competitive procedure

- Where there is only one supplier and there is no alternative

Direct procurement shall be approved by the tender committee. There is no threshold for this procurement method.

3.2 Requests for Proposals

The request for proposals method is used for consulting services or other services where it is not possible for the Company to formulate precise or/ and final specifications. Such situation may arise as follows:

- When the company cannot determine the exact manner in which to meet a particular need and therefore seeks proposals from various consultants.
- The procurement of highly sophisticated technological items.

3.3 Restricted Tendering

This method shall apply in the following conditions:

- Where competition for contract, due to complexity or specialized nature of the goods, works or services is limited to pre-qualified contractors.
- Where the time and cost required to examine and evaluate a large number of tenders would be disproportionate to the value of the goods
- The Company shall use a prequalification procedure to identify at least ten (10) firms selected from the pre-qualified list.
- In absence of a pre-qualified list the Company shall invite tenders from all the known suppliers

Preparation and submission of the tenders shall be within seven (7) days

3.4 Requests for Quotations

- This involves inviting quotations from the approved registered firms. Requests for quotations should be circulated to at least three registered firms.
- At least three quotations must be received for adjudication and award
- Where the Procurement Committee is of the view that successful quotation is higher than the prevailing market prices, fresh quotation shall be sought from other firms.

A quotation box shall be provided at COMPANYS HQ and, in an accessible area and shall be fitted with two different locks and keys to be held by two committee members of the Evaluation committee. The members shall seat at least once every month and shall sign on all the priced pages of the bid documents.

3.5 Low Value Procurement

Low Value Procurement will be used where there is no advantage of seeking quotations or by using other procurement methods, e.g. purchase of goods from supermarkets. This will not exceed Ksh.10,000 per procurement per item.

3.6. Procedures for Processing Tenders and Quotations

- The procurement unit shall maintain a Request For Quotation (**RFQ**) **Register** indicating details of the firms that quotations were circulated to, names and signatures of the circulating officers.
- A Request for **Quotation (RFQ) Opening Register** shall also be maintained to give details of the firms that responded. The officers opening the quotations must append their names and signatures on the register and the quotation form as well as sign where the prices are indicated.
- Tenders and Quotations shall be submitted in sealed envelopes, indicating tender number or quotation number on them. Tenders and Quotations shall not be opened before the time and date stipulated in the tender or quotation documents as the opening date and time.
- Once opened, the tenders/quotations shall be dated, stamped, serially numbered, and the details entered in the opening register.

- Tenders and quotations shall not be accepted after the stipulated submission time.
- Head of procurement shall propose an adhoc evaluation committee to the Accounting Officer will cause evaluation to be done of tenders and quotations as the case may be. They shall then be tabled by the Secretary to the Tender Committee/ Procurement Committee for adjudication.
- When a tender is awarded, an immediate notification shall be given to the successful tenderer. The successful tenderer shall be requested to acknowledge receipt of the award by signing a letter of acceptance. A Contract shall then be signed by both parties after expiry of seven (7) days from date of notification of the award. This shall be followed with a Local Purchase Order (LPO) or Local Service Order (LSO) to the winning firm.
- For locally sourced goods or services (through quotations), suppliers shall deliver goods and services within seven (7) days from receipt of LPO /LSO. For goods that have to be imported, suppliers shall be asked to indicate a reasonable delivery period. If the winning firm does not deliver the goods / services, the Committee shall award the tender to the next lowest responsive bidder.
- When a successful tenderer is notified of the award, the unsuccessful tenderers should also be notified simultaneously.

3.7 Financial Ceilings

The Financial ceiling for procurement of goods and services at NYAHUWASCO are indicated in Table1

Table 1. Financial ceilings for Procurement of Goods and Services by Committees.

The limits are subject to the provisions of the public procurement and disposal Act 2015 and the regulations

Procurement Cost Ceilings	Procurement Method	Authorization/Approval
An item/service costing up to ksh.10, 000.	- At least 3 competitive quotations from	-Authorization for cash purchase by

	registered suppliers - May be purchased in cash.	Head of Finance through Imprest/ petty cash and approved by the accounting officer.
An item/service costing Kshs 10,000-500, 000.00.	-At least 3 competitive quotations from registered suppliers	Evaluation Committee and approved by the accounting officer.
Items /service Costing above Kshs 1,000,000 for goods and above kshs 2,000,000 for works	- At least 3 competitive tender bids.	-Evaluation Committee ,opinion of head of procurement and approved by the accounting officer.

Note

Procurement shall not be split for the purpose of avoiding the use of certain procurement methods.

3.8 Procedure for Purchase of Goods and Services

- Requisitions for goods/services signed by the unit head and departmental head shall be submitted to the procurement Office.
- The Procurement Officer(PO) shall check the Requisitions against the stock position of the requested item and if out of stock raise a Purchase Requisition (PR)
- Depending on the volume of purchases, the PO shall initiate a competitive procurement process (Tenders or Quotations)
- The users must confirm with the Head of Accounts on the availability of funds upon the requisition.
- On procurement of spares and/or repairs to motor vehicles, quotations shall be sought from dealers and other registered firms.
- The procurement shall be approved by the accounting officer.

All procured goods and services shall be verified by the receiving and acceptance committee before a goods received note is raised and goods received into the store.

3.9 Committees Involved In Procurement

The Company shall set up various Adhoc committees for procurement and disposal purposes. The committees include:

- Tender/quotation Evaluation committee
- Tender Opening Committee (TOC)
- Receiving and acceptance Committee (RC)
- Assets Disposal Committee (DC)

4.0 Role of Quotation Evaluation Committee –

- To adjudicate quotations valued below Kshs. 1,000, 000.00 per item
- To recommend Amendments to contracts which Procurement had awarded if necessary
- To recommend Termination of contracts which Procurement had awarded if necessary
- Monitor progress of contracts

4.1 Composition of Quotation evaluation committee

The QEC shall be composed of at least five (5) members appointed by the accounting officer. The quorum for the meeting shall be the Chairman and at least two other members.

For matters requiring technical opinion, the committee shall invite a technical person for guidance. The committee shall also invite the user/s during adjudication.

4.2 Role of Tender Opening Committees (TOC)

a) Tenders

- i) To open the tender box and tenders
- ii) To prepare and keep a signed record of bidders in attendance and members of the TOC
- iii) To prepare and submit a report to head of procurement unit.

On the opening of bids the following shall be indicated and carried out:

- Name of the bidder
- Number of bid documents submitted by a bidder
- Total price of tender including any discount
- Tender security
- Confirmation of Technical and financial proposal
- Sign where price is indicated and cross non-priced and blank pages
- Prepare tender opening minutes

b) Quotations

On the opening of bids the following shall be disclosed:

- Names of bidders
- Bid prices
- Confirm Technical and financial proposals
- Sign where price is indicated
- Submit a copy of the quotation opening proceedings and quotations to head of procurement unit

4.2.1 Composition of TOC

TOC shall be composed of three (3) members drawn from, Administration, Finance and procurement unit appointed by the Accounting officer.

4.3 Role of Assets Disposal Committee (ADC)

The role of ADC is to recommend the best methods of disposing of unserviceable, obsolete, uneconomical, surplus stores and equipment.

The disposal methods include:-

- Transfer to another public entity
- Sale by open tender
- Sale by public auction
- Destruction, dumping or burying with approval from relevant authorities
- Trade in

The board shall approve all disposals before commencement of the process.

4.3.1 The composition of ADC

- Procurement officer
- Head of Accounts
- Two officers from end user divisions/sections

The members shall elect a chairman and secretary of the ADC

5.0 Procurement Documents and Operations

The following are accountable documents used in procurement operations and are generated from the company's integrated financial management system

i) Local Purchase Order (LPO)/ Service Order (LSO)

The LPO and LSO respectively authorize a supplier to deliver goods and services.

- a) Local Purchase Order (LPO) and Local Service Order (LSO) shall be used to initiate ordering for goods, works and services. A register of LPO/LSO books shall be kept by the Procurement Officer
- b) Authorization of LPO/LSO shall be given by the Accounting officer.

Stores Requisition Form

This is a document used to request for goods/services.

ii) Goods Receipt Note -

This is a document used to receive goods from suppliers.

iii) Suppliers Material Return Note –

This is a document that provides records for returned goods to suppliers.

iv) Bin Card -

This is a document used to maintain stock records in a warehouse.

v) Request For Quotation Form -

This is a form used to request quotations from suppliers.

vi) Gate Pass

This is a document that allows movement of items out of the company.

5.1. Safety of Records

Procurement records shall be kept for a period of at least six (6) years after the contract was entered into or if no contract resulted, after the procurement proceedings were terminated. The documents shall be kept in safe custody by the head of procurement unit and for ease of accountability and reference; all the documents shall bear serial numbers. the head of the procurement unit is the custodian of the records.

5.2 Procedure for Purchase of Goods, Works and Services

- i) Items to be purchased should be in a procurement plan
- ii) Requisitions shall be approved by unit head and head of department after confirmation availability of funds.
- iii) The Procurement unit shall check the requisitions if the item is not in stock raise a Purchase Requisition (PR).
- iv) The Procurement unit shall initiate a competitive procurement process
- v) Quotations for spares and/or repairs of motor vehicles shall be sought from dealers and registered firms
- vi) Quotations and tenders shall be tabled for adjudication at the TC/PC
- vii) Goods procured through an imprest shall be verified before use.

5.3 Procedure for Receiving and Issuing Goods and Services

- i) Goods delivered or services sought must conform to the specifications as outlined in the LPO/ LSO
- ii) A copy of LPO must be forwarded to the warehouse
- iii) Deliveries of goods shall be accompanied with a Delivery Note (DN). Where haulers deliver on behalf of a supplier a Consignment Note should accompany the goods.
- iv) Goods must be inspected to ensure conformity with specifications and quantities indicated on the Purchase Order. Where the receiving officer cannot ascertain, technical specification of goods delivered, a technical officer will be invited to confirm the specifications.
- v) The receiving officer shall retain the original copy of the Delivery Note and Invoice while the supplier takes the duplicate.
- vi) The store keeper will then update the Bin card by posting the physical quantities of the items received.
- vii) The store keeper shall use the Delivery Note/Invoice and a payment copy of the LPO to raise a Goods Received Note (GRN).

- viii) The information on the GRN will be posted on the stock card.
- ix) Where an invoice is in foreign currency, they shall be converted in Kenya Shillings at the prevailing exchange rate.
- x) For payment purposes, the Procurement unit must forward the Invoice, DN, GRN Inspection and acceptance certificate and LPO payment copy to the Accounts.
- xi) Once received at the Company, the goods shall be checked against the Issue Voucher to ensure that they conform to the requisition.
- xii) The receiving officer at the stores will sign the duplicate copy of the Issue voucher and as confirmation that the items were received.

5.4 Return of Goods to Suppliers

- i) Rejection of goods will arise when items supplied do not conform to specifications.
- ii) The goods, accompanied by the Goods Return Note (RN), will be returned indicating reasons for rejection and action to be taken by the supplier

5.5 Goods Leaving the company

- i) An item leaving the Company for repair or use in the field must be accompanied with a gate pass duly signed by the authorized officer indicating; item description, model, serial number, the name of the firm (for repairs) or employee where applicable and the reason the item is being taken away
- ii) The details on the gate pass must be entered in a Register
- iii) Items on loan should be returned on due date

5.6 Procedure for Issuing Goods from the Stores

- i) Goods shall be issued by an Issue voucher approved by the Cost Centre Head
- ii) The stores issue officer shall sign the issue voucher to authorize the issue.

- iii) The receiving officer will sign the original and duplicate copies as confirmation that the items issued are as indicated on the voucher.
- iv) Once the items have been issued, stores supervisor will use the issue voucher to update the computer inventory.

5.7 Procedure for Loan Issues

- i) Loaned items are issued for specific tasks and are returnable after the task is complete
- ii) Officers who require items on loan will have to obtain authority from the accounting officer.
- iii) A register showing loaned items will be maintained

5.8 Procedure for Return of Goods to the Stores

- i) Surplus, defective, damaged or obsolete items shall be returned to the Stores for re-issue, repair or disposal
- ii) Items returned to the store will be accompanied by Stores Return Form
- iii) The warehouse officer shall examine the returned items and their report for appropriate action.
- iv) Material Return Note Form shall be given to the officer returning the items and the duplicate retained in the warehouse
- v) A Material Return Note Register will be maintained.

5.9 Stocks-Taking

- i) This involves physical count of stocks at the end of each financial year to confirm the actual stock position, verify the stock records and establish the value of the stock held.
- ii) The exercise shall be undertaken by Accounts and stores staff under the supervision of the Accountant and witnessed by the internal auditor.
- iii) The office of The Auditor General shall be notified of the annual stocktaking date and venue a week before commencement of the exercise

6.0 Instructions for Stock Taking

Stock taking instructions include;

- a) Carrying out a physical count of all stock items indicating figures obtained under the 'physical balance' in the stock taking sheet
- b) Ensuring that the correct units of issue are used
- c) Recounting where card and physical balances do not tally
- d) Investigating variance between Stock card and physical balance and indicate variance on the 'Remarks' column of the stock sheet
- e) Filling stock adjustment forms for items with confirmed variances
- f) Adjustment on the stock cards will made after approval is granted
- g) Recommending obsolete/damaged/expired stock for disposal
- h) All officers undertaking the exercise should sign the stock taking sheets
- i) The stock staking sheets must be stamped prior to handing over to head of Finance & Administration.
- j) The team leader submits a report of the exercise
- k) Where discrepancies arise possible sources as stipulated below will be looked into:
 - Arithmetical errors
 - Issues and Receipts transactions
 - Unit of issue
 - Adjustment on previous stock sheets
 - Duplication in postings
 - Item description

7.0 Disposal of Stores and Equipment

The Company's Disposal Committee shall liaise with the individual user departments to facilitate the disposal of assets.

7.1 Procedures for Carrying Out Disposal

- i) Assets, which are beyond economic repair, obsolete, expired or damaged, will be assembled centrally in the stores.
- ii) Once a substantial quantity of such goods is accumulated, the Disposal Committee will be constituted by the Accounting Officer to facilitate disposal
- iii) A technical report must be provided for all capital assets

7.2 Methods of Disposal

- i) The Disposal Committee shall recommend to the Accounting Officer the most appropriate method of disposal, which may include: -
 - Transfer to another public entity
 - Sale by public tender
 - Sale by public auction
 - Destruction, dumping or burying
- ii) In case the Disposal Committee recommends disposal through burning, dumping into sea or burying underground, a destruction certificate shall be issued to remove the items from the records.

7.3 Write Off of Assets

- iii) The Accounting officer shall authorize write-off of lost assets and stores with a value of not more than Kshs.10,000.00
- iv) Write-off of assets and stores of value more than Kshs.10,000.00 shall be authorized by the company's Board of Directors
- v) **7.4 Disposal Criteria**

: The management shall obtain authority from the board before commencement of any disposal process.

The following guidelines shall apply to disposal of boarded assets and stores

- i) The highest bids will be accepted subject to the condition that they are equivalent or above the reserved price
- ii) The highest bidders in descending order will be accepted until the reserve price is reached

- iii) Where two or more candidates tender the same amount, they should be notified in writing to make an alternative offer, the higher of which will be accepted
- iv) If sale is not effected with any of the highest bidders equivalent or above the reserve price, the items will be re-advertised for sale
- v) Successful bidders will be given seven (7) days to pay for the items won. If no payment is effected within the 7 days, clause (ii) above shall apply
- vi) Payment for the items will be made in full to the company's bank accounts or by banker's cheque or through electronic bank transfer.
- vii) Purchasers must remove the items from NYAHUWASCO premises within seven (7) days of payment after which the items shall remain on NYAHUWASCO premises at the purchaser's Risk .the same shall attract storage charges .

Mode of acceptance of the bids will be by any of the following means: -

- Registered Post
- Hand delivery
- Prescribed digital modes.

The foregoing modes of communication should be followed-up by a phone call.

9.0 Professional Ethics

9.1 Declaration of Interest

A member of any of the committees interested in any tender other than in his capacity as a member of the committee should immediately declare his interest therein and withdraw from that particular deliberation.

9.2 Conflict of Interest

An employee or agent of NYAHUWASCO or member of the Board of NYAHUWASCO who has conflict of interest with respect to any procurement shall not take part in the procurement proceedings and shall not, after a procurement contract has been entered into take part in any decision relating to the procurement or contract. The declaration shall be recorded in the register

9.3 Confidentiality

A member of the board or a committee of the Company shall keep information of procurement proceedings confidential.

9.4 Collusion

No person shall collude or attempt to collude with any other person:-

- To make any proposed prices higher than would otherwise have been the case.
- To have that other person refrain from submitting a tender, proposal or quotation or withdraw or change a tender, proposal or quotation
- To submit a tender, proposal or quotation with specified price or with any specified inclusions or exclusions

10.0 Alterations and Amendments

This policy will be subject to regular review and amendments when need arises.

Effective Date

This policy comes into effect on the Eighth day of October 2018-

This policy was approved by the Board on Eighth day October 2018 under minute number.....

Signed

MANAGING DIRECTOR

CHAIRMAN- BOARD OF DIRECTORS.....