

**Construction Sector Transparency Initiative – Ethiopia (CoST – Ethiopia)**

**Assurance Report on Reactive Disclosure of Project and Contract Information**

**for**

**Facility Building, 50m3 Septic Tank & Site Work Project at Addis Ababa Collage of Commerce**

MARCH, 2019

ADDIS ABABA, ETHIOPIA

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# LIST OF ACRONYMS

AAU Addis Ababa University

AP Assurance Professional

CoST Construction Sector Transparency Initiative

DNA Document not Available

EIA Environmental Impact Assessment

EOI Expression of Interest

ETB Ethiopian Birr

FDRE Federal Democratic Republic of Ethiopia

ICB International Competitive Bidding

IPC Interim Payment Certificate

LCBS Least Cost Based System

MPI Material Project Information

NA Not Applicable

NCB National Competitive Bidding

NMSG National Multi Stakeholder Group

No Number

PE Procuring Entity

PPA Public Procurement Agency

QCBS Quality Cost Based System

TAC Technical Analysis Committee

VO Variation Order

# BACKGROUND

Construction Sector Transparency (CoST) Initiative is a multi-stakeholder program aimed at Improving Infrastructure through Openness and Accountability using disclosure of project and contract information as a tool. While project and contract information is disclosed by procuring entities, purpose of the assurance process is to validate the information disclosed by procuring entities and interpret it in plain language that helps stakeholders understand the main issues.

In order for transparency of information to be effective in achieving better accountability of government for the quality and efficiency of construction, stakeholders need to be able to understand the disclosed information and to identify issues of interest or potential concern. Hence the assurance process adds value to the disclosures by helping to interpret salient messages of interest to the main stakeholders through intelligible presentation and to assess credibility of the results.

This assurance report is prepared for Facility Building, 50m3 Septic Tank & Site Work Project. The assurance process, as per the CoST program, is designed to have the dual function of first giving assurance that the information disclosed by PEs is valid and complete, and second of interpreting the disclosed information in plain language to detect *matters of interest or potential concern* that could be raised with the project owner. This enhanced accountability is expected to result in improved efficiency and effectiveness in the delivery of infrastructure construction.

The main purpose of this report is, therefore, to disclose information items collected by the assurance professional and to highlight identified areas of inefficiency, mismanagement and other causes of concern throughout the project cycle; while highlighting some information items of the project that are made available to the public through different reports and notices related to the project. The report further provides recommendation to the Multi Stakeholder Group Executive Committee (MSGEC) on key findings of the assurance process.

A Brief Description of the Project & Contracts included in this report are summarized, hereunder, in Table 1.1.

**Table 1.1: Summary of Project and Contract Information**

|  |  |
| --- | --- |
| Date of Disclosure and Assurance | March 2019 |
| Name of the Project | Facility Building, 50m3 Septic Tank & Site Work Project |
| Project Location | Addis Ababa Collage of Commerce |
| Name of the Employer | Addis Ababa University |
| List of Contracts | Design, Contract Administration and Supervision and Works Contract |
| Contractor | YOTEK Construction PLC |
| Consultant | Construction Design Share Company |

# Summary of Findings and Causes of Concern

## UNAVAILABILITY OF SUFFICIENT PROJECT INFORMATION

Lack of proper maintenance and smooth access of documents required to review the project information is one of the main problem that needs improvement by the PE. The information in relation to procurement of Consultancy Service and Works Contract, changes to the respective Original Contracts of Consultancy Service and initial project programs are the major ones facing problems to access easily from PE’s office.

In general, the problem of accessibility on required project information results the following

* difficulty to make more informed judgment;
* Information gap to assess PE’s transparency in relation to the rules of Law.

## ISSUES ON CHANGES TO CONTRACT DURATION

The project has faced significant amount of time extension for about 65.9% of the Contract period. The main reasons to those delay caused by PE and consultant on managing the contract according to the agreed provisions. The consultant was supposed to respond timely on request for clarification, issue variation orders as required without causing delay on progress of construction. On the other hand, the PE’s attention on removing of existing Shops was less which contributes for the significant delay. The tasks of removal should have been completed before start of construction work.

## ISSUES ON CHANGES TO CONTRACTS PRICE

There were 18 variation orders during construction period. As a result, there was a cost overrun of ETB 38,725,300.11 including VAT, which is 11.32% of Contract Price.

# [INTRODUCTION](#_Toc399112304)

This assurance report is prepared following the Memorandum of Understanding (MOU) signed between CoST Ethiopia and Addis Ababa University that required Reactive Disclosure of Project & Contract Information for Facility Building, 50m3 Septic Tank & Site Work Project.

## Objective of the Assurance Process

The main objective of the assurance process is to analyze Project and Contract information of the project for its compliance to the requirements of the applicable laws.

## Activities of the Assurance Process

* Collecting project and contract information from the PE and, where necessary, consultant and contractor
* Verifying the accuracy and completeness of information.
* Analysing the information obtained in order enable the public to make informed judgements about the cost, time of delivery, quality of the built infrastructure, and the procurement process.
* Producing reports that are clearly intelligible to the non-specialist, highlighting the main findings and cause for concern.
* Making presentations to NMSG-EC, multi-stakeholder forums, get feedbacks and refine the report accordingly.

## Challenges of the Assurance Process

The main challenge faced on carrying out the assurance process was the difficulty to access all the required project and contract information from PE’s office. Following is list of unavailable documents.

1. Feasibility Study,
2. Financing Agreements (Funding sources) for the Project,
3. Project budget approval date,
4. Project start date (planned, actual),
5. Planned/ Original duration for completing the whole project,
6. Planned/Original cost of the project,
7. Bid Documents,
8. Tender Evaluation Reports,
9. Content of any complaint lodged during procurement process,
10. Letter of Awards,
11. Cost Estimates (or Engineer’s Estimate),
12. Changes to Contracts (price, duration, scope, etc.,) for Consultancy Services,

# [DISCLOSURE OF PROJECT INFORMATION](#_Toc399112306)

## [PROJECT OVERVIEW](#_Toc399112307)

The PE has signed Consultancy Contract Agreement with Construction Design Share Company on July 09, 2007 E.C to carry out the Design service for the project under review. With the same consultant the PE has entered into Consultancy Contract Agreement on January 29, 2014 to carry out supervision and contract administration tasks during the construction phase. The Contract Agreement for the construction of the project was finally made with YOTEK Construction PLC on January 17, 2014. The construction of the contract was started on 05/06/06 E.C and intended to complete the whole of the works within 730 calendar days.

## [Source of Funding and Project Cost](#_Toc399112311)

There is no clear information available from PE’s office to disclose in this report with respect to the source of funding and total cost of the project. However, the contract amount agreed to carry out the consultancy services of Design ETB 1,539,128.65 including VAT and Contract Administration and Supervision is ETB 79,350.00/Month (including VAT) and for construction works ETB 342,058,341.40 including VAT.

## Project Duration

The actual date of signing of the contract to carry out the design of the project was made on July 09, 2007. The PE has also made contract agreement with the Works contractor which was intended to finalize the whole of construction works on 03/06/08.

# [DISCLOSURE OF PROCUREMENT AND CONTRACT INFORMATION](#_Toc399112312) FOR DESIGN, CONTRACT ADMINISTRATION & SUPERVISION SERVICES

## Disclosure of Procurement Information

The disclosure of procurement information for the respective consultancy services contract is not discussed in this report due to absence of required information from PE.

### [**Overview of the Procurement Process**](#_Toc399112314)

The procuring entity didn’t provide sufficient information on the procurement process of the Consultancy Service. The only document made available from the PE office is three pages of signed contract agreement document for the consultancy service of design and two pages of signed contract agreement document for supervision and contract administration service. It is indicated that the PE has made Contract Agreement with Construction Design Share Company to carry out consultancy service of design and supervision & contract administration on July 09, 2007 and January 29, 2014 respectively.

### **Verification of the Disclosed Procurement Information**

#### **Completeness of the Disclosed Procurement Information**

In reference with the available information from PE, twenty-three (23) out of thirty (30) lists of information required by the Standard Disclosure Template of CoST – Ethiopia are disclosed as shown in the enclosed template.

#### **Accuracy of the Disclosed Procurement Information**

The information in the standard disclosure template are directly copied from its original source.

### **Analysis of the Disclosed Procurement Information**

The Contract is awarded through direct procurement method. However no information is found from the disclosed documents in relation to the reason for why the direct award procedure is followed.

## [Disclosure of Contract Information](#_Toc399112312)

### **Overview of** [**the Contract**](#_Toc399112315)

The PE has made Contract Agreement with Construction Design Share Company to carry out consultancy service of design of the project under review on July 09, 2007 with an amount of ETB 1,539,128.65. With the same consultant the PE has again entered into Consultancy Contract Agreement on January 29, 2014 to carry out supervision and contract administration tasks during the construction phase with an amount of ETB 79,350.00 including VAT.

### **Verification of the Disclosed Contract Information**

#### **Completeness of the Disclosed Contract Information**

The major challenge faced to carry out the assurance process of consultancy contract is the problem to access required information from PE’s office. As a result, five out of fourteen (14) lists of information are disclosed on the Standard Disclosure Template of CoST – Ethiopia.

#### **Accuracy of the Disclosed Contract Information**

The information in the standard disclosure template are directly copied from its original source.

### **Analysis of the Disclosed Contract Information**

As described above, the major information required to disclose the Consultancy Contract are unavailable. Therefore, analysis on the actual implementation of consultancy service with respect to the original contract agreement couldn’t be carried out in this report

# [DISCLOSURE OF PROCUREMENT & CONTRACT INFORMATION](#_Toc399112312) FOR WORKS CONTRACT

## Disclosure of Procurement Information

### [**Overview of the Procurement Process**](#_Toc399112314)

The disclosure of procurement information for the respective Works Contract couldn’t be discussed in this report due to absence of required information from PE.

### **Verification of the Disclosed Procurement Information**

#### **Completeness of the Disclosed Procurement Information**

The only document made available from PE office is two pages of signed contract agreement document along with six pages of special condition of contract document and performance security. The disclosure of procurement information is also carried out in reference with the available progress report and performance bond documents.

In reference with those available information, it is tried to disclose only sixteen (16) out of thirty (30) lists of information required by the Standard Disclosure Template of CoST – Ethiopia as described at the last part of this report.

#### **Accuracy of the Disclosed Procurement Information**

Source documents used for verification are directly provided from PE and are accurate.

### **Analysis of the Disclosed Procurement Information**

No analysis is included in this report due to limited information on the procurement process of Works Contract.

## [Disclosure of Contract Information](#_Toc399112312)

### **Overview of** [**the Contract**](#_Toc399112315)

The signing of the Contract Agreement with YOTEK Construction PLC was made on January 17, 2014 in order to perform the construction works of the project under review. The original agreed Contract Amount was ETB 342,058,341.40 including VAT and intended to complete the whole of the works within 730 calendar days. The construction of the contract was started on 05/06/06 E.C and intended to complete the whole of the works on 03/06/08. However, the completion of the contract was not as planned and, in reference with the time extension document approved by the consultant and forwarded by the letter ref. no. 610/401/5/2010 dated 8/9/2010, the actual completion date of the contract is 14/10/2009.

### **Verification of the Disclosed Contract Information**

#### **Completeness of the Disclosed Contract Information**

The Contract Information required to disclose on CoST Ethiopia Disclosure Template are fourteen. Out of fourteen, thirteen are disclosed as per available information.

#### **Accuracy of the Disclosed Contract Information**

The information in the standard disclosure template are directly copied from its original source.

### **Analysis of the Disclosed Contract Information**

#### **Issues Related to Contract Price**

The Original Contract Amount of Works Contract agreed on January 17/2014, was ETB 342,058,341.40 including VAT. However, during construction period about 18 variation orders have been issued facing the Contract Price to an additional cost overruns of ETB 38,725,300.11 including VAT, which is 11.32% of Contract Price. The details of changes to Contract Price issued during construction period are summarized hereunder in Table 5.1.

**Table 5.1: Description of Changes to Contract Price**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Variation Order No** | **Date of issue of variation order** | **Reason for variation** | **Work required to implement the variation** | **Effect on cost** | **Effect on programme / time** |
|  | 27/02/07 |  | Bulk Excavation, Backfilling and Cart away. | Additional ETB 903,693.00 including VAT | Project time is extended for two days. |
|  | 26/05/07 | Change in type and quantity of Contract Items. | Fixing of Hand Wash Basin and Water Closet for disabled, Crystal Glass Mirror and Floor Drain. | Additional ETB 1,646,044.45 including VAT | Project time is extended for four days. |
|  | 27/06/07 | Change in type of Contract Item | Fixing of Ceramic Wall Tile | ETB (1,073,720.50) including VAT | No effect |
|  | 22/08/07 |  | Pit Excavation, Backfill, Concrete Work, Stone Masonry Wall and Plastering. | Additional ETB 50,596.84 including VAT | No effect |
|  | 10/02/08 |  | DNA | Additional ETB 11,198,493.00 including VAT | Project time is extended for twenty four days. |
|  | 01/03/08 | Change in type and quantity of Contract Items | Fixing of Kitchen Sink and Water Heater. | Additional ETB 42,836.35 including VAT | No effect |
|  | 27/03/08 | Change in type of Contract Item | Fixing of Exhaust Centrifugal box Fan. | Additional ETB 36,737.90 including VAT | No effect |
|  | 12/07/08 |  | Fixing of Fiber Optic Cable. | Additional ETB 1,380,400.00 including VAT | Project time is extended for three days. |
|  | 20/07/08 | Maintenance Work for Internal Asphalt Road | Site Clearing, Drainage Works, Subbase, Base-course and Side, Bituminous Surfacing for Carriage way, Ancillary Works. | Additional ETB 6,034,034.50 including VAT | Project time is extended for thirteen days. |
|  | 25/09/08 | Change in volume of Water Tank from 10m3 to 15m3 | Fixing of Fiber Glass Water Tank and Water Pumps. | Additional ETB 140,092.76 including VAT | Project time is extended for one day. |
|  | 20/11/08 |  | Fixing of Ridge Cover, Wood thread and Riser, Acoustic Panel Wall Cladding, Steel Structure, Aluminum Panel Cover, Aluminum Partition Wall, Aluminum Framed Window Doors, Marble Window Sill, Down Pipe, Sewerage Pipe, Water Supply Pipe. | Additional ETB 5,848,500.66 including VAT | Project time is extended for one day. |
|  | 18/12/08 |  | Demolishing, Excavation and Earth work, Concrete Work, Finishing work, Bituminous Surfacing for Carriage way, Electrical Site Work | Additional ETB 2,954,065.95 including VAT | Project time is extended for six days. |
|  | 18/01/09 |  | Construction of Minor Drainage Works; Drains, Concrete Curbing, Subbase, Base-course and Side. | Additional ETB 1,387,816.55 including VAT | Project time is extended for three days. |
|  | 11/07/09 | Changes in Contract Items;  Volume of Septic Tank from 50m3 to 138m3, etc. | Fixing of Wooden Doors, Aluminum Curtain Wall & Cladding, Ceramic flooring, Distribution Board, Light Fittings,  Construction of 138m3 Septic Tank, Site Works – Sand Filter, Water Proofing, Plastering, Manhole, PVC Pipes and Plastic Cover. | Additional ETB 4,388,924.40 including VAT | Project time is extended for nine days |
|  | 30/10/09 |  | Demolishing of Existing Building, Construction of Stone wall masonry, Kitchen Cabinets, Aluminum Window Doors, Handrail & Baluster, Granite, Curtain, Painting, Distribution Boards, Power Outlets, Cables and Pump | Additional ETB 2,449,187.10 including VAT | Project time is extended for five days. |
|  | 20/22/10 | DNA | Fixing of Gate Valve, Water Heater and HDPE water supply Pipe; Construction of half concrete pipe ditch | Additional ETB 127,718.93 including VAT | No effect |
|  | 03/07/10 | DNA | Installation of Fiber Patch Panels | Additional ETB 377,404.38 including VAT | Project time is extended for one day. |
|  | 22/12/10 | Change in size to Contract items of Built in Cabinets | Installation of Built in Cabinets – Size 60x100cm & 60x90cm by omitting the contractual size of 150x100x120cm | ETB (795,309.07) including VAT | No effect |

It is observed that the consultant has carried out proper documentation on administering of Changes to Contract Price. About 18 variation orders are issued and whenever it exceed 10% of contract amount the consultant has requested the PE’s approval before issuance of the Variation orders.

#### **Issues Related to Contract Duration**

The Works Contract was originally intended to complete the whole of the works within 730 Calendar days. The construction work for the Contract was started on 05/06/06 and intended to complete on 03/06/08. Due to occurrence of several causes, a change has been made to Contract Duration in different time resulting to a total time extension of 481 Calendar days. The details of changes to Contract Duration is summarized, hereunder in Table 5.2.

**Table 5.2: Description of Changes to Contract Duration**

|  |  |  |  |
| --- | --- | --- | --- |
| **Item No.** | **Approval Date of Time Extension** | **Extended Time**  **(in Cal. days)** | **Reason for Time Extension** |
|  | 02/04/07 | 6 | Delay on Request for clarification on the existence of utility line and quality of soil |
|  | 23/04/07 | 120 | Delay in removal of existing Shops affecting the progress of Building Construction Site |
|  | 19/04/08 | 5 | Interruption of construction works due to security problem of World Finance Bodies Meeting |
|  | 05/09/08 | 63 | Delay of Work Order by the Consultant for the change of Eucalyptus wooden to solid pine for fixing Staircases. |
|  | 24/02/09 | 87 | Payment Delay, Data Cable Approval Delay |
|  | 07/06/09 | 98 | Delay on order of various variation works |
|  | 11/04/10 | 30 | Delay on approval of Signage and Faced Light Catalog |
|  | 08/09/10 | 0 |  |
|  | Refer Table 5.1 above | 72 | Due to Variation Orders issued in different time |

The contract has entertained significant amount of time extension for about 65.9% of the Contract period. The basic reasons to those delay related to PE and consultant on managing the contract according to the agreed provisions. The consultant was supposed to respond timely on request for clarification, issue variation orders as required without causing delay on progress of construction.

# Project and Contract Information Disclosure Template

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **DISCLOSURE OF PROCUREMENT & CONTRCT INFORMATION (44 ITEMS)** | | | | |
| **PHASE** | **ITEMS OF DISCLOSURE** | **CONSTRUCTION** | **DESIGN** | **SUPERVISION** |
| **PROCUREMENT INFORMATION (30 ITEMS)** | Date of disclosure | MARCH 2019 | | |
| Contract title | Facility Building, 50m3 Septic Tank & Site Work | Design of Construction Works of Facility Building | Supervision and Contract Administration of Facility Building, 50m3 Septic Tank & Site Work |
| Location | Addis Ababa | | |
| Procuring entity | Addis Ababa University College of Commerce | | |
| Source for further information | Addis Ababa University, Addis Ababa Tel. 011-124 28 87/23 97 87 P. O. Box 1176 | | |
| Date of procurement notice | DNA | NA | NA |
| Floating period of the procurement notice | DNA | NA | NA |
| Media used for procurement notice | DNA | NA | NA |
| Method of procurement | DNA | Direct Procurement | Direct Procurement |
| Type of Procurement | DNA | NA | NA |
| Procurement procedure | DNA | NA | NA |
| Evaluation criteria | DNA | NA | NA |
| Type of contract & project delivery method | DNA | Lump sum | Time based |
| Type & Amount of bid security | DNA | DNA | DNA |
| Content of any complaint lodged | DNA | DNA | DNA |
| Engineer’s estimate | DNA | DNA | DNA |
| Date of bid opening | DNA | NA | NA |
| Number of bidders: Participated, rejected and declined to submit | DNA | NA | NA |
| Awarded firm/contracting firm | YOTEK Construction PLC | Construction Design Share Company | Construction Design Share Company |
| Date of contract award | DNA | DNA | DNA |
| Award price/Original Contract Price | 342,058,341.40 Birr (including VAT) | ETB 1,539,128.65; Design  ETB 383,525.00 – design modification | ETB 79,350.00/Month (including VAT) |
| Unit Contract price (price/km, price/sq. meter) | price/sq. meter = 342,058,000/18200 = 18,794.4 ETB |  | NA |
| Contract security type and amount | Insurance Bond  ETB - 34,205,834.14 |  |  |
| Date of Contract Signing | January 17, 2014 | July 09, 2007 - Design  March 29, 2013– Design modification | January 29, 2014 |
| Contract scope | Construction of Facility Building, 50m3 Septic Tank & Site Work |  |  |
| Description of contract & Contract components |  |  |  |
| Contract administration entity | Construction Design Share Company | Addis Ababa University | Addis Ababa University |
| Contract Duration | 730 Cal. days | 30 Calendar days– Design modification | 730 Cal. days |
| Contract Start Date | 05/06/06 E.C | April 5, 2013– Design modification | January 29,2014 |
| Intended Completion Date | 03/06/08 E.C | May 5, 2013– Design modification | January 29,2016 |
| **CONTRACT IMPLEMENTATION & COMPLETION (14 ITEMS)** | Contract Status (ongoing (% progress), terminated, completed) | Completed | Completed | DNA |
| completion date (Revised) | 14/10/2009 E.C | DNA | DNA |
| Changes to contract duration with Reason | Total time extension 481 Calendar days:  Delay in removal of existing Shops  Delay of Work Order by the Consultant;  Payment Delay, Data Cable Approval Delay;  Due to Variation Orders issued in different time. | DNA | DNA |
| Amount of Liquidated Damage if applied (Penalty for delay) | None | DNA | DNA |
| Contract price (Revised) | ETB 380,783,641.51 including VAT | DNA | DNA |
| Changes to contract price with reason | ETB 38,725,300.11 including VAT:  For the reasons refer Table 5.1 | DNA | DNA |
| Scope at completion | DNA | DNA | DNA |
| Changes to contract scope with reason | none | DNA | DNA |
| Total payment effected | ETB 347,266,016.84 until 23/10/09 | DNA | DNA |
| warranty type and description | Advance Guarantee – Insurance – ETB 42,617,502.42 | DNA | DNA |
| Details of Termination if applied | Termination is not applied | Termination is not applied | Termination is not applied |
| Safety Measures (accident & death) | No accident & death were reported | No accident & death were reported | No accident & death were reported |
| Quality of work | Good | Good | Good |
| Disputed issues & Award details | No dispute issue | No dispute issue | No dispute issue |
|  |  |  |  |  |

**Note:**

NA – Note Applicable

DNA – Documents not Available

|  |  |  |
| --- | --- | --- |
| **DISCLOSURE OF PROJECT INFORMATION (26 ITEMS)** | | |
| **PRELIMINARY PROJECT INFORMATION (18 ITEMS)** | Date of disclosure | MARCH 2019 |
| Project owner | **Addis Ababa University** |
| Project name | Facility Building, 50m3 Septic Tank & Site Work |
| Sector, subsector | Building |
| Source for further information | Addis Ababa University, Addis Ababa Tel. 011-124 28 87/23 97 87 P. O. Box 1176 |
| Project Location | Addis Ababa - College of Commerce |
| Purpose |  |
| Project description | Preparation of Building Design, Construction Supervision and Contract Administration Services and Construction of Facility Building, 50m3 Septic Tank & Site Work. |
| Original Project Scope |  |
| Project Components |  |
| Environmental impact | DNA |
| land & settlement impact | DNA |
| Estimated budget of the project with breakdown of components | DNA |
| Funding sources |  |
| Project budget approval date | DNA |
| Project start date (planned, actual) |  |
| Planned/ Original duration for completing the whole project | DNA |
| Planned/Original cost of the project | DNA |
| **PROJECT INFORMATION AT COMPLETION (8 ITEMS)** | Cost of the project at completion | DNA |
| changes of project cost with reason | Works Contract: ETB 38,725,300.11 including VAT:  For the reasons refer Table 5.1 |
| Project completion date (Revised) | 23/08/09 |
| Actual duration for completing the whole project |  |
| changes of project duration with reason | Works Contract: Total time extension 481 Calendar days:  Delay in removal of existing Shops  Delay of Work Order by the Consultant;  Payment Delay, Data Cable Approval Delay;  Due to Variation Orders issued in different time. |
| Project Scope at completion |  |
| changes of project scope with reason |  |
| Reference to documents for disclosure upon request (reactive disclosure) | Procurement and Property Administration Directorate Office, Addis Ababa University. |
|  |  |

**Note:**

NA – Note Applicable

DNA – Documents not Available