

Executive Agencies (The Tanzania National Roads Agency) (Establishment)
(Amendment)

GOVERNMENT NOTICE NO. 232 published on 27/3/2020

THE EXECUTIVE AGENCIES ACT
(Cap. 245)

ORDER

(Made under section 3(1))

THE EXECUTIVE AGENCIES (THE TANZANIA NATIONAL ROADS AGENCY)
(ESTABLISHMENT) (AMENDMENT) ORDER, 2020

Citation
G.N No.
293 of 2000

1. This Order may be cited as the Executive Agencies (The Tanzania National Roads Agency) (Establishment) (Amendment) Order, 2020 and shall be read as one with the Executive Agencies (The Tanzania National Roads Agency) (Establishment) Order, 2000, herein referred to as the “principle Order”.

Amendment of
Schedule

2. The principle Order is amended in the Schedule, by-
(a) deleting paragraph 1.2 and substituting for it the following:

“1.2 Interpretation

In this Framework document, unless the context otherwise requires-

“airports” means an area of land or water affording facilities for the take-off and landing of aircraft and appointed by the Minister to be an airport for the purposes of the Airport Service Charge Act;

Cap. 365

“Board” means the Board established by section 5 of the Road and Fuel Tolls Act to be known as the Roads Fund Board;

Cap. 220

“Chief Executive” means the Chief Executive of TANROADS;

“classified roads” means any public road including trunk roads, regional roads, urban roads and feeder roads;

“development” means the upgrading of a road to a new standard, including a new road or bridge construction, widening or rehabilitation of a road that has been left in poor condition for a long time;

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“emergency repair” means works required to open roads after a natural disaster;

Cap. 220 “Fund” means the Fund establishment under section 4 of the Road and Fuel Tolls Act, to be known as the Roads Fund;

“local authority” means a district, town, municipality or city authority;

“Minister” means the Minister responsible for roads and airports;

“ministry” means the Ministry responsible for roads and airports;

“Permanent Secretary” means the Permanent Secretary of the Ministry responsible for roads and airports;

“roads” means a primary, secondary or tertiary road commonly used by the public or to which the public has access or route and includes-

(i) any bridge, culverts, dam, ditch, drain, fence, embankment, ferry, ford, pontoon or other work in line of such road;

(ii) the land of which the road or route consists or over which the road reserve in question extends;

(iii) anything on that land forming part of or connected with belonging to the road or route; and

(iv) land acquired for the construction of a connection between one road or route and another road or route;

“roads Agency” means any road agency other than TANROADS;

“Roads maintenance” means all works to preserve riding quality, road shape, drains culverts, structure and bridges, spot improvements of bad spots to maintain accessibility, resealing reshaping and gravelling;

Cap. 220 “road and fuel toll” means a road user charge, toll, fee or levy that is imposed and is payable under the Road and Fuel Tolls Act; and

Cap. 245 “TANROADS” means the Tanzania National Roads Agency established under the Executive Agencies Act, also referred to in this Framework Document as “the Agency”.

(b) deleting paragraph 2.2 and substituting for it the following:

“2.2 *Governance*

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The Chief Executive, appointed by the Minister in consultation with the President's Office, Recruitment Secretariat and the President's Office Public Service Management and Good Governance, shall hold the office for a term not exceeding five years or for such shorter period as may be specified in the instrument of appointment and shall be eligible for re-appointment based on performance. The Chief Executive is responsible for management of TANROADS and shall be directly answerable to the Permanent Secretary. The Permanent Secretary will oversee the interest of the Ministry and the Government in general. There shall be TANROADS Board that will advise the Minister on the performance of TANROADS."

(c) deleting paragraphs 3, 4, 5, 6, 7, 8, 9 and 10 and substituting for them the following:

"3.0 AIM, VISION, MISSION, OBJECTIVES,
OUTPUTS AND FUNCTIONS OF THE
AGENCY

3.1 Aim

The aim of TANROADS is to provide cost effective and sustainable maintenance and development of the Trunk, Regional Roads Network and Airports to support the socio economic development of Tanzania. The discharge of its function shall be guided by this aim.

3.2 Vision

To be a World Class Agency dedicated to providing a well-developed national roads network and high-quality airports to support economic and social development of Tanzania.

3.3 Mission

To plan, design, construct and maintain efficiently and in a cost effective, safe and sustainable manner the National Roads network and Airports consistent with the National Development Plans and other Government Policies through a competent and a well-motivated workforce.

3.4 Objectives

Based on the identified critical issues the Agency has developed the following set of five (5) objectives to be achieved:

(a) HIV/AIDS Infections Reduced and Supportive

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Services Improved;

- (b) Effective Implementation of National Anti-Corruption Strategy Enhanced and Sustained;
- (c) National Roads Network and Airports improved;
- (d) Resources Management Improved; and
- (e) Institutional Systems and Procedures enhanced.

3.5 Outputs

The Agency have five (5) objectives in its five years Strategic Plan (2016/2017 – 2020/2021) upon which when effectively implemented, are expected to result into outputs related to core and support functions of maintenance and development of Trunk, Regional Roads Network and Airports.

3.6 Functions

The main functions of TANROADS shall be to-

- (a) Undertake procurement and management of contracts for design, construction, rehabilitation maintenance and upgrading of roads under its control;
- (b) Undertake procurement and management of contracts for design, construction, and rehabilitation of airports under its control;
- (c) Improve road safety and mitigate environmental impact from its operations on the road network under its control;
- (d) Establish, improve and maintain an appropriate road data bank;
- (e) Establish and operate weighbridges and enforce axle load control on the road network under its jurisdiction;
- (f) Oversee the establishment and operation of toll roads;
- (g) Carry out or commission studies/researches as necessary in support of its aims and functions;
- (h) Advise the Ministry on regulations and standards for road works and airports construction;
- (i) Perform any work upon request by other road authorities with respect to long-term, medium, annual and operational plans for roads.

4.0 PERFORMANCE CRITERIA

The Roads Fund Board and the Ministry of Works,

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Transport and Communication shall monitor TANROADS' performance during the course of each year via technical and financial audits. Specific performance targets will be set each year and clearly stated in the Performance Agreements for maintenance and development works. The performance criteria shall be based on the quality of service provided, financial performance and operational efficiency.

(i) Quality of Services Provided.

The Agency will provide high quality service in achieving its objectives. The quality of services shall be as per agreed standards, best practices, specifications and customer needs.

(ii) Financial Performance (improved management systems)

For accountability purposes, the Agency will develop systems that comply with the best financial management practices. There will be timely preparation and submission of accurate financial reports and sound trend of Agency's financial position.

(iii) Operational Efficiency.

The Agency will develop planning and management tools for maintenance and development of road network and airports. There will be compliance to the specified standards and use of transparent internal processes and procedures in the service delivery.

5.0 ROLES ,RESPONSIBILITIES AND ACCOUNTABILITY

5.1 The Minister

The Minister is responsible for determining and maintaining the policy framework for the Agency, general direction and functional boundaries within which TANROADS operates. Specifically, the Minister is responsible for-

(a) Establishing/Re-establishing the Agency;

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- (b) Ensuring that the Government and the public derive maximum benefit from the creation of the Agency and the Road Fund;
- (c) Appointing the Chief Executive of the Agency; and
- (d) Appointing members of the TANROADS Board.

Furthermore, the Minister shall meet the Management of TANROADS in person at least once in a year to discuss Agency's strategies, its performance and how risks can best be managed. The Minister shall also work to safeguard the interest of TANROADS to ensure its maximum contribution to the national economic growth and keep the Agency aware of high-level Government strategic directions.

5.2 The Permanent Secretary

The Permanent Secretary, as the Accounting Officer of the Ministry, is responsible for voted funds disbursed to the Agency and the principal policy adviser to the Minister on matters related to the Trunk, Regional Roads network and Airports of the Agency. The Permanent Secretary, in discharging his duties, shall at all-time uphold the autonomy of the Agency in the day to day management of its affairs and also respect the delegation of powers in respect of financial accountability as delegated to the Chief Executive and the Board.

The Permanent Secretary shall be responsible for approving TANROADS Strategic Plans, Business Plans and its annual budget. The Permanent Secretary shall mobilize and coordinate funding for maintenance and development works and advice on the overall financial resources to be made available to TANROADS for such works. In addition, the Permanent Secretary shall enter into performance contract with the Chief Executive and shall meet the Management of the Agency in person at least twice a year to discuss TANROADS's plans, its performance and how risks can best be managed.

5.3 The Roads Fund Board

The Roads Fund Board is responsible for the following:

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- (a) To develop and review periodically the formula for allocation and disbursement from the Fund to TANROADS and advise the Minister accordingly;
- (b) To recommend to the Minister an allocation of funds for TANROADS to undertake roads management at a level that is sustainable and affordable;
- (c) To disburse funds to TANROADS;
- (d) To ensure that the operations of TANROADS are technically and financially sound;
- (e) To monitor the use of the funds disbursed to TANROADS for the purpose of the objectives of the Fund;
- (f) To enter into Performance Agreement with Chief Executive of TANROADS pursuant to the Road Tolls (Amendment) Act. No. 2 of 1998.

5.4 The TANROADS Board

The TANROADS Board responsibilities shall be to:

- (a) Advise the Minister on the performance of TANROADS;
- (b) Approve work programs;
- (c) Monitor TANROADS performance;
- (d) Advise on the roads safety and mechanism to reduce negative environmental impact in the roads network control;
- (e) Ensure establishment and proper maintenance of road data bank;
- (f) Maintain operation with other road agencies;
- (g) Ensure that TANROADS carries out research and development as necessary in support of its aims and functions;
- (h) Advice on the development and maintenance of a strategic framework;
- (i) Set priorities and annual performance targets for TANROADS;
- (j) Consider TANROADS' annual reports and accounts; and
- (k) Evaluate TANROADS performance.

5.5 The Chief Executive

The Chief Executive is responsible for managing the

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Agency within the terms of this Framework Document and the Executive Agency Act, CAP 245. He/she is the Agency's Accounting Officer responsible for day-to-day operations of the Agency. He/she is accountable to the Permanent Secretary. The Chief Executive is specifically responsible for-

- (a) preparation and submission of Strategic Plans, Business Plans and associated budgets to the Permanent Secretary for approval;
- (b) implementation of the approved plans, including the achievement of performance targets;
- (c) concluding procurement contracts in accordance with Public Procurement Act and its Regulations;
- (d) organizations and management of assets and resources allocated to him in an efficient and cost effective manner;
- (e) human resource management, organization, control and discipline of the Agency's employees;
- (f) managing the procurement and control of supplies for the Agency;
- (g) ensuring that all aspects of the management and organization are kept under review and that they enable best possible performance of the Agency;
- (h) providing performance report to the Ministry and other relevant institutions;
- (i) preparation of Annual Reports and Audited Financial Statement for submission to the relevant authorities;
- (j) coordinating between TANROADS and road traffic and road transport authorities regarding the enforcement of road traffic and highway laws and regulations;
- (k) liaison with the Roads Fund board and other funding agencies in respect of any financial matter affecting TANROADS; and
- (l) contributing to the development and formulation of policy and strategic plans for the road sector ensuring that TANROADS is in the position to implement changes expeditiously and efficiently.

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6.0 POWERS OF THE CHIEF EXECUTIVE

6.1 Human Resources Management

The powers of the Chief Executive in relation to human resources and related matters are prescribed in the Executive Agencies Act, CAP 245, the Public Service Act, CAP 298 and their regulations.

6.2 Financial and Related Matters

The powers of the Chief Executive in relation to financial and related matters are prescribed in the Executive Agencies Act, CAP 245, the Finance Act and other relevant legislations. The Chief Executive may in writing delegate any powers given to him to an employee of TANROADS, but is not thereby relieved of a duty or responsibility to him in terms of this Framework Document or any other legislation.

6.3 Public Accounts Committee and Public Inquiries

The Chief Executive may be required to appear before the Public Accounts Committee (PAC) to represent the Agency at hearing related to the Agency. The Chief Executive may also be required to prepare the response to the Parliamentary questions and inquiries that fall under the responsibility of TANROADS.

7.0 FINANCE, PLANNING AND STRATEGIC CONTROL

7.1 Funding, Expenditures and Accounting

The source of funds of TANROADS shall include:

- (a) the sums as may be appropriated by Parliament;
- (b) roads Fund;
- (c) donations, loans, grants and budgets as may be received from any person or body of persons;
- (d) private funding;
- (e) fees on utilization of road reserve; and
- (f) any other sources legally acquired.

TANROADS expenditures shall be in accordance with the Business plan approved by the Permanent Secretary

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and shall be accounted for in such a manner that it shall be possible to link all expenditure to the sources of funding and for which purposes the money has been spent. The Chief Executive shall therefore ensure that the Agency's Financial Management System meets these requirements. The Chief Executive shall prepare and submit quarterly reports to the relevant authorities.

8.0 STRATEGIC PLAN

The Chief Executive shall prepare a Strategic Plan covering a period of five years, which will be updated whenever need arises that affect the Agency's performance. The purpose of the Strategic Plan is to state the objectives of TANROADS over the next five years, outlining the actions to be taken by the Agency in improving service delivery.

9.0 BUSINESS PLAN

The Chief Executive shall prepare and submit a Business Plan that includes the estimates of the income and expenditure for the next ensuing year to the Permanent Secretary for his approval. He may, at any time before the end of a financial year, prepare and submit to the Permanent Secretary for approval any estimates supplementary to estimates of a current year. The Business Plan shall give details of operations based on the approved Strategic Plan and the annual resource allocations. The Business Plan will include the planning of activities to achieve TANROADS' output together with matching resources calculations.

10.0 PERFORMANCE AGREEMENT

Chief Executive shall enter into two Performance Agreements at the commencement of each financial year. One Performance Agreement shall be with the Permanent Secretary for development projects and the one with the Roads Fund Board for maintenance works.

11.0 PROCUREMENT PROCEDURES

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Procurement procedure of works, goods and services shall be in accordance with Public Procurement Act and its Regulations.

12.0 TANROADS TENDER BOARD

TANROADS shall have its own Tender Board. The composition of Tender Board shall be as provided in Public Procurement Act (PPA) 2011 and Public Procurement Regulations (PPR) 2013 as amended 2016.

13.0 REPORTS AND ACCOUNTS

Within two months after the end of each financial year, the Chief Executive shall submit Annual Reports and audited statements of accounts to the Ministry and Roads Fund Board. Subsequently the Annual Reports and statements of accounts will be published and made available to the public. The Annual Report shall contain-

- (a) a copy of the audited accounts of TANROADS together with the auditor's comments and recommendations;
- (b) a report on performance against targets and other related information;
- (c) a report on operations of TANROADS during that financial year; and
- (d) any other information that the Minister, Permanent Secretary and the Roads Fund Board may require.

14.0 INTERNAL AUDIT

The Chief Executive shall be responsible for ensuring that adequate arrangements exist for the provision of Internal Audit service that accords with the standards set by the Ministry of Finance and Planning and in accordance with the TANROADS Accounting Manual.

15.0 EXTERNAL AUDIT

The audits relating to allocations from the Roads Fund, the Government of Tanzania and donor agencies shall be carried out by the Controller and Auditor General or

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such other person registered as an Auditor under Auditors and Accountants (Registration) Act, 1972 appointed for the purpose by the Roads Fund Board or the Permanent Secretary as the case may be, subject to the approval by the Controller and Auditor General on such terms and conditions as the Controller and Auditor General may determine

16.0 HUMAN RESOURCE

16.1 Status and Conditions of Service

TANROADS' staff are public servants charged with the responsibilities for delivering public services more effectively and efficiently within the available resources. Their terms and conditions of service will be approved by the Ministry responsible for the Public Service in accordance with the Executive Agencies Act, 1997 [CAP 245] and the Public Service Act, 2002 [CAP 298] Remuneration levels will be set in accordance with policy guidance issued by the Ministry responsible for Public Service Management, and will take into account the need to attract and retain staff of the required caliber.

16.2 Human Resource Management

The Chief Executive is responsible for management of human resources as set out in this Framework Document. He is responsible for ensuring that an equal opportunity policy is implemented. Within these parameters he may introduce such

changes as necessary to maximize the efficiency and effectiveness of TANROADS.

The Chief Executive shall be responsible for fostering positive attitudes towards responsibility, accountability and productivity. There must be effective channels of communication throughout the Organization and willingness to work as a team to achieve the Agency's objectives. The Chief Executive is obliged to set up human resources training programmes that improve the competences of the staff.

16.3 Staff Relations

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The Chief Executive is responsible for staff relations within the Agency. He/she is required to foster good staff relations as an important aid to the achievement of the Agency's objectives, and ensure effective communication and consultation with staff and their recognized Trade Unions.

16.4 Health and Safety

The Chief Executive is responsible for health and safety of TANROADS' staff in the work place and for complying with all relevant legislation and regulations.

17.0 AMENDMENTS, REVIEW AND PUBLICATION

17.1 Review and Amendment

Any proposed amendment to this document shall be made by the Minister in consultation and advice from the Permanent Secretary and Chief Executive. Any proposed changes shall be subject to the approval of the Ministry responsible for Public Service Management.

17.2 Publication

The Order re-establishing TANROADS and any future amendments including Framework Document shall be published in Government Gazette, uploaded in the Agency's website and will be readily available to anybody in accordance with the existing practices. Copies of the Framework Document and further information about the Agency can be obtained from:

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Dodoma,
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