

**PHYSICAL PLANNING (PROCUREMENT OF PHYSICAL
PLANNING SERVICES) REGULATIONS, 2010**

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PHYSICAL PLANNING (PROCUREMENT OF PHYSICAL PLANNING SERVICES) REGULATIONS, 2010

[L.N. 109/2010.]

1. Citation

These Regulations may be cited as the Physical Planning (Procurement of Physical Planning Services) Regulations, 2010.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“consultant” means a registered physical planner in private practice contracted to provide professional physical planning services;

“procurement” means the acquisition by purchase, rental, lease, hire purchase, license, tenancy, franchise, or by any other contractual means of any type of works, assets, services or goods including livestock or any combination;

“physical planning services” includes formulation of policies, guidelines and strategies at national, regional and local levels and preparation of national, regional and local physical development plans;

“public body” means—

- (a) the Government, or any department, institution or undertaking thereof; or
- (b) a local authority; or
- (c) any authority, board, commission, committee or other body, whether paid or unpaid, which is vested with or is performing, whether permanently or temporarily, functions of a public nature.

3. Project initiation

(1) The Director may on his own initiative or by a proposal submitted to him by a local authority or public body, start the process of preparing a plan.

(2) The Director may, where a plan may have significant implications beyond a local authority or covers an area that transcends more than one local authority, initiate the process of preparing a plan in consultation with a local authority or public body.

4. Adoption

A local authority or public body may, after consulting the Director, adopt the planning preparation process for a project which falls within its jurisdiction.

5. Contracting

(1) A local authority or public body may engage a consultant where it lacks staff capacity to prepare a plan.

(2) The local authority or public body shall initiate procurement of a consultant for physical planning services in accordance with the Public Procurement and Disposal Act, 2005 (No. 3 of 2005).

(3) The consultant, in consultation with the Director, shall, when preparing the plan, consider the purpose of the plan, the processes to be followed and extent of the area covered.

6. Reporting

The Director shall provide quality control benchmarks and may require the consultant to submit periodic reports in such a format as he may prescribe.

7. Procedure for preparation and publication of plan

The Director shall—

- (a) give a public notice of the completion of plan in the prescribed form;
- (b) present a copy of the approved plan to the procuring entity as well as the consultant;
- (c) maintain a register of all approved plans.

8. Ownership of professional work

(1) A plan or report prepared and approved under these Regulations shall be the property of the Director.

(2) The Director shall acknowledge the participation of the consultant.
