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THE UNITED REPUBLIC OF TANZANIA

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**THE EXECUTIVE AGENCIES ACT, 1997**

**THE TANZANIA BUILDING AGENCY  
(ESTABLISHMENT) ORDER, 2003**

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**THE TANZANIA BUILDING AGENCY  
(ESTABLISHMENT) ORDER, 2003**



*Tanzania Buildings Agency (Establishment)*

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GOVERNMENT NOTICE NO. 24 published on 14/2/2003

THE EXECUTIVE AGENCIES ACT, 1997

(No. 30 OF 1997)

**ORDER**

*Made under section 3(1)*

THE TANZANIA BUILDINGS AGENCY (ESTABLISHMENT) ORDER, 2003

1. This Order may be cited as the Tanzania Buildings Agency (Establishment) Order, 2003 and shall be deemed to have come into operation on the 17<sup>th</sup> May, 2002.

2. The Tanzania Buildings Agency to be known by the acronym TBA is hereby established as an Executive Agency to take over the day-to-day management of Buildings as specified in the Schedule to this Order that are currently under the responsibility of the Department of Buildings in the Ministry of Works.

3. Governance, responsibilities, powers, accountability and matters relating to TBA shall be specified in the Schedule to this Order.

**SCHEDULE**

Tanzania Buildings Agency  
Framework Document

**FOREWORD:**

The Tanzania Buildings Agency (TBA), has been established under the Ministry of Works with the aim of providing and improving accommodation for the Government and Public Servants, through efficient and effective development and management of real estate and consultancy services to meet the Government and Public Servants needs. The Ministry of Works shall ensure that necessary assistance is availed to the

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### 1.0 INTRODUCTION:

The Buildings Department was established as a technical department in the Ministry responsible for Works by the Constitution of the United Republic of Tanzania. Being a technical department, it was responsible for all matters related to Government buildings such as construction, maintenance, tenancy and consultancy services.

The roles and objectives of the Buildings Department have been re-defined to suit the technological developments and also to meet the accommodation needs for Public Servants. In order to deliver its services efficiently and effectively, the buildings department was restructured to operate as a Government Executive Agency and has a new title "*Tanzania Buildings Agency (TBA)*".

This document describes the framework within which TBA was established and operates. It also sets out the responsibilities of key players that is the Minister, the Permanent Secretary, the Ministerial Advisory Board (MAB) and the Chief Executive.

The responsible Minister is the Minister for Works. The head of TBA will be the Chief Executive who will be responsible for the day-to-day operations of the Agency and exercise statutory powers as vested to him under the Executive Agencies Act No. 3 of 1997.

### 2.0 TBA FREEDOMS AND FLEXIBILITIES:

The Executive Agencies Act No. 30 of 1997 gives Agencies semi-autonomous powers to manage their activities. The Act provides a general framework upon which Agencies are governed.

### 3.0 STATUS AND GOVERNANCE

#### 3.1 Status:

With effect from May 2002 the Order establishing the Tanzania Buildings Agency of the Ministry of Works in accordance with the Executive Agencies Act No. 30 of 1997 came into force.

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The TBA has the following characteristics:-

- A Government Organization
- Semi-autonomous
- Managed by a Chief Executive at 'arms length' from Government
- Businesslike in operation
- Using modern business planning and financial management methods
- Managerially self-sufficient, with flexibility, freedoms and authorities over its resources.
- Customer focused
- Publicly accountable.

### *3.2 Governance:*

The Chief Executive appointed by the Minister for Works on advice from Civil Service Commission for a term of 5 years, or for such shorter period as may be specified in his instrument of appointment, shall manage Tanzania Buildings Agency.

The Chief Executive shall be directly answerable to the Permanent Secretary who oversees the interests of the Ministry and the Government in general and responsible for policy and strategic management of the Agency.

There shall be a Ministerial Advisory Board whose functions are to advise the Ministry and the Permanent Secretary on the performance of the Agency. The functions of the Chief Executive shall be to implement TBA programs that support the objectives of Government and public servant housing policy.

### *3.3 Organization Structure:*

To fulfill the aim, roles and objectives of TBA efficiently and effectively, a new organizational structure will be implemented.

TBA's organization structure shall consist of two essential functional divisions namely Real Estate Management and Consultancy. It shall also have four units namely, Finance and Administration, Marketing and Procurement, Legal and Internal Audit. All regions shall have regional offices.

The specific duties and responsibilities of the main divisions, units and regional offices are:

#### *3.3.1 Consultancy Divisions:*

- Manage the functions of the Consultancy division of the Agency by formulating short and long term work programs and supervise the implementation of such programs.

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- Formulate and establish technical and quality standards for building consultancy works reviewed continuously.
- Ensure that all building works are designed to reflect value for money
- Custodian of all building and consultancy contracts as well as service level agreements
- Set performance standards and targets for the consultancy division.
- Prepare and establish project procurement documents.
- Prepare and establish project administration documents and certificates.
- Provide technical support to all Agency technical operations
- Maintain a register of key customer.
- Advise the Government on the procurement of consultants for construction projects.
- Provide project management services.
- Prepare project briefs.
- Prepare final accounts of projects.
- Undertake any other functions as given by the Chief Executive from time to time.

### *3.3.2 Real Estate Management:*

- Manage the functions of the Real Estate division of the Agency by formulating short and long term work programs and supervise the implementation of such programs.
- Prepare, implement, and review maintenance programs.
- Prepare, implement and review tenant administration procedures and policies.
- Ensure efficient and effective collection of rent.
- Advise the Chief Executive on all matter related to real estate management
- Prepare and implement new development projects
- Monitor and coordinate all maintenance works for the Agency.
- Set performance standards and action plans for real estate divisions.
- Acquire legal status for all TBA properties.
- Acquire plots for new development.



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- Ensure optimal use of plots and buildings.
  - Undertake general valuation services.
  - Establish and maintain inventory for all TBA properties.
  - Establish and maintain Government property inventory other than those owned by TBA.
  - Provide property management and brokerage services.
  - Maintain a register of key customers.
  - Undertake any other functions as given by the Chief Executive from time to time.
- 3.3.4 *Internal Audit Unit:*
- Carry out internal financial audits of the Agency.
  - Advise the Chief Executive on matters related to compliance to financial regulations.
- 3.3.5 *Legal Affairs Unit:*
- Advise the Chief Executive on all legal matters.
  - Deal with contractual disputes/delegations.
- 3.3.6 *Finance and Administration Unit:*
- Manage the finance and administration functions of the Agency by formulating short and long term work programs and supervise their implementation.
  - Set and establish policies, schemes and procedures for the development of Agency employees.
  - Maintain update record of all employees.
  - Establish procurement documents and procedures in accordance with the Procurement and Public Finance Acts.
  - Formulate strategies for enhancing staff performance in the Agency.
  - Advise the Chief Executive on all matters related to human resources management.
  - Set and establish policies, manuals and procedures governing financial management.
  - Compile, prepare and maintain budgets for the Agency.
  - Prepare financial quarterly and annual reports.

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- Maintain a register of key customers.
- Provide education on AIDS awareness to Agency employees.
- Advise the Chief Executive on matters related to financial administration establish and review efficient and effective ways of collecting the Agency's revenues.
- Any other duties as given from time to time by the Chief Executive.

### *3.3.7 Marketing and Procurement Unit*

- Manage the functions of the marketing and procurement unit by formulating short and long-term programs for development.
- Direct the development of the Agency and formulate the necessary strategies.
- Source, compile and review possible business areas.
- Source, compile and advice on the economical ways of increasing the Agencies investment through efficient use of available resources.
- Advise the Chief Executive on all matters related to marketing, financing investment.
- Establish procurement documents and procedures in accordance with the Procurement and Public Finance Acts.
- Collect and compile business information and statistics.
- Formulate strategies and procedures to ensure an efficient and effective procurement system that reflects value for money.
- Maintain a register of key customers.
- Maintain the Agency's stores register(s).
- Advise the Chief Executive on all matters related to procurement.
- Liase with cost centers on the proper use of stores.
- Compile and keep a record to current prices of purchases stores.
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- Compile and keep a record to current prices of purchases stores.
- Undertake any other duties as given by the Chief Executive.

### *3.3.8 Regional Offices:*

- Manage all TBA properties in the region.

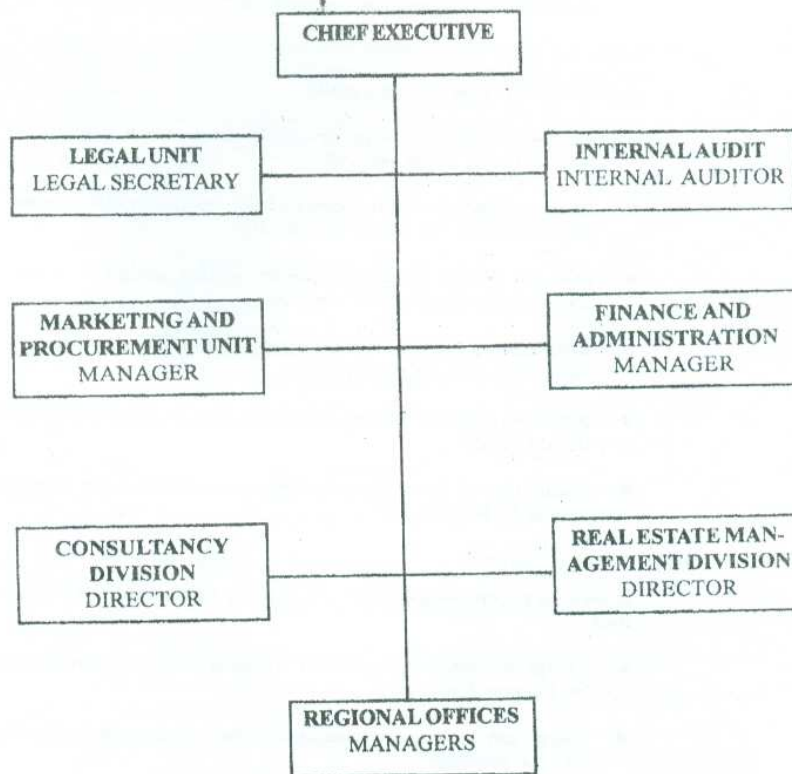
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- Prepare budgets for the regions.
- Prepare and submit action plans.
- Maintain a register of key customers.
- Prepare and submit quarterly and annually progress reports.
- Provide consultancy and real estate management services in the regions.
- Represent the Chief Executive at all regional and district meetings that require the input of the Chief Executive.

The Chief Executive, as may be considered necessary, may make changes to the organization structure of TBA to maintain and improve the efficiency and overall performance of the Agency within the policy and resources framework, and within the delegations outlined in the Framework Document or as may be subsequently approved.

**INDICATIVE TBA ORGANIZATION STRUCTURE**



## *Tanzania Buildings Agency (Establishment)*

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### 4.0. AIM, KEY RESULTS AREAS, GOALS AND STRATEGIC OBJECTIVES

#### 4.1 *Aim:*

The aim of Tanzania Buildings Agency is to provide and improve accommodation to Public Servants and the Government, through efficient and effective real estate management and consultancy services.

#### 4.2 *Key Result Areas:*

TBA has four Key Results Areas (KRAs) each defining a broad area in which our stakeholders expect specific achievements.

- The provision and management of housing for Public Servants.
- The development of an efficient and effective TBA.
- The provision of building consultancy services.
- Ensuring that Government properties are built maintained and used in accordance with appropriate standards.

#### 4.3 *Goals:*

TBA shall achieve the following goals:-

- Increase the supply of Public Servants houses from the present 2212 to 2412 houses by the year 2007.
- Become a leading reliable accommodation provider to the Government and Public Servants by the year 2025.
- Improved efficient and effective delivery of TBA services to customers in 5 years time from the year 2002.
- Build a strong capacity base and optimal use of TBA resources in 3 years time from the year 2002.
- Achieve a reputable building consultancy firm in 3 years time from the year 2002.
- Ensure that all Government buildings are functional and properly utilized by the year 2007.

#### 4.4 *Strategic Objectives:*

In order to achieve its goals TBA will have the following strategic objectives:-

- Design and introduce a system for managing Public Servants housing by the year 2007.
- Design and implement new mechanisms that will increase the funding of TBA activities.

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- Design and introduce a system for the management of Public Servant housing from the year 2002 at the rate of 1000 units per year.
- Improved leadership and management capacity by the year 2005.
- Establish and use commercialized financial, human resource and material management systems from July, 2002.
- Sell building consultancy services worth TShs. 100 million annually by the year 2005.
- Design and introduce a system of managing Government properties.
- Establish standards document for Government buildings by the year 2007.
- Rehabilitate at least one Government historical building every two years.

### 5.0 PERFORMANCE CRITERIA

The TBA management team shall regularly revisit and implement TBA's performance plans (Business and Strategic plans). The Chief Executive shall in turn get quarterly reports from respective divisions and units all of which shall form a base for TBA's annual performance reports to be submitted to the Ministerial Advisory Board. The following aspects will be of great importance to note in the preparation of the report.

#### 5.1 *Quality of Services:*

- Benchmarking.
- Accuracy.
- Complaints.
- Public opinion.
- Materials quality.
- Good environmental measures.

#### 5.2 *Operational Efficiency:*

- Good working environment.
- Freedom of governance.
- Technological advancement.
- Prompt attendance to emergency cases and general services.
- Reliable and consistent periodic maintenance not later than 2 years.
- Provide alternative accommodation and equal opportunity for all to access to adequate accommodation.
- Compliance and adherence to regulations as laid down by other regulatory bodies.

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- Prepare comprehensive contractual documents.
- Transparency and accessibility to various relevant information.
- Good cooperation.
- Staff development schemes.
- Staff management (discipline, absenteeism, retention of existing staff).
- Minimum time required to accomplish an activity.

### 5.3 *Financial Performance:*

- Credit worth.
- Affordable TBA houses.
- Prompt payments.
- Affordable prices.
- Presentation of clean audited report.
- Increased levels of investment.
- Increased revenue earnings.
- Increased number of undertaken building consultancies.

### 6.0 THE ROLE OF THE MINISTER

The Minister for Works is responsible for determining the policy framework and the operational boundaries within which TBA operates, and shall be responsible for organizing and encouraging measures for the development of Government and Public Servants accommodation.

The Minister shall be responsible for establishing TBA, appointing its Chief Executive and members of Ministerial Advisory Board, and for ensuring that the Government and the Public derives maximum benefit from the creation of the Agency.

The Minister shall not be involved in the day-to-day management of TBA. However, the Chief Executive may consult the Minister on the handling of operational matters that are likely to give rise to significant Public or Parliamentary concern.

The Minister shall retain the powers vested in him under the Executives Agencies Act, No. 30 of 1997.

### 7.0 THE RESPONSIBILITIES OF THE PERMANENT SECRETARY

The Permanent Secretary being an Accounting Officer has an overall responsibility to the Minister on matters concerning voted funds, and is the principal policy advisor to the Minister on Government and Public Servants accommodation matters.

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The Permanent Secretary shall be responsible for the strategic management of TBA and for this purpose, give directions to the Chief Executive but with due regard to the need to uphold TBA's semi-autonomy in the operational management of its affairs.

The Permanent Secretary shall be assisted by the Ministerial Advisory Board to review TBA's strategic and business plans, performance reports, and the setting of objectives and key performance targets.

The Permanent Secretary will promote the interests of TBA through the Chief Executive.

### 8.0 THE RESPONSIBILITIES OF THE CHIEF EXECUTIVE

The Chief Executive is directly accountable to the Permanent Secretary for the Agency's performance in achieving its outputs and meeting its targets. She/he is responsible for the day-to-day management of all Agency business, and is to be given as much control as possible over the resources at his/her disposal. The responsibilities equate to those of an Accounting Officer, which the Chief Executive will be formally designated. In particular, the Chief Executive is responsible for:-

- The conduct and efficiency of the Agency's business, the propriety and regularity of the Agency's expenditure, and for prudent and economical administration.
- Proposing the strategies that will enable the Agency to meet its Ministry's policies, objectives and targets.
- The implementation of approved Strategic and Business Plans, and the achievement of the objectives and key targets they contain.
- Delivery of the agreed services, on schedule and within budget.
- Ensuring that the requirements of the Government's Executive Agency Regulations, other Government functional standards, and the Public Accounts Committee (PAC) recommendations are met.
- Providing advice, as required, on all matters, which fall within his/her responsibility.

The Chief Executive shall be responsible for the effective personnel management of the Agency's employees, in particular discipline, control and development in accordance with the Agency's personnel regulation. The Chief Executive shall be an ex-official member of the Ministerial Advisory Board.

### 9.0 THE RESPONSIBILITIES OF THE MINISTERIAL ADVISORY BOARD.

The Ministerial Advisory Board shall give advice to the Minister and Permanent Secretary on the following:-

- The development and maintenance of a policy framework.
- The objectives of the TBA.

## *Tanzania Buildings Agency (Establishment)*

*G.N. No. 24 (contd.)*

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- The acceptability of the Chief Executive's strategic and business plans and associated budgets.
- The setting of priorities and annual performance targets for the Agency.
- The acceptability of the annual report and financial statement.
- The evaluation of the Agency's performance.
- Any other matter provided for under the Executive Agencies Act, 1997.
- Fee rates and related matters.
- Such other matters affecting TBA as the Minister may from time to time refer to the Board.

The Permanent Secretary shall chair the Ministerial Advisory Board. It shall hold its meeting as often as the chairperson may determine, but not less than twice each financial year.

### 10.0 ACCOUNTABILITY

#### 10.1. *Accountability to Parliament*

The Minister for Works is accountable to Parliament for all matters relating to TBA. The Permanent Secretary will assist the Minister in the proper discharge of this responsibility.

#### 10.2. *Accounting Officer Responsibilities*

The Permanent Secretary shall be the Principal Accounting Officer for the Ministry and as such shall be responsible for ensuring a high standard of financial management in the conduct of all responsibilities charged on the Ministry.

The Chief Executive shall be the Agency's Accounting Officer and therefore, accountable for ensuring the propriety and regularity of expenditure for prudent and economical administration and ensuring the requirements of the Ministry of Finance are met.

The Chief Executive shall be responsible for establishing proper management systems. He shall take the account of the customized Executive Agencies Accounting Manuals for TBA and the Personnel Management Guidance issued by the Civil Service. He shall also put into effect the recommendations accepted by the Government from the Public Accounts and other Parliamentary Committees.

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### 10.3 *Public Accounts Committee*

The Permanent Secretary and the Chief Executive may be required to appear before the Public Accounts Committees at any hearing related to TBA.

### 10.4 *Parliament and Other Inquiries*

Members of the National Assembly are encouraged to deal directly with the Chief Executive on matters, which are the responsibility of the Agency.

The Minister shall work closely with the Chief Executive to prepare formal replies to questions raised by Members of Parliament inquiries, which fall within the responsibilities of the TBA.

The Chief Executive shall also advise the Minister on other Parliamentary matters as may be requested.

## 11.0 FINANCE, PLANNING AND STRATEGIC CONTROL

### 11.1 *Funding*

TBA's income will be generated from the following sources:-

- Charges from services rendered.
- Sale of TBA goods.
- Supplementary funds as secured from Financial Institutions through loans and/or mortgage facilities.
- Grants and subsidies from government or any other Local and International Organizations.

Due to the nature of each property (i.e. every property having unique characteristics), the TBA expenditure will be derived from income/expenses and operational reports of individual properties based on monthly, quarterly and annual monitoring system.

Regarding the funding of consultancy services, TBA shall be subject to general monthly, quarterly and annual monitoring review of professional and supervision fees as opposed to actual expenses/costs incurred during the course of operation/provision of such services.

### 11.2 *Strategic and Business Plans*

The Chief Executive shall prepare strategic and business plans to be revised annually and approved by the Permanent Secretary.

#### 11.2.1 *Strategic Plan*

The Strategic Plan shall cover a period of 3 years, rolled forward and updated annually. It shall reflect the outcome of the review of the performance

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criteria. This implies that the strategic plan shall include the following:-

- The Chief Executive's strategies for achieving TBA's aim and objectives.
- Reviewed and updated strategic performance target and indicators.
- Analysis of the barriers and bridges of the resources and services to be provided by TBA.
- Key result areas and expected output(s).
- Revenue and expenditure programs.

### *11.2.2 Business Plan*

The Business Plan will set in more details TBA's activities for one year covering part of the strategic plan period, and will include:

- Key performance targets set by the Permanent Secretary.
- Priorities and other performance targets.
- Budgets, including estimated profiles of revenue and expenditure.
- Work programs.
- Key assumptions, which include resources likely to underpin performance targets.
- Efficiency plans including initiatives to improve performance, value for money and quality of service.

### *11.3 Approval*

The Chief Executive shall annually submit the Strategic and Business Plans to the MAB and the Permanent Secretary for approval. The Permanent Secretary or the Chief Executive may seek to review the Business Plan in the course of the year to reflect changes in policies, resources or priorities. The approval of these plans will constitute authority for TBA to conduct its operations accordingly as provided by the Executive Agencies Act.

### *11.4 Annual Report and Accounts*

The Chief Executive shall submit an Annual Report and Statement of Financial Account to MAB, the Permanent Secretary and the Minister within two months after the end of each financial year. The report shall be published and made available to relevant authorities containing the following.

- TBA audited accounts together with the Auditor's report.
- A report on performance against key targets.
- TBA operations report of that financial year.
- Any other information required by the Permanent Secretary.

The Annual Report will also contain the annual performance agreement between the Permanent Secretary and the Chief Executive.

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### *11.5 Financial Delegation*

The Chief Executive has the authority to approve all expenditure which is consistent with the approved strategic and business plans and which is in accordance with his letter of delegation.

The Chief Executive shall ensure that appropriate investment appraisals of all capital expenditure projects is carried out, taking into accounts of such guidance as the Ministry of Finance or Civil Service Department may issue from time to time. Major capital expenditure decisions will be considered in the context of the approval of strategic and business plans.

TBA will undertake an implementation review to determine whether set objectives have been achieved.

### *11.6 Value for Money*

The Chief Executive is responsible for obtaining value for money in the procurement of goods and delivery of services. Accordingly, the Chief Executive will implement a range of efficiency measures in accordance with the agreed program and timetable set out in strategic and business plans.

The Chief Executive is responsible for maintenance of standards and value for money of any work contracted out and ensuring that security and confidentiality are maintained.

### *11.7 Internal Audit*

The Chief Executive is responsible for ensuring that adequate arrangements exist for the provision of an internal audit service. The audit service shall be conducted as per the standard set by the Ministry of Finance, and accordance with the TBA Accounting Manuals.

### *11.8 External Audit*

The TBA is subject to external audit by the Controller and Auditor General for the United Republic of Tanzania who may have the right to conduct interim audits, special audits and value for money studies relating to TBA activities.

### *11.9 Budget Flexibility*

The Chief Executive shall have the power over the budget that shall be exercised in accordance with the Executive Agencies Regulations and the limits set out in the Public Finance Act, 2001.

#### *11.9.1 Capital Expenditure*

The Chief Executive shall have the powers in relation with the capital expenditure to:

- Authorize capital expenditure on individual capital projects.

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- Transfer of resources allocated from one item in the budget to another.
- Carry over in full to the next financial year any under-spent capital provision from the previous financial year.

### *11.9.2 Running Costs*

- Manage all running costs, allocations as a single budget.
- Transfer of resources located to one item in the budget to another.
- Carry over in full to the next financial year any under spent-running costs from the previous financial year.

### *11.9.3 Assets and Liabilities*

- Authorize all write-off and special payments.
- Authorize the disposal of assets in accordance with Public Finance Act.
- Maintain a register of assets and liabilities.

## *12.0 PERSONNEL*

### *12.1 Status and Conditions of Services*

The TBA staff are Public Servants, as such, their terms and conditions of service will be based upon the Executive Agencies (Personnel Management) Regulations 1999 as amended from time to time by the Minister responsible for Civil Service and in accordance with the Executive Agencies Act, 1997.

### *12.2 Personnel Management*

The Chief Executive is responsible for the personnel management of Agency staff as set out in the Framework Document and the Executive Agencies Personnel Regulation, 1999 and as laid down in the Labour Laws of Tanzania. Within these parameters, he may introduce such changes as are necessary to maximize the TBA's efficiency and effectiveness.

### *12.3 Staff Performance Appraisal*

The Chief Executive is responsible for the assessment and evaluation of permanent staff performance. This will be done by December every calendar year by filling in special evaluation forms to be designed by the Agency to suit this purpose.

### *12.4 Staff Complement*

The Chief Executive shall be responsible to manage the affairs of the Agency efficiently and effectively, and in that regard, to establish and keep up to date the TBA'S Staff Complement.

### *12.5 Staff Relations*

The Chief Executive is responsible for staff relations within the Agency. He is

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in this regard, required to foster good staff relation as an important aid to the achievement of the Agency's objectives, and to ensure effective communication and consultation between the staff and with their recognized Trade Union representatives.

Permanent staff retains the right of appeal to the Permanent Secretary of the Parent Ministry on personnel matters in case of being dissatisfied by any decision made by the Chief Executive.

### *12.6 Training and Career Development:*

The TBA Chief Executive is responsible for the training and development of Agency's staff and will prepare in service training and development strategies, which meet the needs of the Agency and its staff.

### *12.7 Health, Safety and Other Matters:*

The Chief Executive is responsible for the health and safety of TBA staff in the work place and for complying with all relevant legislation and laws. He/she shall consult with the staff and their recognized Trade Union representatives on health, safety and any other changes affecting personnel matters.

## 13.0 REVIEW AND PUBLICATION

### *13.1 Review:*

The Minister, Permanent Secretary or the Chief Executive may at any time propose amendments to this Framework Document in the light of the Agency's operation experience or any change of circumstances. Any proposals to the Framework Document shall be subject to consultations with the Ministers responsible for the Civil Service and Finance. Any changes of the Framework Document that require the approval of the above mentioned Ministers must be approved by the Chief Secretary before being effected by the Minister.

### *13.2 Publication:*

The Framework Document and any future amendments are Public documents and shall be made available to the Parliament in accordance with the existing practice, and to any one whom may want to read it.

**Tanzania Buildings Agency (Establishment)**

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Copies of the Framework Document and any other information of the Agency can be obtained from:

The Chief Executive,  
Tanzania Buildings Agency,  
P.O. Box 9542,  
Dar es Salaam.  
Haji Brothers Building, Azikiwe Street,  
Tel.: 255-022-2117114; Fax: 022-2114143  
E-mail: [mowbd@raha.com](mailto:mowbd@raha.com)  
E-mail: [dbhqmw@raha.com](mailto:dbhqmw@raha.com)

Dar es Salaam,  
29<sup>th</sup> January, 2003

**JOHN P. MAGUFULI,**  
*Minister for Works*





