

**ENERGY COMMISSION (LOCAL CONTENT AND LOCAL PARTICIPATION)
(ELECTRICITY SUPPLY INDUSTRY) REGULATIONS, 2017 (L.I. 2354)**

ARRANGEMENT OF REGULATIONS

Regulation

Purpose and Application

1. Purpose

2. Application

Local Content and Local Participation Obligations

3. Local content and local participation obligation

4. Local content and local participation in wholesale power supply

5. Local content and local participation in electricity supply activity

6. Local content and local participation in electricity transmission

7. Transfer of interest of Ghanaian citizens in the electricity supply industry

Obligation to Utilise Local Equipment and Local Supplies

8. Use of local equipment and supplies

Electricity Supply Industry Local Content and Local Participation Committee

9. Establishment of the Electricity Supply Industry Local Content and Local Participation Committee

10. Object and functions of the Committee

11. Composition of the Committee

12. Tenure of office of members of the Committee

13. Meetings of the Committee

14. Sub-committees of the Committee

15. Application of sections 6 and 8 of the Act

Application to Register as a Manufacturer of Electrical Equipment, Electrical Appliances and Renewable Energy Equipment

16. Application for registration

17. Consideration of application

18. Validity of registration

19. Renewal of registration

20. Withdrawal of registration

21. Register of manufacturers of electrical equipment, electrical appliances and renewable energy equipment

Compliance with Standards and Labelling Requirements

22. Compliance with standards and labelling requirements
23. Equity participation in manufacture of electrical equipment, electrical appliances and renewable energy equipment
24. Establishment of local office

Local Content and Local Participation Requirements in Manufacture and Monitoring

25. Minimum local content and local participation requirement in manufacturing
26. Incentives for local manufacturing
27. Monitoring of local content and local participation in manufacture monitoring

Local Content and Local Participation Plan

28. Submission of Local Content and Local Participation Plan
29. Local Content and Local Participation Plan
30. Review of Local Content and Local Participation Plan
- 31 Issue of Certificate of Authorisation
32. Minimum local content and local participation in electricity supply industry

Procurement

33. Local content in bid evaluation
34. Fundamental rules of bid evaluation
35. Provision of goods and services by foreign entity
36. Submission of proposed contracts to Committee
37. Documents to be submitted to the Committee during bidding process
38. Designation of contract for review

Employment and Training

39. Employment and Training Sub-Plan
40. Training of Ghanaians
41. Succession planning
42. Appointment to middle and junior level positions

Research and Development

43. Programme for research and development
44. Submission of Research and Development Sub-Plan

Technology Transfer

45. Technology Transfer Programme

46. Submission of Technology Transfer Sub-Plan

47. Support for Technology Transfer

48. Technology Transfer Report

Insurance Services Content

49. Insurance and reinsurance business

Legal Services Content

50. Procurement of legal services

51. Submission of Legal Service Sub-Plan

52. Partnership with foreign entities to provide legal services

Financial Services Content

53. Financial and banking services

54. Partnership with foreign entities to provide financial services

55. Submission of Financial Services Sub-Plan

56. Operation of bank account in Ghana

Engineering, Technical and Maintenance Services Content

57. Engineering, technical consultancy and maintenance services content

58. Partnership with foreign entities to provide engineering, technical consultancy and maintenance service

Allied Services Content

59. Allied services content

60. Submission of Allied Services Sub-Plan

Ancillary Services Content

61. Ancillary services content

62. Partnership with foreign entities to provide ancillary services in the electricity supply industry

63. Submission of Ancillary Services Sub-Plan

Fuel, Lubricant and Water Supply Services Content

64. Fuel, lubricant and water supply services content

65. Partnership with foreign entities to provide fuel, lubricant and water supply and other supply services in the electricity supply industry

66. Submission of Fuel, Lubricant and Water Supply Services Sub-Plan

Local Content and Local Participation Performance Reporting

67. Submission of Local Content and Local Participation Performance Report
68. Reporting requirement in local content and local participation in manufacturing
69. Assessment of Local Content and Local Participation Performance Report
70. Third party reporting

Data and Information on Local Content and Local Participation

71. Establishment of a Universal Qualification System
72. Operation of the Universal Qualification System
73. Inspection of record
74. Public education
75. Communication of Local Content and Local Participation Policy

Monitoring, Compliance and Enforcement

76. Electronic filing of documents
77. Issuance of Guidelines by Committee
78. Local content and local participation monitoring and investigation
79. Power of inspection and seizure

Miscellaneous Provisions

80. Complaint
81. Offences and penalties
82. Interpretation
83. Transitional provisions

SCHEDULES

FIRST SCHEDULE

Local Content and Local Participation in Wholesale Power Supply

SECOND SCHEDULE

Local Content and Local Participation in the Renewable Energy Sector

THIRD SCHEDULE

Local Content and Local Participation in Electricity Distribution

FOURTH SCHEDULE

Local Content and Local Participation in Electricity Sales Service

FIFTH SCHEDULE

Local Content and Local Participation in Brokerage Services

SIXTH SCHEDULE

Local Content and Local Participation in Investment in Electricity Transmission Infrastructure

SEVENTH SCHEDULE

Equipment required to be sourced locally

EIGHTH SCHEDULE

Certificate of Authorisation

NINTH SCHEDULE

Part A: Information to be provided to the Committee with respect to quarterly forecasts

Part B: Information to be provided to the Committee by operator or contractor prior to Issue of prequalification of prospective bidders

Part C Information to be provided by service provider to the Committee prior to Issue of request for proposals or request for qualification

Part D: Information to be provided by service provider to the Committee prior to the award of contract or purchase order to selected bidder

ENERGY COMMISSION (LOCAL CONTENT AND LOCAL PARTICIPATION) (ELECTRICITY SUPPLY INDUSTRY) REGULATIONS, 2017 (L.I. 2354)

IN exercise of the power conferred on the Minister responsible for Energy, on the advice of the Board, by section 56 of the Energy Commission Act, 1997 (Act 541), these Regulations are made this 15th day of November, 2017.

Purpose and Application

Regulation 1—Purpose

The purpose of these Regulations is to

- (a) provide an enabling environment to ensure the maximum use of financial capital, expertise, goods and services locally to
 - (i) create employment for Ghanaians;
 - (ii) promote businesses in the electricity supply industry; and
 - (iii) retain the benefits in the Republic;
- (b) promote development initiatives for local stakeholders;
- (c) achieve a minimum of
 - (i) sixty percent local content; and
 - (ii) fifty-one percent local participation in the electricity supply industry;
- (d) develop and promote local content and local participation in the electricity supply industry through education, skills and expertise development, transfer of technology and know-how and an active research and development portfolio;

(e) promote local capacity in the manufacture of electrical equipment, electrical appliances and renewable energy equipment; and

(f) increase competitiveness among local manufacturers of electrical equipment, electrical appliances and renewable energy equipment.

Regulation 2—Application

These Regulations apply to persons who engage in activities in the electricity supply industry.

Local Content and Local Participation Obligations

Regulation 3—Local content and local participation obligation

The following persons who engage in activities in the electricity supply industry shall ensure that local content and local participation form part of those activities:

(a) a regulatory authority;

(b) a service provider; or

(c) any other entity that engages in an activity in the electricity supply industry.

Regulation 4—Local content and local participation in wholesale power supply

Subject to sections 11, 15 and of 25 of the Act, local content and local participation in a wholesale power supply entity, shall be in accordance with the levels set out in the First Schedule.

Regulation 5—Local content and local participation in electricity supply activity

Subject to sections 11, 15 and 25 of the Act, local content and local participation in

(a) licensed activities for electricity supply in respect of projects for the development and utilisation of renewable energy resources shall be in accordance with the levels set out in the Second Schedule;

(b) a licensed electricity distribution activity in the electricity supply industry shall be in accordance with the levels set out in the Third Schedule;

(c) licensed electricity sales in the electricity supply industry shall be in accordance with the levels set out in the Fourth Schedule; and

(d) licensed electricity brokerage activities in the electricity supply industry shall be in accordance with the levels set out in the Fifth Schedule.

Regulation 6—Local content and local participation in electricity transmission

Subject to sections 23 and 24 of the Act, local content and local participation in investments in electricity transmission infrastructure shall be in accordance with the levels set out in the Sixth Schedule.

Regulation 7—Transfer of interest of Ghanaian citizens in the electricity supply industry

(1) The interest of a citizen in the electricity supply industry is not transferable to a non-Ghanaian citizen.

(2) An equity shareholding shall not be offloaded to a person other than a Ghanaian citizen.

(3) For the purposes of this regulation, "interest" means the rights under a contract or subcontract.

Obligation to Utilise Local Equipment and Local Supplies

Regulation 8—Use of local equipment and supplies

(1) A person who engages in an activity in the electricity supply industry and who requires equipment as set out in the Seventh Schedule, shall purchase that equipment from an entity that manufactures the equipment in this country.

(2) A person who contravenes subregulation (1) is liable to the forfeiture of the equipment imported in addition to the full import duty and levies on the equipment.

Electricity Supply Industry Local Content and Local Participation Committee

Regulation 9—Establishment of the Electricity Supply Industry Local Content and Local Participation Committee.

There is established by these Regulations an Electricity Supply Industry Local Content and Local Participation Committee.

Regulation 10—Object and functions of the Committee

(1) The object of the Committee is to

(a) oversee the development and measurable growth of local content and local participation in the electricity supply industry;

(b) monitor and coordinate local content and local participation performance of all persons engaged in activities in the electricity supply industry in accordance with these Regulations; and

(c) ensure the implementation of the provisions of these Regulations.

(2) In order to achieve the object of the Committee, the Committee shall

(a) supervise, coordinate, administer, monitor and manage the development of local content and local participation in the electricity supply industry in accordance with these Regulations;

(b) supervise, coordinate, administer and monitor the implementation and development of local content and local participation in respect of the operations of service providers in the electricity supply industry;

(c) appraise, evaluate and approve local content and local participation plans and reports;

(d) assist service providers and Ghanaian companies to develop capacity for the purpose of local content and local participation in the electricity supply industry;

(e) establish audit procedures and conduct periodic audits for purposes of monitoring compliance with these Regulations;

(f) facilitate the studies, research and investigations in respect of the attainment of the development of local content and local participation in the electricity supply industry;

(g) undertake public education and sensitisation programmes to achieve the purpose of these Regulations; and

(h) perform any other functions assigned to the Committee by the Commission.

Regulation 11—Composition of the Committee

(1) The Committee consists of

- (a) the Executive Secretary of the Energy Commission as the chairperson;
- (b) the Coordinator at the Energy Commission responsible for local content and local participation;
- (c) one representative each from the following institutions not below the rank of a Director:
 - (i) Ministry of Energy;
 - (ii) Ministry of Employment; and
 - (iii) Ministry of Trade and Industry;
- (d) one representative of the Standards Authority not below the rank of a Director;
- (e) a representative each of the following nominated by
 - (i) Ghana Institution of Engineers;
 - (ii) Association of Ghana Industries;
 - (iii) Ghana Employers Association; and
 - (iv) Electricity Transmission Utility; and
- (f) an expert in local content and local participation matters nominated by the Minister in consultation with the Commission.

(2) The Minister shall, in consultation with the Commission, appoint members of the Committee.

Regulation 12—Tenure of office of members of the Committee

- (1) A member of the Committee other than the Chairperson and the Coordinator shall hold office for a term of not more than four years and is eligible for reappointment for another term only.
- (2) A member of the Committee other than the Chairperson and the Coordinator may at any time resign from office in writing addressed to the Minister.
- (3) A member of the Committee other than the Chairperson and the Coordinator who is absent from four consecutive meetings of the Committee without sufficient cause ceases to be a member of the Committee.
- (4) The Minister may by letter addressed to a member and for stated reasons revoke the appointment of that member.
- (5) Where a member of the Committee is, for sufficient reason unable to act as a member of the Committee, the Minister shall determine whether the inability would result in the declaration of a vacancy.
- (6) Where the Minister makes a determination under subregulation (5), the Minister shall inform the nominating body of the vacancy.
- (7) Where there is a vacancy
 - (a) under subregulation (2), (3), or (5),
 - (b) under regulation 15 in respect of disclosure of interest, or
 - (c) by reason of death of a member,

the Minister shall, notify the relevant organisation of the vacancy and appoint the person nominated by the organisation to fill the vacancy for the unexpired term.

Regulation 13—Meeting of the Committee

- (1) The Committee shall meet at least once every two months for the despatch of business at the time and in the place determined by the chairperson.
- (2) The chairperson shall at the request of not less than one third of the membership of the Committee convene an extraordinary meeting of the Committee at a place and time determined by the chairperson.
- (3) The quorum at a meeting of the Committee is seven members of the Committee or a greater number determined by the Committee in respect of a particular matter.
- (4) The chairperson shall preside at meetings of the Committee and in the absence of the chairperson, a member elected by the members present from among their number shall preside.
- (5) Matters before the Committee for determination shall be decided by a majority of the members present and voting and in the event of an equality of votes, the person presiding shall have a casting vote.
- (6) The Committee may co-opt a person to attend a meeting but that person shall not vote on a matter for decision at the meeting.
- (7) The validity of a proceeding of the Committee shall not be affected by a vacancy among its members or by a defect in the appointment or qualification of a member.
- (8) Except as otherwise stated in this regulation, the Committee shall determine and regulate the procedure for its meetings.

Regulation 14—Sub-committees of the Committee

The Committee may establish sub-committees consisting of members of the Committee or non-members or both to perform a function that the Committee may determine.

Regulation 15—Application of sections 6 and 8 of the Act

Section 6 of the Act on allowances and section 8 of the Act on disclosure of interest apply to a member of the Committee and members of a sub-committee.

Application to Register as a Manufacturer of Electrical Equipment, Electrical Appliances and Renewable Energy Equipment

Regulation 16—Application for registration

- (1) A person who manufactures an electrical equipment, electrical appliance or a renewable energy equipment shall apply to be registered by the Committee.
- (2) The application shall be made in the form determined by the Committee and approved by the Commission.
- (3) The application shall be accompanied by a Local Content and Local Participation Plan indicating how the applicant intends to utilise
 - (a) locally sourced materials,
 - (b) locally made components, parts or packaging,
 - (c) local expertise, and
 - (d) local services.

(4) The validity of the registration is subject to the submission of a bi-annual report on Local Content and Local Participation Plan from January to June and from July to December, each year.

Regulation 17—Consideration of application

(1) The Committee shall

(a) within ten days of receipt of an application, acknowledge receipt, and

(b) within a reasonable period after the ten days and in any event not more than sixty days after the ten days, inform the applicant in writing of the decision of the Committee.

(2) The Committee shall, in respect of an application for registration, make a recommendation to the Board of the Commission in respect of the registration.

Regulation 18—Validation of registration

A registration in accordance with these Regulations is, subject to subregulation (4) of regulation 16, valid for a period of five years.

Regulation 19—Renewal of registration

(1) A registration granted under regulation 18 may be renewed on application.

(2) An application for renewal may be made not later than sixty days before the registration expires.

Regulation 20—Withdrawal of registration

(1) The Committee may, where it is satisfied that the registered manufacturer is not complying with or has not complied with any of the requirements in respect of the registration, withdraw the registration.

(2) The Committee shall not withdraw a registration under subregulation (f), unless the Committee has given the registered manufacturer

(a) a written notice specifying in it the cause of dissatisfaction of the Committee;

(b) directions for the rectification of the breach; and

(c) the action proposed to be taken by the Committee in the event of non-compliance with the notice.

(3) The Committee shall not withdraw the registration of a manufacturer unless the Committee has given the manufacturer an opportunity to be heard and shall where appropriate give a period for compliance with the directives of the Commission.

Regulation 21—Register of manufacturers of electrical equipment, electrical appliances and renewable energy equipment

The Commission and the Committee shall keep and maintain a register of manufacturers of electrical equipment, electrical appliances and renewable energy equipment.

Compliance with Standards and Labelling Requirements

Regulation 22—Compliance with standards and labelling requirements

A manufacturer of an electrical equipment, an electrical appliance, or renewable energy equipment shall comply with the existing standards and labelling requirements under applicable enactments for each category of electrical equipment, electrical appliance or renewable energy equipment.

Regulation 23—Equity participation in manufacture of electrical equipment, electrical appliances and renewable energy equipment

(1) An entity which is established to manufacture electrical equipment, electrical appliances or renewable energy equipment, shall have a minimum equity participation of forty percent by an indigenous Ghanaian company.

(2) Subject to subregulation (1), a manufacturer of an electrical equipment, an electrical appliance or renewable energy equipment shall, in the process of production, utilise the level of local content in terms of material, labour and services as set out in the Second and Seventh Schedules.

(3) A Ghanaian citizen shall not transfer to a non-Ghanaian more than sixty percent of the equity shareholding of the Ghanaian citizen in an entity established to manufacture electrical equipment, electrical appliances or renewable energy equipment.

(4) Subregulation (3) does not apply to a public company or a company which is listed on the Ghana Stock Exchange.

Regulation 24—Establishment of local office

(1) A service provider shall not engage in an activity in the electricity supply industry unless that service provider has established and maintains a place of business in the country.

(2) A service provider shall maintain at the established place of business personnel with the requisite capacity to operate the place of business.

(3) A service provider shall

(a) notify the Commission of the address of its registered office; and

(b) where the address changes, notify the Commission within fourteen days of the change.

Local Content and Local Participation Requirements in Manufacturing and Monitoring

Regulation 25—Minimum local content and local participation requirement in manufacturing

The minimum local content and local participation levels for a manufacturer of electrical equipment, electrical appliances or renewable energy equipment are as set out in the Seventh Schedule.

Regulation 26—Incentives for local manufacturing

Subject to section 26 of the Ghana Investment Promotion Centre Act, 2013 (Act 865) or a statutory modification or re-enactment of that Act, the Minister may, on the recommendation of the Commission, recommend to the Minister responsible for Finance for the grant of tax incentives to a company which establishes a plant to manufacture or assemble electrical equipment, electrical appliances or renewable energy equipment specified in the Seventh Schedule.

Regulation 27—Monitoring of local content and local participation in manufacturing

The Committee shall monitor and investigate the activities of each manufacturer to ensure the achievement of the purpose of these Regulations.

Local Content and Local Participation Plan

Regulation 28—Submission of Local Content and Local Participation Plan

(1) A service provider shall, before carrying out any activity in the electricity supply industry, submit for approval a Local Content and Local Participation Plan to the Committee demonstrating compliance with the local content requirements under these Regulations.

(2) The Local Content and Local Participation Plan referred to in subregulation (1) consists of the following:

- (a) an Employment and Training Sub-Plan as specified in regulation 39;
- (b) a Research and Development Sub-Plan as specified in regulation 44;
- (c) a Technology Transfer Sub-Plan as specified in regulation 46;
- (d) a Legal Service Sub-Plan as specified in regulation 51;
- (e) a Financial Services Sub-Plan as specified in regulation 55;
- (f) an Allied Services Sub-Plan as specified in regulation 60;
- (g) an Ancillary Services Sub-Plan as specified in regulation 63; and
- (h) a Fuel, Lubricant and Water Supply Services Sub-Plan as specified in regulation 66.

Regulation 29—Local Content and Local Participation Plan

(1) The Local Content and Local Participation Plan referred to in regulation 28 shall contain detailed provisions

(a) to ensure that

(i) first consideration is given to services provided within the country and goods manufactured in the country; and

(ii) qualified Ghanaians are given first consideration for training and employment in respect of the work programme for which the Local Content and Local Participation Plan is submitted; and

(b) on how a service provider guarantees the use of locally manufactured goods where such goods meet the specifications of the electricity supply industry.

(2) Subject to the Labour Act, 2003 (Act 651) or a statutory modification or a re-enactment of that Act, the Committee shall ensure that a collective bargaining agreement entered into by the service provider or any other person submitting the Local Content and Local Participation Plan with any association of employees in respect of terms and conditions of employment is consistent with these Regulations.

Regulation 30—Review of Local Content and Local Participation Plan

(1) The Committee shall within ten days of receipt of the Local Content and Local Participation Plan, acknowledge receipt.

(2) The Committee shall, within a reasonable period after the ten days and in any event not more than sixty days after the acknowledgement of receipt of the Local Content and Local Participation Plan, review and assess the Local Content and Local Participation Plan, and inform the service provider in writing of its decision.

(3) Where the Committee is dissatisfied with the Local Content and Local Participation Plan, the Committee shall reject the plan and state in writing the reasons for the rejection .

(4) Where the service provider resubmits a revised Local Content and Local Participation Plan pursuant to subregulation (3), the Committee shall, subject to compliance under subregulation (3) within ten days of receipt of the revised Local Content and Local Participation Plan, approve the plan.

Regulation 31—Issue of Certificate of Authorisation

The Committee shall, if satisfied that the Local Content and Local Participation Plan complies with the provisions of these Regulations, issue the service provider with a Certificate of Authorisation as set out in the Eighth Schedule.

Regulation 32—Minimum local content and local participation in electricity supply industry

(1) The minimum local content and local participation for any activity executed in the electricity supply industry, shall be consistent with the levels specified in the First, Second, Third, Fourth, Fifth, Sixth or Seventh Schedule as may be required.

(2) Where the description of an activity is not specified in the First, Second, Third, Fourth, Fifth, Sixth or Seventh Schedule, the Committee shall publish in the Gazette and in any other newspaper of national circulation, the minimum local content and local participation level for that activity.

(3) A service provider shall comply with the minimum local content and local participation requirements for a particular activity, service or product in accordance with specifications set out in the First, Second, Third, Fourth, Fifth, Sixth or Seventh Schedule as may be required.

Procurement

Regulation 33—Local content in bid evaluation

(1) A service provider shall in accordance with, applicable laws, establish and implement a bidding process for acquiring goods and services in the electricity supply industry which gives full and fair opportunity to indigenous Ghanaian service providers.

(2) A service provider shall consider local content in the evaluation of bids.

Regulation 34—Fundamental rules of bid evaluation

(1) A service provider shall not award a contract based solely on the principle of the lowest evaluated bid.

(2) Where an indigenous Ghanaian company has the capacity to execute a job, the service provider shall not reject the Ghanaian company exclusively on the basis that that indigenous Ghanaian company is not the lowest evaluated bid.

(3) Where the total value of the bid of an indigenous Ghanaian company exceeds the lowest evaluated bid by not more than ten percent" the service provider shall award the contract to the indigenous Ghanaian company.

(4) Where during an evaluation of bids, the bids are adjudged equal, the bid containing the highest level local content shall be selected.

(5) A bid evaluation under these Regulations shall be conducted in accordance with Bid Evaluation Guidelines issued by the Committee before the tender documents are issued.

(6) The Bid Evaluation Guidelines issued under subregulation (5) shall form an integral part of the tender document.

(7) The Bid Evaluation Guidelines shall ensure that a service provider who satisfies the provisions of subregulation (1) in terms of highest local content and local participation with reference to management, employment, value creation, tax contribution, quality of and use of local materials is awarded the bid.

Regulation 35—Provision of goods and services by foreign entity

(1) Where a foreign entity intends to provide goods and services to a licensee, that foreign entity shall provide the goods and services in partnership with an indigenous Ghanaian company.

(2) The level of participation by an indigenous Ghanaian company in the provision of goods and services provided by a foreign owned company shall be in accordance: with the levels set out in the First, Second, Third, Fourth, Fifth, Sixth or Seventh Schedule.

Regulation 36—Submission of proposed contracts to Committee

(1) Despite regulation 67, on submission of an annual Local Content Performance Report, a service-provider shall submit to the Committee, thirty days before the first day of each quarter; a list of contracts, subcontracts and purchase orders that exceed the Cedi equivalent of one hundred thousand United States Dollars, to be tendered for or executed in the next following quarter.

(2) The service provider shall, in respect of each contract, subcontract and purchase order, provide the information specified in the Ninth Schedule.

(3) A service provider shall inform the Committee of all proposed projects, contracts, subcontracts and purchase orders that are to be

(a) sole sourced; or

(b) by a competitive bidding procedure that is estimated in excess of the Cedi equivalent of one hundred thousand United States Dollars.

Regulation 37—Documents to be submitted to the Committee during bidding process

(1) A service provider shall provide the following information at the following stages of the bidding process:

(a) prior to issuing a pre qualification notification to prospective bidders, information specified in Part A of the Ninth Schedule;

(b) prior to issuing a Request for Proposals or the Request for Quotations, the information specified in Part B of the Ninth Schedule; and

(c) prior to the award of contract or purchase order to the selected bidder, the information specified in Part C of the Ninth Schedule.

(2) The service provider shall, twenty-one days before issuing a notification to prospective bidders, submit the following related documents for the approval of the Committee:

(a) relevant advertisement;

(b) pre qualification criteria;

(c) technical bid documents; and

(d) technical evaluation criteria.

(3) The service provider shall provide any other relevant information to enable the Committee assess the subject matter and satisfy itself that the local content and local participation requirements have been complied with.

(4) The Committee shall consider and approve the documents submitted under subregulation (2) within twenty-one days of receipt of the documents.

(5) The Committee shall communicate the decision to the service provider within five days of making a determination.

Regulation 38—Designation of contract for review

(1) Subject to subregulation (4) of regulation 30, the Committee shall within ten working days of receipt of the forecast, indicate in writing to the service provider, which contracts or subcontracts have been designated for review by the Committee.

(2) The Committee shall inform the service provider of the outcome of the assessment or review before the first day of the relevant quarter.

Employment and Training

Regulation 39—Employment and Training Sub-Plan

1) A service provider shall submit to the Committee, an Employment and Training Sub-Plan.

(2) The Employment and Training Sub-Plan shall include

(a) an outline of the hiring and training needs of the service provider;

(b) the major contractors of the service provider with an indication of

(i) the specific skills needed;

(ii) the anticipated skill shortages in the Ghanaian labour force related to the electricity supply industry;

(iii) the specific training requirements;

(iv) the anticipated expenditures that have to be made directly by the service provider in implementing the Employment and Training Sub-Plan; and

(v) actual expenditures; and

(c) a time frame within which the service provider shall provide employment opportunities for the Ghanaian workforce for each phase of an activity engaged in.

(3) The service provider shall report quarterly to the Committee on employment and training activities for the reporting period and compare the content of the report to the indices of the Employment and Training Sub-Plan.

(4) The quarterly report shall include details on

(a) the number of new employees hired during the period,

(b) the job description of the employees, and

(c) such other information that the Committee may require for purposes of implementing the provisions of these Regulations.

Regulation 40—Training of Ghanaians

- (1) Where Ghanaians are not employed because of their lack of expertise or skills, the service provider shall ensure, to the satisfaction of the Committee that every reasonable effort is made to provide such training locally or elsewhere.
- (2) The service provider shall specify, in the Employment and Training Sub-Plan prepared by the service provider, the procedure for the accelerated training of Ghanaians.

Regulation 41—Succession planning

- (1) Subject to subregulation (3) a service provider shall, for each operation, submit to the Committee a succession plan for each employment position not occupied by Ghanaians.
- (2) The succession plan shall make provision for Ghanaians to understudy each incumbent expatriate for a maximum period of five years after which the respective position shall be assumed by the Ghanaian.
- (3) A service provider may retain for the operation of the service provider, a maximum of three persons of management positions as expatriate positions for purposes of investor interests.

Regulation 42—Appointment to middle and junior level positions

A service provider shall employ only Ghanaians in the junior and intermediate or any other corresponding grades designated by the service provider or company.

Research and Development

Regulation 43—Programme for research and development

- (1) A service provider shall, for each activity for which a Local Content and Local Participation Plan is submitted, carry out a programme and make expenditure for the promotion of the following in the country as may be applicable:
 - (a) education;
 - (b) practical attachments;
 - (c) training and research; and
 - (d) development of work programme and activities.
- (2) The programmes and activities referred to in subregulation (1) are subject to the approval of the Committee.

Regulation 44—Submission of Research and Development Sub-Plan

- (1) A service provider shall submit to the Committee, a Research and Development Sub-Plan.
- (2) The Research and Development Sub-Plan shall
 - (a) outline a revolving three to five year plan for related research and development initiatives to be undertaken in the electricity supply industry, together with details of the expected expenditures to be made in implementing the Research and Development Sub-Plan; and
 - (b) provide for public calls for proposals for research and development initiatives associated with the activities of the service provider.

(3) The service provider shall update the Research and Development Sub-Plan annually.

Technology Transfer

Regulation 45—Technology Transfer Programme

A service provider shall in consultation with the Committee carry out a programme in accordance with the plans and priorities of this country.

Regulation 46—Submission of Technology Transfer Sub-Plan

- (1) A service provider shall submit to the Committee annually, a Technology Transfer Sub-plan.
- (2) The Technology Transfer Sub-Plan shall set out a programme of planned initiatives aimed at promoting the effective transfer of technologies from the service provider to Ghanaian individuals and indigenous Ghanaian companies.

Regulation 47—Support for Technology Transfer

- (1) A service provider shall support and facilitate technology transfer through the formation of joint ventures or enter into partnerships for licensing agreements between a Ghanaian service provider or supply company and a foreign service provider or supply company.
- (2) The Minister shall in consultation with relevant public institutions propose to the Minister for Finance, fiscal incentives to assist local companies which
 - (a) aim to develop technologies and skills of Ghanaians; and
 - (b) establish factories and production units in the country.

Regulation 48—Technology Transfer Report

A service provider shall, within sixty days after the end of the year, provide annual reports on the implementation of the Technology Transfer Sub-Plan.

Insurance Services Content

Regulation 49—Insurance and reinsurance business

- (1) A service provider who is engaged in any activity in the electricity supply industry, shall comply with the provisions of the Insurance Act, 2006 (Act 724), or a statutory modification or re-enactment of that Act.
- (2) The insurable risk relating to the electricity supply industry shall, be insured through an indigenous Ghanaian insurance brokerage firm or where applicable, a reinsurance brokerage firm.

Legal Services Content

Regulation 50—Procurement of legal services

A service provider who is engaged in any activity in the electricity supply industry that requires legal services in the country shall retain the services of a Ghanaian legal practitioner or a firm of Ghanaian legal practitioners whose registered place of business is located in this country.

Regulation 51—Submission of Legal Service Sub-Plan

- (1) A service provider shall submit the Legal Service Sub-Plan of that service provider to the Committee.

(2) The Legal Service Sub-Plan shall include

- (a) a comprehensive report on the expenditure on legal services utilised in the past six months;
- (b) a forecast of legal services required for the ensuing six months and the projected expenditure for the services;
- (c) a list of external solicitors utilised for legal services in the past six months, the nature of work done and the expenditure incurred by the service provider; and
- (d) the annual legal services budget for the ensuing one year.

Regulation 52—Partnership with foreign entities to provide legal services

An indigenous Ghanaian legal firm may partner with a foreign service provider who shall deliver not more than forty-nine percent of the value of the legal service.

Financial Services Content

Regulation 53—Financial and banking services

- (1) The source of financing of a business in the electricity supply industry, shall be determined by the shareholders taking into account existing local capacity.
- (2) A service provider or any other entity engaged in any 'activity in the electricity supply industry shall, for the purpose of financial services and subject to the approval' of the Committee, retain only the services of a Ghanaian financial institution.

Regulation 54—Partnership with foreign entities to provide financial services

An indigenous Ghanaian financial institution may partner with a foreign service provider who shall deliver not more than forty-nine percent of the value of the financial service .

Regulation 55—Submission of Financial Services Sub-Plan

- (1) A service provider shall submit the Financial Services Sub-Plan of that service provider to the Committee.
- (2) The Financial Services Sub-Plan shall include
 - (a) a comprehensive report on expenditure on financial services utilised in the past six months;
 - (b) a forecast of financial services required in the ensuing six months and the projected expenditure for the services; and
 - (c) a list of financial services provided in the past six months, the nature of financial services provided and the expenditure for the financial services made by the service provider or its major contractor.

Regulation 56—Operation of bank account in Ghana

- (1) A service provider shall maintain a bank account with an indigenous Ghanaian bank and transact business of a minimum of ten percent of its total financial transactions through the bank account held with the indigenous Ghanaian bank.
- (2) For the purpose of this regulation, "an indigenous Ghanaian bank" means a bank that has majority Ghanaian shareholding.

Engineering, Technical and Maintenance Services Content

Regulation 57—Engineering, technical consultancy and maintenance services content

(1) A service provider or any other entity that is engaged in any activity in the electricity supply industry shall, subject to the approval of the Committee, award contracts to an indigenous Ghanaian engineering and technical consultancy company to provide engineering and technical consultancy and maintenance services.

(2) Subregulation (1) does not apply

(a) in the case of proprietary equipment or technology; or

(b) where the service provider or any other entity engaged in any activity in the electricity supply industry can demonstrate that the expertise required does not exist locally.

Regulation 58—Partnership with foreign entities to provide engineering, technical consultancy and maintenance service

An indigenous Ghanaian engineering or technical service company may partner with a foreign' service provider who shall deliver not more than forty-nine percent of the value of the contracted service.

Allied Services Content

Regulation 59—Allied services content

A service provider or any other entity that is engaged in an activity in the electricity supply industry shall, except where this is considered impracticable by the Committee, award contracts to an indigenous Ghanaian company for the purpose of the following services:

(a) transport;

(b) vehicle hire;

(c) vehicle maintenance and repairs;

(d) catering services; and

(e) janitorial services.

Regulation 60—Submission of Allied Services Sub-Plan

(1) A service provider shall submit the Allied Services Sub-Plan of that service provider to the Committee.

(2) The Allied Services Sub-Plan shall include the following:

(a) a comprehensive report on the expenditure on allied services utilised in the past six months;

(b) a forecast of allied services required in the ensuing six months and the projected expenditure for the services; and

(c) the nature of the allied services provided.

Ancillary Services Content

Regulation 61—Ancillary services content

Subject to the Act and the Electricity Regulations, 2008 (L.I. 1937), a person engaged in an activity in the electricity supply industry shall, for the purpose of ancillary services, award contracts to institutions or organisations in which Ghanaians hold not less than seventy percent equity except where this is considered impracticable by the Committee.

Regulation 62—Partnership with foreign entities to provide ancillary services in the electricity supply industry

An indigenous Ghanaian company that provides ancillary services may partner with a foreign service provider who shall deliver not more than forty-nine percent of the value of the contracted service

Regulation 63—Submission of Ancillary Services Sub-Plan

(1) A service provider shall submit the Ancillary Services Sub-Plan of that service provider to the Committee.

(2) The Ancillary Services Sub-Plan shall include

(a) a comprehensive report on the expenditure on ancillary services utilised in the past six months;

(b) a forecast of ancillary services required in the ensuing six months and the projected expenditure for the services; and

(c) the nature of the ancillary services provided.

Fuel, Lubricant and Water Supply Services Content

Regulation 64—Fuel lubricant and water supply services content

A service provider or any other entity that is engaged in an activity in the electricity supply industry shall, except where this is considered impracticable by the Committee, award contracts to institutions or organisations in which Ghanaians hold not less than seventy percent equity for the purpose of the following services:

(a) fuel supply;

(b) water supply;

(c) lubricant supply; and

(d) any other supply services.

Regulation 65—Partnership with foreign entities to provide fuel, lubricant and water supply and other supply services in the electricity supply industry

An indigenous Ghanaian company that provides fuel, lubricant, water supply and other supply services may partner with foreign service providers who shall deliver not more than forty-nine percent of the value of the contracted service.

Regulation 66—Submission of Fuel, Lubricant and Water Supply Services Sub-Plan

(1) A service provider shall submit the Fuel, Lubricant, Water and other Supply Services Sub-Plan of that service provider to the Committee.

(2) The Fuel, Lubricant and Water Supply Services Sub-Plan shall include

(a) a comprehensive report on the expenditure on fuel lubricant.

(b) a forecast of fuel, lubricant, water and other supply services required in the ensuing six months and the projected expenditure for the services; and

(c) the nature of the fuel, lubricant, water and other. supply services provided.

Local Content and Local Participation Performance Reporting

Regulation 67—Submission of Local Content and Local Participation Performance Report

- (1) Within sixty days after the beginning of each year, each service provider shall submit to the Committee an annual Local Content and Local Participation Performance Report covering all the activities of that service provider for the preceding year.
- (2) The report referred to in subregulation (1) shall
 - (a) be in the form prescribed by the Committee;
 - (b) categorise by expenditure, the local content and local participation performance on both a current and cumulative cost basis; and
 - (c) indicate the employment record of that service provider in terms of the number of Ghanaian and foreign employees as well as the positions of the employees.

Regulation 68—Reporting requirement in local content and local participation in manufacturing

- (1) A manufacturer who has been registered under these Regulations shall, at intervals of every six months, report on the activities of that manufacturer to the Committee.
- (2) The report referred to in subregulation (1) shall contain information on
 - (a) production in respect of the preceding six months;
 - (b) imported inputs used in production of electrical equipment, electrical appliances or renewable energy equipment and the total value of the imported inputs;
 - (c) local inputs used in production and the total value of the local inputs; and
 - (d) the number, employment position and nationality of persons employed by that manufacturer.

Regulation 69—Assessment of Local Content and Local Participation Performance Report

- (1) The Committee shall assess and review the Local Content and Local Participation Performance Report submitted under regulation 67 to ensure compliance with these Regulations.
- (2) For the purpose of subregulation (1), a service provider shall grant a member of the Committee, an inspector appointed under section 52 of the Act or an agent designated by the Committee, access to the facilities, documents and information of that service provider as may be required.

Regulation 70—Third party reporting

A service provider shall ensure that a partner, contractor or sub-contractor of that service provider

- (a) reports local content and local participation information to the service provider and the Committee upon request; and
- (b) permits agents -designated by the Committee to access records for purposes of assessment and verification of local content and local participation information.

Data and Information on Local Content and Local Participation

Regulation 71—Establishment of a Universal Qualification System

(1) The Committee shall, in consultation with industry stakeholders, establish a Universal Qualification System.

(2) The Universal Qualification System shall be administered in accordance with these Regulations.

Regulation 72—Operation of the Universal Qualification System

The Universal Qualification System shall serve as an industry data bank of available capabilities and shall be used for the following:

- (a) the registration and pre-qualification of the service providers in the electricity supply industry;
- (b) verification of capacities and capabilities of service providers;
- (c) evaluation of the application of local content and local participation in the operations of service providers in the electricity supply industry;
- (d) tracking and monitoring of performance of service providers and provision of feedback to the Committee;
- (e) ranking and categorisation of service providers in the electricity supply industry based on capacities, capabilities and local content; and
- (f) any other relevant purpose as determined by the Committee.

Regulation 73—Inspection of record

(1) Subject to the Data Protection Act, 2012 (Act 843) or any statutory modification or re-enactment of that Act and conditions specified by the Committee, a person may, during normal working hours

- (a) inspect any record kept by the Committee which is designated as a public record; or
- (b) request to be furnished with a copy or certified copy, or extract from any record which is designated as a public record.

(2) In respect of documents filed or kept in an electronic form, the right to inspect or obtain a copy applies only to a reproduction of the document in usable written form produced in a manner that the Committee considers appropriate.

Regulation 74—Public education

Without limiting paragraph (g) of subregulation (2) of regulation 10, the Committee shall take the necessary steps to ensure that public education is carried out for the purpose of service providers, the general public and other industry stakeholders in respect of the Local Content and Local Participation Policy of Government to enhance the implementation: of those Regulations.

Regulation 75—Communication of Local Content and Local Participation Policy

A service provider shall communicate the Local Content and Local Participation Policy and the procedures and obligations of that service provider to the contractors, subcontractors of that service provider and the general public and monitor and ensure compliance with the Local Content and Local Participation Policy of the Government.

Monitoring, Compliance and Enforcement

Regulation 76—Electronic filing of documents

(1) The Committee shall issue guidelines providing for documents to be filed under these Regulations in electronic form.

(2) A system for filing of documents in electronic form shall provide

- (a) the criteria for authorising persons to file documents in electronic form;
- (b) the security and authentication of the documents filed; and
- (c) any relevant requirement determined by the Committee.

Regulation 77—Issuance of Guidelines by Committee

(1) The Committee shall, within six months of the coming into force of these Regulations, issue Guidelines for the effective implementation of these Regulations.

(2) Without limiting subregulation (1), the Committee shall issue Guidelines for compliance by service providers in respect of the following:

- (a) requirements and targets for the growth of research and development of the electricity supply industry;
- (b) minimum standards, facilities, personnel and technology for training in the electricity supply industry; or
- (c) investment in or setting up a facility, factory, production unit or other operation in the country for the purpose of carrying out any production, manufacturing or for providing any service otherwise imported into the country.

Regulation 78—Local content and local participation monitoring and investigation

The Committee shall monitor and investigate the activities of each service provider to ensure compliance with these Regulations.

Regulation 79—Power of inspection and seizure

(1) An inspector appointed under section 52 of the Act may, on the recommendation of the Committee, at any reasonable time enter and inspect any premises where the Committee has reason to believe that

- (a) a service provided in the electricity supply industry, or
- (b) an electrical equipment, electrical appliance or renewable energy equipment does not meet the requirements of these Regulations.

(2) An inspector shall seize an electrical equipment, an electrical appliance or a renewable energy equipment manufactured or imported in contravention of these Regulations.

(3) An electrical equipment, an electrical appliance or a renewable energy equipment which has been seized under subregulation (2) shall be destroyed or disposed of as the Commission may determine and the manufacturer shall be surcharged with the cost of the disposal.

(4) For the purpose of this regulation, "premises" includes a port, power plant, an office, a factory or a warehouse.

Miscellaneous Provisions

Regulation 80—Complaint

(1) Subject to subregulation (4) of regulation 30, where a person is aggrieved by the refusal of the Committee to grant or renew a registration, that person may lodge a complaint with the Minister who shall within thirty days of receipt of the complaint make a decision on the complaint.

(2) Where a person is dissatisfied with the decision of the Minister or the thirty days expires without a decision, that person may pursue the matter in Court.

Regulation 81—Offences and penalties

(1) A person who

(a) contravenes a provision of these Regulations for which a penalty is not provided, or

(b) interferes with or obstructs the Committee or an inspector in the performance of functions under these Regulations, commits an offence and is liable on summary[sic] to a fine of not less than two hundred and fifty penalty units and not more than five hundred penalty units or to a term of imprisonment not less than one year and not more than two years on first conviction, and to a fine of not less than five hundred penalty units and not more than one thousand penalty units or to a term of imprisonment of not less than one year and not more than two years on a subsequent conviction.

(2) A citizen who fronts or connives with a foreign citizen or company to deceive the Commission as representing an indigenous Ghanaian company to achieve the local content and local participation requirement under these Regulations, commits an offence and is liable on summary conviction to a fine of not less than five hundred penalty units and not more than one thousand penalty units or to a term of imprisonment of not less than six months and not more than twelve months or to both.

(3) A person who connives with a citizen or an indigenous Ghanaian company to deceive the Commission as representing an indigenous Ghanaian company to achieve the local content and local participation requirement under these Regulations commits an offence and is liable on summary conviction to a fine of not less than five hundred penalty units and not more than one thousand penalty units or to a term of imprisonment of not less than six months and not more than twelve months or to both.

(4) Where an offence created under these Regulations is committed by a body corporate or by a member of a partnership or other firm, every director or officer of that body corporate or a member of the partnership or any other person concerned with the management of the firm shall be deemed to have committed that offence and is liable on conviction to a fine of not more than five hundred penalty units for the offence.

(5) A person shall not be convicted of an offence by virtue of subsection (4) if it is proved

(a) that due diligence was exercised to secure compliance with the provisions of the Act or these Regulations, and

(b) that the offence was committed without the knowledge, consent or connivance of that person.

Regulation 82—Interpretation

In these Regulations, unless the context otherwise requires,

"ancillary service" means a service which is necessary to support the transmission of energy from the supply source to loads while maintaining reliable operation of the transmission system in accordance with Prudent Utility Practice and includes voltage control, operating reserves, black-start capability and frequency control;

"Board" means the governing body of the Commission established under section 4 of the Act;

"Committee" means the Electricity Supply Industry Local Content and Local Participation Committee established under regulation 9;

"contractor" means a person who has entered into an agreement with another person licensed under the Act to undertake the supply, construction, refurbishment, repair, installation, operation of equipment or facility used or intended to be used for an activity in the electricity supply industry associated with the licence;

"Coordinator" means the person responsible for the implementation of the Local Content and Local Participation Policy at the Energy Commission;

"electrical appliance" includes

(a) an electric iron, an electric washing machine, a clothes dryer, a television set, a radio, a music system or a component of a music system, an electric fan, a non-ducted air conditioner or a commercial refrigerator or freezer;

(b) a self ballasted fluorescent lamp;

(c) a light emitting diode lamp;

(d) a light emitting capacitor lamp;

(e) a household appliance which is in the nature of a refrigerator, a frozen food storage cabinet or a food freezer; and

(f) any other appliance that is powered by electricity;

"electrical equipment" includes

(a) a whole electricity generation plant or any part of it;

(b) an electrical cable or conductor;

(c) an electrical conductor grade aluminium rod;

(d) an insulator and pin;

(e) a wooden pole;

(f) a pole support, guy wire, shackle or pin;

(g) a distribution transformer;

(h) an electricity meter;

(i) a fuse or circuit breaker;

(j) a lattice tower;

(k) a street light fixture;

(l) street light pole;

(m) bolt and nut; or

(n) any other electrical equipment determined by the Minister by publication in the Gazette or in writing;

"electricity supply industry" includes any activity

(a) that requires a licence under the Energy Commission Act, 1997 (Act 541) or the Renewable Energy Act, 2011 (Act 832); and

(b) related to the manufacture of electrical equipment, electrical appliances or renewable energy equipment in respect of projects for the development and utilisation of renewable energy resources;

"foreign entity" means an entity which is not registered in Ghana;

"fronts" means to deceive or behave in a particular manner to conceal the fact that a company is not an indigenous Ghanaian company;

"indigenous Ghanaian company" means a state owned company or a company incorporated under the Companies Act, 1963 (Act 179)

(a) that has at least fifty-one percent of its equity owned by a citizen of Ghana;

(b) that has Ghanaian citizens holding at least eighty percent of executive and senior management positions; and

(c) any other position held by Ghanaian citizens;

"indigenous service provider" means service provider who is a Ghanaian citizen or a company in which a Ghanaian citizen owns a minimum of fifty-one percent equity;

"local content" means the percentage of utilisation of Ghanaian human and material resources, services and businesses in monetary terms for the systematic development of national capacity and capability for the enhancement of the Ghanaian economy;

"Local Content and Local Participation Performance Report" means the report on the activities of a service provider for the preceding year;

"local content and local participation platform" means the principles and rules of conduct which all operators in the electricity supply industry are required to abide by as enshrined in these Regulations;

"local financial capital" means financial resources provided by a Ghanaian or an indigenous Ghanaian financial institution;

"local participation" means the percentage of local equity ownership in the electricity supply industry;

"local stakeholder" includes a Ghanaian citizen, Ghanaian company or indigenous Ghanaian company that has an interest in an activity in the electricity supply industry or that is affected by an activity in the electricity supply industry;

"manufacture" includes assembly of imported component parts of the electrical equipment, electrical appliance or renewable energy equipment in the country;

"operator" means a person who is licensed to and performs a paid or unpaid function in the electricity supply industry;

"production facility" means a plant for the assembly or conversion of raw materials into finished products;

"regulatory authority" includes a state institution or professional association with functions that relate to licensing, approval of tariffs, control of importation, supply, installation and control of environmental effects of licensed activities under the Act;

"renewable energy equipment" includes

- (a) a solar cell
- (b) a solar photo voltaic panel;
- (c) a solar water heater;
- (d) a mounting bracket;
- (e) a charge controller;
- (f) connection pins and plugs;
- (g) cable;
- (h) cable lug;
- (i) circuit breaker or fuse;
- (j) an inverter;
- (k) wind mill;
- (l) wind turbine generator;
- (m) an electrical charge storage system; and
- (n) any other renewable energy equipment determined by the Minister in respect of projects for the development and utilisation of reasonable energy resources by publication in the Gazette or in writing;

"service provider" means

- (a) a person licensed to provide a service under the Energy Commission Act, 1997 (Act 541) or the Renewable' Energy Act, 2011 (Act 832);
- (b) an operator, contractor, subcontractor or any other person performing paid services for a person operating under paragraph (a), or
- (c) a person who is registered under these Regulations to manufacture electrical equipment, electrical appliances or renewable energy equipment under these Regulations; and

"Universal Qualification System" means a sole centralised system of all licensed, certified and registered service providers, in the electricity supply industry based on their capacities, state of validity of licence, permit or certificate, capacities and local content strength to enable ranking and categorisation as well as tracking and monitoring their performance,

Regulation 83—Transitional provisions

A person engaged in an activity in the electricity supply industry in the country before the coming into force of these Regulations shall

- (a) register with the Committee within three months after the coming into force of these Regulations; and
- (b) satisfy the minimum requirements of these Regulations within five years of the coming into force of these Regulations.

FIRST SCHEDULE

(regulations 4, 32 and 35 (2))

Local Content and Local Participation in Wholesale Power Supply

Initial Level of Local Content	Target Level
Engineering and Procurement Ghanaian Companies	Minimum of 30% of value of the project other than machinery shall go to 50% in 10 years
Construction Works-Installations	Minimum of 60% of cost of the construction works of the project shall go to Ghanaian Companies 80% in 10 years
Post Construction Works Supplies owned Companies	Minimum of 70% of the value of all supplies shall go to Ghanaian 80% in 5 years
Services	Minimum levels for: Catering - 100%; Janitorial Services-100%; Vehicle Maintenance- 100%; Equipment Servicing-70% 100% in 10 years
Management operations	Minimum of 60% of management staff shall be Ghanaians at the beginning of the business 90% in 5 years
Operations and Maintenance Staff	Minimum of 60% of operation and maintenance staff shall be Ghanaian at any time in the lifetime of the business 80% in 5 years
All Other Staff	100% Ghanaian at all times

Initial Level of Local Participation	Target Level
Ownership	15% 51% in 10 years

SECOND SCHEDULE

(regulations 5(a), 23(2), 32 and 35(2))

Local Content and Local Participation in the Renewable Energy Sector

Initial Level of Local Participation	Target Level
Ownership	15% 51% in 10 years

Initial Level of Local Content	Target Level
Engineering and Procurement	Minimum of 70% of value of the project shall go to Ghanaian Companies to be increased to 100% within 10 years
Construction Works-Installations	Minimum of 60% of cost of the construction works of the project shall go to Ghanaian Companies 80% in 3 years and 90% in 6 years

Post Construction Works Supplies Minimum of 70% of the value of all supplies shall go to Ghanaian owned Companies 100% in 10 years

Services Minimum levels for: Catering - 100%; Janitorial Services-100%; Value Maintenance-100%; Equipment Servicing - 70% 100% in 10 years

Management Minimum of 60% of management staff shall be Ghanaians at the beginning of the business operations 90% in 5 years

Operations and Maintenance Staff Minimum of 70% of operation and maintenance staff shall be Ghanaians at any time in the lifetime of the business 80% in 5 years

All Other Staff 100% Ghanaian at all times

Operation and Maintenance Contract Minimum of 50% of the value of all operation and maintenance contracts shall be awarded to indigenous Ghanaian Companies 80% in 5 years

THIRD SCHEDULE

(regulations 5(b), 32 and 35(2))

Local Content and Local Participation in Electricity Distribution

Initial Level of Local Content Target Level

Engineering and Procurement Minimum of 70% of value of the project shall go to Ghanaian Companies 80% in 10 years

Construction Works-Installations Minimum of 70% of cost of the construction works of the project shall go to Ghanaian Companies 80% in 10 years

Post Construction Works Supplies Minimum of 80% of the value of all supplies shall go to Ghanaian owned Companies 100% in 10 years

Services Minimum levels for: Catering-100%; Janitorial Services-100%, Vehicle Maintenance-100%; Equipment Servicing -70% 100% in 10 years

Management Minimum of 90% of management staff shall be Ghanaians at the beginning of the business operations 95% at all times

Operations and Maintenance Staff Minimum of 90% of operation and maintenance staff shall be Ghanaians at any time in the lifetime of the business 100% in 5 years

All Other Staff 100% Ghanaian at all times

Operation and Maintenance Contract Minimum of 90% of the value of all operation and maintenance contracts shall be awarded to Ghanaian owned Companies 100% in 5 years

Procurement of Equipment All equipment listed shall be procured ONLY from Companies that manufacture the equipment in Ghana

Initial Level of Local Participation

Equity Ownership Target Level
30% minimum upon Start up 51% in 10 years

FOURTH SCHEDULE

(regulations 5(c), 32 and 35(2))

Local Content and Local Participation in Electricity Sales Services

Initial Level of Local Content	Target Level
Engineering and Procurement	100% to Ghanaian owned Companies
Construction Works - Installations	100% to Ghanaian owned Companies
Post Construction Works Supplies	Minimum of 80% of the value of all supplies shall go to Ghanaian owned Companies 100% in 5years
Services	Minimum levels for: Catering-100%, Janitorial Services-100% Vehicle Maintenance-100%; Equipment Servicing-70% 100% in 5 years
Management	Minimum of 90% of management staff shall be Ghanaians at the beginning of the business operations 95% in 5 years
Operations and Maintenance Staff	Minimum of 95% of the value of all operation and maintenance staff shall be Ghanaians at any time in the lifetime of the business 100% in 5 years
All Other Staff	100% Ghanaian at all times
Operation and Maintenance Contract	Minimum of 95% of the value of all operation and maintenance contracts shall be awarded to Ghanaian owned Companies 100% in 5 years

Initial Level of Local Participation	Target Level
Ownership	80% minimum initial equity participation 100% in 5 years

FIFTH SCHEDULE

(regulation 5(d), 32 and 35(2))

Local Content and Local Participation in Brokerage Services

Initial Level of Local Content	Target Level
Engineering and Procurement	Minimum of 90% of value of the project shall go to indigenous Ghanaian Companies 100% in 5 years

Construction Works and Installations 100% of cost of the construction works of the project shall be awarded to indigenous Ghanaian Companies 100% in 5 years

Post Construction Works Supplies Minimum of 80% of the value of all supplies shall go to indigenous Ghanaian Companies 100% in 5 years

Services Minimum levels for: Catering -100% ; Janitorial Services-100% Vehicle Maintenance-100%; Equipment Servicing-70% 100% in 5 years

Management Minimum of 90% of management staff shall be Ghanaian citizens at the commencement of the business operations 95% in 5 years

Operations and Maintenance Staff Minimum of 95% of operation and maintenance staff shall be Ghanaians citizens 100%

All Other Staff 100% Ghanaians at all times 100%

Initial Level of Local Participation Target Level

Ownership 80% minimum initial equity participation 100% in 5 years

SIXTH SCHEDULE

(regulations 6, 32 and 35(2))

Local Content and Local Participation in Investment in Electricity Transmission Infrastructure

Initial Level of Local Content Target Level

Engineering and Procurement Minimum of 30% of value of the project shall go to Ghanaian Companies 50% in 10 years

Construction Works and Installations Minimum of 60% of cost of the construction works of the project shall go to Ghanaian Companies 80% in 10 years

Post Construction Works Supplies Minimum of 60% of the Value of all supplies shall go to Ghanaian owned Companies 80% in 10 years

Services Minimum levels for Catering-100%; Janitorial Services-100%; Vehicle Maintenance-100; Equipment Servicing-70% 100% in 10 years

Management 80% of management staff shall be Ghanaians at the beginning of the business operations 100% in 10 years

Operations and Maintenance Staff 80% of operation and maintenance staff shall be Ghanaians at any time in the lifetime of the business 100% in 10 years

All Other Staff 100% Ghanaian at all times

Operations and Maintenance Contract 100% of the value of all operation and maintenance contracts shall be awarded to indigenous Ghanaian companies

	Initial Level of Local Participation	Target Level
Ownership	15% 49% in 10 years	

SEVENTH SCHEDULE

(regulations 23(3) and 32)

Equipment required to be sourced locally

PART A - ELECTRICAL EQUIPMENT AND BUILDING MATERIALS

ITEM	Initial Local Content level from startup, (%)	Target Local Content Level, (%) by 2025	Intermediate Local Content Level, (%)
1. Whole electricity general plant including civil works or any part of it			30 40 60
2. Electrical cable or conductor (copper)	50	60	60
3. Electrical cable or conductor (Aluminium)	60	80	100
4. Electrical conductor grade aluminium rod	80	100	100
5. Insulator	15	50	80
6. Insulator pin	15	80	100
7. Wooden pole	60	80	100
8. Pole Support, stay wire, guy wire, shackle, pin	30	80	100
9. Distribution transformer	30	50	80
10. Electricity measuring or dispensing meter		30	50 80
11. Fuse or Circuit breaker	10	50	80
12. Plug, switch, used for domestic, commercial or industrial wiring		80	100 100
13. Lattice tower	30	50	80
14. Extension cable, extension board adapter		50	100 100
15. Street light fixture	30	80	90
16. Street light pole	50	80	100
17. screw, bolt and nut	50	100	100

18. Other equipment needed or used for Electricity Distribution 30 80 100

PART B-RENEWABLE ENERGY TECHNOLOGY

ITEM	Initial Local Content level from startup, (%)>[sic]			Intermediate	Local	Content
	Level, (%)	Target Local Content Level, (%)>[sic]				
1.	Solar cell	10	50	80		
2.	Solar photo voltaic panel		50	80	90	
3.	Solar water heater		50	80	90	
4.	Mounting bracket		100	100	100	
5.	Charge Controller		50	80	90	
6.	Connection pins and plugs		50	80	100	
7.	Cable	100	100	100		
8.	Cable lug		80	100	100	
9.	Circuit breaker or fuse		30	50	100	
10.	Inverter 50		80	100		
11.	Wind mill		30	80	100	
12.	Wind turbine generator of capacity less than 100kW		30	80	100	
13.	Wind turbine generator of capacity more than 100kW		10	30	50	
14.	Electrical Charge storage System			50	80	80
15.	Screw, bolt and nut;		80	100	100	
16.	Plug, switch used for renewable ennergy installations and wiring		80	100	100	
17.	Building materials, including cement, aggregates, iron mongery, roofing materials, Windows, doors, nails, tiles, plumbing materials, electrical cables, fittings used for the construction of renewable energy power plants, associated substations, Offices, houses, warehouses, factories					80 100
18.	Packaging material		80	100	100	
19.	Labels and information leaflets		80	100	100	
20.	Other equipment needed or used for renewable energy technology installations				30	80
21.	Any other renewable energy technology that the Minister may by legislative instrument add to the list		30	80	100	

PART C-ELECTRICAL APPLIANCE

ITEM	Initial Local Content level from startup, (<%)	Target Local Content Level, (%>)	Intermediate	Local	Content
1. Electric iron	30	50	80		
2. Electric washing machine			30	80	90
3. Clothes dryer	30	50	80		
4. Television set	30	60	80		
5. Radio receiver	30	80	90		
6. Music System or its components	30		50	80	
7. Electric fan	30	50	80		
8. Non-ducted air conditioner			30	50	80
9. Screws, bolts and nuts	80	100	100		
10. Packaging material		80	100	100	
11. Labels and information leaflets		80	100	100	
12. Building materials including cement, aggregates, iron mongery, roofing materials, Windows, doors, nails, tiles, plumbing materials, electrical cables, fittings used for the construction of factory premises, Offices, houses, warehouses		80	100	100	
13. Plug, switch used for connecting electrical appliance to electricity mains			80	100	100
14. Other components needed or used for production of electrical appliances			30	50	80
15. Any other electrical appliance that the Minister may by legislative instrument add to the list	30	50	80		

EIGHTH SCHEDULE

(regulation 31)

Certificate of Authorisation

This Certificate is issued to

(Name of Company)

having satisfied the requirements of submitting a Local Content and Local Participation Plan that has been found satisfactory by the Local Content and Local Participation Committee is hereby granted a

CERTIFICATE OF AUTHORISATION

to undertake the underlisted activities in the Electricity Supply Industry in Ghana

1.....
.....

2.....
.....

3.....
.....

Certificate
Number:.....
.....

Certificate
until:..... valid
.....

Signature
..... Signature
.....

(Name) (Name)

Chairperson Executive
Secretary

NINETH SCHEDULE

Part A: Information to be provided to the Committee with respect to quarterly forecasts

A service provider shall provide the following information in respect of each contract, subcontract and purchase order:

1. A description of the service or items to be contracted or purchased including the material and equipment specification if requested.
2. The estimated value of the contract, subcontract or purchase order.
3. The anticipated dates for the following;
 - (a) the issuance and closure of the Request for Proposals:
 - and
 - (b) contract award.
4. Any other information requested by the Committee for the implementation of these Regulations.

Part B: Information to be provided to the Committee by service provider prior to issue of prequalification of prospective bidders

A service provider shall provide the following information prior to issuing a prequalification notice to bidders:

1. A description of the scope of work.

2. A copy of the prequalification notification, where the related documents differ from the standard pre qualification notice previously reviewed and approved by the Local Content Committee.
3. The list of companies indicating locations of head offices to whom questions will be directed.
4. The anticipated dates for closure of pre qualification and issuance of Request For Proposals or a Request for Quotations.

Part C: Information to be provided by service provider to the Committee prior to issue of request for proposals or request for qualification.

For the purposes of compiling a bidding list for any project, the service provider shall provide the following information prior to issuing a Request for Proposals or Request for Qualification:

1. A list of bidders.
2. A copy of the Request for Proposals or Request for Qualification in respect of which the Local Content Committee will advise the operator or contractor of its requirements on a case by case basis.
3. A description of the corporate ownership of the bidders, including the main shareholders by percentage.
- 4 The location of any Ghana based office, plant or facility.
5. The anticipated dates for closure of bids and award of contract or purchase orders.
6. Any other information which the Local Content Committee shall request.

Part D: Information to be provided by service provider to the Committee prior to the award of contract or purchase order to selected bidder

Prior to the award of contract or purchase order to the selected bidder, the service provider shall provide the following information:

1. The name of the selected contractor or vendor.
2. A list of designated subcontractors or sub-vendors.
3. Where applicable, a list of proposed sub-suppliers,
4. In respect of construction or service contracts, the estimated Ghanaian employment level in person-hours.
5. The commencement and completion dates for the contract or purchase order
- 6 The Award Notification Form signed by the appropriate official of the operator or contractor.
7. (a) A statement of award rationale or bid evaluation report showing the following:
 - (i) the name of the selected contractor or vendor;
 - (ii) the list of designated subcontractors or sub-vendors;and
 - (iii) where applicable, a list of proposed sub-suppliers;
- (b) in respect of construction or service contracts, the estimated Ghanaian employment level in person-hours;
- (c) the commencement and completion dates for the contract or purchase order;

- (d) the Award Notification Form signed by an appropriate official of the operator;
- (e) a statement of award rationale or bid evaluation report showing;
- (f) the percentage difference in price between selected bidder and the other bids;
- (g) the primary location of work associated with each bidder;
- (h) the estimates of Ghanaian content associated with the bid of each bidder calculated in accordance with the definition of the Ghanaian content to be provided by the Local Content Committee; and
- (i) any other information relevant to the evaluation of bids including where applicable, a summary of the technical, commercial and Ghanaian content aspects of the bid evaluation.

MR. BOAKYE AGYARKO

Minister responsible for Energy

Date of Gazette Notification: 17th November, 2017.

Entry into force : 22nd December, 2017