



## SUMMARY OF THE 24<sup>TH</sup> SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE MILLENNIUM DEVELOPMENT AUTHORITY

OCTOBER 2, 2018

2:00 P.M., MiDA BOARD ROOM, ACCRA

The following is the summary of the 24<sup>th</sup> Special meeting of the Board of Directors of the Millennium Development Authority (“MiDA”) held at the MiDA Board Room, Accra on the above-mentioned date and time and for which Notice was duly given in writing on September 20, 2018. The Meeting was rescheduled from its original date of Tuesday September 25, 2018 and a Revised Notice was duly given in writing on September 28, 2018.

The meeting was convened pursuant to (i) the Millennium Challenge Compact between the United States of America, acting through the Millennium Challenge Corporation (“MCC”), and the Government of the Republic of Ghana (the “*Government*”), executed on August 5, 2014 (the “*Compact*”); and (ii) the Program Implementation Agreement, by and between the United States of America, acting through MCC, and the Republic of Ghana, dated August 5, 2014 (the “*PIA*”). Capitalized terms used but not defined herein shall have the meanings given such terms in the Compact.

### 1. BOARD MEMBERS PRESENT IN PERSON:

#### VOTING MEMBERS

- Hon. Gloria Afua Akuffo, Attorney General & Minister for Justice
- Hon. Robert Ahomka-Lindsay, Deputy Minister for Trade & Industry and Representative of the Minister for Trade & Industry
- Ing. William Amuna, Representative of the Minister for Energy
- Mr. Joe Tackie, Representative of the Minister for Business Development
- Dr. Sam Kobina DeSouza, Representative of Private Enterprise Federation
- Mr. Martin Eson-Benjamin, Interim Chief Executive Officer, MiDA (CEO)

#### OBSERVERS

- Mr. Kenny Miller, MCC Resident Country Director (RCD)

#### IN ATTENDANCE

- Mrs. Elisabeth Feleke, MCC Deputy Resident Country Director (DRCD)
- Mr. Julius Kpekpena, Chief Operating Officer, MiDA (COO)
- Ms. Yvonne Fiadjoe, General Counsel and Board Secretary, MiDA
- Naa Aduoley Ashong, Legal Officer, MiDA

### 2. RECRUITMENT OF A CHIEF EXECUTIVE OFFICER FOR MiDA

The Board expressed its satisfaction with Mr. Eson-Benjamin’s work thus far and approved his appointment as the Chief Executive Officer of MiDA.

### **3. APPROVAL OF MINUTES OF THE 19<sup>TH</sup> BOARD MEETING HELD ON MARCH 7, 2018**

The Board reviewed the Minutes and thereafter approved the Minutes and Resolutions of the Nineteenth Board Meeting held on March 7, 2018 (“*Nineteenth Meeting Minutes*”) with some modifications.

### **4. APPROVAL OF MINUTES OF THE 17<sup>TH</sup> SPECIAL BOARD MEETING HELD ON NOVEMBER 30, 2017**

The Board reviewed the Minutes and thereafter approved the Minutes and Resolutions of the Seventeenth Special Board Meeting held on November 30, 2017 (“*Seventeenth Special Meeting Minutes*”) with some modifications.

### **5. APPROVAL OF MINUTES OF THE 18<sup>TH</sup> SPECIAL BOARD MEETING HELD ON FEBRUARY 15, 2018**

The Board reviewed the Minutes and thereafter approved the Minutes and Resolutions of the Eighteenth Special Board Meeting held on February 15, 2018 (“*Eighteenth Special Meeting Minutes*”).

### **6. APPROVAL OF MINUTES OF THE 20<sup>TH</sup> BOARD MEETING HELD FROM MAY 31 TO JUNE 1, 2018**

The Board reviewed the Minutes and thereafter approved the Minutes and Resolutions of the Twentieth Board Meeting held from May 31-June 1, 2018 (“*Twentieth Meeting Minutes*”) with a modification.

### **7. APPROVAL OF MINUTES OF THE BOARD RETREAT HELD ON JUNE 1, 2018**

The Board reviewed the Minutes and thereafter approved the Minutes and Resolutions of the Board Retreat held on June 1, 2018 (“*Third Board Retreat Minutes*”) with a modification.

### **8. MATTERS ARISING FROM PREVIOUS MINUTES**

#### **a. Update On the Implementation of the NEDCO Project**

The CEO briefed the Board on the challenges with the NFOT Project as a result of the NEDCO Senior Staff and Workers Association’s protracted agitations against the Management Contract. He explained the painstaking efforts by MiDA, H. E. the Vice President of the Republic of Ghana and the Board Chairman of the Volta River Authority to resolve the matter. Following further deliberation the Board took notice of the status of the NFOT Project and further took note of the NEDCO Senior Staff and Workers Group’s protracted agitations against the option of the Management Contract, and directed the MiDA CEO to work with the Office of H. E. the Vice President, the NEDCO Management and NEDCO Board to develop the roadmap towards the resolution of the Staff concerns.

The Board also directed the CEO to procure the services of IFC to commence the Transaction Advisory Services for the Management Contract.

#### **b. Swearing In Ceremony for Members of the MiDA Board**

The Hon. Attorney General indicated that in line with the convention of all statutory Boards, the Chairperson or another Board Member after being sworn into office by H. E. the President can swear into office a new Member of the Board. The Honourable Attorney General duly swore –in some new members to the Board of MiDA.

## **9. UPDATE ON COURT CASES**

The Board Secretary provided an update on the Compact II Cases and in particular, of the dismissal of the Application for Interlocutory Injunction filed by the Plaintiffs in respect of BXC's disqualification from the ECG PSP Transaction's Tender Process. The Board took further note that the Akosa Case has been adjourned to October 12, 2018 for Judgment. The Board requested that MiDA continues to monitor the Akosa Case and apprise the Board of developments.

## **10. APPROVAL OF REVISED MONITORING AND EVALUATION PLAN**

The Director for Monitoring & Evaluation (M&E) informed the Board that the original M&E Plan which was approved in December 2016 is updated as better information becomes available. He indicated that changes to baselines, descriptions, timelines for collection of data, changes to some targets and new indicators for the NEDCo Project were some of the proposed changes to the Plan. The Board approved the M&E Plan Modification, dated August 2018, and directed the Chief Executive Officer and Management to liaise with the relevant Organizations to implement the M&E Plan as modified.

## **11. APPROVAL OF AMENDMENTS TO COMPACT PROCUREMENT PLAN NO. 4, QR3**

The Procurement Director (PD) explained the Amendments to Compact Procurement Plan No.4 Quarter 2, which covers procurements to be carried out up to June 30, 2019. The Board thereafter approved the amendments.

## **12. APPROVAL OF BUDGETARY INCREASE ON REGULATORY PARTNERSHIP PROGRAMME CONSULTANCY SERVICES**

The COO briefly explained that the scope of work was expanded and this resulted in the budgetary increases. The Board approved an increase in the budget for the Regulatory Partnership.

## **13. APPROVAL OF PROCUREMENT OF CONSULTANCY SERVICES TO DEVELOP ENERGY EFFICIENCY STANDARDS AND LABELLING LEGISLATIVE INSTRUMENTS FOR ELECTRICAL EQUIPMENT AND APPLIANCES**

The COO explained that MCC, MiDA and EC agreed to use a competitive procurement to engage the consultant. The Board approved the inclusion of the procurement of Consultancy Services for the development of Legislative Instruments, in respect of the Standards and Labels Activity in the current Compact Procurement Plan No.4 QR 2.

## **14. APPROVAL OF CHANGES TO THE PROCUREMENT METHOD FOR CONTRACT FOR CONSULTANCY SERVICES FOR THE AIR CONDITIONER TEST FACILITY & ADDITIONAL TEST LABORATORIES**

The COO explained that there was a failed procurement with this activity. MiDA felt that splitting the Procurement into three (3) separate packages would address the matter. The Board approved the three separate packages by the inclusion of: a) Procurement of a Contractor for the Design and Installation of the AC Test Laboratory; b) Procurement of a Contractor to construct the Air Conditioner (AC) Test Laboratory Building (Enclosure); and c) Procurement of a Contractor for the Design and Installation of the Additional Test Laboratories in the current Compact Procurement Plan No.4 QR 2.

#### **15. APPROVAL OF BUDGET INCREASE FOR PRE-TERTIARY SCHOOL CURRICULUM**

The COO explained that after the submission and evaluation of Bids, two firms qualified with quotations exceeding the Budget. Therefore, the Board's approval was required in order to engage the winning firm. The Board approved an increase in the budget for the Energy Efficiency Pre-tertiary School Curriculum Updates Consultancy Services under the Energy Efficiency and Demand Side Management (EEDSM) Project.

#### **16. APPROVAL OF BUDGET INCREASE FOR THE IMPLEMENTATION OF THE METER MANAGEMENT SYSTEM**

Based on the Procurement Director's explanations, the Board granted approval for MiDA to negotiate with Siemens Proprietary Limited.

#### **17. APPROVAL OF PAYMENTS FOR STAKEHOLDER ENGAGEMENTS RELATING TO THE ECG PSP TRANSACTION**

The CEO explained that as part of the PSP outreach there were a number of engagements which involved stakeholders. This resulted in costs which were incurred. The Board approved the allocation of money to fund the budget for the ECG PSP Concession-related activities.

#### **18. REPORT FROM THE INTERNAL AUDIT DEPARTMENT**

The Internal Audit Director highlighted the key issues in his report to the Board. Thereafter the Board took note of the contents of the Internal Audit Department's (IAD) Project Progress Report and approved the IAD's proposed Audit Plan for 2018/2019.

#### **19. ANY OTHER BUSINESS**

The RCD reiterated the need for MiDA's Board to establish an Executive Committee, the COO provided an update on the fulfilment of the Conditions Precedent (CPs) to the Transfer Date in respect of the ECG PSP Transaction and the CEO noted that the Terms of Reference for the Project Implementation Unit (PIU) had been finalized.