

MBEYA UNIVERSITY OF SCIENCE AND TECHNOLOGY



MCB COMPANY LTD POLICY



NOVEMBER, 2020

FOREWORD

Mbeya University of Science and Technology (MUST) recognizes the importance of enhancing relationship with institutions, companies and regulatory boards for professional development of her staff and students. Establishment of MCB Company Ltd is part of the fulfilment of the University's ambition of forging strong and strategic collaborations with players in the construction industry particularly in the infrastructure and human resource development for the development of the nation. It is presumed that MCB Company Ltd will complement the University's efforts in achieving its core functions which include teaching and learning, conducting research and offering consultancy services to the communities. In addition, the consultancy activities will provide an opportunity for students to conduct field practical training and staff internships so as to be recognised by the regulatory boards and councils such as Engineers Registration Board (ERB), Architects and Quantity Surveyors Registration Board (AQRB), Contractors Registration Board (CRB), National Environmental Management Council (NEMC) and National Construction Council (NCC).

The construction industry in the Country is growing exponentially; therefore, the existence of MCB Company Ltd is an opportunity for the University to positively participate in the national infrastructure development initiatives. On the other hand, involvement of MCB Company Ltd in such initiatives will contribute to the socio-economic development of the nation as it employs appropriate technologies and utilizes available and relevant materials thus fostering economic growth and human resource capacity building through gaining real world experience.

All these culminate to the generation of internal revenues that contributes to the financial resource for the operations of the University as it fulfils its core functions.

Structural and functional arrangement of the operations of MCB Company Ltd is of interest to the University. The development of the MCB Company Ltd Policy provides a guidance for operations as it participates in the construction industry. All those who will be involved in executing activities of MCB Company Limited will do so in accordance with the Policy and other supporting guidelines in a manner that portrays a good reputation of the University to the community.

This Policy will come into force upon the approval by the MUST Council.

Prof. Aloys Mvuma,

Vice Chancellor

Mbeya University of Science and Technology

TABLE OF CONTENTS

FOREWORD.....	I
LIST OF ABBREVIATIONS AND ACRONYMS.....	VI
DEFINITION OF TERMS AND CONCEPTS.....	VII
CHAPTER ONE: MUST BACKGROUND	1
1.1.INTRODUCTION.....	1
1.2.MUST VISION	1
1.3.MUST MISSION	1
1.4.SITUATIONAL ANALYSIS	2
1.5.RATIONALE OF THE POLICY.....	2
1.6.BACKGROUND OF MCB COMPANY LIMITED	3
CHAPTER TWO: POLICY BACKGROUND	5
2.1 INTRODUCTION.....	5
2.2 POLICY VISION.....	5
2.3 POLICY MISSION.....	5
2.4 POLICY GOAL.....	5
2.5 OBJECTIVES.....	5
2.5.1MAIN OBJECTIVE.....	5
2.5.2 SPECIFIC OBJECTIVES	5
2.6 POLICY PHILOSOPHY	6
2.7 POLICY SCOPE.....	6
CHAPTER THREE: POLICY ISSUES, STATEMENTS AND STRATEGIES.....	8
3.1 INTRODUCTION	8
3.2 GOVERNANCE.....	8
3.3 PROJECTS INFORMATION MANAGEMENT.....	9

3.4	ADHERENCE TO STATUTORY INSTITUTIONS AND ORGANS	9
3.5	CAPACITY BUILDING	11
3.6	OPTIMAL UTILIZATION OF UNIVERSITY RESOURCES.....	11
3.7	MARKETING	12
CHAPTER FOUR: COMMUNICATION AND PROJECT IMPLEMENTATION		14
4.1	COMMUNICATION	14
4.2	IMPLEMENTATION OF THE PROJECTS	14
4.2.1	PERSONS WHO CAN CONDUCT PROJECT ASSIGNMENTS	14
4.2.2	LOCATION WHERE PROJECTS CAN BE UNDERTAKEN	14
4.2.3	TIME OF CONDUCTING PROJECT ASSIGNMENTS.....	14
4.3	ORGANIZATIONAL STRUCTURE	14
4.4	COMPOSITION OF THE BOARD OF DIRECTORS	16
4.4.1	ROLE OF THE BOARD OF DIRECTORS.....	17
4.4.2	TENURE FOR THE BOARD OF DIRECTORS	17
4.4.3	MEETING PROCEDURES OF BOARD OF DIRECTORS	17
4.4.4	RESPONSIBILITIES OF THE CHAIRPERSON OF BOARD OF DIRECTORS	18
4.5	RIGHTS AND OBLIGATIONS OF BOARD MEMBERS	18
4.6	MCB COMPANY LTD MANAGEMENT COMMITTEE	19
4.6.1	RESPONSIBILITIES OF MCB COMPANY LTD MANAGEMENT COMMITTEE	19
4.7	MCB COMPANY LTD MANAGING DIRECTOR	19
4.8	HEAD OF CONSTRUCTION SERVICES DEPARTMENT	20
4.8.1	RESPONSIBILITIES OF THE HEAD OF CONSTRUCTION SERVICES DEPARTMENT	21
4.9	HEAD OF COMMERCIAL CONSULTANCY DEPARTMENT.....	22
4.9.1	RESPONSIBILITIES OF THE HEAD OF COMMERCIAL CONSULTANCY DEPARTMENT.....	22
4.10	SUPPORT STAFF.....	23
4.11	TENURE OF MCB COMPANY LTD MANAGEMENT COMMITTEE MEMBERS.....	23
CHAPTER FIVE: MONITORING AND EVALUATION		24
5.1	INTRODUCTION	24
5.2	PERIODICAL EVALUATION OF THE POLICY	24

5.3 EVALUATION REPORT	24
5.4 POLICY REVIEW AND AMENDMENTS	24
CHAPTER SIX: FINANCIAL MATTERS	25
6.1 INTRODUCTION	25
6.2 PAYMENT OF ADMINISTRATIVE FEE AND DIVIDEND FROM CONSTRUCTION SERVICES DEPARTMENT.....	25
6.2.1 PAYMENT OF ADMINISTRATIVE FEE.....	25
6.2.2 PAYMENT OF DIVIDEND	25
6.3 PAYMENT OF CONSULTANCY FEE FROM COMMERCIAL CONSULTANCY DEPARTMENT	26
6.4 PAYMENT OF REMUNERATION TO MCB COMPANY LIMITED EXPERTS.....	26
6.5 PROJECT COST.....	26
6.6 RECRUITMENT OF PERSONNEL ON CONTRACT BASIS	27
CHAPTER SEVEN: CODE OF ETHICS AND CONDUCT	28
CHAPTER EIGHT: APPOINTMENT OF CHEQUE SIGNATORIES	29
BIBLIOGRAPHY	30
APPROVAL.....	ERROR! BOOKMARK NOT DEFINED.

LIST OF ABBREVIATIONS AND ACRONYMS

AfDB	African Development Bank
AQRB	Architects and Quantity Surveyors Registration Board
CCC	College Consultancy Coordinator
CRB	Contractors Registration Board
DMCB	Director of MCB Company Limited
DVC-ARC	Deputy Vice Chancellor - Academic, Research and Consultancy
DVC-PFA	Deputy Vice Chancellor - Planning, Finance and Administration
ERB	Engineers Registration Board
FTC	Full Technician Certificate
HoD	Head of Department
ICT	Information Communication Technology
MEC	Monitoring and Evaluation Committee
MIST	Mbeya Institute of Science and Technology
MTC	Mbeya Technical College
MUST	Mbeya University of Science and Technology
NEMC	National Environment Management Council
OSHA	Occupational Safety and Health Authority
PM	Project Manager
PoCs	Principal of Colleges
ToR	Terms of Reference
VC	Vice Chancellor

DEFINITION OF TERMS AND CONCEPTS

- Construction:* Involves the techniques, construction materials, human resources, equipment and tools used in the assembly and erection of structures, primarily those used to provide shelter, services and protection for socio-economic and environmental benefits.
- Consultancy:* Within the construction industry, expert advice is required. This service is termed as consultancy and the individual expert who offers the advice is called the consultant.
- Construction Industry:* Is a branch of manufacturing industry that involves building, maintaining, and repairing infrastructure such as buildings, roads, bridges, water supply systems, electricity and telecommunication systems. The industry permeates most of the other sectors as it transforms various resources into constructed physical infrastructure.
- Infrastructure:* Is the basic physical and organizational structures, facilities (e.g. buildings, roads, power supplies) and systems needed for the operations. These facilities and systems serve country, city, or a place including the services necessary for the economy to function.
- Project site/location:* Is a place where the project is being executed and it can be within the boundaries of Tanzania or outside Tanzania.
- Co-opt:* Choose or elect as a member.

Ex-officials:

A member of a body who is part of it by virtue of holding another office.

CHAPTER ONE

MUST BACKGROUND

1.1. Introduction

Mbeya University of Science and Technology is a result of two successive transformations. The first involved the transformation of the Mbeya Technical College (MTC) established in 1986 to Mbeya Institute of Science and Technology (MIST) in 2005. MTC was offering four Full Technician Certificate programmes in the fields of Civil, Mechanical, and Electrical Engineering as well as Architecture. The second involved the transformation of MIST to Mbeya University of Science and Technology (MUST) in 2012 and the University was granted its Charter on 20th August 2013. All these transformations were responses by the government to increase the number of technical experts who are responsive to the various requirements of the nation and beyond. Up to this end, programmes for postgraduate, bachelor, diploma and certificate are being offered. In addition, several outreach community services are being offered including tailor made short courses. Moreover research and consultancy services are conducted.

1.2. MUST Vision

The vision of Mbeya University of Science and Technology is to become the centre of excellence for knowledge, skills and applied education in science and technology.

1.3. MUST Mission

The mission of Mbeya University of Science and Technology is to develop academically, technologically and socially competent students, staff and other stakeholders who will be responsive to the broader needs and challenges of the society specified by:

- (a) Facilitating appropriate tuition, practical training and support according to the needs of students and other customers;

- (b) Encouraging staff commitment to quality education and services including research and consultancy;
- (c) Fostering lifelong learning, honesty and responsibility;
- (d) Promoting an environment conducive to human development; and
- (e) Promoting effective entrepreneurship and usage of appropriate technology that meet national and international needs and standards through skills and practical oriented Training, Research and Consultancy.

1.4. Situational Analysis

MUST has more than 500 staff of which more than 200 are experts and possess skills that are needed in the construction industry. Some of these experts are registered with regulatory boards including ERB, AQRB and NEMC. Many of the programmes offered revolve around offering the necessary expertise needed in the construction industry therefore contributing in human development.

On the other hand, there has been an increase in infrastructure development projects in Tanzania. For instance in 2018, the sector generated USD 6.7 billion (14% of GDP) compared to USD 4 billion in 2014, representing an increase of 68% (<https://www.tanzaniainvest.com/construction>). Several projects being developed include Standard Gauge Railway, Mwalimu Nyerere Hydropower Dam, roads, airports, water supply, electricity and other projects. Effort to develop more projects that serve the communities are on the way and this include approval of USD 272.12 million by AfDB in 2019 for airport development (<https://www.tanzaniainvest.com/construction>). All these require companies that contribute in the realization of the anticipated projects.

1.5. Rationale of the Policy

Tanzania's economy is growing fast and currently is flourishing at a rate of 7%. The national 2025 vision aimed at Tanzania to become a middle income country through industrialization. In the few years since the 2015 national general election, the Government has vast investments in construction industries. Now,

many mega consultancy and construction works are advertised by the Government and other private sectors (local and the multi-national companies) seeking for the consultancy and construction services.

In line to that, MUST being one of the high learning public institution with all potentials in human resources (highly experienced and qualified staff) and infrastructure (i.e., hard and soft) has to fully participate in building the nation's economy. MUST has been in the construction industry consultancy work through MCB for quite a number of years since 2007 and in 2017, MUST established MISTECO, a construction company for the same purpose of building our national economy and generating income for the University, among other purposes. These two (2) i.e. MCB and MISTECO, combined their activities and formed MCB Company Ltd.

1.6. Background of MCB Company Limited

The MCB Company Ltd originated through merging of MIST Engineering Contractors Limited (MISTECO) and MUST Consultancy Bureau (MCB) approved by the 18th MUST Council Meeting held on 16th July 2019. MISTECO was an incorporated company under the Companies Act 2002, CAP 212, and registered with Business Registration and Licensing Agency (BRELA) in 17th October 2012. For its operationalization, MISTECO was registered with the Contractors Registration Board on 28th March 2017 as a Class IV to undertake Civil, Building, Electrical and Mechanical works.

On the other hand, MCB was established through MUST Charter 2013 as an academic consultancy unit of the University under the Deputy Vice Chancellor - Academic Research and Consultancy. To ensure that the name is maintained and is not an abbreviation, MCB Company Ltd was thereafter incorporated under the Company Act 2002, CAP 212, and registered with Business Registration and Licensing Agency (BRELA) on 23rd June 2020. The MCB Company Ltd has two departments. These are Department of Construction Services and Department of Commercial Consultancy. All construction activities that were handled by MISTECO are now under the Department of

Construction Services and all consultancy activities that were handled by MCB are being handled by the Department of Commercial Consultancy. MCB Company Ltd has an opportunity to undertake other business activities as stipulated in the Memorandum and Articles of Association of MCB Company Ltd.

CHAPTER TWO

POLICY BACKGROUND

2.1 Introduction

This section provides a description on the vision, mission, goals, philosophy and scope of the MCB Company Ltd Policy.

2.2 Policy Vision

To become the leading service provider in the construction industry for public and private sectors for the national development.

2.3 Policy Mission

To provide high quality construction and consultancy services for engineering projects through the use of advanced technologies, competent experts and appropriate construction materials, equipment and tools so as to meet the targeted project goals.

2.4 Policy Goal

The goal of this policy is to develop a nationally and internationally competitive company in the construction industry that is capable of undertaking construction projects and consultancy services while ensuring value for money, quality and non-project overrun in an environmentally friendly manner.

2.5 Objectives

2.5.1 Main Objective

To ensure that MCB Company Ltd competitively participates in the construction industry by tendering low to acquire projects and high enough to make profit when executing the acquired projects while maintaining high standard products.

2.5.2 Specific Objectives

- (a) To employ and recruit competent and experienced staff to execute project activities;

- (b) To acquire and use equipment and tools that employ advanced technology that are time and energy efficient when executing project activities;
- (c) To use construction materials that are locally available and relevant for producing high quality products that meet specified standards;
- (d) To ensure the projects are executed within the specified time and cost without any project overruns; and
- (e) To ensure that all projects executed are within the profit margins.

2.6 Policy Philosophy

The philosophy is to employ competent and experienced staff, with the use of advanced technology-based materials, equipment and tools to make products of high standard that meets client's expectation without project overrun but financially are above Company's profit margins.

2.7 Policy Scope

The MCB Company Ltd Policy scope is limited to:

- (a) Offering construction and consultancy services that foster socio-economic development in an environmental friendly manner;
- (b) Ensure that all construction services will be reliable to paying dividend to the University;
- (c) Ensure all consultancy services will be reliable to disbursements to the University and experts involved in the specific projects;
- (d) Paying all due taxes, contributions and fees to all statutory institutions;
- (e) Formation of project teams which will be involved in executing particular projects;
- (f) Open subsidiary companies in other regions or campuses;
- (g) Acquire equipment, machinery, plants and tools for executing project activities;

- (h) Be read with other MCB Company Limited's Financial Regulations, Scheme of Service and Operational Guidelines;
- (i) All Colleges, Schools, Institutes, Academic/Administrative Departments and other institutional structures operating under the umbrella of the University;
- (j) All staff who are engaged in teaching, administration and provision of any form of support to the core functions of the University;
- (k) All students registered with the University; and
- (l) Other outside professionals.

CHAPTER THREE

POLICY ISSUES, STATEMENTS AND STRATEGIES

3.1 Introduction

This section provides the description of policy issues, statements and strategies to observe during the operation of the policy.

3.2 Governance

3.2.1 Policy Issue

MCB Company Ltd's governance needs to be based on the approved polices and guidelines.

3.2.2 Policy Statements

The University shall ensure that:

- (a) All necessary polices and guidelines exist;
- (b) The Company Management team is appointed;
- (c) The Company is allocated space within the University building;
- (d) All other University polices and guidelines are adhered too; and
- (e) The Company's issues are presented in the University organs.

3.2.3 Policy Strategy

The University shall:

- (a) Develop and approve all necessary polices and guidelines for the operationalization of the Company;
- (b) Appoint the Management Team to operate the Company;
- (c) Ensure the Company is allocate office space;
- (d) Ensure that the operation of the Company observes the other University policies and guidelines;
- (e) Ensure that quarterly reports on technical and financial status are presented in the University organs and deliberations are made; and
- (f) Ensure that the Company's annual budget is approved.

3.3 Projects Information Management

3.3.1 Policy Issue

Management of projects requires well-organized information management system for storing, retrieving, dissemination and sharing of information for soliciting, coordinating, marketing, quality assurance and control of projects.

3.3.2 Policy Statements

The MCB Company Ltd shall:

- (a) Ensure that it uses online project procuring system to tender for projects;
- (b) Ensure the optimal use of latest and efficient ICT systems in managing projects;
- (c) Ensure that the storing and retrieving of project information is done efficiently;
- (d) Ensure that the sharing and dissemination is done, for the purpose of soliciting, coordinating, marketing, quality assurance and control of projects; and
- (e) Ensure efficient and effective communication structure.

3.3.3 Policy Strategy

The MCB Company Ltd shall:

- (a) Subscribe to the online project procuring system such as TANEPS to tender for projects;
- (b) Use, install and update ICT systems for managing projects;
- (c) Establish a database for storage and retrieving of information;
- (d) Ensure that the sharing and dissemination is done, for the purpose of soliciting, coordinating, marketing, quality assurance and control of projects.
- (e) Ensure efficient and effective communication structure;

3.4 Adherence to statutory institutions and organs

3.4.1 Policy Issue

MCB Company Ltd needs to adhere to all prescribed statutory subscriptions to institutions and compensations on the services received during project execution.

3.4.2 Policy Statements

The MCB Company Ltd shall:

- (a) Ensure that all statutory subscriptions are paid including taxes;
- (b) Ensure that all compensations to the University for the services received during the operation of the project are paid;
- (c) Ensure that the University receives dividend as prescribed in the Company Financial Guidelines;
- (d) Ensure that all subscriptions of the registered experts who participate in project executions are paid as per requirements; and
- (e) Ensure that it renews the operation license for the Company and experts.

3.4.3 Policy Strategy

The MCB Company Ltd shall:

- (a) Pay taxes to TRA, respective municipal council, regulatory boards, and other statutory institutions as required;
- (b) Pay to the University part of the costs incurred including space, electricity, security and other;
- (c) Pay the University its dividend as prescribed in the MCB Company Ltd's Financial Guidelines;
- (d) Pay subscription fees to registered experts (ERB, AQRB, NEMC);
- (e) Pay operation license of the company (ERB, AQRB and NEMC) and experts are renewed; and
- (f) Enhance the promotion of experts to register.

3.5 Capacity Building

3.5.1 Policy Issue

The experience and insights gained in consultancy, construction, technology, engineering and other services should enrich both teaching and research, making them more relevant and problem-solving oriented while building capacity of the staff and students.

3.5.2 Policy Statements

MCB Company Ltd shall:

- (a) Develop and implement a human resource recruitment and development programme focusing on short, medium, and long term plans;
- (b) Ensure that its capital increases through acquiring of equipment and plants;
- (c) Ensure availability of necessary resources for expedient and effective engagements; and
- (d) Ensure gender mainstreaming in the Company.

3.5.3 Policy Strategy

MCB Company Ltd shall:

- (a) Facilitate staff to attend workshops and conferences as capacity building initiatives;
- (b) Develop and implement a Company Business Plan;
- (c) Provide all relevant and necessary resources to expedite and effective engagements; and
- (d) Gender issues are observed by the Company.

3.6 Optimal Utilization of University Resources

3.6.1 Policy Issue

MCB Company Ltd is supposed to fully utilize available resources within the University in order to provide professional services to industry and the public as a whole.

In addition, staff members are supposed to carry out commercial projects activities through MCB Company Ltd and sanctions should be imposed for those who will use the company profile illegally.

3.6.2 Policy Statements

MCB Company Ltd shall:

- (a) Set up a framework to motivate staff members to participate in MCB Company Ltd's projects;
- (b) Offer opportunity for students to conduct their field practical training; and
- (c) Promote and support a culture of ethics and professionalism in the administration of project activities University-wide.

3.6.3 Policy Strategy

- (a) MCB Company Ltd Scheme of Service is developed and implemented;
- (b) MCB Company Ltd Operation Guidelines is developed and implemented;
- (c) MCB Company Ltd Financial Regulations is developed and implemented; and
- (d) Disbursement of consultancy as payment from clients is received.

3.7 Marketing

3.7.1 Policy Issue

Prosperity of MCB Company Ltd depends on the ability to market itself within and outside the country. This needs adequate funding, marketing skills and adequate mechanism to incorporate dynamic needs of the stakeholders, existing and future opportunities.

3.7.2 Policy Statements

The MCB Company Ltd shall:

- (a) Market the existing experience and competences to offer high class services;

- (b) Setup a system and mechanisms of reconnaissance and fore-sighting of upcoming projects opportunities in the country and elsewhere;
- (c) Enhance marketing and bestselling skills of staff members so as to attract more projects to MCB Company Ltd; and
- (d) Budget funds for promotion and marketing of the competences, experience and expertise for the projects executed.

3.7.3 Policy Strategies

- (a) MCB Company Ltd to liaise with media (radio stations, television stations, newspapers and other media outlets) to market the existing experience and competences to offer high class services;
- (b) MCB Company Ltd to liaise with budgets managers on upcoming projects opportunities in the country and elsewhere;
- (c) Provide brochures and burners on bestselling skills and staff competences to attract projects; and
- (d) MCB Company limited to set funds to support publicity of projects conducted.

CHAPTER FOUR

COMMUNICATION AND PROJECT IMPLEMENTATION

4.1 Communication

On behalf of the Vice Chancellor, MCB Company Ltd Managing Director shall be the main speaker of the Company. All communications shall be channelled to the MCB Company Ltd Managing Director. Unless permitted to do so by the Company's Managing Director, no any other person shall be allowed to provide information about the Company or project(s).

4.2 Implementation of the Projects

This subsection sets out the requisite procedures or steps for implementations of the projects as outlined hereafter:

4.2.1 Persons who can conduct project assignments

Any MCB Company Ltd person or University staff may be contracted to undertake project assignments provided he/she possesses the necessary expertise and experience.

4.2.2 Location where projects can be undertaken

MCB Company Ltd person or University staff may be contracted to undertake both national and international projects.

4.2.3 Time of conducting project assignments

Project assignments may be conducted any time by a University staff provided that permission is sought from the respective authority.

Project team leaders once appointed will ensure that the project executed are in accordance to the time schedule and meet the standard and specifications.

4.3 Organizational Structure

The purpose of the administrative structure is to define and delegate responsibilities, to establish relationships for enabling effective mechanisms for communications and execution of projects.

The Board of Directors oversees the operations of MCB Company Ltd. Figure 1 shows the statutory organs as per University Charter, 2013 and Figure 2 shows the Management of MCB.

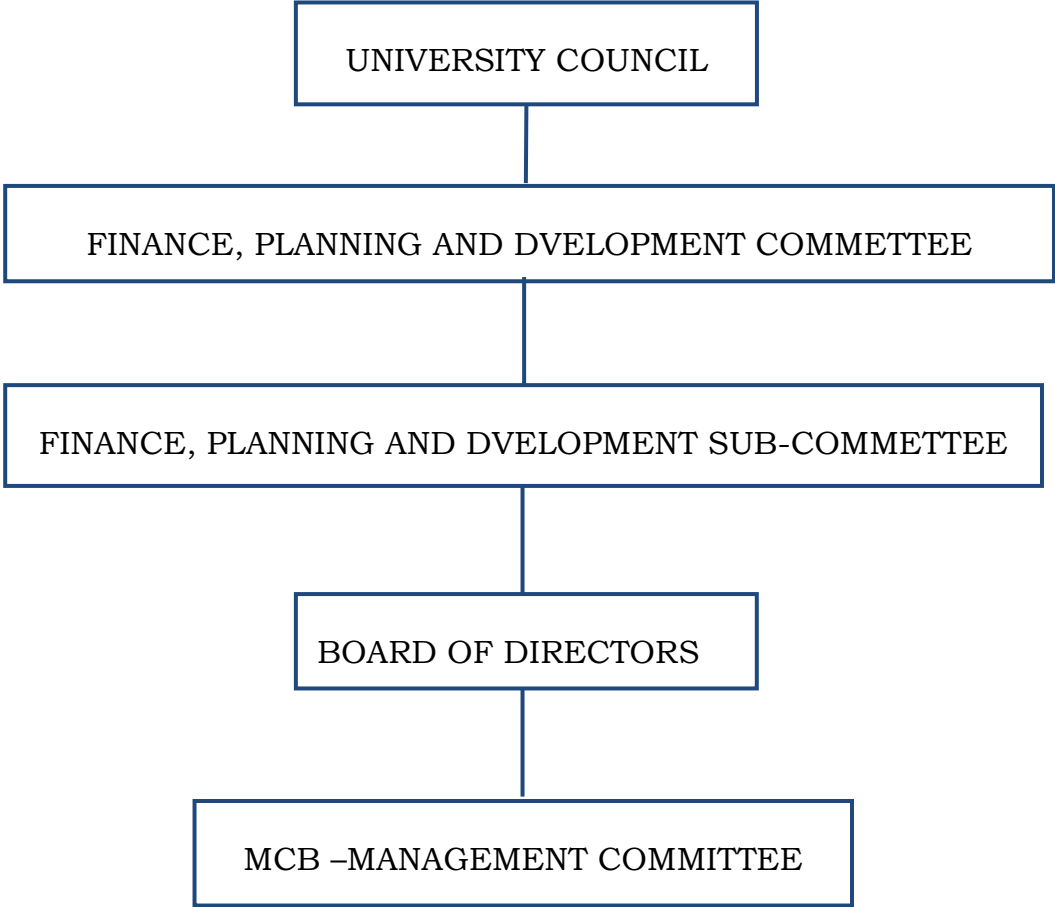


Figure 1: Structure of Statutory Organs of MCB Company Ltd

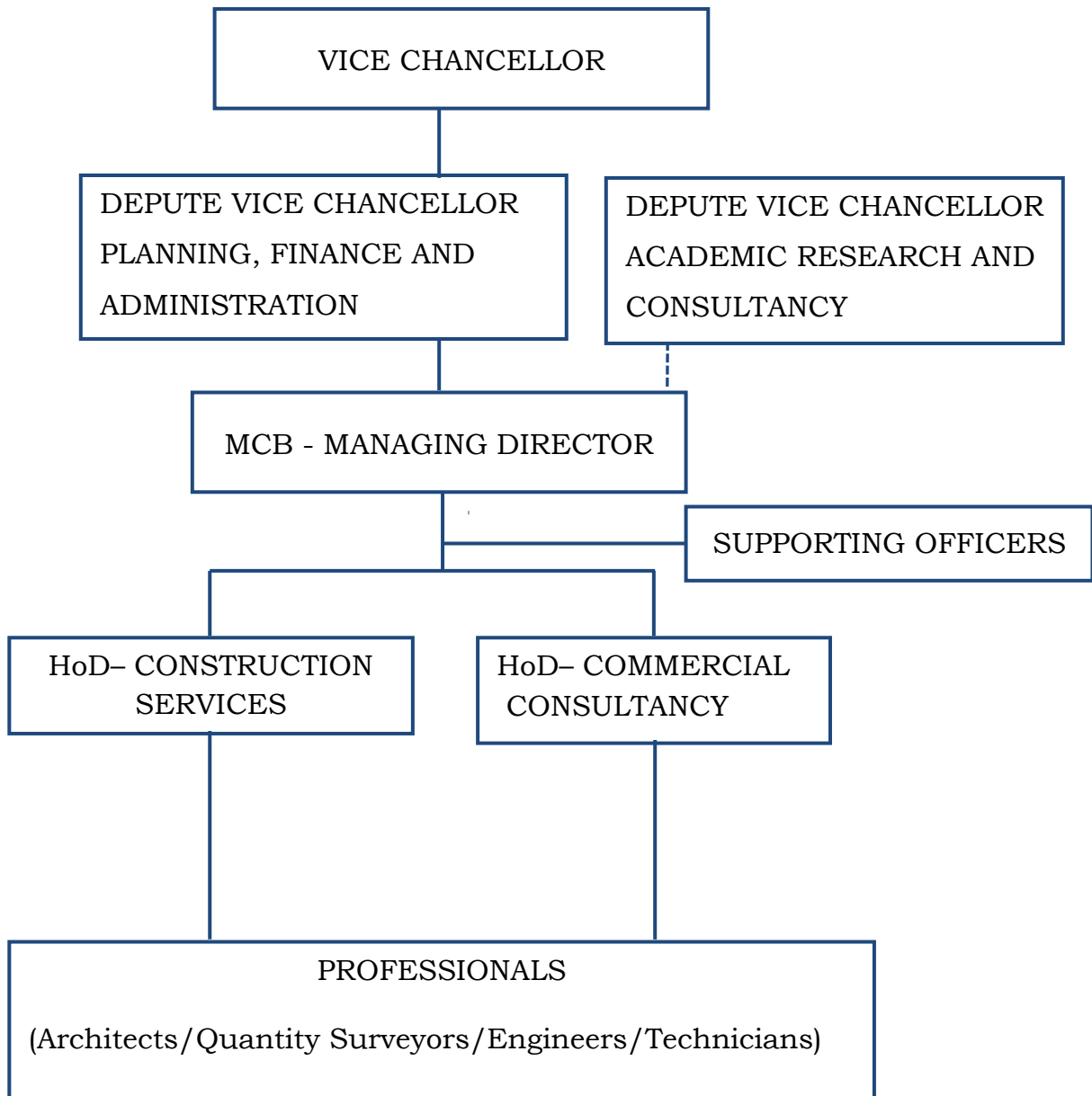


Figure 2: Organizational Structure of MCB Company Ltd

4.4 Composition of the Board of Directors

The Company shall have a Board of Directors consisting of the following members:

- (a) Chairperson, who shall be the MUST Vice Chancellor (VC);
- (b) Vice Chairperson who shall be elected among the members of the MCB Board of Directors;

- (c) Managing Director of MCB Company Ltd, who shall be the Secretary;
- (d) Deputy Vice Chancellor Academics, Research and Consultancy (*ex-officio*);
- (e) Deputy Vice Chancellor, Planning Finance and Administration (*ex-officio*);
- (f) Two members from relevant Government Institutions who shall be appointed by MUST Vice Chancellor (VC); and
- (g) One member from MUST community who shall be appointed by MUST Vice Chancellor (VC).

4.4.1 Role of the Board of Directors

MCB Company Ltd Board of Directors shall be responsible to perform the following:

- (a) Recommend to MUST Council, the policies and guidelines of the Company for approval;
- (b) Oversee the implementation of policies and guidelines of the Company;
- (c) Approve annual plans, budget and activities of the Company;
- (d) Approve strategic plans for the Company;
- (e) Approve annual progress and financial reports of the Company; and
- (f) Monitor and evaluate company activities.

4.4.2 Tenure for the Board of Directors

The tenure for Board members shall be three (3) years with exception of *ex-officials* and shall be eligible for reappointment for one more consecutive term.

4.4.3 Meeting Procedures of Board of Directors

The following are the guidelines of the MCB Company Ltd Board of Directors meetings:

- (a) The MCB Company Ltd Board of Directors shall meet four (4) times every year;

- (b) The Chairperson in consultation with Managing Director shall arrange additional special meetings as need arises;
- (c) At any normal meeting of the Board, half of the total number of members shall form a quorum;
- (d) At any extra-ordinary meeting of the MCB Company Ltd Board, two third of the total number of membership shall form a quorum;
- (e) The Chairperson, at one time, may invite any person(s) to participate in the deliberations of specific matter(s) in the Board meeting, but these invitee(s) shall not vote; and
- (f) Minutes of each Board meeting shall be kept in proper form by the Secretary and shall be confirmed by the Board at the subsequent meeting.

4.4.4 Responsibilities of the Chairperson of Board of Directors

The Chairperson shall:

- (a) Preside over all Board meetings. In his/her absence at any meeting of the Board, the members present shall from amongst their number elect a temporary chairperson who shall preside that meeting;
- (b) Oversee the activities of the Board;
- (c) Promote the activities of the Company within and outside the University through the co-ordination with office of the Vice Chancellor; and
- (d) Safeguard the interests of the Company and MUST at large through the co-ordination with the office of the Vice Chancellor.

4.5 Rights and Obligations of Board Members

Board Members have the right to, at any point; seek additional information from the management about any aspect of the company's business issues. They also have the right to weigh on significant matters through a vote.

Board Members may define the future of the company as well as its day-to-day workings.

4.6 MCB Company Ltd Management Committee

There shall be MCB Company Ltd Management Committee which shall consist of the following members:

- (a) Managing Director of MCB Company Ltd who shall be the Chairperson;
- (b) Heads of MCB Company Ltd Departments;
- (c) Support staff; and
- (d) Any other co-opted member.

4.6.1 Responsibilities of MCB Company Ltd Management Committee

The MCB Company Ltd Management Committee shall be responsible to perform the following:

- (a) To prepare the MCB Company Ltd policy and other guidelines ready for the approval by relevant authorities;
- (b) Prepare and recommend annual plans, budget and activities of the company for the approval by the Board of Directors;
- (c) To prepare and recommend MCB Company Ltd strategic plan to higher authority for approval;
- (d) Ensure operationalization of the policy and guidelines;
- (e) Undertaking planning of operations and activities of the company;
- (f) Prepare quarterly and annually reports for submission to higher authorities; and
- (g) Solicit and supervise the smooth operation of the projects.

4.7 MCB Company Ltd Managing Director

The Managing Director of MCB Company Ltd shall be one of the MUST staff with qualification of Master's degree and above with relevant experience, and

registered with the respective professional Board. The Managing Director shall be appointed based on MUST Charter, 2013.

The Managing Director shall hold the office for a term of three (3) years and may be reappointed consecutively for one more term upon satisfactory service.

The MCB Company Ltd Managing Director shall:

- (a) Be the Secretary of the MCB Company Ltd Board of Directors;
- (b) Be the responsible person for all matters pertaining to MCB Company Ltd day-to-day activities;
- (c) Promote MCB Company Ltd activities within and outside the University;
- (d) Be responsible to the MCB Company Ltd Board for the implementation of the decisions of the Board;
- (e) Oversee preparation and dissemination of promotional materials of MCB Company Ltd;
- (f) Prepare plans of annual activities of the MCB Company Ltd and submit to the Board of Directors for further processing;
- (g) Prepare financial and performance reports of the MCB Company Ltd;
- (h) Prepare MCB Company Ltd reports/documents before submission to relevant authorities/clients; and
- (i) Have such other functions as are conferred upon her/him by the University authority.

4.8 Head of Construction Services Department

The Head of Construction Services Department shall be one of the MUST staff having a minimum of Master's degree with considerable experience in construction, technology, engineering and other services with registration from Professional Boards. The Head of Construction Services Department shall be appointed based on MUST Charter, 2013.

The Head of Construction Services Department shall hold the office for a term of three (3) years and may be reappointed consecutively for one more term upon satisfactory service. The Head of Construction Services Department shall be answerable to the Managing Director.

4.8.1 Responsibilities of the Head of Construction Services Department

The Head of Construction Services Department of MCB Company Ltd shall:

- (a) Deputize the activities of the Managing Director of the Company in his/her absence;
- (b) Be the Secretary of MCB Company Ltd Management Committee;
- (c) Coordinate preparation of Project Proposals for the client;
- (d) Identify Project Team and the Team Leaders in consultation with Project Coordinators of respective Colleges, Schools and Institutes;
- (e) Assist Project Team Leaders in managing their respective projects;
- (f) Manage project schedule, budget, and delivery in collaboration with the respective Project Team Leaders;
- (g) Keep records of all projects being undertaken by the company;
- (h) Assist Project Team Leaders in preparation of the budget for respective project;
- (i) Manage Project risks and conflicts in collaboration with the respective Project Team Leaders;
- (j) In collaboration with the Managing Director and Project Leaders, negotiate fees and other conditions of construction, technology, engineering and other services;
- (k) Liaise with the client of the respective project on progress or implementation of the project;
- (l) Liaise with regulatory authorities and local authorities to assure that the design conforms to standards; and

- (m) Perform any other duties as may from time to time be assigned by the Managing Director and other high authorities as deemed appropriate.

4.9 Head of Commercial Consultancy Department

There shall be the Head of Commercial Consultancy Department of MCB Company Ltd who shall be one of the MUST academic staff having the minimum qualification of a Master's degree with considerable experience in consultancy and with registration from Professional Boards. The Head of Commercial Consultancy Department shall be appointed based on MUST Charter, 2013.

The Head of Commercial Consultancy Department shall hold the office for a term of 3 years and may be reappointed consecutively for one more term upon satisfactory service. The Head of Commercial Consultancy Department shall be answerable to the Managing Director of MCB Company Ltd.

4.9.1 Responsibilities of the Head of Commercial Consultancy Department

The Head of Department shall:

- (a) Deputize those activities of the Managing Director of MCB in his/her absence;
- (b) Identify Project Team and the Team Leaders in consultation with Consultancy Coordinators of respective MUST Units including Colleges, Schools, Directorates, Institutes, and Centres;
- (c) Assist Project Team Leaders in managing their respective projects;
- (d) Manage project schedule, budget, and delivery in collaboration with the respective Project Team Leader;
- (e) In collaboration with Project Team Leaders to prepare the budget for respective project;
- (f) Manage Project risks and conflicts in collaboration with the respective Project Team Leader;

- (g) In collaboration with the Managing Director of MCB Company Limited and Project Team Leader, negotiate fees and other conditions of consultancy activities;
- (h) In collaboration with the Director of MCB Company Limited, attend all project quarries from external and internal clients and document the responses of the quarries attended in the MCB Company Limited files for future references;
- (i) Prepare plans of annual activities of the Department and submit to the Managing Director for further processing;
- (j) Be a member of the MCB Company Limited Board; and
- (k) Perform any other duties as may from time to time be assigned by the Managing Director of MCB Company Limited.

4.10 Support Staff

There shall be a Support staff of MCB Company Limited who shall be employed by MCB Company Limited based on the MCB Company Limited Scheme of Service.

4.11 Tenure of MCB Company Ltd Management Committee Members

- (a) The tenure of MCB Company Limited Management Committee members shall come to an end at the date of their expiration or by the termination from the appointing authority which appointed him/her;
- (b) Resigns by writing the resignation letter to the appointing authority;
- (c) Leaves for further studies for a period of six months or more;
- (d) Being absent for three consecutive meetings (to which a member was supposed to attend) without reasonable excuse;
- (e) Being imprisoned; and
- (f) Becomes unsound mind.

CHAPTER FIVE

MONITORING AND EVALUATION

5.1 Introduction

This chapter stipulates more about periodical evaluation of the policy, evaluation reports and policy review and amendments. Monitoring and Evaluation (M&E) mechanisms shall be part and parcel of the Company implementation strategy. The Company through Managing Director shall be responsible for monitoring and implementation of the policy activities. The Company Board of Directors shall develop indicators to be used for M&E of the policy.

5.2 Periodical Evaluation of the Policy

During Monitoring and Evaluation, the efficacy, efficiency, effectiveness, impact, sustainability and relevancy among other things of the Company Policy will be checked by appointed team involved in monitoring and evaluation.

5.3 Evaluation Report

The VC through DVC PFA will be overall overseer of the Company activities. The VC through DVC PFA shall appoint a team to be involved in monitoring and evaluation of the activities. The team will provide a report of monitoring and evaluation as shall be required to do so by DVC PFA. The produced reports will be shared to all stakeholders at all level to get their opinion or views on the progress of Company activities.

5.4 Policy Review and Amendments

The MCB Company Ltd Policy will be reviewed and up-dated after every three (3) years or at any other time as deemed necessary. Nevertheless, the amendments shall follow the required procedures after identifying the needs for amendments. On the other hand, reviewing grounds must be objective, rational and justifiable particularly in the face of the society interests.

CHAPTER SIX

FINANCIAL MATTERS

6.1 Introduction

This Chapter prescribes the MCB Company Ltd financial matters that involve the MUST fees, payment of dividends and remuneration to MCB Co. Ltd experts, who will have participated in the facilitation of projects executions.

6.2 Payment of Administrative Fee and Dividend from Construction Services Department

6.2.1 Payment of Administrative Fee

The Company shall pay administrative fee to MUST that shall be 8% of each contract sum, which shall be subtracted from every payable certificate to the Company by clients.

6.2.2 Payment of Dividend

The Company shall disburse dividend to MUST (shareholders) in accordance to Tanzania Company's Act 2002, Chapter VI, Section 180 which states that:

1. Subject to this section, a company may, in general meeting, declare dividends in respect of any accounting period or other period.
2. Where the recommendation of the directors of a company with respect to the declaration of a dividend is rejected or varied by the company in general meeting, a statement to that effect shall be included in the relevant directors' annual report and in the relevant annual return.
3. A company may pay a dividend:
 - (a) out of its realised profits less its realised losses, or
 - (b) out of its realised revenue profits less its revenue losses, whether realised or unrealised, provided the directors reasonably believe that immediately after the dividend has been paid the company will be able to discharge its liabilities

as they fall due, and the realisable value of the company's assets will not be less than the amount of its liabilities.

4. Notwithstanding anything in this section, an open ended investment company may pay such dividends as may be permitted in regulations made by the Minister for the time being responsible for finance, or by the Capital Markets and Securities Authority or such other authority designated for the purpose.

6.3 Payment of Consultancy Fee from Commercial Consultancy Department

The Company shall pay a Consultancy fee to MUST that shall be 24% of each contract sum and 6% shall remain to MCB Company Ltd. This amount shall be subtracted from every payable certificate to the Company by clients. The remaining 70% shall be for projects implementations, ie

- (a) 24% payable to MUST.
- (b) 6% to remain in MCB Co. Ltd.
- (c) 70% for project implementation.

6.4 Payment of Remuneration to MCB Company Limited Experts

The project is carried out successfully due to the involvement of various experts. Their contribution ought to be remunerated accordingly. The remuneration shall be determined in accordance to MCB Company Limited Financial Regulation and/or as shall be decided by the Board of Directors.

All other financial matters shall be dealt as per MCB Company Ltd Policy.

6.5 Project Cost

During preparation of the project budget, consideration should be given to the inclusion of all important cost items. Depending on the nature of the project the cost items shall include but not limited to the following:

- (a) Tendering costs.

- (b) Insurance.
- (c) Bank guarantee/Performance Bond.
- (d) Transport demands.
- (e) Organizational costs.
- (f) Costs for consumables/materials.
- (g) Secretarial services.
- (h) Professional fees.
- (i) Project implementation.
- (j) Tax including VAT.
- (k) Contingencies.

All the above named items will constitute the consultancy/construction fees of which the rates of individual cost items shall be reviewed from time to time according to existing situations.

6.6 Recruitment of Personnel on Contract Basis

In an event that there is an absence or shortage of personnel with certain skills required, MCB shall request the Vice Chancellor's approval to hire the required personnel on a part time basis. The recruitment process shall be in effect subject to availability of funds and has been included in the MCB Budget. Employment procedures and remunerations shall adhere to the Scheme of Service of the Company.

CHAPTER SEVEN
CODE OF ETHICS AND CONDUCT

Project implementers must adhere to Code of Ethics and Conduct arising from regulatory bodies and MUST relevant policies and regulations when dealing with specific projects.

Project executors who enter into contractual agreement are obliged to accomplish the assignment as specified in the Contract document. Defaulters will be obliged to pay the damage caused thereof and may also face other disciplinary proceedings in accordance with MUST Staff Regulations and the law of the land.

CHAPTER EIGHT

APPOINTMENT OF CHEQUE SIGNATORIES

All cheques drawn on behalf of MCB must be signed in compliance with MCB's approved bank mandate. The signatories shall be composed of the following groups:

Group A:

- (a) Vice Chancellor
- (b) DVC- Academic, Research and Consultancy
- (c) DVC- Planning, Finance and Administration
- (d) One of the Principals/Dean, as shall be recommended by the MCB Board.

Group B:

- (a) MUST Director of Finance
- (b) MCB Company Ltd Managing Director
- (c) One of the Heads of Department of the Company
- (d) One of the MUST Accountants

No person is allowed to authorize his/her own payment.

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