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REGISTRAR
HIGH COURT TAMALE

IN THE SUPERIOR COURT OF JUSTICE
IN THE HIGH COURT OF JUSTICE
(CRIMINAL DIVISION)
NORTHERN REGION
TAMALE – A.D. 2023

Court Case No.

THE REPUBLIC

V.

- 1 SUMAILA ABDUL-RAHMAN
- 2 STEPHEN YIR-ERU ENGMEN
- 3 PATRICK SEIDU
- 4 ANDREW KUUNDAARI

=====

CHARGE SHEET

=====

COUNT ONE

STATEMENT OF OFFENCE

CONSPIRACY TO COMMIT THE CRIMINAL OFFENCE OF DIRECTLY OR INDIRECTLY INFLUENCING THE PROCUREMENT PROCESS TO OBTAIN AN UNFAIR ADVANTAGE IN THE AWARD OF A PROCUREMENT CONTRACT, contrary to section 23(1) of the Criminal Offences Act, 1960 (Act 29) and section 92(2)(b) of the Public Procurement Act, 2003 (Act 663).

PARTICULARS OF OFFENCE

SUMAILA ABDUL-RAHMAN, 56 years, in your position as the Chief Executive of Northern Development Authority; STEPHEN YIR-ERU ENGMEN, 50 years, in your position as Deputy Chief Executive in charge of Operations of Northern Development Authority; PATRICK SEIDU, 50 years, in your position as Deputy Chief Executive in charge of Finance and Administration of Northern Development Authority; and ANDREW KUUNDAARI, 65 years, in your position as the Chief Executive of A&QS



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Consortium Limited, *circa* August 2019 to May 2022 in Tamale in the Northern Region of Ghana and within the jurisdiction of this Court, agreed to act together with a common purpose, of directly or indirectly influencing the procurement process to obtain an unfair advantage for A&QS Consortium Limited in the award to A&QS Consortium Limited of a consultancy services contract for the implementation of priority projects by Northern Development Authority under the implementation of the Infrastructure for Poverty Eradication Programme (IPEP), by varying, without lawful authority, the Public Procurement Authority approved total contract sum of Five Million Seven Hundred and Twenty Thousand cedis (GHC5,720,000.00) to Ten Million Four Hundred Thousand cedis (GHC10,400,000.00), and thereby unlawfully increasing, to the unfair advantage of A&QS Consortium Limited in the award of the consultancy services contract, the approved total contract sum by an excess of Four Million Six Hundred and Eighty Thousand cedis (GHC4,680,000.00).

COUNT TWO

STATEMENT OF OFFENCE

DIRECTLY OR INDIRECTLY INFLUENCING THE PROCUREMENT PROCESS TO OBTAIN AN UNFAIR ADVANTAGE IN THE AWARD OF A PROCUREMENT CONTRACT, contrary to section 92(2)(b) of the Public Procurement Act, 2003 (Act 663).

PARTICULARS OF OFFENCE

SUMAILA ABDUL-RAHMAN, 56 years, in your position as the Chief Executive of Northern Development Authority, *circa* February 2022 to May 2022 in Tamale in the Northern Region of Ghana and within the jurisdiction of this Court, directly or indirectly influenced the procurement process to obtain an unfair advantage for A&QS Consortium Limited in the award to A&QS Consortium Limited of a procurement contract by Northern Development Authority under the implementation of the Infrastructure for Poverty Eradication Programme (IPEP), by pushing through, approving, and submitting for payment, without lawful authority, two (2) invoices submitted by A&QS Consortium Limited totaling Eight Million Three Hundred and Twenty-Eight Thousand cedis Eight Hundred and Forty cedis (GHC8,328,840.00), an amount which exceeds the total contract sum of Five Million Seven Hundred and Twenty Thousand cedis (GHC5,720,000.00) approved by Public Procurement Authority by an amount of Two Million Six Hundred and Eight Thousand Eight Hundred and Forty cedis (GHC2,608,840.00).



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COUNT THREE
STATEMENT OF OFFENCE

CORRUPTION BY A PUBLIC OFFICER, contrary to section 239(1)&(3) of the Criminal Offences Act, 1960 (Act 29) as amended by section 1 of the Criminal Offences (Amendment) Act, 2020 (Act 1034).

PARTICULARS OF OFFENCES
STATEMENT OF OFFENCE

SUMAILA ABDUL-RAHMAN, 56 years, in your position as the Chief Executive of Northern Development Authority, *circa* August 2021, in Tamale in the Northern Region of Ghana and within the jurisdiction of this Court, committed corruption in respect of the duties of your office as a public officer in the award to A&QS Consortium Limited of a procurement contract by Northern Development Authority under the implementation of the Infrastructure for Poverty Eradication Programme (IPEP), by directly or indirectly permitting your conduct as a public officer to be influenced in the discharge of your duty by the prospect of valuable consideration of an amount of Two Million Six Hundred and Eight Thousand Eight Hundred and Forty cedis (GHC2,608,840.00) to be received by A&QS Consortium Limited, by pushing through, approving, and submitting for payment, without lawful authority, two (2) invoices submitted by A&QS Consortium Limited totaling Eight Million Three Hundred and Twenty-Eight Thousand ~~cedis~~ Eight Hundred and Forty cedis (GHC8,328,840.00), an amount which exceeds the total contract sum of Five Million Seven Hundred and Twenty Thousand cedis (GHC5,720,000.00) approved by Public Procurement Authority by an amount of Two Million Six Hundred and Eight Thousand Eight Hundred and Forty cedis (GHC2,608,840.00).

COUNT FOUR

STATEMENT OF OFFENCE

DIRECTLY OR INDIRECTLY INFLUENCING THE PROCUREMENT PROCESS TO OBTAIN AN UNFAIR ADVANTAGE IN THE AWARD OF A PROCUREMENT CONTRACT, contrary to section 92(2)(b) of the Public Procurement Act, 2003 (Act 663).

PARTICULARS OF OFFENCE

STEPHEN YIR-ERU ENGMEN, 50 years, in your position as Deputy Chief Executive in charge of Operations of Northern Development Authority, *circa* August



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2019 in Tamale in the Northern Region of Ghana and within the jurisdiction of this Court, directly or indirectly influenced the procurement process to obtain an unfair advantage for A&QS Consortium Limited in the procurement of consultants by Northern Development Authority under the implementation of the Infrastructure for Poverty Eradication Programme (IPEP), by purporting to accept, without lawful authority, on behalf of Northern Development Authority, an offer from A&QS Consortium Limited for consultancy services for the design and supervision of construction infrastructure works and engineering services, when you knew or ought reasonably to have known that the Public Procurement Authority had not granted approval, at the time, to Northern Development Authority for the procurement of A&QS Consortium Limited.

COUNT FIVE

STATEMENT OF OFFENCE

DIRECTLY OR INDIRECTLY INFLUENCING THE PROCUREMENT PROCESS TO OBTAIN AN UNFAIR ADVANTAGE IN THE AWARD OF A PROCUREMENT CONTRACT, contrary to section 92(2)(b) of the Public Procurement Act, 2003 (Act 663).

PARTICULARS OF OFFENCE

STEPHEN YIR-ERU ENGMEN, 50 years, in your position as Deputy Chief Executive in charge of Operations of Northern Development Authority, circa August 2019 in Tamale in the Northern Region of Ghana and within the jurisdiction of this Court, directly or indirectly influenced the procurement process to obtain an unfair advantage for A&QS Consortium Limited in the procurement of consultants by Northern Development Authority under the implementation of the Infrastructure for Poverty Eradication Programme (IPEP), by purporting to issue, without lawful authority, a consultancy service contract to A&QS Consortium Limited on behalf of Northern Development Authority when you knew or ought reasonably to have known that the Public Procurement Authority had not granted approval, at the time, to Northern Development Authority for the procurement of A&QS Consortium Limited.



COUNT SIX

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STATEMENT OF OFFENCE

DIRECTLY OR INDIRECTLY INFLUENCING THE PROCUREMENT PROCESS TO OBTAIN AN UNFAIR ADVANTAGE IN THE AWARD OF A PROCUREMENT CONTRACT, contrary to section 92(2)(b) of the Public Procurement Act, 2003 (Act 663).

PARTICULARS OF OFFENCE

STEPHEN YIR-ERU ENGMEN, 50 years, in your position as Deputy Chief Executive in charge of Operations of Northern Development Authority, circa May – June 2020 in Tamale in the Northern Region of Ghana and within the jurisdiction of this Court, directly or indirectly influenced the procurement process to obtain an unfair advantage for A&QS Consortium Limited in the procurement of consultants by Northern Development Authority for the implementation of the Infrastructure for Poverty Eradication Programme (IPEP), by supplying to the Chief Executive of Northern Development Authority a fictitious document which you misrepresented and passed off as the contract executed between Northern Development Authority and A&QS Consortium Limited and which states the total contract sum as Ten Million Four Hundred Thousand cedis (GHC10,400,000.00), an amount which exceeds the total contract sum of Five Million Seven Hundred and Twenty Thousand cedis (GHC5,720,000.00) approved by Public Procurement Authority by an amount of Four Million Six Hundred and Eighty Thousand cedis (GHC4,680,000.00), and thereby securing approval for payment, two (2) invoices submitted by A&QS Consortium Limited totaling Eight Million Three Hundred and Twenty-Eight Thousand ~~cedis~~ Eight Hundred and Forty cedis (GHC8,328,840.00), an amount which exceeds the total contract sum of Five Million Seven Hundred and Twenty Thousand cedis (GHC5,720,000.00) approved by Public Procurement Authority by an amount of Two Million Six Hundred and Eight Thousand Eight Hundred and Forty cedis (GHC2,608,840.00).

COUNT SEVEN

CORRUPTION BY A PUBLIC OFFICER, contrary to section 239(1)&(3) of the Criminal Offences Act, 1960 (Act 29) as amended by section 1 of the Criminal Offences (Amendment) Act, 2020 (Act 1034).



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PARTICULARS OF OFFENCE

STEPHEN YIR-ERU ENGMEN, 50 years, in your position as Deputy Chief Executive in charge of Operations of Northern Development Authority, *circa* May – June 2020 in Tamale in the Northern Region of Ghana and within the jurisdiction of this Court, committed corruption in respect of the duties of your office as a public officer in the award to A&QS Consortium Limited of a procurement contract by Northern Development Authority under the implementation of the Infrastructure for Poverty Eradication Programme (IPEP), by directly or indirectly permitting your conduct as a public officer to be influenced in the discharge of your duty, by the prospect of valuable consideration of an amount of Two Million Six Hundred and Eight Thousand Eight Hundred and Forty cedis (GHC2,608,840.00) to be received by A&QS Consortium Limited, by supplying to the Chief Executive of Northern Development Authority a fictitious document which you misrepresented and passed off as the contract executed between Northern Development Authority and A&QS Consortium Limited and which states the total contract sum as Ten Million Four Hundred Thousand cedis (GHC10,400,000.00), an amount which exceeds the total contract sum of Five Million Seven Hundred and Twenty Thousand cedis (GHC5,720,000.00) approved by Public Procurement Authority by an amount of Four Million Six Hundred and Eighty Thousand cedis (GHC4,680,000.00), and thereby securing approval for payment, two (2) invoices submitted by A&QS Consortium Limited totaling Eight Million Three Hundred and Twenty-Eight Thousand ~~cedis~~ Eight Hundred and Forty cedis (GHC8,328,840.00), an amount which exceeds the total contract sum of Five Million Seven Hundred and Twenty Thousand cedis (GHC5,720,000.00) approved by Public Procurement Authority by an amount of Two Million Six Hundred and Eight Thousand Eight Hundred and Forty cedis (GHC2,608,840.00).

COUNT EIGHT

STATEMENT OF OFFENCE

DIRECTLY OR INDIRECTLY INFLUENCING THE PROCUREMENT PROCESS TO OBTAIN AN UNFAIR ADVANTAGE IN THE AWARD OF A PROCUREMENT CONTRACT, contrary to section 92(2)(b) of the Public Procurement Act, 2003 (Act 663).

PARTICULARS OF OFFENCE

PATRICK SEIDU, 50 years, in your position as Deputy Chief Executive in charge of Finance and Administration of Northern Development Authority *circa* February – May



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2022 in Tamale in the Northern Region of Ghana and within the jurisdiction of this Court, directly or indirectly influenced the procurement process to obtain an unfair advantage for A&QS Consortium Limited, in the procurement of consultants by Northern Development Authority for the implementation of the Infrastructure for Poverty Eradication Programme (IPEP), by instructing, directing and/or authorising the Budget Officer of Northern Development Authority, without lawful authority, to initiate the process for payment and thereby securing approval for the payment of two (2) invoices submitted by A&QS Consortium Limited totaling Eight Million Three Hundred and Twenty-Eight Thousand ~~cedis~~ Eight Hundred and Forty cedis (GHC8,328,840.00), an amount which exceeds the total contract sum of Five Million Seven Hundred and Twenty Thousand cedis (GHC5,720,000.00) approved by Public Procurement Authority by an amount of Two Million Six Hundred and Eight Thousand Eight Hundred and Forty cedis (GHC2,608,840.00).

COUNT NINE

CORRUPTION BY A PUBLIC OFFICER, contrary to section 239(1)&(3) of the Criminal Offences Act, 1960 (Act 29) as amended by section 1 of the Criminal Offences (Amendment) Act, 2020 (Act 1034).

PARTICULARS OF OFFENCE

PATRICK SEIDU, 50 years, in your position as Deputy Chief Executive in charge of Finance and Administration of Northern Development Authority *circa* February – May 2022 in Tamale in the Northern Region of Ghana and within the jurisdiction of this Court, committed corruption in respect of the duties of your office as a public officer in the award to A&QS Consortium Limited of a procurement contract by Northern Development Authority under the implementation of the Infrastructure for Poverty Eradication Programme (IPEP), by directly or indirectly permitting your conduct as a public officer to be influenced in the discharge of your duty, by the prospect of valuable consideration of an amount of Two Million Six Hundred and Eight Thousand Eight Hundred and Forty cedis (GHC2,608,840.00) to be received by A&QS Consortium Limited, by instructing, directing and/or authorising the Budget Officer of Northern Development Authority, without lawful authority, to initiate the process for payment and thereby securing approval for the payment of two (2) invoices submitted by A&QS Consortium Limited totaling Eight Million Three Hundred and Twenty-Eight Thousand ~~cedis~~ Eight Hundred and Forty cedis (GHC8,328,840.00), an amount which exceeds the total contract sum of Five Million Seven Hundred and Twenty Thousand cedis (GHC5,720,000.00) approved by Public Procurement Authority by an amount of



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Two Million Six Hundred and Eight Thousand Eight Hundred and ~~Forty~~ cedis (GHC2,608,840.00).

COUNT TEN

STATEMENT OF OFFENCE

DIRECTLY OR INDIRECTLY INFLUENCING THE PROCUREMENT PROCESS TO OBTAIN AN UNFAIR ADVANTAGE IN THE AWARD OF A PROCUREMENT CONTRACT, contrary to section 92(2)(b) of the Public Procurement Act, 2003 (Act 663).

PARTICULARS OF OFFENCE

ANDREW KUUNDAARI, 65 years, in your position as the Chief Executive of A&QS Consortium Limited, *circa* June 2020 and May 2021 in Tamale in the Northern Region of Ghana and within the jurisdiction of this Court, directly or indirectly influenced the procurement process to obtain an unfair advantage for A&QS Consortium Limited in the procurement of consultants by Northern Development Authority for the implementation of the Infrastructure for Poverty Eradication Programme (IPEP), by supplying and attaching to two (2) invoices you submitted to Northern Development Authority on behalf of A&QS Consortium, a fictitious document which you passed off and misrepresented as the contract executed between Northern Development Authority and A&QS Consortium Limited and which states the total contract sum as Ten Million Four Hundred Thousand cedis (GHC10,400,000.00), an amount which exceeds the total contract sum of Five Million Seven Hundred and Twenty Thousand cedis (GHC5,720,000.00) approved by Public Procurement Authority by an amount of Four Million Six Hundred and Eighty Thousand cedis (GHC4,680,000.00), and thereby securing approval for payment on the two (2) invoices of an amount of Eight Million Three Hundred and Twenty-Eight Thousand ~~cedis~~ Eight Hundred and Forty cedis (GHC8,328,840.00), which exceeds the total contract sum of Five Million Seven Hundred and Twenty Thousand cedis (GHC5,720,000.00) approved by Public Procurement Authority by an amount of Two Million Six Hundred and Eight Thousand Eight Hundred and Forty cedis (GHC2,608,840.00).



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COUNT ELEVEN

CORRUPTION OF A PUBLIC OFFICER, contrary to section 239(2)&(3) of the Criminal Offences Act, 1960 (Act 29) as amended by section 1 of the Criminal Offences (Amendment) Act, 2020 (Act 1034).

PARTICULARS OF OFFENCE

ANDREW KUUNDAARI, 65 years, in your position as the Chief Executive of A&QS Consortium Limited, circa June 2020 and May 2021 in Tamale in the Northern Region of Ghana and within the jurisdiction of this Court, committed corruption of a public officer, by endeavouring, directly or indirectly, to influence the conduct of SUMAILA ABDUL-RAHMAN, a public officer, in respect of his duties as the Chief Executive of Northern Development in the award to A&QS Consortium Limited of a procurement contract by Northern Development Authority under the implementation of the Infrastructure for Poverty Eradication Programme (IPEP), by the prospect of valuable consideration of an amount of Two Million Six Hundred and Eight Thousand Eight Hundred and Forty cedis (GHC2,608,840.00) to be received by A&QS Consortium Limited, by supplying and attaching to two (2) invoices you submitted to Northern Development Authority on behalf of A&QS Consortium, a fictitious document which you passed off and misrepresented as the contract executed between Northern Development Authority and A&QS Consortium Limited and which states the total contract sum as Ten Million Four Hundred Thousand cedis (GHC10,400,000.00), an amount which exceeds the total contract sum of Five Million Seven Hundred and Twenty Thousand cedis (GHC5,720,000.00) approved by Public Procurement Authority by an amount of Four Million Six Hundred and Eighty Thousand cedis (GHC4,680,000.00), and thereby securing approval for payment on the two (2) invoices of an amount of Eight Million Three Hundred and Twenty-Eight Thousand ~~cedis~~ Eight Hundred and Forty cedis (GHC8,328,840.00), which exceeds the total contract sum of Five Million Seven Hundred and Twenty Thousand cedis (GHC5,720,000.00) approved by Public Procurement Authority by an amount of Two Million Six Hundred and Eight Thousand Eight Hundred and Forty cedis (GHC2,608,840.00).

Dated at the Office of the Special Prosecutor, 6 Haile Selassie Avenue, South Ridge, Accra this Thirtieth day of March 2023.

Kissi Agyebeng
Kissi Agyebeng
Special Prosecutor



The Registrar
High Court
(Criminal Division)
Tamale

And for service on the Accused Persons.

