

Extraordinary



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A BILL

FOR

AN ACT TO AMEND THE NATIONAL COUNCIL ON PUBLIC PROCUREMENT
AND THE BUREAU OF PUBLIC PROCUREMENT (ESTABLISHMENT, ETC) ACT
14 NO. OF 2007, AND FOR RELATED MATTERS

Sponsored by Senator Shuaibu I. Lau

[] Commencement

ENACTED by the National Assembly of the Federal Republic of
Nigeria as follows:

- 1 The National Council on Public Procurement and the Bureau of Amendment of
2 Public Procurement 2007 (referred to as "the principal Act" is amended as the Principal Act
3 set out in this Bill
- 4 **1.** Section 1 (2) of the principal Act is hereby amended by Amendment of
5 inserting therefore the following new sub sections (a),(b),(4)and (5): Section 1 (2)
- 6 (a) A Chairman to be a former President, or Retired Chief Justice of
7 the Federation and shall be appointed by the President who shall be
8 confirmed by the Senate and the following members;
- 9 (b) The Minister of Finance, Budget and National Planning.
- 10 (4) A member of the Council shall hold office for a term of four
11 years and is eligible for re-appointment for another term only.
- 12 (5) (i) Without prejudice to the already stated manners of removing
13 members of the National Council other than the person holding the office of
14 the Director General a member of the Council shall cease to hold office if he-
- 15 (a) ceases to be a member of the Council; or
- 16 (b) Acts in a manner prejudicial to the interest of the Council or
17 engages in any activity that is capable of maligning the reputation and
18 credibility of the Council.
- 19 (ii) A member of the Council may also be removed in accordance
20 with the provisions of the Regulations of the Council.

Amendment
of Section 2

1 **2.** Section 2 of the principal Act is hereby amended by inserting new
2 sub sections (b),(2) (a-d):

3 (b) harmonize the procurement policies, systems and practices for all
4 the procuring entities of the three arms of the Federal Government and set
5 standards;

6 (2) The Council shall for the discharge of its functions appoint the
7 following Committees:

8 (a) Certificates of No Objection Issuance Committee shall be
9 responsible for the issuance of Certificates of No Objection to contract awards
10 for all procurement above certain thresholds set by the Council;

11 (b) Public Procurement Complaints and Appeals Committee shall
12 entertain complaints, appeals and conduct administrative reviews against
13 procuring entities, Tenders Boards, the Bureau, bidders, contractors or any
14 other interested groups and facilitate the resolution of public procurement and
15 disposal related issues among disputing parties;

16 (c) Public Procurement Policy Advisory Committee shall be
17 responsible for proposing new policies on public procurement and the regular
18 review of the activities and performance of the Council, the Bureau, the
19 Tenders Boards and the procuring entities; and

20 (d) Any other Committee that may be necessary for the Council to
21 carry out its functions.

22 (3) The Committees of the Council shall comprise of Members of the
23 Council or non-members or both and the Council may assign to them other
24 functions as the Council may determine.

25 (4) The Director General of the Bureau or his representative shall be
26 the secretary of each Committee of the Council.

Amendment of
Section 4

27 **3.** Section 4 of the principal Act is hereby amended by inserting the
28 words in (a) before the words "harmonization" with the words "propose to the
29 Council" thereof.

1 4. Section 5 of the principal Act is hereby amended in (e),(h-
2 i)and(s)and inserting new subsections (f),(q),(u),(v),(w),(x) and (y):

Amendment of
Section 5

3 (e) and(f) immediately after the word "prices "insert the words
4 "including specifications and descriptions for all items to be purchased that
5 shall be used by all procuring entities;" thereof.

6 (h)(i) immediately after the words "contractors," the words "
7 suppliers, consultants" thereof

8 (s) immediately after the words "Shall" with the words "serve as a
9 primary and definitive source" thereof

10 Insertion of new subsections(f),(q),(u),(v),(w),(x) and (y):

11 (f) Ensure that no procuring entity exceeds the price limit for any
12 item in (e) above;

13 (q) perform procurement audits and reviews by procurement
14 professionals and after approval of the Council, submit such report, to the
15 National assembly respectively;

16 (u) maintain a register of all procuring entities in the public service
17 and members and secretaries of Tenders Boards;

18 (v) develop, promote and support the training and professional
19 development of the public personnel involved in procurement;

20 (w) assist and support the local business community to become
21 competitive and efficient supplier to the public sector;

22 (x) facilitate the resolution of public procurement and disposal
23 complaints; and

24 (y) Convene consultation meetings at least once a year with
25 relevant local and international stakeholders in the public and private
26 sectors who have interest in the proper and effective functioning of the
27 public procurement system. The meetings shall be chaired by the chairman
28 of the Council or his representative;

29 (z)provide mediation/arbitrations before legal action and resolve
30 disputes between procuring entity ,Contractor and Service provider.

Amendment of
Section 6

1 5. Section 6 of the principal Act is hereby amended in (a),(b),(d-
2 i)and (h-i):

3 (a) immediately after the words "by the" insert the words "Council for
4 the application of the provisions of this Act." thereof;

5 (b) immediately after the word "thresholds" insert the words
6 "approved by the Council for" and immediately after the word "Act." insert the
7 word "The certificate of "No Objection" shall be issued before the Parastatals
8 and Ministerial Tenders Boards approval of the contracts, by a Committee of
9 Directors of the Bureau to be chaired by the Director General of the Bureau;"
10 and immediate after the word Act;

11 Insert the word "and" thereof.

12 (h-i) immediately after the word "persistent of" insert the word
13 "serious" thereof.

Amendment of
Section 7

14 6. Section 7 of the principal Act is hereby amended in (c) and
15 inserting new subsection (5);

16 (c) immediately after the words "who" with the words "is competent
17 and experienced in public procurement and possesses the relevant and
18 adequate professional qualifications."

19 (5) In the absence of the Director General the Council may designate a
20 staff member of the Bureau as acting Director General.

Amendment of
Section 12

21 7. Section 12 of the principal Act is hereby amended by inserting new
22 subsections (d) and (e);

23 (d) Local and international grants, loans and donations received by
24 the Bureau for its activities, such loans shall be subject to the approval of the
25 Council;

26 (e) the payments of salaries, fees and other remuneration, of
27 employees of the Bureau or experts or professionals appointed by the Bureau
28 under this Act.

Amendment of
Section 13

29 8. Section 13 of the principal Act is hereby amended in subsection
30 (4) insert immediate after the words "Bureau" with the words" subject to the

1 approval of the Council, shall"

2 9. Section 14 of the principal Act is hereby amended in subsection

Amendment of
Section 14

3 (2) insert immediately after the words "or" with the word "Liable"
4 immediately after the words "Bureau," with the words "it's Director
5 General, officers, employees or agents" thereof.

6 10. Section 15 of the principal Act is hereby amended in
7 subsection(1) and inserting new subsections (i)-(ix) and(d) and (e)and
8 (20,(a)and (c) and (3);

Amendment of
Section 15

9 (1) immediately after the words "scope of application." with the
10 words "(1) This Act shall be applicable to all public procuring and disposal
11 entities under the three arms of the Federal Government. "Thereof.

12 Insertion of new subsections:

13 (c) Without limiting subsections (a) and (b) above, the Act applies
14 to:

15 (i) Federal Government Ministries, Departments and Agencies;

16 (ii) Federal Government Institutions;

17 (iii) Federal Government owned enterprises, corporations,
18 councils, authorities and commissions provided that they utilize public
19 funds;

20 (iv) Tertiary and non-Tertiary Educational Institutions;

21 (v) Hospitals and other Health Institutions;

22 (vi) The Central Bank of Nigeria and other Federal Government
23 owned Financial Institutions;

24 (vii) The National Defence and National Security Agencies;

25 (viii) The National Assembly; and

26 (ix) The Judiciary.

27 (d) Procurement with internally generated revenues, grants, loans
28 taken or guaranteed by the Federal Government and foreign aid funds except
29 where the applicable loan agreement, guarantee contract or foreign
30 agreement specifically provides the procedure for the use of the funds.

1 (e) Disposal of public properties including stores, plants and
2 equipment.

3 (2) The national Defence and national security agencies shall comply
4 with the provisions of this Act subject to the following:

5 (a) The Ministers of Defence, Police Affairs and Interior shall seek
6 and obtain President's approval categorizing the goods, works and services to
7 be procured into either open or special/restricted items;

8 (b) The national Defence and national security agencies and the
9 Council shall agree on the special and restricted procurement methods,
10 including request for proposals and request for quotations, set out in this Act
11 that shall be applied for the procurement of the restricted items accordingly;
12 and

13 © The national Defence and national security agencies shall include the Armed
14 Forces, the Nigeria Police Force and any other agency as may be approved by
15 the President.

16 (3) In order to strengthen public accountability, transparency and
17 ensure judicious, economic and efficient use of State resources in public
18 procurement and disposal of public properties at the State and Local
19 Government levels, each State and Local Governments shall promulgate its
20 own State and Local Governments Public Procurement and Disposal
21 legislation independently and establish the State and Local Governments
22 Council on Public Procurement in line with that of the Federal Government and
23 shall ensure that the ideals of the United Nations' Convention against
24 Corruption, UNCAC, 2005 which provides the framework for shaping public
25 procurement legislations are entrenched. The United Nations' fundamental
26 principles for effective public procurement are namely transparency,
27 competition and integrity.

Amendment of
Section 16

28 **11.** Section 16 of the principal Act is hereby amended in subsections
29 (a),(b),(c)(2),(3),(4),(14), (21)and (b)and inserting new subsections
30 (h),(20)and(22):

1 (a) immediately after the words "by the" insert the word"
2 (Council;"

3 (b) immediately after the word "regulations" insert the words "Set
4 by the council" and immediate after the word "obtain" insert the words "An
5 appropriate" thereof.

6 (c) immediately after the word "bidding" insert the words "Or any
7 other procurement method approved by the council;" thereof.

8 (2) immediately after the word "the" insert the word "Council" and
9 after the word "and" insert the word "an approval by a Tenders board to an
10 award of contract". Thereof.

11 (3) immediately after the words "where the" insert the word
12 "Council" thereof.

13 (4) immediately after the words "by the" insert the word" Council",
14 insert the words "to an approval of the contract award of contract by a
15 Tenders board" after the word "and", insert the words "An approval of the
16 contract award by a Tenders board" before the word "and" thereof.

17 (14) immediately after the words "Bureau as" insert the words
18 "Directed by the council. "thereof.

19 (21) immediately after the words "entity" insert the words has the
20 primary responsibility to ensure that the provisions of this Act and the
21 regulations laid down by the Council are complied with, and concurrent
22 approval by any Tenders Board shall not absolve the accounting officer from
23 accountability for anything done in contravention of this Act or the
24 regulations laid down hereunder. Thereof.

25 Insertion of new subsections :(1-h),(20)and (22).

26 (1-h) In a corporate manner carried out by the departments and
27 units of the procuring entity in respect of procurement initiation, processing,
28 receipt and utilization of goods, works and services.

29 (20) The accounting officer of a procuring entity and any officer to
30 whom responsibility is delegated are responsible and accountable for any

1 actions taken or omitted to be taken either in compliance with or in
2 contravention of this Act.

3 (b) Where the inflation of contract and or irregular award of contract
4 involve the issuance of the Certificate of No Objection and the Tenders Board,
5 all the members that issue the certificate and all members that approve the
6 contract shall be severally and collectively sanctioned.

7 (22) Procurement and disposal decisions of a procuring entity shall be
8 taken in strict adherence to the provisions of this Act and any regulations as
9 may from time to time be laid down by the Council. Specifically, procurement
10 and disposal decisions by an entity shall be taken in a corporate manner and any
11 internal departments/units or committees or boards concerned, shall
12 accordingly contribute to the decision making process as provided in the Act.

Amendment of
Section 17

13 12. Section 17 of the principal Act is hereby amended by inserting
14 new subsections (iii),(iv-b),(i),(ii),(iii),(2)and(3).

15 (iii) the National Assembly, the National Assembly Tenders Board;
16 and

17 (iv) the Federal High Court or Court of Appeal or Supreme Court, the
18 Federal High Court or Court of Appeal or Supreme Court Tenders Board
19 respectively.

20 (b) in the case of any other public procurement the value of which
21 exceeds the Ministerial Tenders Board threshold or any other thresholds set by
22 the Council:

23 (i) the Federal Executive Council for the Executive Arm of
24 Government;

25 (ii) the National Assembly Tenders Board for the Legislative Arm of
26 Government; and

27 (iii) the Judiciary Tenders Board which is the Federal Judicial Council
28 for the Judicial Arm of Government.

29 (2) The President shall chair the Federal Executive Council, the
30 Chief Executive Officer of the procuring agency shall chair the Parastatal

1 Tenders Board, while the Permanent Secretary shall chair the Ministerial
2 Tenders Board. The Clerk of the National Assembly shall chair the National
3 Assembly Tenders Board. The Chief Registrars shall chair the Federal High
4 Court Tenders Boards, the Court of Appeal Tenders Board and the Supreme
5 Court Tenders Board respectively.

6 (3) The Secretary to the Government of the Federation shall be the
7 Secretary of the Federal Executive Council, while the Secretary,
8 Procurement Directorate, Estate and Works of the National Assembly shall
9 be the Secretary of the National Assembly Tenders Board and the Chief
10 Registrar of the Supreme Court shall be the Secretary of the Judiciary
11 Tenders Board; and the respective Heads of the procurement
12 unit/department of the procuring entity shall be the Secretary of the
13 Parastatal Tenders Board and Ministerial Tenders Board.

14 13. Section 18 of the principal Act is hereby amended in subsection Amendment of
15 (f): Section 18

16 (f) immediately after the word "procurement" insert the words
17 "provided in this Act" thereof.

18 14. Section 20 of the principal Act is hereby amended in Amendment of
19 subsection(1)and inserting new subsections (3),(4),(5),and(6); Section 20

20 (1) immediately after the word "responsibility" insert the words "in
21 the case of the National Assembly the Clerk; and in the case of the Judiciary
22 the Registrar." thereof.

23 (3)The accounting officer of each procuring entity is empowered to
24 purchase or approve contracts without open competitive tendering provided
25 the value of such procurement (low-value procurement) does not exceed
26 certain threshold set by the Council. For such low-value procurement, the
27 advert shall be for two weeks, the Council shall prescribe the procedure and
28 other conditions applicable for different procuring entities and for different
29 goods, works and services to be procured.

30 (4) Each employee of a procuring entity and each member of a

1 board or committee of a public entity shall ensure that this Act, within the areas
2 of assigned responsibility of the employee or member, is complied with.

3 (5) All bidders, contractors and suppliers for the procurement of any
4 goods, works and services for any public entity shall comply with all relevant
5 provisions of this Act.

6 (6) Any stakeholder, be it the accounting officer, an officer of the
7 procuring entity, a member of a committee or board of a public entity and any
8 bidder or contractor or supplier of public goods, works and services, who fails
9 to independently perform within the respective assigned responsibility as
10 prescribed in this Act and or who contravenes the provisions of this Act, shall
11 be guilty of an offence.

Amendment of
Section 21

12 **15.** Section 21 of the principal Act is hereby amended in subsection
13 (2), (b-ii) and inserting new subsection(3)and(4);

14 (ii) immediately after the words "procurement" insert the words "(the
15 user department/unit)"thereof.

16 Insertion of new subsections:

17 (3) The procurement unit or department of the procuring entity shall
18 undertake independent mandatory regular monitoring of all projects and
19 render returns to the relevant Tenders Board and directly to the Bureau on
20 quarterly basis.

21 (4) The user department/unit shall be responsible for initiating
22 procurement or disposal, proposing technical specifications for the goods,
23 works and services to be procured and work directly with consultants,
24 contractors/suppliers to ensure that the items are delivered as signed in the
25 contract agreement.

Amendment of
Section 21

26 **16.** Section 22 of the principal Act is hereby amended in
27 subsections(3)and(4,b)and inserting new subsections
28 (a),(i),(ii),(iii),(iv),(v),(vi),(vii),(viii),(b-h(I) and (4)

29 (3) immediately after the words "Act" insert the words "the
30 parastatal" and after the word "Entity," insert the words "the Ministerial

1 Tenders Board in each Ministry and Extra-Ministerial Department, the
2 Federal Tenders Board for the Executive arm of Government, the National
3 Assembly Tenders Board for the Legislative arm of Government and the
4 Judiciary Tenders Board for the Judicial arm of Government (in this Act
5 each referred". thereof.

6 (4) immediately after the words "qualification" insert the words
7 "and tenders evaluation," thereof. and with the word "each" after the word
8 "Chairman of" insert the word "evaluation" after the word "Technical"
9 insert the words "some members of the Board" after the word "up of" insert
10 the words "some selected other professional" after the word "entity" thereof.

11 (i) Ministries, Departments and Agencies;

12 (ii) Government owned enterprises, corporations, councils,
13 authorities and commissions;

14 (iii) Tertiary and non-Tertiary Educational Institutions;

15 (iv) Hospitals and other Health Institutions;

16 (v) The Central Bank of Nigeria and other Financial Institutions;

17 (vi) The National Defence and National Security Agencies;

18 (vii) The National Assembly; and

19 (viii) The Judiciary.

20 (b) Set the thresholds for the various accounting officers of all
21 procuring entities below which they are empowered to make purchase or
22 approve contracts (low-value procurement) without open competitive
23 tendering;

24 (c) Set the thresholds below which the Bureau of Public
25 Procurement and above which the Council shall issue the Certificates of No
26 Objection to contracts awards;

27 (d) Set the Parastatals Tenders Boards thresholds as the approving
28 authority limit for the Parastatal Tenders Boards;

29 (e) Set the Ministerial Tenders Board thresholds as the approving
30 authority limit for the Ministerial Tenders Boards;

- 1 (f) Set special thresholds as the approving authority limits for some
2 selected procuring entities and Tenders Boards identified in (a) above;
- 3 (g) Set the thresholds as the approving authority limits for the
4 Federal, National Assembly and Judiciary Tenders Boards respectively;
- 5 (h) Set thresholds for all procuring entities, above which no bank
6 shall make any disbursement from the account of any procuring entity unless
7 the request for such payment is accompanied with the issued Certificate of No
8 Objection and an approval to contract award; and
- 9 (i) Set thresholds for and procurement methods and procedures to be
10 used by all procuring entities.
- 11 (c) For the Federal Executive Council/his representatives, the
12 Minister in charge of the procuring entity shall chair the Technical Evaluation
13 Sub-committee as representative of the Secretary of the Federation.
- 14 (d) For the Judiciary Tenders Board the Registrar/his Representative
15 shall chair the Technical Evaluation Sub-committee as representative of the
16 Secretary of the Judiciary Tenders Board;
- 17 (e) For the Legislature the Clerk to the National assembly Shall chair
18 the Technical Evaluation sub-committee, while the Director of Procurement
19 shall be the Secretary of the Committee;
- 20 (f) All members of the Technical Evaluation Sub-committee shall
21 sign the Code of Ethics designed by the Council declaring that they do not have
22 a conflict of interest in any of the procurement under consideration.
- 23 (g) After completing the evaluation exercise, the Technical
24 Evaluation Sub-committee shall obtain the "Certificate of No Objection" either
25 from the committee of the council or the Bureau of Public Procurement to
26 award contract.
- 27 (h) Each Tenders Board shall review the evaluation and
28 recommendation made by the Technical Evaluation Sub-committee of its
29 Tenders Board and may either:

1 (i) Approve the recommendation to award the contract or part
2 thereof; or

3 (ii) Refuse to accept the recommendation or part thereof and refer
4 the evaluation back to the Technical Evaluation Sub-committee with an
5 instruction to re-evaluate the tenders or recommendation for re-tendering or
6 other action.

7 (5) The decision of the Parastatal Tenders Board shall be confirmed
8 by the Minister of the procuring entity as the confirmation authority, while
9 the decision of the Ministerial Tenders Board shall be confirmed by the
10 Minister as the confirmation authority.

11 (6) In the absence of the of the Minister, the Procurement Planning
12 Committee of the procuring entity shall confirm the approvals of the
13 Parastatal Tenders Board and the Ministerial Tenders Board respectively.

14 17. Section 24 of the principal Act is hereby amended in Amendment of
15 subsection (1) and (2): Section 24

16 (1) immediately after the word "works" insert the word "Open"
17 after the word "bidding" insert the words "Any procuring entity that shall
18 apply any other procurement option prescribed in this Act, the Procurement
19 Planning Committee of the entity shall submit a request and obtain the
20 approval of the Council." thereof.

21 (2) immediately after the words "works and" insert the word
22 "services" thereof.

23 18. Section 25 of the principal Act is hereby amended by inserting Amendment of
24 subsection (1) and amending subsections (2) and (3-i, ii) Section 25

25 (3-I) immediately after the words "less than" insert the words "two weeks
26 for contracts within the thresholds of the Parastatals and Ministerial Tenders
27 Boards and not less than four weeks for contracts above the threshold of the
28 Ministerial Tenders Board before the deadline for submission of the bids for
29 the goods and works" thereof.

Amendment of Section 26	1	19. Section 26 of the principal Act is hereby amended in subsections
	2	(1) and (2):
	3	(1) immediately after the words "set by the" insert the word
	4	"Council" the word "sums" after the word "prescribed" thereof.
	5	(2) immediately after the words "Bureau" insert the words "With
	6	approval of the council," thereof.
Amendment of Section 27	7	20. Section 27 of the principal Act is hereby amended in
	8	subsection(1):
	9	(1) immediately after the words "others" insert the word "Format"
Amendment of Section 28	10	21. Section 28 of the principal Act is hereby amended in
	11	subsection(a):
	12	(a) immediately after the words prior to with the words "Or after the",
	13	the word "thereby" after the the word "incurring" thereof.
Amendment of Section 30	14	22. Section 30 of the principal Act is hereby amended in subsection (e
	15) and inserting new subsection (f):
	16	(e) immediately after the words "currency and" insert the word
	17	"Shall" the words "Opening committee" after the word "tenders" thereof.
	18	insertion of new subsection;
	19	(f) This exercise shall be carried out by the procurement department
	20	of the procuring entities in the present of the Legal officer of the entity and all
	21	those specified in section 19 (b) of this Act.
Amendment of Section 35	22	23. Section 35 of the principal Act is hereby amended in subsection
	23	(1) and inserting new subsections (3) and (4):
	24	(35) immediately after the words "fees" insert the word "And
	25	additional contract payment" thereof.
	26	(1) immediately after the word "Bureau" insert the words "Under the
	27	direction of the council", and replace the figure "15%" with the figure "30%",
	28	and before the words "issued by" insert the words "an institution acceptable to
	29	the procuring entity for both National and International Competitive Bidding
	30	and irrevocable Bank Guarantee Bond and the shall be for the life span of the

1 contract" thereof.

2 Insertion of new subsections:

3 (3) In line with subsection (3) above, all further payments after the
4 mobilization fees, shall be conditional upon the certification that
5 satisfactory progress is being made toward completion of work. The project
6 manager/consultant/ user department shall regularly submit technical and
7 financial progress reports to enable the Accounting Officer of the procuring
8 entity effectively evaluate the reports for any interim valuation or variation
9 certificate.

10 (4) The person charged with overall responsibility for the
11 functioning of a Ministry, or the Legislative arm of Government or the
12 Judicial arm of Government, as determined by the Council, shall, before
13 such payment, confirm the approval of the Tenders Board of the procuring
14 entity.

15 **24.** Section 36 of the principal Act is hereby amended in Amendment of
16 subsection(1)and inserting new subsection (2); Section 36

17 (36) immediately after the word "Guarantee and" insert the word
18 "Letter of Credit" thereof.

19 Insertion of new subsection:

20 (2)All contracts approved by a Tenders Board requiring the
21 opening of irrevocable letter shall be stated explicitly in the contract
22 agreement and the procuring entity shall liaise with the Central Bank of
23 Nigeria, CBN for further guidelines.

24 **25.** Section 41 of the principal Act is hereby amended in Amendment of
25 subsection(6); Section 41

26 (6) immediately after the words "obtain the" insert the word
27 "Council's" thereof.

28 **26.** section 42 of the principal Act is hereby amended in Amendment of
29 subsection(d-iii); Section 42

30 (d-iii) immediately after the words "justification;" insert the word

Amendment
of Section 53

1 "and" thereof,

2 **27.** Section 53 of the principal Act is hereby amended in subsections
3 (1),(2),(3)and(4) and inserting subsection(3 (i), (ii)and (5);

4 (53) before the words "to conduct" insert the word "council" thereof.

5 (1) immediately after the word "The" insert the word "Council" the
6 word "Initiate" after the word "and", insert the words "the bureau or an
7 appointed investigator on any matter" after the word "by" and the words "The
8 Council may initiate such investigation on its own initiative or as a result of
9 representations made to it" after the word "Act." thereof.

10 (2) before the word "may" insert the words" The bureau or relevant
11 authorities" and after the word "investigation" insert the words "and receive
12 recommendation" thereof.

13 (3) immediately after the words "Bureau" insert the words "or a
14 relevant authorities after investigation shall" thereof.

15 (3-b) immediately after the word "The" with the word "Council"
16 thereof.

17 (4) immediately after the words "The" insert the word" "Council" the
18 words "Shall direct Bureau of public procurement" after the word "Contracts,"
19 thereof.

20 Insertion of new subsection:

21 (i) forward a copy of the investigation report to the Council; and

22 (ii) Send the summary of the findings and recommendations to the
23 procuring entity and to any supplier, contractor or consultant whose conduct
24 was the subject of the investigation.

25 (5) Design and build method whereby a procuring entity can design
26 and build its own procurement framework and submit to the National Council
27 on Public Procurement (NCPP) and Bureau of Public Procurement (BPP) for
28 review and any necessary action.

Amendment
of Section 54

29 **28.** Section 54 of the principal Act is hereby amended in subsections
30 (5),(6)and(7);

1 (5) immediately after the words "complain, the" insert the word
2 "Council" thereof.

3 (6)) immediately after the word "The" insert the word "Council"
4 thereof.

5 (7) immediately after the words "Where the" insert the word
6 "Council" thereof.

7 **29.** Section 55 of the principal Act is hereby amended in subsection
8 (1): Amendment of
Section 55

9 (1) immediately after the word "apply" insert the word "to the
10 disposal of all depreciated items procured by procuring entities under this
11 Act while the" insert the words "Shall apply to the disposal of large national
12 assets" after the figure "1999"thereof.

13 **30.** Section 58 of the principal Act is hereby amended in subsection
14 (2): Amendment of
Section 58

15 (2) Immediately after the words "Court or " insert the word "A
16 tribunal setup by the Chief justice of Nigeria" thereof.

17 **31.** Section 60 of the principal Act is hereby in interpretations as
18 follows: Amendment of
Section 60

19 In line 2 immediately after the word "person" Insert the word "appointed by
20 Government the Executive, the Legislature and the Judiciary to administer
21 the day-to-day affairs of a Government organ and holds a vote and accounts
22 for all the monies expended from that vote and is also charged with line". In
23 line 3 immediately after the word "Processes;" Insert the word "Approving
24 authority" means an accounting officer of a procuring entity or Tenders
25 Board; thereof.

26 In line 20 immediately after the word "writing" insert the words "Between a
27 procuring entity and a contractor or supplier or consultant" thereof.

28 In line 24 immediately after the word conducted insert the words
29 "Confirmation authority means Minister" thereof.

30 In line 61 immediately after the words "body or" insert the words

- 1 "Government organ" thereof.
- 2 Inline 63 immediately after the word corporation insert the words
- 3 "Commission, National Assembly and Judiciary" thereof. In line 69
- 4 immediately after the word "Supplier" insert the word "Consultant" thereof
- 5 Amendment of Short Title
- 6 **32.** 2007 to be replaced with 2019
- 7 **33.** This Bill may be cited as the Public Procurement Act 2007
(Amendment) Bill, 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the National Council on Public Procurement and the Bureau of Public Procurement (Establishment, Etc) Act 14 No. of 2007.

A BILL

FOR

AN ACT TO AMEND THE PROVISIONS OF THE PUBLIC PROCUREMENT ACT, 2007, TO INCREASE THE MOBILIZATION FEES PAID TO CONTRACTORS AND SUPPLIERS, AND OTHER MATTERS RELATED THERETO

Sponsored by Senator Uche Ekunife

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria-

- | | | |
|----|---|---------------|
| 1 | 1. The Public Procurement Act, (2007) (in this Bill referred to as | Amendment of |
| 2 | "the Principal Act") is amended as set out in this Bill. | the Public |
| 3 | 2. Section 24 of the Principal Act is amended in subsection (1) by | Procurement |
| 4 | inserting the words "except procurements of goods and works from the | (2007) |
| 5 | Ecological Funds Office which shall be done through selective bidding" . | Amendment |
| 6 | 3. Section 37 of the Principal Act is amended in subsection (2) by | of Section 24 |
| 7 | replacing the phrase "sixty days" with "one hundred and eighty (180) days". | Amendment |
| 8 | 4. Section 37 of the Principal Act is further amended in subsection | of Section 27 |
| 9 | (4) by replacing the phrase "sixty days" with "one hundred and eighty (180) | |
| 10 | days". | |
| 11 | 5. This Bill may be cited as the Public Procurement (Amendment) | Citation |
| 12 | Bill, 2019. | |

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Public Procurement Act by providing that procurement of goods and works from the Ecological Funds Office be done through selective bidding, and to increasing the number of days within which a payment shall be deemed a "delayed payment".

A BILL

FOR

AN ACT TO AMEND THE PUBLIC PROCUREMENT ACT, 2007 TO PROVIDE FOR SPECIFIC TIME FRAME FOR THE PROCUREMENT PROCESS/PROCEEDINGS AND FOR OTHER MATTERS CONNECTED THEREWITH, 2019

Sponsored by Senator Sankara Danladi Abdullahi

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

- | | |
|---|---|
| <p>1 1. The Public Procurement Act, 2007 (herein referred to as "the</p> <p>2 Act") is hereby amended as set out below:</p> | <p>Amendment of
Public Procurement
Act 2007</p> |
| <p>3 2. Section 16 of the Act is amended by substituting paragraph (d)</p> <p>4 of subsection (1) with the following new paragraph (d) thereof to read- "(d)</p> <p>5 within sixty days from the date of Assenting to the Budget by the President</p> <p>6 of the Federal Republic of Nigeria in a manner which is transparent,</p> <p>7 equitable and ensuring accountability and conformity with the Act and</p> <p>8 regulations deriving therefrom."</p> | <p>Amendment of
Section 16</p> |
| <p>9 3. Section 19 of the Act is amended by inserting immediately after</p> <p>10 paragraph "J", a proviso to read-</p> <p>11 "provided that all the procurement process and procedure are concluded</p> <p>12 within sixty days in accordance with Section 16.</p> | <p>Amendment of
Section 19</p> |
| <p>13 4. This Bill may be cited as the Public Procurement Act, 2007</p> <p>14 (Amendment) Bill, 2019.</p> | <p>Citation</p> |

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Public Procurement Act, 2007 by providing a specific time line for the conclusion and formalisation of the procurement process and procedures.