

ZAMFARA STATE GOVERNMENT



PROCUREMENT GUIDELINES

FOR

**A BILL FOR -A LAW TO PROVIDE FOR THE ESTABLISHMENT
OF ZAMFARA STATE BUREAU FOR PROCUREMENT FOR
OTHER MATTERS CONNECTED THERETO.**

DRAFT

ACRONYMS

BPP	Procurement, Project Monitoring and Economic Matters Bureau
MDAs	Ministries, Department and Agencies
EMDs	Extra-Ministerial Departments
FGPC	Finance and General Purpose Committee
MTB	Ministerial Tender Board
SEC	State Executive Council
TEC	Tender Evaluation Committee
SQA	Systemic Quality Assurance

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INTRODUCTION

The purpose of this “manual” is to provide the tools for the operationalization of the Procurement Law which establishes the Procurement and Other Matter Bureau and provides for its function.

Rules and regulations governing public Procurement have been in existence in various public documents such as the Store Regulations and Financial Instructions. Enforcement of these rules have however not been at the desired level leading to all kinds of anomalies in the public procurement process and other attendant consequences such as poor quality of contract execution, lack of value for money in project/ procurement implementation, over-invoicing of contracts, delayed payments for executed contracts etc.

The establishment of the Procurement and Other Matter Bureau and the enactment of the Procurement Law are of an overall governance reform process aimed at providing effective and efficient public expenditure and financial management systems.

The process of the reform process however depends on the cooperation of all stakeholders in the process both within and outside the public sector. The most critical success factor however, is Government’s commitment to the implementation of the annual budget and adherence to Procurement. In this regard, it is hoped that Fiscal Responsibility Law passed by the State Government will complement the Procurement Law so that

together they will provide the desired impact and ultimately lead to a positive transformation of the socioeconomic wellbeing of the people of ZAMFARA State.

***IN THE EXERCISE OF IT POWERS
UNDER SECTION 8(A) OF THE
PROCUREMENT AND OTHER MATTERS
BUREAU LAW, THE GOVERNING
COUNCIL OF THE BUREAU HEREBY
MAKES THE FOLLOWING GUIDELINES.***

CHAPTER ONE

1.1 The Procurement Policy in Zamfara State

Procurement in Zamfara State is part of an overall governance reform process aimed at ensuring effective and efficient service delivery. The Procurement compendium consist of the basic guidelines governing budget implementation in its totality from spending limits for the various spending units to procedures governing award of contracts for projects, services or Procurement. Notwithstanding the existence of rules and regulations as contained in Stores Regulations, Financial Instructions and other Governing circulars, the Procurement manual is put together as the operational tools of the Procurement and Other Matter Bureau – the Governing Agency established by Law to ensure strict observance/ enforcement of the Procurement guidelines. The Procurement Guidelines are intended to promote transparency, competitiveness and value-for-money in the process of projects, procurement and service contracts by Government Agencies. The overall, objective is to ensure that service delivery is both effective and efficient – that is getting the right output and outcomes at the right cost.

NOTWITHSTANDING the establishment of the Procurement Process and Other Matter Bureau and the provision of various punitive measures against persons and agencies flouting the Procurement Guidelines as provided in the Law, Accounting Officers shall discharge their responsibilities diligently in accordance with the provisions of Financial Instructions and other relevant circulars as they relate to spending limits, Procurement, documentation, etc.

1.2 Why establishing the Bureau

The Procurement and Other Matter Bureau (BPP) was established by the Government in a bid to ensure strict compliance to the principles of prudence, transparency, accountability, competition, fairness and total quality management in the execution of projects, procurement process, and services contracts. This is also part of the efforts to effective public expenditure and financial management procedures. In addition, the establishment of the Bureau with enabling law and it's associated tool of operation – the Procurement Manual is to complement the reform agenda of the Federal Government aimed at

entrenching discipline and good governance throughout the Nigeria polity. The end value of it all is to facilitate the attainment of the ultimate objective of Government – sustainable socio-economic development of Zamfara State.

1.3 **The Vision of the Bureau**

The vision of the Procurement and Other Matter Bureau is:

“..... A disciplined and integrity-driven State Public service where the entire process of public contracting is governed by the principle of transparency, competition and value-for-money thereby ensuring optimal utilization of public funds for the rapid development of the state.....”

1.4 **The Mission of the Bureau**

The Mission of the Procurement and Other Matter Bureau is:

“ To use the Procurement Mechanism to re-establish and sustain an open, transparent and competitive Procurement Systems that upholds budget discipline, ensure speedy implementation of projects and are of integrity in order to achieve value-for-money outcomes as well as quality and standards....”

1.5 **The Objective of the Bureau**

- To ensure the existence of harmonized and periodically updated policies and guidelines on public procurement in the State in accordance with best practices.
- To strictly enforce the Procurement principles of transparency, competition, efficiency and value-for-money in the execution of contracts for supplies, work and services in the State as set out in the Procurement Manual and in accordance with its enabling Law.

- To ensure that project packaging and implementation match the defined priorities and targets as set out in annual appropriation laws of the State.
- To prevent extra budgetary spending by Ministries, Departments and Agencies (MDAs) in the State by ensuring that only projects contained in the Approved Budget or supported by appropriate Financial Warrants are executed.
- To ensure value-for-money in the implementation of projects, Procurement or service and to prevent contract inflation by ensuring cost reasonableness, accuracy and comparability of all public contracts with national, regional and global costs.

1.6 **The functions of Bureau for Public Procurement (BPP)**

- Regulate and set standards to enforce harmonized bidding and tendering process in the State;
- Enforce general policies and guidelines on Procurement of goods, services and construction works by all the Government Agencies;
- Monitor to ensure the efficient and effective implementation of all capital projects and Procurement in line with Procurement principles from point of contract award to the commissioning stage with proper documentation at all levels;

- Vetting and recommendations on Project Designs, Bills of Quantities and other project technical requirements and specifications prior to contracting and implementation;
- Develop, update and maintain relevant database and technology for State on all Procurement by Government Agencies;
- Uphold professional ethics and report erring procurement personnel, State Government functionaries, departments and private sector companies and their personnel to relevant authorities for appropriate sanctions;
- Monitor prices of tendered items and provides price database advisory services to the procuring entities;
- Perform procurement audits;
- Coordinate training to promote capacity building of procurement personnel of all the MDAs in the State;
- Sensitize, promote and educate the citizens and other stakeholders in the State on Public Procurement issues;
- Advise the Government on the status of State Government Procurement in relation to the annual appropriation;
- To make periodic recommendations to its Policy Coordinating Council on the execution of the

Procurement guidelines either in their substance or operationalization;

- Provide relevant budget performance information in relation to progress on the execution of projects, Procurement and service contracts in the State to any interested persons and institutions within and outside Government;
- Any other task that may be entrusted to it by the Government or the policy Coordinating Council as they relate to its Procurement functions.

CHAPTER TWO

Categories of contracts and the Role of BPP

2.1 Introduction

The BPP is to review and certify State Government contracts which are categorized into five categories according to the approval threshold. While this will ensure compliance with Procurement process principles including transparency, completion and merit among others, it would also ensure that the right prices are used in Government contracts for goods, works and services. The supervisory and certification role of the Bureau will ensure contract execution in accordance with the terms of the contracts from the award stage through to their successful execution and completion, avoiding cumbersomeness, delay and other bottlenecks.

In pursuance of Government's determination to ensure accountability, efficiency, probity and transparency in the conduct of its business, approval to incur expenditure and award of contracts by Government Ministries/Parastatals shall be based on the appropriate category and the laid down procedures as contained in this Guidelines.

2.2 **Contract Categories**

2.2.1 **Category One: Chief Executives of Parastatals**

A Chief Executive of a Parastatal, on following all the prescribed Procurement procedures, may award contract for purchase of goods, construction work or engagement of service for an amount not exceeding ₦500,000.00 (Five Hundred Thousand Naira). Any contract whose value exceeds ₦500,000.00 shall be referred to the Governing Board of the Parastatal/Corporation.

2.2.2 **Category Two: Board of a Parastatal/Corporation**

The Board of a parastatal or Government Corporation may award contract amount to ₦500,000.00 but not exceeding ₦1,000,000.00. Any amount exceeding ₦1,000,000.00 to the maximum of ₦20,000,000.00 shall be referred to the Tenders Board of the Ministry supervising the parastatals. In the same vein, any amount exceeding ₦20,000,000.00 shall be referred to the Governor. In any case the laid down rule must be complied with.

2.2.3 **Category Three: Ministerial Expenditure**

(a) **CAPITAL EXPENDITURE:**

Any capital expenditure by a Ministry shall either be initiated by the Head of Department, Permanent Secretary or Commissioner in accordance with its budgetary provisions. Where expenditure is below ₦100,000,000.00 the Permanent Secretary shall forward the proposed expenditure supported by all necessary documents to the DPP Bureau for Vetting. Upon vetting by the DPPM Bureau, it shall then be forwarded to the Governor for approval.

Where expenditure is above ₦100,000,000.00 the Ministry shall constitute a committee for the purpose of managing tenders. Whereupon, it shall be forwarded to the Bureau and the to the Executive Council for final approval.

(b) **RECURRENT EXPENDITURE:**

(I) **Monthly Running Cost:** The Ministry is entitled to spend its monthly recurrent expenditure without seeking any further

approval except where a single expenditure exceeds Five Million Naira (₦5,000,000.00).

Where the expenditure is above ₦5,000,000 the proposed expenditure supported by all necessary documents shall be forwarded to the DPPM Bureau for vetting. Upon the vetting by the Bureau, it shall then be forwarded to the Governor for approval.

- (II) **Special Recurrent Expenditure:** Special expenditure by a Ministry shall be forwarded with all supporting documents to the Governor for approval. Where the special recurrent expenditure is up to ₦5,000,000 (Five Million Naira) and above, it shall be forwarded to the Bureau for vetting prior to the Governor's approval.

2.2.4 **Category Four: SSG/HOS/Commissioner/Head of EMDs**

The Secretary to the State Government, the Head of the State Civil Service, and Head of an Extra-Ministerial Departments¹ can award contract for an amount not exceeding ₦5,000,000.00 (Five Million Naira) after due consultation with the Governor. Where expenditure is above ₦5,000,000.00 but below

₦20,000,000.00 (Twenty Million Naira) it shall be forwarded to the Governor for approval, after compliance with Procurement process.

2.2.5 **Category Five: State Executive Council (SEC)**

Any contract at the value of which exceeds ₦250,000,000 (Two Hundred and Fifty Million Naira) shall be referred to the State Executive Council (SEC) for consideration and approval.

Notwithstanding anything contained in these guidelines, wherever a recurrent expenditure other than special expenditure is up to Five Million Naira (₦5,000,000.00), it must be approved by the Governor upon the vetting by of the DPPM Bureau. While in the case of special expenditure, no amount shall be spent without the Governor's approval and the State Executive Council where it exceeds ₦250,000,000 (Two Hundred and Fifty Million Naira).

2.2.6 **Composition of the Finance and General Purpose Committee (FGPC)**

- | | | |
|------|-----------------------------------|----------|
| i. | Deputy Governor | Chairman |
| ii. | Secretary to the State Government | Member |
| iii. | Commissioner of Justice | Member |

iv.	Commissioner of Finance	Member
v.	Commissioner of Works	Member
vi.	Commissioner of Budget and Economic Planning	Member
vii.	Head/Representative of the Procuring MDA	Member
viii.	Representative of TEC	Member
ix.	Representative of the Council	Member
x.	Representative of BPP	Member
xi.	FGPC Secretariat	Secretary

Where the Deputy Governor is acting for the Governor the SSG shall preside over the FGPC deliberations.

2.3 **Guidelines for the Award of Contracts**

Ministries, Extra-Ministerial Departments and Parastatals/Corporations in the State shall observe the following guideline in the award of contracts.

(1) Ministerial Tenders Committee (MTC)

- (a)** Where the need arises the Ministry, Extra-Ministerial Department Parastatal/Corporation shall establish a tender committee whose chairman shall be the Permanent Secretary of the Ministry or the Chief Executive of the Extra-

Ministerial Department/Parastatal, where there is no Permanent Secretary;

- (b) Other members of the committee shall be the Directors/Heads of Departments in the Ministry or Establishment. Where there is a Department for Planning, Research and Statistics (DPRS), the Director in charge of the Department shall be the Secretary. Where there is no DPRS, the Director in charge of Finance shall be the Secretary;
- (c) There shall be a representative each from the BPP, Ministry of Budget and Economic Planning, Ministry of Justice and Ministry of Finance (Office of the Account General) and Council Affairs Directorate in the committees. Such representation is not an institutional membership as such any competent officer of these Agencies could be sent as a representative during the committee.
- (d) The decision of the committee shall, as the case may be confirmed by the Bureau.

(2) Powers of Board of Corporation/Parastatals over Tenders

- (a) Although Chief Executives of Parastatals can award contract of the value of which does not exceed ₦500,000.00 (Five Hundred Thousand

Naira only), without open competitive tender, but at the minimum of three relevant written quotation shall be obtained from suitable contractors/suppliers. However, any expenditure incurred above ₦1,000,000.00 (One Million Naira only) shall be documented and reported to the Chairman of the Board of the Corporation/Parastatal, on monthly basis, for information.

- (b) Any Contract in excess of ₦500,000.00 (Five Hundred Thousand Naira only) but not more than ₦1,000,000.00 (One Million Naira only) shall be referred to the Board of the Corporation/Parastatal for consideration.
- (c) Any contract whose value exceeds ₦1,000,000.00 (One Million Naira only) but not more than ₦5,000,000.00 (Five Million Naira only) shall be referred to the Commissioner of the Ministry supervising the Parastatal/Corporation for consideration.
- (d) Any contract whose value exceeds ₦5,000,000.00 (Five Million Naira only) but not more than ₦20,000,000.00 (Twenty Million Naira only) shall be referred to the Tenders Board of the supervising Ministry and subsequent approval of

the Governor through the Commissioner of the Ministry.

- (e) Above ₦20,000,000.00 (Twenty Million Naira only) goes to the FGPC.

Subject to the power of the State Executive Council no amount stated in this chapter shall be expended without prior approval of the Governor.

- (i) **Open Competitive Tender:** This type of tender demands wide invitation from prospective contractors to show interest in executing the project under consideration. The procedure starts with advert and concludes with determination of “winner”. When a contract is valued at more than ₦100 million, this tendering procedure shall be used. The contract is to be advertised in Government Gazette and in at least two (2) National dailies.
- (ii) **Selective Competitive Tender:** This type of tender may apply to all procurement from ₦20,000,000.00 (Twenty Million Naira) to ₦100,000,000.00 (One Hundred Million), it demands that competition, for the contract to be awarded, shall be restricted to the selected or pre-qualified contractors in the State

identified to possess the required technical and financial capacities and are well experienced in the type of project under consideration. The procedure starts with an invitation to at least two, but not more than five, such contractors to bid for the contract. The submissions made by the competing contractors shall be critically evaluated by the relevant Tenders Committee and vetted by the BPP before taking decision on the next line of action (approval or recommendation to a higher authority, as the case may be).

- (iii) **Nominated Tendering Procedure:** This applies to Procurement below ₦20,000,000.00 (Twenty Million Naira). Here a single contractor is to be nominated by the appropriate awarding MDAs, judging from the reliability, experience and competence of the contractor (s) to bid for the contract. Again, in line with principles of checks and balances, the BPP has to certify the nominated contractor (s) and, so, can recommend the rejection of any nominated contractor whose reliability or competence is in doubt.

2.6 Transparency in the Award of Contracts

The following practices shall be complied with the award of contracts, to show transparency, competitiveness and equal opportunity.

- (i) In cases where Open Competitive Tendering Procedure is adopted, opening of the tender must be done in public, at a designated date and time. Moreover, opening shall immediately follow the closing of the bidding period to minimize the risks of bid tempering. The bidders or their representative shall be invited and members of civil society or the press shall not be excluded, if they wish to attend the tender opening;
- (ii) Bid evaluation criteria shall be clearly defined in the bidding documents. Award of all contracts shall be based on the criteria so defined;
- (iii) The award of all major contracts of ₦20,000,000.00 (Twenty Million Naira) and above shall be made public with description of the contract/project and its beneficiaries, name of winning contractor, and the contract price clearly Stated.
- (iv) Contracts shall be properly planned so as to avoid or minimized variations. Contract variations shall not be allowed except when absolutely

necessary subject to the terms of the contract agreement. The method for determining price variation during contract execution must be incorporated into the contract agreement.

2.7 **Vetting of Contracts Documents by the BPP**

Project Designs (where applicable), Bills of Quantities, Quotations and other tendering documents in respect of any construction work, procurement or service contract whose value is Five Million Naira (₦5,000,000.00) and above shall be vetted by the Procurement and Other Matter (BPP). Accordingly, all Ministries, Extra-Ministerial Departments and Parastatals/Corporations shall forward all documents in respect of contracts whose values exceed Five Million Naira (₦5,000,000.00) to the BPP for vetting to ensure compliance with laid down rules and regulations and issuance of a **Procurement Certificate**. This Certificate must be presented to the relevant approving authority before approval is given for the award of the contract. The Bureau reserves the right to reject any submission made to it which does not include all required/necessary documents.

The vetting process by the BPP shall be done within the following timeframe:

- (i) Contracts whose values are ₦5,000,000 to ₦10,000,000: A maximum of 5 working days.
- (ii) Contracts whose values are above ₦10,000,000 to ₦50,000,000: A maximum of 2 weeks.
- (iii) Contracts whose values are above ₦50,000,000 to ₦100,000,000: A maximum of 4 weeks.
- (iv) Contracts whose values are above ₦100,000,000 : A maximum of 6 weeks.

The BPP can use its permanent staff, staff on secondment from any public service or consultants for the vetting exercise, depending on the situation. Notwithstanding, the Government reserves the right to engage the services of a competent consultant to render similar services.

2.8 **Other Important Issue:**

- (i) **Tenders Splitting:** It shall be rendered as a serious offence for any officer or contractor awarding Agency to deliberately split contracts of works, procurement or engagement of services in order to circumvent the provisions of this operational manual. Such breach of the rules shall be subject to disciplinary action as may

be prescribed in the Procurement process enabling Law or in the Civil Service Rules and Regulations;

- (ii) **Bid Security:** All contracts of ₦100,000,000 (One Hundred Million Naira) and above shall attract a Bid Security in an amount of not less than 2% of bid price in the form of Bank Guarantee, issued by a reputable Bank;
- (iii) **Performance Bank/Bond Guarantee:** Performance Bank Guarantee, in an amount of 10% of contract price, shall be obtained for all contracts in the sum of ₦100,000,000 (One Hundred Million Naira) and above and shall only be discharged after the full execution of the contract.
- (iv) **Procurement Plan:** Quarterly procurement plan shall be developed and used to determine the requirement of funds for various Government Offices at different procurement actions and show the funding requirements at different stages. Release of funds shall be on the basis of realistic, approved and updated procurement plans. Procurement Plans are to be prepared in accordance with the provisions of the annual Appropriation Law and submitted to the

Ministry of Budget and Economic Planning and the Bureau to form the State Procurement Plan for the Year. This is also in accordance with the Fiscal Responsibility Law of the State.

- (iv) **Mobilization Fee:** Mobilization fee, where necessary and appropriate, shall not exceed 30% but for goods 100% made works consultancy of the contract sum (depending on the nature and scope of the contract). However, payment of such mobilization fee shall be affected upon written application and submission of an unconditional Bank Guarantee for equivalent amount valid until the goods are supplied or until the mobilization fees has been paid in the case of works contracts. Only such unconditional Bank Guarantee issued by a reputable bank shall be accepted; the mobilization fee shall be paid into the contractor's account with the Guaranteeing Bank. Provided always that, where mobilization fee is given, it shall be fully recovered on or before the project reaches 70% completion.
- (v) **Registration of Contractors:** All eligible contractors must be dully registered with the Bureau and must produce their VAT Registration Certificate before any award of contract;

- (vi) **Audit Inspection:** As a condition for payment for contracts exceeding Five Million Naira (N5,000,000.00), the Special Adviser/Chief Executive of the BPP or his representative; the Contractor or his representative and the representative of the MDA executing the project shall co-sign appropriate documents certifying the completion of the project or supplies for the release of any outstanding payment.

Beside this, certified true copies of all contract agreements shall be forwarded to the Office of the Auditor-General for the State or the Resident Auditors at the various Ministries/Extra-Ministerial Departments. In addition, minutes of Tenders Committee meetings and full records of all the tendering processes must be kept and made available for inspection by the Office of the Auditor-General for the State and the Accountant General of the State, on request. Such records shall be kept for a period of five (5) years from the date of completion and takeover of the project.

CHAPTER THREE

Categories of Contracts and the Role of BPP on Local Government Projects

3.1 Introduction

The Bureau for Public Procurement (BPP) is to review and certify Local Government Contracts which are categorized into six categories according to the approval thresholds. While this will ensure compliance with the principles of the Procurement procedures including transparency, completion and merit, it would also ensure that the right prices are used in Government contracts for goods, works and services. The supervisory and certification roles of the Bureau will ensure contract execution in accordance with the terms of the contracts from the award stage through to their successful execution and completion, avoiding cumbersomeness, delay and other bottlenecks in projects execution.

In pursuance of Government's determination to ensure accountability, efficiency, probity and transparency in the conduct of Government business, approval to incur expenditures and award of contracts by Local Governments shall be based on the appropriate category and the laid down guidelines, as described below.

3.2 **Contract Categories**

3.2.3 **Category One: Head of Department**

A head of a Department, on following all the prescribed Procurement procedures, can award contract for purchase of goods, construction work or engagement of service for an amount not exceeding ₦100,000.00 monthly. Any contract whose value exceeds ₦100,000 shall be referred to the Local Government Secretary.

3.2.4. **Category Two: Local Government Secretary**

The Secretary can approve the award of contract for an amount above ₦100,000 but not exceeding ₦500,000 but any amount above N500,000 shall be referred to the Chairman of the Local Government. In any case the laid down rule must be complied with.

3.2.5 **Category Three: Executive Chairman**

The Executive Chairman of a Local Government can approve the award of a contract for an amount not exceeding Five Million Naira (₦5,000,000) monthly. All expenditures authorized by the Chairman shall be reported to the Local Government Executive Council, at the next meeting, for information.

3.2.6 Category Five: Local Government Executive Council

The Local Government Executive Council shall endorse the award of contract for any amount exceeding N10,000,000 to the maximum of ~~N~~20,000,000

3.2.7 Category Six: The Executive Governor

The Local Government Councils shall seek the consent of the Governor before awarding all contracts above ~~N~~20,000,000 on presentation of Procurement process Certificate.

3.3 Guidelines for the Award of Contracts

All arms of the Local Government shall observe the following guidelines in the award of contracts:

(1) Local Government Tender Board (LGTB)

- (a) There shall be established in each Local Government a Tender Board, who's Chairman shall be the Chief Executive of the organization or his representative.
- (b) Other members of the Tender Board shall be the Directors/Heads of Departments in the organization, while the Director in charge of Department of planning, Research and Statistic (DPRS) shall serve as the Secretary.

- (c) There may be a representative each from BPP and Ministry for Local Government and Chieftaincy Affairs in all the LGTBs. Such representation is not an institutional membership as such any competent officer of these Agencies could be sent as a representative during any meeting of the LGTB.

2. **Local Government Executive Council**

Any contract the value of which exceeds ₦20,000,000.00 (Twenty Million Naira) shall be referred to the Local Government Executive Council (LGEC) for consideration and approval after being satisfied that all Procurement process Procedures were followed.

3.4 **Tender Types Procedures**

In order to give room for speedy and timely execution of government projects, three types of tenders and their procedures in the award of contracts are to be adopted, depending on the situation. They are follows:

- (i) **Open Competitive Tender:** This type of tender demands wide invitation of prospective contractors to show interest in executing the project under consideration. The procedure starts with advert and concludes with the determination of “winner”. When a

contract is valued at more than N100,000,000.00 in the case of State contracts or N20,000,000.00 in the case of Local Government Council, this tendering procedure shall be used. The contract is to be advertised in government Gazette and in at least two national dailies.

- iii. **Nominated Tendering Procedure:** This type of tender shall apply to Procurement below Five Million Naira (5,000,000.00). Here a single contractor is to be nominated by the appropriate awarding MDAs, judging from the reliability, experience and competence of the contractor, to bid for the contract. This type of tendering procedure shall be restricted to categories 1, 2 and 3 contracts. Again, in line with the principles of checks and balances, the BPP has to certify the nominated contractor and, so, can recommend the rejection of any nominated contractor whose reliability or competence is in doubt.

3.5 Transparency in the Award of Contracts

- i. In cases where Open Competitive Tendering Procedures is adopted, the opening of the tender must be done in public, at a designated date and time. Moreover, opening shall immediately follow the closing of the bidding period to minimize the risks of bid tampering. The bidders or their representatives shall be invited and members of

civil society or the press shall not be excluded, if they wish to attend the tender opening.

- ii. Bid evaluation criteria shall be clearly defined in the bidding documents. Award of all contracts shall be based on the criteria so defined;
- iii. The award of all major contracts of Twenty Million Naira (₦20,000,000.00) and above shall be made public with description of the contract/project and its beneficiaries, name of winning contractor, and the contract price clearly stated;
- iv. Contracts shall be properly planned so as to avoid or minimize variations. Contract variations shall not be allowed except when absolutely necessary, subject to approval and or the recommendation of the Local Government Tender Board (LTB). The method for determining price variation during contract execution must be incorporated into the contact agreement.

v. **Vetting of Contracts Documents by the BPP**

Project Designs (where applicable), Bills of Quantities, quotations and other tendering documents in respect of any construction work, procurement or service contract whose value is Five Million Naira (₦5,000,000.00) and above shall be vetted by the Procurement and Other Matter Bureau (BPP). Accordingly, Departments

shall forward all documents in respect of contracts whose values exceed Five Million Naira (₦5,000,000.00) to the BPP for vetting to ensure compliance with laid down rules and regulations and issuance of a **Procurement Process Certificate**. This Certificate must be presented to the relevant approving authority (LGTB) or LEC) before approval is given for the award of the contract. The Bureau reserves the right to reject submission made to it which does not include all required/necessary documents.

The vetting process by the BPP shall be done within the following timeframe:

- (i) Contract whose values are between ₦5,000,000.00 to ₦10,000,000.00: A maximum of 5 working days.
- (ii) Contracts whose values are between ₦10,000,000.00 to ₦50,000,000.00: A maximum of 2 weeks
- (iii) Contracts whose values are between ₦50,000,000.00 to ₦100,000,000.00: A maximum of 4 weeks.
- (iv) Contracts whose values are ₦100,000,000.00 and above: A maximum of 6 weeks.

The BPP can use its permanent staff, staff on secondment from any public service, consultants

for the vetting exercise, depending on the situation. Notwithstanding, the Government reserves the right to engage the services of competent consultants to render similar services.

3.6 other important issues:

- (i) **Tenders Splitting:** It shall be regarded as a serious offence for any officer or contract awarding Agency to deliberately split contracts of works, procurement or engagement of services in order to circumvent the provisions of this operational manual. Such breach of the rules shall be subject to disciplinary action as may be prescribed in the Procurement Enabling Law or in the Civil Service Rules and Regulations;
- (ii) **Bid Security:** The Contracts of Twenty Million Naira (~~₦~~20,000,000.00) and above shall attract a Bid Security in an amount of not less than 2% of bid price in the form of Bank Guarantee, issued by a reputable Bank;
- (iii) **Performance bank Guarantee:** Performance Bank Guarantee, in an amount of 10% of contract price, shall be obtained for all contracts in the sum of ~~₦~~20,000,000.00 (Twenty Million Naira) and above and shall only be discharged after the full execution of the contract;

- (iv) **Procurement Plan;** Quarterly procurement plan shall be developed and used to determine the requirement of funds for various Government Offices at different quarters during the fiscal year. Such plans shall spell out the timing for different procurement actions and show the funding requirements at different stages.
- (v) **Mobilization Fee:** Mobilization fee, where necessary and appropriate, shall not exceed 50% of the Contract sum (depending on the nature and scope of the contract). However, payment of such mobilization fee shall be effected upon written application and submission of an unconditional Bank Guarantee for equivalent amount valid until the goods are supplied or until the mobilization fee has been repaid in the case of works contracts. Only such unconditional Bank Guarantee for equivalent amount valid until the goods are supplied or until the mobilization fee has been repaid in the case of works contracts. Only such unconditional Bank Guarantee issued by a reputable bank shall be accepted.
- Provided always that, where mobilization fee is given, it shall be fully recovered on or before the project reaches 70% completion

CHAPTER FOUR

Basic Rules of the Contract Process

Contract awarding agencies shall be guided by the six basic principles in the contracting process. These six fundamental principles are as described below;

4.1 Advertisement as a Requirement

Equal access to information by all possible participants in the market of public contracts fundamental to a free and fair competition. This is the major step in ensuring that any public procurement system derives the benefit of effectiveness, efficiency and value-for-money through a transparent and fair process. This explains why the Advertisement requirement is very important for passing the Procurement Compliance rule for openness and provision of level playing field for fair competition through an Open Competitive Tender.

A procuring entity shall be responsible for advertising directly, all invitations for pre-qualification or invitations to tender for goods, works and services. There are two categories of Advertisement Guidelines;

(i) Adverts for Contract Between Five Million Naira and 100 Million Naira

Advertisements for contracts of this scope shall be placed on the Notice Board in a conspicuous layout at the Ministry, Agency or Department or other Public Institutions (such as Government Secretariat Building

Local Government Secretariat, etc) and the Procurement Journal (if available). However, if the tendering is to be based on the Selective or Nominated procedure, subject to the observance of other Procurement procedures, there may not be the need for even the Notice Board advert. The selected or nominated contractors are just to be invited to make their bids.

(ii) Advert for Contracts above One Hundred Million Naira (State Contracts) and Twenty Million (For Local Government Contracts).

These require that an advertisement calling for pre-qualification of contractors or invitation to bid to be placed in at least two National Newspapers. When available, Government Gazette and the Procurement Journal could also be used in addition. All the Adverts for pre-Qualification of contractors shall follow this standard format with the following basic information:

- (i) The name and address of the procuring entity;
- (ii) Introduction: a brief description of the object of the procurement, including desired time for delivery or completion;
- (iii) Scope of Work;
- (iv) A summary of the required qualification criteria;
- (v) The place and deadline for submission of the applications for pre-qualifications; and

- (vi) The date of availability of the pre-qualification documents.

The time allowed for applicants to prepare their pre-qualification or bids shall not be less than 14 days from the date of placement of the Advert.

4.2 Pre-qualification as requirement

In simple terms, upon the collation of the submission of all respondents to an advertisement for pre-qualification, the relevant MDA shall analyze all the submissions made by the respondents to the Advert. The analysis shall be based on an objective set of technical and financial capacity criteria. The aim is to short-list/select competent respondents to the advert. It is also an opportunity to weed out those who do not qualify to participate in the commercial/financial bid. The criteria shall consist of the following sets of criterion:

A. Necessary Conditions (Do not attract any Mark)

- (i) Evidence of incorporation or business name registration: 0%
- (ii) Registration with Zamfara State DPPMB for contracts.
- (iii) Audited Accounts of the Business for at least the last financial year: 0%
- (iv) Evidence of Tax Clearance Certificate for three years: 0%

B. Scored Conditions totaling 100%

- (i) Evidence of financial Capability and Banking support: 15%

- (ii) Experiences and technical qualifications of key personnel: 20%
- (iii) Similar projects executed and evidence of knowledge of the industry: 15%
- (iv) Equipment and technology capacity: 20%
- (v) Annual turnover: 5%
- (vi) VAT registration and evidence of past VAT remittances: 5%
- (vii) Citizenship (Individual/Corporate) of ZAMFARA State: 20%

All parameters with the zero score are considered responsive. The absence of any one would automatically disqualify an applicant from pre-qualification. The pre-qualification benchmark score which respondents can be considered to be competent is 70% and above.

The next stage is to draw up a **List of Pre-qualified Bidders (the Competent Bidders)** which shall include all respondents with at least 70% score each of whom is to be issued with an **invitation to tender or bid**.

4.3 Invitation to Tender/Bid

The tender documents shall follow the format of the standard tender document appropriate to goods, works or service to be procured as may be designed and periodically reviewed by the BPP. It shall contain sufficient information to enable completion among the bidders to take place on the basis of complete, neutral and objective terms. The tender documents shall be in two parts. Technical and Financial

and shall be submitted not more than four weeks after the bid documents were issued.

4.4 Opening of Tender

Opening of bid/tender shall immediately follow the closing of bidding/tendering period. Present at the opening of bids/tender documents shall be the bidders themselves or their representatives and any other interested people or group including members of civil society, Non-Governmental Organizations, the Press etc. the technical bid is to be opened and conclusively evaluated before the Financial Bid can be opened.

4.5 Evaluation of Tender

The Tender submission by the pre-qualified bidders having been made in two parts-technical and financial-shall be evaluated by the Evaluation Team of the Appropriate Procuring Entity. The Procuring Entity shall appoint a Tender Evaluation Committee (TEC) at the appropriate level. The committee is to examine, evaluate and prepare a report with recommendations for the award of the contract for submission to the appropriate approving authority. At least three of the members shall have knowledge in the relevant project.

(i) The Technical Bid: The Submission of Technical Bid by only the pre-qualified firm's help to further established scope and depth of their understanding of the specific assignment under consideration. A pre-qualified firm could be dropped during the evaluation

process of the Technical bid for showing less than desirable technical competency and capability to deliver the contract.

- (ii) The financial Bid:** The evaluation of Financial Bid of all firms that scaled through the technical bid evaluation is the final stage in a public procurement process. This is the stage where the cost at which the pre-qualified bidders (Found competent in all areas) undertake to execute the job is evaluated in comparison with the cost (Bills of Quantities) estimated by either Procurement and Other Matter Bureau or the Consultant to the project.

4.6 **Determination of a Winner**

The Best Responsive Bidder with the lowest evaluated tender shall be adjudged the right Winner. Simply put, the Winner in the bid process is that competent bidder (that is, a pre-qualified and technically evaluated bidder) that comes out of financial competition offering the lowest price for the execution of the contract.

CHAPTER FIVE

Request for Procurement Review and Constitution

5.1 Introduction

Having followed all the Procurement as outlined in chapter 3, Government agencies are then required to document all the details of the contract award process and the conclusions and recommendations there-from. Depending on the expenditure threshold, the Agency is then required to submit detailed documents to the BPP for a Procurement compliance review and the issuance of a Procurement Compliance Certificate which will accompany the documents to the authority for the award of the contract (Governor or the State Executive Council or as the case may be)

5.2 Documents Required for BPP Review and Certification

The following documents must be forwarded by a procuring entity to the BPP along with the Letter of Request (LOR) for Procurement process Compliance Review and Certification for award of contract or Payment on on-going contract as the case may be:

- (i) Project policy file
- (ii) The background documents that include technical and financial preparation of the project by the spending units and which include but not limited to Bills of Quantities (if any), Contract Drawings and Engineering

Designs, Other Related Technical Documents, Final Summary and Statements.

- (iii) Internal cost estimates
- (iv) Evidence of advertisement, as appropriate
- (v) Pre-qualification Exercise, the objective criteria for short listing the pre-qualified bidders
- (vi) Pre qualification evaluation report
- (vii) Evidence of invitation to tender sent to all pre-qualified bidders
- (viii) Tender returns
- (ix) The Tender evaluation report and analysis of the financial bids submitted by all the pre-qualified bidders
- (x) Tender evaluation reports showing Procurement compliance
- (xi) Variation in scope request and variation orders (for payment)
- (xii) Project Reports (for payment)
- (xiii) Interim valuation and payment certificates (for payment)
- (xiv) Consultant's Work-in-Progress Report (for payment)

5.3 The Review Process and Issuance of Certificates

The review process begins immediately a request for Procurement Compliance review is received by the BPP from a procuring Entity. The first step is to assign the task to the designated Team or the appropriated Technical Desk Officer of the Bureau. The Team may compose of staff of the Bureau only, staff on Secondment for the review purpose,

Commissioned Consultants or any combination of these. It is basically a review of the contract process and submissions made by procuring entities at the conclusion of their contracting procedure.

The Compliance Review Process is a three-pronged transparent exercise. This involves the BPP Team or Officer(s) establishing from the submissions of the Procuring Entity that form the way the Procuring Entity carried out the Procurement Procedures in contract award:

- ✓ **The Process was right**
- ✓ **The Winner was right**
- ✓ **The cost of award was right.**

5.4 The Right Contract Award Process

The Right Contract Process is that which ensures that the rules governing pre-procurement planning, advertisement, pre-qualification, technical and financial evaluations are open, free and fair, transparent, and competitive. This shall be evident in the detailed documentation of the full range of the contracting procedure followed by the Spending Agencies submitted to the BPP for Procurement process Compliance Review and other necessary action

5.5 The Right Winner

The Right Winner is the Least Evaluated Tender Cost and the *Best Responsive Bidder*. The Right Winner is thus the most competent of the bidders having the least cost. A right winner is therefore that prequalified and technically evaluated bidder that comes out of the financial competition of procurement, offering the lowest evaluated cost.

5.6 The Right Contract Cost

The right cost of a contract is that amount that is competitively determined. It is the least amount offered in a competition amongst pre-qualified bidders. Right cost is also one that is comparable to an independently ascertained cost estimate following national, regional and international price benchmarks. However, for Contracts of Works and Services, Right Cost can be determined by applying basic rules of engineering and quantities costing, based on prevailing market rates to the scope of work.

CHAPTER SIX

The Review Process in the BPP

6.1 Introduction

The Compliance, Review and Certification process is to be rigorously and professionally performed by Technical Personnel *of the BPP* following a work flow system that places premium on Team Consensus. The merit of the Team Consensus approach is a guaranteed Systematic Quality Assurance (SQA) method that removes sole responsibility and discretion from the review, findings, conclusions and final recommendations of the BPP. This means that no single member of the Team can guarantee an outcome of the Review Process.

The BPP Technical Personnel either as individuals or Review Team shall be specialist(s) who possess wide range of knowledge and competencies, skills, professionalism and integrity requisite for the discharge of the Bureau's mandate. The areas of expertise required for the review exercise range from Engineering to Environmental Sciences, Information Technology & Communication, Education, Medical and Biological Sciences, Estate & Property Development, etc. the BPP shall also have access to Global Price Database as well as technical linkages with relevant professional bodies both in Nigeria and Abroad. Hence, the Bureau can easily ascertain the true prices of goods, works and services under review.

6.2 Draft Procurement Review Report (BPP)

The Compliance Review Process for every contract above ₦100 Million threshold results into a Draft Procurement Review Report (BPP). If the review report does not support the issuance of a Procurement Certificate, the attention of the Procuring Entity is immediately drawn to the findings and recommendations contained in the Draft Procurement Review Report. Such reports shall never be unilaterally concluded by the BPP into a final Procurement Review Report without offering the Procuring Entity (the relevant MDA) the opportunity for a Right of Reply Meeting.

6.3 Right of Reply Meeting

Where a Procurement Certificate is denied in accordance with the findings and conclusions drawn from a Compliance Review of a contract, Right of Reply Meeting shall be convened. This meeting provides an opportunity to formally discuss and get clarifications possibly leading to a resolution of any contentious issue between the Bureau and the relevant MDA. The meeting shall involve all officers from the Ministry, Agency or Department and all members of the Compliance Review Team, sitting at an open forum to discuss the content of the report of the review process.

The Right of Reply represents the transparent and democratic institutional feed-back platform for the Bureau. It ensures accountability and check on the work of the Bureau by the Procuring Entities.

6.4 Procurement process Review Report

During the Right of Reply Meetings, if additional information is provided, supported with superior arguments and documentations that can make the Bureau change its position on earlier conclusion, then the Bureau would immediately approve. The Bureau will then issue a Procurement Certificate for the award of the contract for the consideration of the contract awarding authority (Governor or State Executive Council).

6.5 The Procurement Process Review Report

The content of every project's Procurement Process Review Report shall include the following:

- (i) Introduction
- (ii) Background of the Project
- (iii) Project Description
- (iv) Budgetary Provision
- (v) Project Benefits
- (vi) Review of Project Planning Process
- (vii) Project Preparation
- (viii) Implementation of Planning
- (ix) Review of Project Procurement Process
- (x) Procurement Background
- (xi) Tender Advertisement
- (xii) Tender Returns
- (xiii) Evaluation Bids
- (xiv) Technical Proposal
- (xv) Commercial Proposals

- (xvi) Findings
- (xvii) Procurement Compliance Test
- (xviii) Conclusion

The Bureau considers each Procurement Process Review Report as a public document that can be made available to any interested member of public or bidders.

CHAPTER SEVEN

Results of Compliance Review

7.1 Outcomes of Compliance Review

There are three possible outcomes at the end of a Compliance Review exercise by the **BPP**. These three possible outcomes are categorized as **A, B** and **C**

7.2 Category A Outcome (Positive)

Category A Outcome leads to the granting of a Procurement process certificate. If at the end of the Compliance Review exercise, the findings show that all the defined rules of public contracting were duly complied with by the Procuring Entity in the Procurement exercise, the Procurement Review Report would recommend issuance of a Procurement Certificate for Award of Contracts.

For a Procurement Process Certificate to be issued by BPP the Compliance Review must validate that the Contract Award Process followed by the Procuring Entity was Right, the Winner being recommended is Right and the Cost is Right.

7.3 Category B Outcome (Negative)

Category B Outcome leads to the denial of a Procurement Certificates. If the contract process does not conform to the standard defined as a right contract award process, the BPP is to withhold Procurement Certification. The Bureau shall only advise the Spending MDA to re-procure. This is

because “the Process is fundamental in public procurement in determining the right cost and the right winner”.

7.4 Category C Outcome (Conditional Approval)

Category C Outcome leads to the granting of a Conditional Approval subject to the fulfillment of certain requirements. This is where the cost posted by an emerging winner is a right contract process is higher than the fair market cost. The issuance of a Procurement Certificate for Award of the contract is made in principle but delayed until the satisfaction of the cost accuracy and conformity with parameters established by the Review. In such an instance, a meeting of all stakeholders could be convened by the procuring entity at the advice of the **BPP** where the winner would be advised to reduce the cost to conform to Compliance Review Estimated Cost. This is because the Bureau, with its expertise and the information technology tools, shall be able to easily ascertain the true or right cost of all goods, services and works. The idea here is to ensure that the cost that is eventually accepted to both sides on the project is one that can be comparable to similar Procurement elsewhere in the Federation.

However, if such a winner declines, the offer will be made to the Second Lowest Bidder. If the established right cost is rejected by all, the BPP may advise MDA to cancel the entire exercise and re-advertise.

7.5 Meeting During the Review Process

In the course of a Procurement Review, the BPP and the spending MDAs shall meet as often as necessary to resolve contentious issues that will help in making the best decision and securing the best outcome for public expenditure and financial management. Prompt response to **BPP** invitation for such a meeting or request for additional documentation whenever it arises is quite important in avoiding delays in the review process and in the project execution. Efficient supply of all relevant information would enable the **BPP** to *complete the Compliance Review Process within the specified timeframe*. The Bureau is to check the appropriate boxes on the Procurement Checklist and return to the spending MDA to guide them in packaging the missing documents necessary for the Compliance Review.

CHAPTER EIGHT

Procurement Certification

8.1 Introduction

Procurement certification means issuance of a Procurement Process Certificate to the procuring MDA for complying with the Procurement Process Procedures. This is done after a careful review of the process that produced the winner and cost of the contract. A certificate is issued after the process, the winner and the cost have been found to be open and transparent by the BPP during the review.

No Ministry, Department or Agency (MDA) shall pay for any capital project without a Procurement Certificate.

The Accountant-General of the State shall not make any payments in respect of any capital project except if the request for such payment is accompanied by Procurement Certificate among other required documentations.

The Certificates are important instruments of incentive or sanction, as the case may be, for procuring MDAs in their compliance or non-compliance with the clearly defined procedures of the contract process. The certification process would be particularly effective as an instrument for public sector behavior modification and change orientation to achieve compliance with rules. It is hoped that with strict application, compliance would be obtained from the MDAs.

8.2 Types of Procurement Process Certification

- a) Procurement Certificate for Contract Award
- b) Procurement Certificate for Payment

8.2.1 Procurement Process Certificate for Contract award

The Procurement Certification for Award of Contract is issued when the Review of the submissions made by a spending MDA to the Procurement Office, is verified that the contract in question passed the Three Tests of Procurement Review as follows:

The Process is right

The Winner is right

The Cost is right

The Procurement Process and Other Matter Bureau (BPP) Certificate shall be a pre-requisite for the State Executive Council's (SEC) grant of final approval for award of all contracts that are ₦20 Million and above.

CHAPTER NINE

9.1 Introduction

The BPP is to work with a check-list of documents that are required for the proper conduct of compliance review before certification, especially in respect of contracts valued at ₦100,000,000.00 and above. The Certification would take three different dimensions, classified as A, B and C below.

9.2 Category of Procurement Review Certificates

9.2.1 A: Certification of Project Readiness for Implementation

A1. ALIGNMENT OF PROJECT WITH ZAMFARA STATES

STRATEGIC AND SECTORAL PRIORITIES: Indicate any relevant laws, regulations and guidelines and state whether the proposed project is in compliance. Indicate geographical spread and position in the ministerial priorities. The presence of a project in the Appropriation Law is evidence of compliance with this criterion.

A2. TECHNICAL & ECONOMIC APPRAISAL OF THE

PROJECT: indicate whether a feasibility study has been undertaken or whether one is planned. Include the final report and or Terms of Reference for the planned work. Indicate whether a financial/economic analysis has or will be conducted. Include the final report and or Terms of Reference for the work. If any of these studies is considered not necessary, provide an explanation.

A3. PROJECT & CONSULTANT/ENGINEERS ESTIMATES:

Indicate whether cost is in line with the consultants/engineer's estimate-provide documentation.

A4. Project Designs: Include project designs and drawings. Consultant's preliminary and tender drawings shall be provided where necessary. This is especially important for building and engineering projects.

A5. FINANCING PROCUREMENT AND IMPLEMENTATION

PLANS: state the financing option considered, including the procurement and implementation plans. A project procurement timetable shall be included.

A6. ENVIRONMENTAL IMPACT ASSESSMENT REPORT:

Describe in quantitative terms the expected positive or negative environmental impacts of the project. For negative impacts, make preliminary proposals for mitigating measures. Provide information on any guidelines. Indicate whether environmental and social assessments have been undertaken. Include final report and/or Terms of Reference for the work. If such a study is considered not necessary, provide an explanation.

A7. OPERATIONS AND MAINTENANCE MANUAL:

Operations and Maintenance manual shall be provided where required, particularly for plants and machinery procurement.

9.2.2 B CERTIFICATE OF PROCUREMENT

B1. EVIDENCE OF ADVERTISEMENT FOR PRE-QUALIFICATION: Indicate whether there was advertisement for contractors' pre-qualification and provide evidence.

B2. PRE-QUALIFICATION DOCUMENTS: Indicate whether pre-qualification was conducted, and if not whether post-qualification was provided for in the bidding documents. Include copies of pre-qualification documents.

B3. LETTER OF INVITATION TO BID: Provide copies of letters of invitation to bid for pre-qualified contractors.

B4. BID DOCUMENTS: Provide evidence that tender documents have been prepared in line with the ZAMFARA State Government guidelines/standards. Also provide copy of public advertisement. Provide evidence that adequate time was provided to obtain and prepare bids.

Provide evidence that a public bid opening was conducted, if so, how long after the deadline for bid submissions and who was invited? Indicate whether bid opening procedures followed those specified in the ZAMFARA State Government's procurement guidelines. What information was read out at the opening ceremony? Provide copies of the Minutes. Provide accurate records of all communications with bidders, before and after the deadline for submissions.

B5. PROJECT DESIGNS AND DRAWINGS: indicate whether project designs and drawings have been prepared. If so, provide copies of the Minutes. Provide accurate records of all communications with bidders, before and after the deadline for submissions.

B5. PROJECT DESIGNS AND DRAWINGS: Indicate whether project designs and drawings have been prepared. If so, provide copies this is especially important for building and engineering projects.

B6. BIDS RETURN SHEET: Provide copies of bids returns sheet duly signed by the representative of BPP, the Executing MDA and all bidders present.

B7. BID EVALUATION REPORT: provide details of members of Bid Evaluation Committee, indicating the designation and experience. Provide the basis of criteria for evaluation of bids and indicate how the evaluation criteria were applied, and how successful bidders' qualifications were verified. Provide copies of evaluation criteria and evaluation report. Provide evidence that a market survey was conducted to update knowledge of prevailing prices that are relevant to the project. Indicate whether contract process is comparable with international experience and with experience in the private sector-provide documentation.

B8. EVIDENCE OF APPROVAL OF SELECTION BY MANAGEMENT: Indicate whether selection was approved by management and what changes were made by management and why? Provide copies of letter of award of contract.

B9. BID BOND: indicate whether bid bonds were submitted with bid-provide documentation.

B10. ENGINEER'S, CONSULTANT'S OR IN-HOUSE ESTIMATES: Provide Engineer's, Consultant's or in-house project estimates. Indicate whether these were done before

bidding and whether they are comparable to international prices or similar projects in similar States or Countries.

B11: APPROPRIATION/FUNDING: indicate whether there is provision for the project in the relevant Appropriation Law or indicate what efforts are being made to prioritize the project towards securing appropriation for the project up to completion.

9.2.3 C: CERTIFICATE FOR IMPLEMENTATION

C1. POLICY FILE: Provide the policy file for the project.

C2. SEC APPROVAL: Provide evidence of all the relevant State Executive Council memos and approval for the project.

C3. APPROPRIATION/FUNDS: Indicate whether there was appropriation for the project in the main or supplementary appropriation laws and also indicate whether or not funds have already been released to the executing MDA's account.

C4. CONTRACT AGREEMENT: Provide copies of the original contract agreement and all other addendums to the contract such as Bills of Quantities, e.t.c

C5. PERFORMANCE SECURITY AND BOND: Provide copies of performance securities and Bonds.

C6. EVIDENCE OF UTILIZATION OF EARLIER RELEASED FUNDS: Provide documentation and evidence of funds released. Provide evidence of payment from these funds.

CHAPTER TEN

10.0 Bidding Regulation

10.1 Bidding contract above 100 million in case of the State and 20 million in case of the Local Government.

10.1.1 All bidders of contract price at which is above 100 Million Naira in case of the State and 20 Million in case of the Local Government in addition to requirements contained in any solicitation documents shall:

- a. Possess the necessary –
 - i. Professional and technical qualifications to carryout particular Procurement;
 - ii. Financial capability;
 - iii. Equipment and other relevant infrastructure;
 - iv. Personnel to perform the obligations of the procurement contracts
- b. Possess the legal capacity to enter into the Procurement contract;
- c. Not be in receivership, the subject of any form of insolvency or bankruptcy proceedings;
- d. Have fulfilled all its obligations to pay taxes;
- e. Not have any Director who has been convicted in any country for any criminal offence relating to fraud or financial misappropriate or criminal misrepresentation or falsification of facts relating to any matter;
- f. Accompany every bid with an affidavit disclosing whether or not any officer of the relevant committees of the

procurement entity of Bureau is a former or present Director, shareholder or has any pecuniary interest in the bidder and confirm that all information presented in its bid are true and correct in all particulars.

10.2 EXCLUSION OF BIDDER FROM PROCUREMENT PROCEEDING

10.2.1 Whenever it is established by a procuring entity or the Bureau that any of the following situations exists, the bidder may have its bid or tender excluded from any particular procurement proceeding if:

- a. There is verifiable evidence that any supplier, contractor or consultant has given employment or any other benefits, item or a service that can be quantified in monetary terms to a current or former employee of procuring entity or the Bureau, in an attempt to influence any action, or decision of any procurement activity;
- b. A supplier, contractor or consultant during the last three years prior to the commencement of the procurement proceedings in issue, failed to perform or to provide due care in performance of any public procurement;
- c. The bidder is in receivership or is subject to any type of insolvency proceedings or being in a private company, is controlled by a person or persons who are subject to any bankruptcy proceedings or who have been declared bankrupt and have made any compromises with creditors within two years to the initiation of the procurement proceedings;
- d. The bidder is in arrears of payment of taxes;

- e. The bidder has been validly sentenced for a crime committed in connection with a procurement proceeding or any other crime committed to gain financial profit;
- f. If the bidder fails to state its relationships with other parties to the proceedings and persons acting on behalf of the procuring entity in same proceedings.

CHAPTER ELEVEN

11.0 CONDITIONS FOR THE VALIDITY OF PROCUREMENT

11.1 Principle of Procurement

11.1.1 All procurement shall be made:

- a) In accordance with approved plans supported by prior budgetary appropriations and no procurement proceedings shall be formalized until the entity has ensured that funds are available to meet the obligations and subject to the threshold under this regulation.
- b) By open competitive, selective or nominative tendering as the case may be;
- c) In a manner which is transparent, timely equitable for ensuring accountability and conformity with the law and this regulations.
- d) With the aim of achieving value for money and fitness for purpose; and
- e) In a manner which promotes competition, economy and efficiency.

11.1.2 Every procuring entity shall maintain both file and electronic records of all procurement proceedings made with each financial year.

11.1.3 Such records shall be transmitted to the Bureau not later than six months after the end of the financial year.

11.1.4 All procurement records that are unclassified shall open to inspection by the public at the cost of copying and

certifying the documents as may be prescribed by the Bureau.

11.1.5 A contract shall be awarded to the lowest evaluated responsive bidder, but the Bureau may refuse to certify a contract for award on the ground of excessive pricing.

11.1.6 the Bureau may either direct that the procurement proceedings be entirely cancelled or that the procuring entity conduct a re-tender.

11.20 Disposal of Public Property

11.2.1 The disposal of public property shall primarily be through open competitive bidding in accordance with Stores Regulations.

11.2.2 The means of the disposal of public assets shall include:

- a) Sale and rental;
- b) Lease and hire purchase
- c) Licenses and tenancies;
- d) Franchise and auction;
- e) Transfers from one government department to another with or without financial adjustments; and
- f) Offer to the public at an authorized variation.

11.3.0 Equality in Procurement Proceedings

11.3.1 The procuring entity shall ensure that all public procurement shall be by offering to every interested bidder equal information and opportunity to offer the goods and works needed.

11.3.2 The Bureau shall stipulate methods and procedures of invitation, opening, examination and evaluation of bids to ensure open and competitive bidding.

11.4.0 Procurement of Service

11.4.1 The Bureau shall provide the procedure for procurement of services of consultant and other service providers, which shall include the manner for request of proposal, its content, evaluation and selection procedure

Alh. Aminu Ahmada nahuche, mni
Chairman

Alh. Ibrahim Suleiman
Member

Alh. Ibrahim Bagori
Member

Alh. Yusuf Auta
Member

Dr. Muhammad Umar Dodo, mni
Member

Alh. Muhammad Aliyu Anka
Member

vAlh. Isah Muhammad Moriki
Secretary

Dr. Abubakar Muhammed
Asst. Secretary/Head of Secretariat