REPORT ON THE 4TH PHASE NATIONAL SENSITIZATION AND ENLIGHTENMENT PROGRAMME ON THE PUBLIC PROCUREMENT ACT FOR SOUTH-SOUTH ZONE, AUGUST 9th, 2012

Which held on the 9th of August, 2012, at the Precious Palm Hotel, in Benin City, Edo State, and was organized by The Bureau of Public Procurement, State House, Abuja
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**Acronyms and Abbreviations**

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<th>Acronym</th>
<th>Description</th>
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<tr>
<td>ACP:</td>
<td>Assistant Commissioner of Police</td>
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<tr>
<td>AIAE:</td>
<td>African Institute for Applied Economics</td>
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<td>AIG:</td>
<td>Assistant Inspector General of Police</td>
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<td>ANCOR:</td>
<td>Anti-corruption Revolution Campaign</td>
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<td>BMPIU:</td>
<td>Budget Monitoring and Price Intelligence Unit</td>
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<td>BPP:</td>
<td>Bureau of Public Procurement</td>
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<td>CONGOS:</td>
<td>Conference of NGOs</td>
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<td>CSOs:</td>
<td>Civil Society Organisations</td>
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<td>CPAR:</td>
<td>Country Procurement Assessment Report</td>
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<td>DG:</td>
<td>Director-General</td>
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<td>EFCC:</td>
<td>Economic and Financial Crimes Commission</td>
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<td>ENGR.</td>
<td>Engineer</td>
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<td>ERA:</td>
<td>Environmental Rights Action</td>
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<td>FCBPA:</td>
<td>Fellow of Centre for Budget and Policy Advocacy</td>
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<td>FNSE:</td>
<td>Fellow of Nigeria Society of Engineers</td>
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<td>GDP:</td>
<td>Gross Domestic Product</td>
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<td>NBS:</td>
<td>National Bureau of Statistics</td>
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<td>NDDC:</td>
<td>Niger Delta Development Commission</td>
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<td>NGOs:</td>
<td>Non Governmental Organisations</td>
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<td>NEITI:</td>
<td>Nigeria Extractive Industries Transparency Initiative</td>
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<td>NYSC:</td>
<td>National Youth Service Corps</td>
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<td>NSWG:</td>
<td>National Stakeholders Working Group</td>
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<td>NNPC:</td>
<td>Nigerian National Petroleum Corporation</td>
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<td>MDAs:</td>
<td>Ministry Department and Agencies</td>
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<td>MOSOP:</td>
<td>Movement for the Survival of Ogoni People</td>
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<td>OSISA:</td>
<td>Open Society Institute for West Africa</td>
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<td>PFEM:</td>
<td>Public Finance Expenditure Management</td>
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<td>PPC:</td>
<td>Public Procurement Commission</td>
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<td>PPA:</td>
<td>Public Procurement Act</td>
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<td>UNCITRAL</td>
<td>United Nations Commission for International Trade Laws</td>
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Facilitated by the Leadership of the Niger Delta Budget Monitoring Group (NDEBUMOG)
1.0 Conceptualization Statement

The Public Procurement Act, 2007, is designed to promote competition, transparency, professionalism, inclusiveness and value for money in public finance expenditure management (PFEM). It is a legislation centred on generating wealth and promoting legitimate procurement opportunities for Nigerians.

In line with the above, the Bureau of Public Procurement (BPP), over the years, has consistently sensitized Nigerians nationally, on their basic privileges, opportunities, feedback processes, procedures, thresholds and obligations to every citizen in the country, who as one people, are collective stakeholders in the national procurement regime, for a sustainable human, social and enduring infrastructure for Nigeria. Series of sensitization workshops have taken place since the year 2008, which accordingly, is culminating to this 2012 National Sensitisation on the Public Procurement Act.

The sensitization (campaign) therefore, is to enlighten contractors, public servants, consultants, supplies, politicians, civil society organisations, professional bodies and associations, together with the general public, on the provisions of the Act. It is also an opportunity to interact with stakeholders from the zone(s) on how they can take maximum advantage of the law to compete effectively in national procurement. It is also a window by the Bureau to deepen the campaign against procurement-corruption at the grassroots.

It is against this background that, I wish to invite your Organisation/Association to attend this (2012) event. We shall appreciate the esteemed presence of your leadership and members, as the Edo State Governor will declare the National Sensitization Campaign Open by 9am on Thursday, 9th August, 2012.

The Bureau of Public Procurement (BPP) relies on your strong partnership for a successful hosting of this national event in Edo State, for the South-South zone.

Please accept the assurances of the Director-General’s regards and highest esteem.

Anthony A. Ikor

Director-Research, Training & Strategic Planning

Bureau of Public Procurement (BPP)

State House- Abuja.
2.0 Opening Remarks

OPENING REMARKS BY THE LEAD COORDINATOR OF THE 2012 NATIONAL SENSITIZATION (SOUTH-SOUTH ZONE), MR. GEORGE-HILL ANTHONY-FCBPA, RESEARCH FELLOW-AIAE

Let me use this opportunity to welcome you all to this 2012 National Sensitization Programme on the Public Procurement Act.

I am overwhelmed by the large turnout of participants to this event. Indeed, I am proud of the Civil Society Community in Edo State.

Indeed, we are not here by accident. Edo State was chosen by the Bureau, in solidarity on the recent enactment of the Edo State Public Procurement Law. The Bureau affirms and is quite aware about the constitutional separation of powers, which gives independence to States in the Federation to enact their laws. When such is done in the spirit of borrowing what applies nationally, like within the public discourse on public account best practices, such attracts solidarity anywhere.

As you may wish to know, I was the Lead Civil Society Consultant who worked with a team of Lawyers in drafting and developing a Civil Society Public Procurement Bill for Edo State. Interestingly, the Edo State House of Assembly, for the first time in Nigeria, critically adopted key clauses from the Civil Society version, which they reconciled with the original Bill (now an Act) as was received from the Executive Arm of Government in the State. For your information, that is why I make bold to say here that, the Edo State PPA has the following pro-citizens clauses (as indication of a listening government) from what the Civil Society did.

These are:

- Citizens participation through a needs assessment in public procurements
- Annual State Procurement Report to Edo State stakeholders
- Civil Society (nominated) representative in the Board
- Civil Society Observer(s) in Bidding Processes
- Legalisation of Civil Society Observation Reports

Let me inform this esteemed audience, that the BPP is ranked among the flagship national anti-corruption agencies that are very willing to engage the grassroots and the citizenry, using the civil society as mobilization instrument. I am aware that a lot of colleagues have been wondering why I accepted this responsibility. That is, to those, who are aware that I had distanced myself in the past, from accepting government offers and responsibility.
Respected Colleagues, this responsibility is a not a patronage; rather, it is an opportunity for those of us who are engaged in the national monitoring of the procurement processes to give feedback and deepen understanding and knowledge about the increasing dynamics and complicated evolution in public procurement processes globally. Let me share with you that the BPP has given many of us (who are involved in reporting systems abuses related to procurement processes) good reasons to associate with the Bureau. They have never toyed with our public petitions regarding procurement abuses. There is evidence to these facts!

This event is therefore an opportunity for you to know more about the working of the BPP, opportunities, and complaints reporting procedures, among others.

Finally, let me use this opportunity to render some constituency accountability to my colleagues, the Civil Society Stakeholders in the Niger Delta. My tenure in the Board of the Anticorruption Revolution Campaign (ANCOR) of the Economic and Financial Crimes Commission (EFCC), for which I am representing the Zone, was supposed to come to an end in July, 2012. However, EFCC extended the tenure of the NCC and shifted the National Convention till sometime in 2013. This was to enable the new leadership of EFCC settle down.

You shall be communicated accordingly about the Convention, as I am not seeking for a new tenure. I thank Edo State delegates for your votes for me at the Convention.

I have also ceased to be the Head of NEITI Civil Society Steering Committee. This development took place in February 2012, following the expiration of the tenure of the former NSWG of NEITI, which further extends to the dissolution of other structures under the previous NSWG. Notwithstanding, I am however very much involved with the issues of extractive accountability and salvation of the Niger Delta’s petroleum economy, which spans to public procurement processes in view of income from oil being at the centre of Nigeria’s economy.

You can now see why we are here...

Thank you!
3.0 KEYNOTE ADDRESS

KEYNOTE ADDRESS BY THE
DIRECTOR GENERAL OF BUREAU OF
PUBLIC PROCUREMENT (BPP), ENGR. EMEKA M. EZEH, FNSE,

AT THE FOURTH SENSITIZATION ON PUBLIC PROCUREMENT ACT
TO STAKEHOLDERS IN THE SOUTH-SOUTH ZONE
PALM ROYAL HOTEL
BENIN CITY, EDO STATE
9TH AUGUST, 2012

Distinguished Ladies and Gentlemen,
I am delighted to deliver this keynote address to flag off this sensitization workshop. I have always said that the process of implementing the Public Procurement Act requires the dutiful commitment of all stakeholders. You are no doubt part of the key entities in the procurement chain and your pivotal roles on individual basis cannot be over emphasized. That is the reason why gatherings like this that provide the opportunity to educate public servants deserve commendation.

This campaign, as you are aware, is to enlighten contractors, public servants, consultants, politicians, civil society, non-governmental organizations, professional associations and the general public on the provisions of the Act. It provides an opportunity for interaction with the stakeholders from this zone on how they can take maximum advantage of the law to compete effectively in national procurements. I therefore heartily welcome you all to this forum, just as I am optimistic that we will use the occasion to improve our understanding of the Public Procurement Act, 2007. Once we establish a synergy, we would have left no stone unturned in ensuring that all hands are on deck in our bid to stamp out corruption through best Procurement practices.

The BPP hopes to take Nigeria to a level where best practices in Public Procurement are implemented in the overall interest of national development. National development would come if corruption, which mainly takes place through shoddy procurement practices, is eliminated. It is the belief of the Bureau that if public contracting system is governed by the principles of Integrity, Transparency, Competence and Competitiveness as National ethos, a good ground would have been provided for the Social, Cultural, Infrastructural and Technological advancement of the country.

It is expected that in the near future, corruption in Public Procurement would have completely given way to open, transparent, and competitive Federal procurement system that is integrity – driven, and upholds spending within the budget to ensure speedy implementation of projects in order to achieve value for money without sacrificing quality and standards. Invariably, it is expected that the unfortunate reputation of our country as a corruption ridden nation as a result of such practices would have been reduced, if not

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eliminated, with the citizenry no longer in doubt as to the benefits of an ideal procurement system since infrastructure previously lacking through corrupt practices would have been replaced.

Ladies and gentlemen, it is important to note that reforms are initiated to bring about positive changes in any society. Innately, however, reform connotes change and change is most times difficult to accept. That is why the Bureau severally experienced some form of institutional resistance to its operations. This resistance has come from different sectors of the society, both administrative and traditional. We have been steadfast in ensuring that we constantly educate the people on the need for procurement reform where it will no longer be business as usual. Our quest for education and the provision of information comes from our understanding of the fact that information is a critical success factor that cannot be ignored in embarking on policy reforms especially when it focuses on people and improving their living standards. Efficient information is required to educate and enlighten people on what is wrong with the old order and why change (Reform) is necessary. Information is also important to educate and mobilize the people to play positive roles that could guarantee the achievement of desired benefits. In Nigeria, experience has shown that improved quality of life which every Democratic Government promises is better assured when the people’s right to know and participate in the debate on how government spends public resources becomes entrenched.

This does not only create the right frame work for their support and engagement with the reform process, but also confirms that they are bonafide owners of the policy. However, sectors of the establishment often try to work against this mass education process, and our challenge has been to rise against them and ensure that the Bureau has its way in the overall interest of the country. We have as well been empowered by the zeal of the present administration to fight corruption through ensuring best Public Procurement practices.

Distinguished Ladies and Gentlemen, we are determined on this cause and we urge you to continue to discharge your commitment in order to achieve a corrupt free public procurement system in Nigeria.

Once again, I welcome you all and wish you all a successful deliberation.

Thank you for listening.
4.0 SITUATIONAL REPORT OF PROCEEDINGS

SITUATIONAL REPORT FROM THE 2012 NATIONAL SENSITIZATION ON PUBLIC PROCUREMENT (SOUTH-SOUTH), HELD ON 9TH OF AUGUST, 2012, IN BENIN CITY, EDO STATE.

The Bureau of Public Procurement (BPP) through its appointed facilitative vehicle organized the fourth phase public sensitisation on the Public Procurement Act. The event was held at the Precious Palm Royal Hotel, Ugbowo, Benin City, Edo State on Thursday, the 9th of August, 2012. The event was attended by the Director-General, Bureau of Public Procurement (BPP) who was represented by Mr. Anthony Ikpor (Director-Research, Training and Strategic Planning of the Bureau). Others were, the Special Assistant to the Edo State Governor on NGOs, Mrs Isimene Whyte, Special Assistant to the Speaker of Delta State House of Assembly, Ms Angela Onwaene, Henry Odogun, Special Assistant to the Edo State Governor on Due Process and Project Monitoring, Mr. Taiwo Akuren, Executive Director, World Bank Sector Projects, Assistant Inspector General of Police (AIG) Zone 5 Benin City, who was represented by ACP Adeleye Oyebade, representative of the Niger Delta Development Commission (NDDC), Mr. Ehiorobo Okonkwo, the Honourable Commissioner for Economic Planning, Delta State, who was represented by Mr. Emeka Okonkwo. Edo State Commissioner of Police and the State House of Assembly were also represented at the event. Six (6) Secondary Schools, Contractors, Consultants, Women Groups, Persons with Disabilities, NGOs, Youth Groups and NYSC members, amongst others, also were in attendance. Participants at the programme were over 600.

The Programme which was held on the 9th of August, 2012, at the Aino Osagie Conference Hall of Precious Palm Royal Hotel, Benin City, started at exactly 9.00 am with the registration of participants. This was followed by introduction of dignitaries by the Master of Ceremony, Mr. Young Kigbara of the Movement for the Survival of Ogoni People (MOSOP).

The National Anthem was taken afterwards, which led to the Lead Coordinator of the programme (South-South zone), Mr. George-Hill Anthony reading his welcome remarks. He first acknowledged the existing protocols. He also appreciated the large turnout of the participants at the programme, giving credits to the Edo State Civil Society stakeholders for their active mobilization across the State. He also welcomed stakeholders across other States within the zone for honouring the invitation to the event. Mr George-Hill said, the purpose of the sensitization is to mobilise the citizens of the zone to fight procurement corruption at the grassroots. He said that the State has a Public Procurement Act, which critically took the input of the Civil Society community into a law; this is the first time in the history of Nigeria for a State Legislature in any State to take inputs of the Civil Society into an enacted Public Procurement Law.
He said that the enactment of the Edo State Public Procurement Act was what prompted the event to be brought to Edo State. He finally ended his speech by welcoming the participants once again and tasking them to see the occasion as an avenue to make contributions that can move the country forward. He also gave some constituency accountability about EFCC-ANCOR and NEITI, being where he has served on behalf Civil Society Stakeholders in the South-South Zone.

After the opening remarks from the Lead Coordinator (South-South Zone), the representative of the Director-General of the Bureau of Public Procurement, Mr. Anthony Ikor presented the keynote address of the Director-General, Engr. Emeka Ezeh, FNSE. In the address, Mr. Ikor said that, the general public is a key stakeholder in the campaign against corruption, while adding that, the sensitization campaign is in line with the provisions in the PP Act, to enlighten contractors, consultants, the civil society and the general public. He said that, the forum is a way to bring together key South-South stakeholders at blending the implementation of the Act in a way that can generate wealth and provide equal opportunities for all.

He also said that, it is a process meant to bring about procurement sanity. He affirmed the belief of the Bureau that, if the procurement practices are transparent, this will prevent some shoddy practices. He said that reforms are necessary to create required changes and that the quest for information dissemination is necessary to educate and enlighten the people on what is wrong with the old order of things, in order to enshrine a new practice. Mr. Ikor concluded the address by adding that the present administration has the zeal to ensure a corruption free society and personally expressed his gratitude to the South-South Coordinator for the mobilization, and advised participants to listen attentively to the issues that would be discussed.

5.0 SUMMARIES OF PRESENTATIONS FROM RESOURCE PERSONS

5.1 The first presentation was taken by Dr. Sofiri Peterside, titled “Fighting Corruption in the Niger Delta through the Public Procurement Act: Perspective on Best Practices”. Introducing his paper, he said that the process of Nigeria’s democratization has been disappointing in terms of failure to meet the fundamental needs of its citizens as a result of the disconnection between the government and the people. This has subsequently waned out the expectation of the people at the coming of Nigeria’s democracy.

He also said that the governments’ initiative on delivery will not succeed if it is managed by government alone, but can succeed if more forces are crystallized. The National Bureau of Statistics reported that the gap between the rich and the poor is widening and is demonstrated...
by consumption and expenditure pattern. He stated that although the factors responsible for poverty are complex, it is fundamentally caused by corruption and greed.

Speaking on the situation of the Niger Delta region, which has been agitating for more revenue because of the neglect by all tiers of government, Dr. Peterside said that the region is one of the world’s most important wetlands, and home to over 30 million people. Unfortunately, the exploitation has brought poverty, conflicts to the inhabitants, and human rights abuses. In many cases, many states in the oil rich region lack a lot of basic amenities. This is because the bulk of the allocation has either been embezzled or misapplied; also adding that, if the huge revenues derived from the oil and gas sectors are led to the growing productive capacity and poverty reduction, the key is to ensure that significant resources from these revenues are ploughed back into the state through a transparent procurement practice.

He noted that citizen’s action is needed to monitor the implementation of these laws to expose flaws, while also drawing attention to areas that demand changes. This is necessary because there are gaps between the content, spirit and actual implementation of the laws. To do this, he said there is a fundamental need for the CSOs to keep in mind the socio economic reasons that led to these reforms.

In his presentation background, Dr. Sofiri said that until 1999, corruption was institutionalised as a foundation in governance, which led to the ineffectiveness of power to lead the country, but just as a means of accumulating wealth and abandoning of administrative and transactional activities. Consequently, all elements that enhance efficiency, reliability and continuity of the system were tampered with, and this led to an urgent call for the enthronement of Due Process in 2001. The Federal Government responded to by giving new policy guidelines for the award of contracts in Federal Ministries, Departments and Agencies.

On the sub-topic Conceptual Clarification, Dr. Sofiri said that, the PPA is otherwise known as due process, implying that, government activities can be carried out transparently and economically, without favouritism and corruptible tendencies. The essence of Due Process is to ensure that rules and procedures for procurement are made in such a way as to be enforceable, and it is a mechanism that certifies for public funding on only projects that have passed the test of proper implementation, packaging and adhere strictly to the international competitive bid approaches in the award process.

While speaking on Procurement in the Nigerian Public Sector, he said, to address the issue of widespread corruption in the conduct of government procurement, the Federal Government commissioned the World Bank and other private sector players to study procurement related activities and other financial systems of the country, and it was based on the Country Procurement Assessment Report (CPAR) that some factors were identified that impede Public Procurement Processes in Nigeria. These factors include:

- Nigeria lacks a modern law on public procurement and permanent oversight body to provide guidance and monitor purchasing entities.
• Proliferation of tender boards which were perceived by the private sector as sources of delay. Tenders Boards also had limited mandates with powers to decide contracts, which de facto, is resting with the Permanent Secretaries, Ministers/Commissioners.

• Difficulty in implementation which derives from absence of economic cost/ benefit analysis of projects, lack of genuine competition as rules were tilted in favour of a predetermined winner.

• Existence of people who do not genuinely understand public procurement practices. They include the ordinary Nigerians, such as market men and women, small and medium scale businessmen, students, rural dwellers, community and religious leaders, investors and teachers, even to top echelon of the private sector.

Dr. Sofiri also highlighted some of the recommendations that followed from the CPAR findings. They include:

• Streamlining of Tenders Boards and strengthening their functional authority, including powers to award contracts;

• Revision of key areas of the Financial Regulations to make them more transparent

• The need for a Procurement Law based on the United Nations Convention for International Trade Law (UNCITRAL) Model

• A critical need to rebuild procurement and financial management capacity in the public sector, and

• A comprehensive review of the businesses related to export, import and transit regulations, procedures and practices.

Speaking on the Public Procurement Act of 2007, he said, it is a new law that regulates the procurement of goods and services in the public sector in Nigeria. He said it harmonises existing government policies and practices for enthroning transparency. The law also aims to reduce corruption amongst government administration of contracts and bids, by ensuring efficiency in resource management. This is important because corruption was the order of the day, as laws and financial regulations were routinely broken to the extent that government was not realizing policy targets. He used the opportunity to call on the public to ensure monitoring and tracking of their projects and programmes, as to be able to hold the government accountable.

To ensure adherence, the PPA established the Bureau of Public Procurement responsible for procurement oversight. The act also beefed up the power and responsibility of the BPP. It no longer forms part of the Presidency, but reports to the National Council on Public Procurement which is headed by the Minister of Finance. The BPP is also charged with ensuring proper disposal of government property.

Also, he added that all contracts below an agreed amount are displayed on notice board and in at least two national/ state news papers. In addition, he said the pre-qualification list comes after the invitation to tender or bids. Only competent bidders whose names are on the pre-qualification list are enlisted for this invitation.

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Speaking on Anti-Corruption Opportunities and Prospects, he said that the Act empowers BPP to scrutinize all public sector contracts which derived at least 35% of the funds appropriated or proposed to be appropriated from the federation share of the consolidated fund. This implies that BPP has the right to scrutinize big contracts which are being largely paid for from the Federal Government’s money.

Dr. Sofiri said that, at the Federal level, there is a monitoring machinery which the Act charges BPP to allow equal access to information through open competitive bidding, implying that all government contracts must be openly advertised in the media and all potential bidders must be given same information at the same time to avoid favouritism. Documents required by the BPP include Project Policy File, Evidence of Advertisement as appropriate, Tender’s Returned, Tender Evaluation Report, Contract Award Letter Agreement, Variation Report etc.

The law stipulates that offending companies can be fined up to 25% of the total value of a disputed contract value, and can also be barred from participating in any procurement matters for the next five years. He added that reduction in cases of abandonment of government projects after large sums have been paid out to ill equipped contractors, depends on a well informed CSO, Media etc to making constructive contribution towards implementation.

One of the main duties of the BPP is to monitor market prices of goods and services in the economy. In conclusion, he said that one of the fundamental gains of the National Procurement System is the opportunity for creation of jobs for unemployed Nigerians. Here ends Dr. Sofiri presentation.

After Dr Sofiri’s presentation, the Lead Coordinator (South-South Zone) specifically expressed his delight at the presence of the students, irrespective of the fact that Schools are on holidays. He encouraged the young people especially members of the National Youth Service Corps present, to be encouraged in the Nigerian system and not to lose faith nor hope in the country. The Coordinator bemoaned the fact that, a lot of things have not been very well fixed, the Police sector which lacks welfare for their officers, the lack of budget document for the masses, even up to members of the executive arm of government. At this point, he paused to announce members of the communique drafting committee who were:

- Morris Aloagoa – ERA, Benin City
- Victoria Esang - Edem Children Foundation, Calabar
- Mr. Bolaji Oshaju - Axial Link Nigeria Limited, Port Harcourt.
- Mr. Austin Osakue -Anti-Corruption Revolution Campaign (ANCOR)
- Okpara Edozie, - NYSC member
- A representative of CONGOS
5.2 A second paper was presented by Barrister Chima Williams of Environmental Rights Action/Friends of the Earth-Nigeria, titled **Linking Edo State Citizens to the Edo State Public Procurement Act 2012: Entry Points for Citizens of the State.**

In his introduction, Chima said, he took his major presentation points from the Edo State Public Procurement Bill, as a copy of the State Procurement Act accentuated to by the Governor had not yet been gazetted and put into circulation. He added that the document could not have been put together without the support of the Civil Society Organisations. He particularly mentioned Mr. Anthony George-Hill, Barr. Nosa, and Open Society Initiative for West Africa (OSIWA), with the cooperation of the Edo State Government.

Chima said, Public Expenditure Planning before now have been shrouded within the bureaucrats and without recourse to the beneficiaries. He said that, moves were made in 2004 which led to the enactment of the PPA in 2007 at the Federal level. The PPA have set rules for procurement standards, like the standard bidding document and Code of Conduct for public officers involved with public procurement. He said the Edo State law is unique in such a way that, it allows for civil society representation on the board of the agencies and also provided for offences and penalties. Also, he said that the law gives room for community participation. One of the provisions of the Edo State PP Act is the local content provision, which implies that, one can be given concession and special consideration as a local contractor. This is done to encourage local service providers.

**Sections 18, 22, 19, 31 48, 54, 55 and 56 allows for citizens to make use of the Act.** A vital step, he advised is for participants to digest the content of the Act. The enactment of the law in Edo State makes it institutionalized rather than individualized. Importantly, he added, the budget process cannot be conclusive without a transparent procurement process. Barrister Williams said **Section 18(1) gives access for open competitive bidding. Section 22 defines what will amount to open competitive bidding.** He said one step is that, all bidders must submit their bid document before the date of the exercise; it also makes it mandatory for all prospective bidders to be present during the bid opening process.

Barr. Williams noted that in the procurement process, the government does not only engage in purchase of goods and services, but also get involved in disposal of public properties. **Section 55 itemizes what constitutes procurable items.** The Act also provides for citizens to sue the **State Procurement Agency.** **Section 19** of the Edo PPA requires for warranty for goods and services provided. The Act is also unique, as it protects the procurement officers, companies involved and the citizens. He encouraged citizens to adapt the PPA to their local circumstances. He said that community participation is key, because faulty procurement practices involves all and can only be mitigated by concerted efforts of all citizens.

After his presentation, **Mr. George-Hill added that Section 7(b) demands for Annual State Procurement Assessment Report and Section 2 requires that a Need Assessment be**
done before contracts are awarded. He also gave kudos to the Edo State PPA for its uniqueness, though, according to Mr. George-Hill, there is no perfect law anywhere.

After these two presentations, questions and suggestions were taken. These came from the following members of the audience:

**Henry I. Idogun, Senior Special Assistant to the Edo Governor on Fiscal Governance and Project Monitoring**, who said, before now, in Edo State, there were situations of complete abandonment of projects and poor project implementation, but with the passage of the Edo State PPA, such has become history in the state. He added that, what the state is grappling with now is the issue of compliance with standards.

**Mr. Bamidele Oladikan:** He requested for a copy of the Public Procurement Act. He said that in 2005, Issues of Financial Misappropriations were raised and asked on what the Bureau can do to retrieve those funds?

**Mr. Eric Odalumen:** He asked to know how the PPA applies when production of Health Materials are involved. For instance, purchase of Mosquito Nets. He also asked how the Bureau of Public Procurement intends to step up budget 2012 implementation from the current 41% reported by the Minister for Finance and Coordinating Minister for Economy. Finally, he requested for a list of companies that have been indicted for contravening the PPA between 2009 till date; while also requesting to know what citizens can do when they were not informed prior to the disposal of public properties.

**Mr Ken Arabomen:** He suggested that conscious efforts be made to crystallize a strong network of persons or group of persons at following up very closely, the activities of the Bureau, with a view to identifying corrupt practices early enough before it gets too late.

**Mr. Omo Idusogie:** He asked why Contactors and Consultants are not fully represented? He bemoaned the condition where laws are passed but making little impact during implementation; this was even observed in 2007, when budget implementation was 30%, even with the passage of the PPA. He also added that, most contracts given to party chieftains have been noted to have flopped, asking to know what can be done to curtail this trend.

**Mr. Bartholomew:** He asked to know if the Procurement Act also affects foreign contractors like Julius Berger and Reynolds Construction Company apart from local contractors.

In response to some of the questions asked, Dr. Sofiri Peterside said, people should learn to be bold in facing and engaging national issues. He added that, they can make use of platforms provided by the Civil Society and the Media to engage the government, while also saying that CSOs should learn to be factual. More on that, he lamented the dearth in Public Interest Litigation among the CSOs, advising them to wake up if a change has to be made. Earlier, there were comments that the PPA has become a clutch in the wheel of the project execution, but Dr. Sofiri dismissed this, by responding that, there have been recorded cases of return of funds by some MDAs at the end of the fiscal years.
Barrister Chima Williams, also in his response, said where procurement has to do with health matters or emergency cases, the Edo State PPA has made provisions for such exceptional cases like wars, insurgences, natural disasters and other emergency cases; this is on Section 46(1).

On the roles of the communities, Dr. Sofiri said, the community cannot be divorced from the issues of corruption, because it starts from an individual and trickles down through the communities to the nation. On other issues raised, he said that foreign companies who get up to 35% project funds from the Federation accounts are liable to comply with the provisions of the PPA.

Mr. Ikor of the BPP, in addition to the responses of the Resource Persons, said in cases where contracts given to political stewards fail, the citizens should anonymously put it in writing to the Bureau of Public Procurement for such cases to be handled. He also said that although the Bureau is not empowered to prosecute criminal cases, it is empowered to investigate and recommend offenders to the country’s anti-graft bodies for onward prosecution.

5.3 Third presentation by Alabi Williams: **INTERLOCKING THE MEDIA IN THE CAMPAIGN AGAINST CORRUPTION IN THE PUBLIC PROCUREMENT ACT:**

In his paper, Mr. Alabi said, the objective is to connect with other stakeholders in the campaign to entrench good governance, through accountability. There is professionalism in the media, so much that it takes on tasks based on social responsibility. He expressed the fact that the media is willing to take on more socially responsible tasks.

Fundamentally, he said, the **1999 Constitution in Chapter (2),** deals with the fundamental objective and directive principle of state policies. It states that, *it shall be the duty and responsibility of all organs of government and all authorities and person exercising legislative, executive or judiciary powers.* Alabi suggested that, citizens need to get more familiar with the media, and need to encourage the media in procurement matters through training. He also called on Government to demystify its information system, while adding that Civil Society Groups with special knowledge of procurement processes have been doing a lot to assist the media with information, advocating that, more CSOs be encouraged to make information available to the media.

He concluded by adding that, media representation in the procurement bureaucracy at whatever level should not be traded for political gains, rather, competence, independence of mind and capacity to deliver should be the criteria to be used in such appointments.

The M.C of the Event, Mr. Young Kigbara of the **Movement for the Survival of Ogoni People (MOSOP)** also took his slot to ask questions, craving participants to take issues more seriously and ensure that we develop our technical skills. He complained about the East-West Road running through Warri, and the poor implementation.
Questions and comments were also taken, some of which were as follows:

- Mr. Bolaji Oshaju of Axial Link Nigeria Limited, who complained about the role of the media in the outright praises for politicians on several pages of newspapers, while critical issues are not given preference. He also complained about the absence of publications in local languages, found to be beneficial to the ordinary Nigerian?
- Victoria Esang of Edem Children Foundation Calabar, asked of what can be done to reduce the huge cost of publication for a common citizen?
- Okhawere Hope suggested that the sensitization training should be done regularly to educate citizens on their human rights.
- A participant asked to know what protection citizens have in the fight against corruption, in the face of the surging insecurity in the region.

In response to these questions, Mr. Alabi Williams, said the media is self funded and only incredible media organizations engage in activities that can undermine its integrity by running free publications for politicians. He also said that media do publications in order to raises its own funds.

In response to other questions, Mr. George-Hill cited an example with Martin Luther King Jnr., saying that he lived to sacrifice his life for the emancipation of the black people in America, which he adduced as the bedrock of President Obama’s acceleration to the White House. He further said that for us to effectively fight corruption, we must put off fear and look up to God as our only source of security.

After this session, participants filed up for lunch and then the communiqué was presented by a representative of the drafting committee, Mr. Samuel Opara Edozie, a Youth Corp member. The views of the communiqué drafting committee with major highlights are as follows:

1. The sensitization workshop is timely at this point in our political evolution.
2. Nigerians should acquaint themselves with the public procurement laws of the federal and respective state governments, to enable them engage government and other stakeholders effectively.
3. The need for citizens of Edo State in particular, and the South-South in general to play active role in ensuring effective government compliance with the public procurement laws.
4. The media should leave up to its traditional role of watch-dog in a Democracy.
5. Effective compliance with the public procurement law at the federal and state levels is indispensible towards ensuring success in the fight against corruption.
6. Sensitization workshops of this nature should be sustained and held more frequently, especially at the grassroots.

The meeting finally came to an end at 4.15pm after the adoption of the communiqué, and with the payment of participants afterwards.
6.0 PAPERS PRESENTED BY RESOURCE PERSONS AT THE PROGRAMME.

FIGHTING CORRUPTION IN THE NIGER DELTA THROUGH THE PUBLIC PROCUREMENT ACT: PERSPECTIVES ON BEST PRACTICES

By

Sofiri Joab-Peterside

Introduction

Nigerians enthusiastically embraced return to democratic rule in 1999 with raised expectations especially of opening up of the political space, improvement in declining standard of living, and rehabilitation of decayed infrastructure. Perhaps the most critical contentious questions about return of democratic rule are; has democratization empowered or disempowered the people? To what extent has democracy met the basic needs of Nigerians or has popular expectations of the people of a better future been dashed? Is the democratic space still relatively exclusive and restrictive? The citizens are far from having the kind of democracy they yearn for. Majority is alienated from participation and control of the democratization process as legacies of the past continues to weigh heavily on genuine desire and efforts.

The process of Nigeria’s democratization has been tortuous and disappointing, particularly in terms of failure of governance to meet fundamental needs and sustainability (Jega, 2006). There is disconnection between politicians and the people to the extent that the euphoria that greeted inauguration of democratically elected government on May 29, 1999 has waned considerably due to dubious political and economic reforms that throw up challenges of nation building. Citizens expect government to offer them prosperity in the face of globalization and associated harsh economic conditions. The people can only appreciate government’s effort to addressing their conditions if it can deliver an effective policy programme. But delivery by itself is not enough. The initiatives of government will only succeed if many more forces are brought into play. Paradoxically, the bourgeoning political and business class continued to wallow in opulence, the middle class assumed a shrinking profile, while members of the lower class appeared to have resigned themselves to fate.¹ The National Bureau for Statistics report (NBS) revealed that gap between the rich and the poor is widening as demonstrated by their consumption and expenditure patterns.


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The economy is plagued by rising unemployment, inflation and corruption, as the effective implementation of government’s economic policies failed to improve the living standard of impoverished and neglected Nigerians.

National Bureau of Statistics (NBS) captured the grimy situation of the country in its survey in which it noted that about one hundred million Nigerians live below $2 per day. The report also showed that poverty was worse in the North West and North East geo-political zones while the South West and South East zones recorded the lowest poverty rates in the country. The impressive performance of the two zones notwithstanding, the report indicated that the number of Nigerians living in poverty has been on the increase since 1980, yet the economy has been recording impressive Gross Domestic Product (GDP). The Guardian in its editorial supports this view thus:

“Curiously, as poverty and unemployment are increasing and the manufacturing sector is in the doldrums, Nigeria continues to record impressive growth rate of 6.75 per cent. With population growing by mere three percent per year, such growth rate would ordinarily indicate that things are getting better for Nigerians. With no visible improvements on the ground, we agree with the NBS that there must be a disconnect somewhere between these touted growth rates and the endemic poverty all around”(THE GUARDIAN, Tuesday, February 21, 2012:18).

We argue that poverty in Nigeria is not largely a consequence of the global economic crisis that was triggered off in 2008. Although the factors responsible for poverty in the country are many and complex, we argue that poverty derive from corruption, greed and poor governance at all sectors and levels (public and private), in what the leaders have done or failed to do especially, in the application, deployment and management of the vast human and material resources available to the nation. Nigeria for example, earns N42.3 billion daily from the sale of crude oil and condensate (some goes to the multinational oil companies). This represents 95 per cent of foreign exchange earnings and about 80 per cent of budgetary revenue. Regrettably, a World Bank report states that 80 per cent of oil revenue benefits only one per cent of the Nigerian population.

One of the key issues associated with underdevelopment of Nigeria by 2002 was corruption as an overwhelming majority of Nigerian companies were continuing to pay bribes to secure the services they needed: trade permits (70%), Utility services (83%), Procurement (90%) and favourable judicial decisions (70%). The government consequently introduced specific measures to tackle corruption in public procurement, the management of public expenditure and the oil and gas sector. It also established two commissions to prosecute corrupt practices where discovered. We contend that citizens and civil society insistence on

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2 Mrs. Diezani Allison-Madueke, the Minister of Petroleum Resources (The Punch, March 2, 2011:19).
3 The Punch, February 24, 2011:10).
domestication and effective implementation of the Public Procurement Act at all levels of government will assist in no small way in turning the situation around. It is our view that the current revolutionizing of the Public Procurement system at the national level if embraced by the states and local governments in the Niger Delta region will have profound implications in delivering the dividends of democracy to the people of the area and improving the weak accountability mechanism of their governments. Why this is so, is has been underscored by the preceding section.

The Niger Delta Situation

The Niger delta is one of the world’s most important wetland and marine ecosystems and is home to over 30 million people. The area also has the location of massive oil and gas deposits. Oil has been extracted in the region by the national oil company-Nigeria National Petroleum Corporation (NNPC), multinational oil companies and some indigenous companies since 1958. The oil industry in the Niger Delta comprises both government of Nigeria and subsidiaries of multinational oil companies such as Shell, Eni, Chevron, Total and ExxonMobil, as well as some Nigerian companies. Unfortunately, the exploitation of oil and gas in the region has brought impoverishment, conflict, human rights abuses and despair to majority of the inhabitants, rather than development and wealth as expected.

The point being made is that oil and gas resources represent a substantial opportunity for Niger Delta States to improve the welfare of their citizens through enhanced governance. However, evidence abounds to the opposite—many oil producing states in the region have not performed better than States without significant hydrocarbon endowment. In many cases, oil rich states in the area are characterized by poor governance and extreme poverty. For example, due to a long history of neglect by all tiers of government the people experience problems such as deprivation, non-availability of essential social amenities and services like electricity, hospitals, pipe borne water, quality education and environmental degradation. Part of the problem derives from the fact that bulk of the receipts are either embezzled or applied to unproductive projects. The effect of misapplication or embezzlement of funds meant for projects in the states and local government areas in the region have been deeply adverse (Abutudu, Joab-Peterside & Isumonah, 2007, Social Action, 2008)

Government’s tendency to ignore the fundamental needs of the people is accentuated by absence of Procurement Reforms and enthronement of Due Process in the State and Local Governments, lack of citizens and civil society monitoring of projects and services procurement process and their implementation. If the huge revenues derived from oil and gas sectors are to lead to growing productive capacity and poverty reduction, the key is to

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ensure that significant proportion of these revenues are ploughed back into sustainable development through execution of projects in accordance with Public Procurement laws in the states.

Some states in the region have adapted and modified the Public Procurement Act by making sure that government procurement businesses are carried out openly, economically and transparently. In some cases, there are gaps between the content, spirit and actual implementation of the State Public Procurement Laws. Citizens’ action is needed to monitor development and implementation of these laws to expose flaws while drawing attention to areas that demand changes. To do this, there is fundamental need for civil society to keep in mind the socio-economic circumstances that gave rise to reform of the Procurement system in the first place.

Background to the Public Procurement Act 2007

Until 1999 corruption was institutionalized as the foundation of governance to the extent that institutions of society easily decayed to unprecedented proportions as opportunities were privatized by the powerful. Power became nothing but a means of accumulation and subversion as productive initiatives were abandoned for purely administrative and transactional activities (Obasanjo, 2004). The process of conducting government business degenerated to such an extent that Public service Rules, Financial Regulations and Ethic and Norms of the Service were jettisoned either due to sheer ignorance or to further primitive capitalist accumulation. All this made room for corruption (Oguonu, 2008).

Consequently all elements that enhance efficiency, reliability and continuity of the system were tempered with resulting in major and severe setbacks for the conduct of government business. There was therefore an urgent call for Procurement Reforms and enthronement of Due Process in the Nigerian public sector. It is against this backdrop that in 2001, the Federal Government commissioned the World Bank in collaboration with some Nigerian private Sector Specialists to undertake studies of its financial systems and general procurement related activities. The aim of this exercise is to assist the Government in developing a framework that will enthron efficiency, accountability, integrity and transparency in its procurement and financial management systems. At the end of the study, two reports, namely the Country Report on the Financial Systems and the Country Procurement Assessment Report (CPAR) were produced. The second report identified five major weaknesses which must not detain us here. The point of interest is that based on the CPAR report, Government issued new Policy Guidelines for procurement and award of contracts in Government Ministries/Parastatals (Circular F. 15775 of 27th June, 2001( Ekpenkhi, 2003).

Conceptual Clarification

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The Public Procurement Act 2007 is otherwise known as Due Process. Due Process implies that government activities can be carried out openly, economically and transparently without favouritism and corruptible tendencies (Ezekwesili, 2004). The essence of Due Process is to ensure that rules and procedures for procurement are made in such a way as to be implementable and enforceable.

This implies that Due Process is a mechanism that certifies for public funding only those projects that have passed the test of proper implementation packaging that adhere stringently to the international competitive bid approach in the award process (Obasanjo, 2003 Oguonu, 2008). Public Procurement is thus a business process within a given political system, with distinct consideration of integrity, accountability, national interest and effectiveness. An improved Public Procurement system would have a beneficial effect on the economic condition of the nation, because transparency in government procedures is necessary to usher in a great and dynamic economy to ensure a just and egalitarian society.

**Procurement in the Nigerian Public Sector**

To address the issue of widespread corruption in conducting government business, the Federal Government commissioned the World Bank in collaboration with some private sector specialists to study Financial Systems and general procurement related activities in the country. The essence of the study is to assist the Nigerian Government with a process of enthroning efficiency, accountability, integrity and transparency in Government Procurement and Financial Management Systems (Ekpenkhio, 2003).

It was based on the foregoing that the Country Procurement Assessment Report (CPAR) was produced through a participatory review approach which involved all key stakeholders including Federal, State, and Local Governments together with representatives of the private sectors. The Country Assessment Report identified the basic factors that impede public procurement in Nigeria as follows:

1. that Nigeria lacks a modern law on Public procurement and Permanent oversight body to provide guidance and monitor purchasing entities.

2. that the financial (Control and Management) Act, 1958, together with Financial Regulations which set basic rules for managing public sector expenditure have gaps, deficiencies and faulty implementation of existing regulations on procurement (e.g. lack of permanent arrangements for control and surveillance) which create opportunities for bribery and corruption.

3. that due to inflation and lack of regular adjustments on thresholds of approving limits of the Tender Boards, their authorization were constantly being eroded - resulting in abuses, prominent among which is splitting of contracts.
4. that there was proliferation of tender boards which were perceived by the private sector as sources of delays and non-transparency. In addition, these tender boards appeared to have limited mandates with powers to decide contracts de facto resting with the Permanent Secretary and Minister/Commissioner.

5. that Customs systems and procedures were cumbersome and major causes of delay in clearing goods, and hence a source of corruption; and

6. that procurement is carried out by staff who substantially lack relevant training (Ekpenkhio, 2003:2).

Other major problems to then existing procurement system and guidelines in the country include the difficulty of implementation which derives from absence of economic cost/benefit analysis of projects; lack of genuine competition and transparency since applicable rules are usually tilted in favour of a predetermined winner; Most projects are not harmonized and are not selected on priority basis; there were gaps between budget and actual releases, which result in under funding, delayed competition, price escalation and abandonment. Based on the above weaknesses the CPAR made the following recommendations:


2. The need to establish a Public Procurement Commission (PPC) to serve as the regulatory and oversight body on Public Sector procurements;

3. Revision of key areas of the Financial Regulations to make them more transparent;

4. Streamlining of Tenders Boards and strengthening their functional authority, including powers to award contracts;

5. A critical need to rebuild procurement and financial management capacity in the public sector, and

6. A comprehensive review of the businesses related to export, import and transit regulations, procedures and practices (Ekpenkhio, 2003:2).

Government accepted all the recommendations except the registration of contractors and the involvement of political office holders (such as Ministers/Commissioners) in the award of contract in excess of Fifty Million Naira which the CPAR was against. The first step towards enthroning transparency in conduct of government business was the issuance of Circular No. F 15775 of 27th June, 2000 on “New Policy Guidelines for Procurement and

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Award of Contracts in Government Ministries/Parastalas”. The main provisions of the Circular must not detain us here, but it will suffice to state that the Circular outlined the procedures and levels of approvals for award of contracts in line with international best practice. At this juncture, we pose the following questions: what are the main objectives of the Public Procurement Act? What is the established mechanism to achieve set objectives? Answer to these questions is the object the next section.

Public Procurement Act 2007

The public Procurement Act is the new law that regulates the procurement of goods and services in the public sector in Nigeria. The Act was enacted with the objective to ensure that public funds are used economically, effectively, transparently, and without discrimination. The Act applies to all categories of public sector procurement, ranging from major infrastructure projects to routine departmental purchase. The Act harmonizes existing government policies and practices by regulating, setting standards and provides the legal and institutional framework and professional capacity for the enthronement of transparency, accountability, value for money and efficiency in the procurement of works, goods and services in the country.

The Law aims to reduce corruption amongst government’s administration of contracts and bids, by ensuring efficiency in resource management. This is important because corruption was the order of the day as laws and financial regulations were routinely broken to the extent that government was not realizing policy targets. To ensure adherence, the Public Procurement Act established the Bureau for Public Procurement (BPP) popularly known as the “Due Process Office” responsible for monitoring and oversight after procurement. Hence it is expected that BPP will put in place, a mechanism to restore openness, budgetary discipline, optimal cost and efficient project implementation.

The Act beefed up the powers and responsibilities of BPP. Unlike the Due Process Office which reported directly to the President, BPP no longer forms part of the Presidency instead it reports to the National Council on Public Procurement (NCPP), a committee which is headed by the Minister of Finance. Its statutory members also include the Attorney General of the Federation and the Economic Adviser of the President amongst others. The BPP has also been given the implicit authority to vet contracts signed by the state and local governments. These were out of bounds for the old Due Process Office which had no power to scrutinize contracts awarded by state governors or local government council chairmen. The BPP is also charged with ensuring the proper disposal of government property at fair value through open competitive tendering.

Efforts have been and are still being made to ensure that political office holders and top bureaucrats at the state levels are purged of corruption in public procurement. The push is so intense in states where the citizens and civil society are vigilant that it is now common...
practice to rate any office holder/top civil servant on his/her ability to discharge duties in a transparent and accountable manner. This interest is understandable because corruption in public service has in no small measure affected the capacity of government to provide for the needs of the governed. Facts at the disposal of this paper show that most state governments though enthusiastic on enthroning procurement reform, lack or gloss over the ingredients of best practice thereby diminishing their good intentions. To locate the issue in appropriate perspective it is necessary to draw attention to constituents of best practice.

**Best Practice in Public Procurement Procedures**

a). All contracts below an agreed amount are displayed on notice board and in at least two national/state newspapers. The standard formats for such adverts are observed.

b). List of all pre-qualified bidders or competent bidders are adhered to.

c). after the pre-qualification list comes the invitation to tender or bid. Only competent bidders whose names are on the pre-qualification list are enlisted for this invitation.

d). the next level involves opening of tender. This involves technical and financial bids.

e). the technical bids focuses more on the competence of bidders in carrying out or executing the contract. The financial bids hinge more on the financial implication of the contract which is meant to reflect value of money.

f). Following closely is the evaluation of tender by the Tender Evaluation Committee (TEC). After the pre-qualified bidders submit their tender to the TEC, the Committee examines the submission and writes up a report containing the contract, and recommendation for the award of the contract to the approving authority. The thresholds for award of contract are susceptible to changes as empowered by the Public Procurement Act (PPA).

Although most states in the Niger Delta have domesticated the Public Procurement Law, the contents of these laws creates the impression that their governments seem not interested in reducing the scope of corruption in public procurement thereby improve the efficiency in the management of their public expenditures. For instance, the Rivers State Public Procurement Act gives the Governor Powers to unilaterally spend thirty percent (30%) of the State’s capital budget without any recourse to due process. This is an aberration as this provision negates the tents and principles of democracy as well as accountability in governance.

**The Public Procurement Act as a Stringent Anti-corruption Measure**

The Public procurement Act tightened up the rules for the award of government contracts and sale of government property. It also introduced more transparent and more competitive procedures for awarding contracts to buy goods and services (Nwanma, 2008).
The Act empowers BPP to scrutinize all public sector contracts “which derive at least 35% of the funds appropriated or proposed to be appropriated...from the Federation share of the Consolidated Fund”. This implies that BPP has the right to poke its nose into any big contract which is being largely paid for by Federal Government Money. The House of Representatives (at National Level) has its own monitoring machinery and it is expected that the Houses of Assembly (at the state level) should have their own monitoring machinery. At the national level, the House Committee on Public Procurement is made independent of the BPP’s office in the presidency so that its activities could be devoid of interference and manipulation.

The Act charges the BPP with ensuring that all participants in the procurement process have equal access to information through “open competitive bidding”. This implies that all government contracts must be openly advertised in the media and all potential bidders must be given the same information at the same time to avoid situations where insiders with privileged information gain a special advantage. Documents to be forwarded to BPP as requirement for Due Process Review include: The Project Policy file; Evidence of Advertisement as appropriate; Tender Returns; Tender Evaluation Report; Contract Award Letter Agreement; Original Contract Bills of Quantities (if any); Contract Drawings (if any); Other Contract Documents; Financial Summary and statements; Progress Report; Variation Requests and Variation Orders arising; and Interim Valuation and Certificates.

Enactment of the Public Procurement Act (PPA) of 2007 has changed the legal landscape. Where necessary, the Bureau must apply administrative sanctions against erring suppliers and service providers. The BPP is vested with the authority to debar entities from participating in public procurement. Section 6(1)(e) of the PPA empowers the Bureau to “debar any supplier, contractor or service provider that contravenes any provision of this Act and regulations made pursuant to the provisions of this Act”(Nwanma, 2008)

Offending companies can be fined up to 25% of the total value of a disputed contract value. They can also be barred from doing any further business with government and public sector bodies for five years. (Section 58(6) while Government officers found guilty of contravening the new tighter procurement rules faces summary dismissal and a mandatory prison sentence of at least five years.

Corruption has grown enormously in variety, magnitude and brazenness because it has been extravagantly fuelled by budgetary abuse and political patronage, to the extent public funds are channeled to political allies, business surrogates, personal or family friends in the guise of contracts to execute public works of one kind or another. For instance, under President Obasanjo, countless state assets ranging from official residence to offshore oil blocks were simply signed over to individuals in a discretionary fashion. The situation is worse at the state level where government properties are continuously sold to family relatives of the political leadership, political appointees and “godfathers” with impunity. Against this backdrop, an improved public system would have a beneficial effect on the economic

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condition of the nation, because transparency in government procedures is necessary to usher in a great and dynamic economy to ensure a just and egalitarian society.

Other prospects of the Act include reduction in cases of abandonment of government projects after large sums of money have been paid out to ill-equipped contractors from the public treasury; development of indigenous professionalism, innovations, creativity, hard work, and entrepreneurship.

The BPP in 2010 arrested N216, 690, 945,419.56 from invoices of Federal Ministries, Departments and Agencies (MDAs) while reviewing project proposals from the MDAs in the 2010 budget. The amount constituted over-invoicing (see THIS DAY, Monday, June 20, 2011: 1&7). The Act has energized emergence of well informed Civil Society, the Media, and the Diplomatic Community making constructive contributions towards its implantation. There are cases of people who do not genuinely understand the content of the Act. They include the ordinary Nigerians such as market Men and Women, Small and medium Scale Businessmen, Students, Rural Dwellers, Community and Religious Leaders, Investors and Teachers, even top echelon of the Private and Public Sectors.

At this juncture, it is apposite to stress that stakeholders must embark on awareness creation on the existence of this law among the public and policy makers and aggressive advocacy for BPP to jail any corrupt Nigerian or company. This will advance the war against corruption, promote issue based politics, and prevent the subversion of the legal system with financial laws and regulations respected.

One of the main duties of the Bureau of Public Procurement—a direct successor of the Budget Monitoring and Price Intelligence Unit (BMPIU), which was widely known as Due Process is to monitor the market price of goods and services in the economy in order to prevent government contractors from over-charging. Information at my disposal revealed that some government officials charged with awarding contracts consistently demand bribes that add up to 50% to the final cost of each deal.

It is pertinent to note that no contractor could over-charge without the collusion of someone in the system because such things are usually agreed upon. Community people and civil society actors must work to ensure compliance with the Act as that is the only way to establish a procurement culture that is based on competition, transparency, and value for money, as well as professionalism, in conduct of government business in Nigeria.

CSOs and Communities must sustain engagement with the National Assembly with the aim to amend the Act to make it pro-people in areas of service delivery and value for money. The main challenge limiting the successful implementation of the Act is a general lack of awareness and ignorance about the existence of the Public Procurement Act (PPA) among the citizenry and policy makers.

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Conclusion

The overall impact of public procurement in governance especially in promotion of development cannot be over emphasized. It is a potent instrument in reversal of decades of corruption; collapse of law and order, massive waste as well as institutionalized impunity that have jointly deprived the citizens’ access to societal desirables. Other gains of the Public Procurement Law include the opportunity for creation of jobs for unemployed Nigerians. The implication here is that the poor can also bid for contracts and win if the due process is followed. The point at issue is that States public procurement laws in particular and Nigeria’s public procurement system in general, are not beyond change, but can only change if the citizens take proactive and sustained actions that ensure Ministries, Departments and Agencies (MDAs) comply fully with the provisions of the Public Procurement Act. There is an on-going positive change, make your choice now to join the bandwagon.

References


Facilitated by the Leadership of the Niger Delta Budget Monitoring Group (NDEBUMOG)
THE GUARDIAN, Tuesday, February 21, 2012:18


LINKING EDO STATE CITIZENS TO THE EDO STATE PUBLIC PROCUREMENT ACT 2012 – a presentation by Barr. Chima Williams, Head of Legal Resources and Democracy Outreach, Environmental Rights Action/Friends of the Earth Nigeria at the Fourth Phase Sensitization on the Public Procurement Act to Stakeholders in the South South Zone organized by the Bureau of Public Procurement (BPP) on the 9th of August, 2012 in Benin City.

Background

For a very long time in the life of the Nigerian nation, public expenditures by various strata of government had been in the exclusive preserve of government bureaucrats with little or no inputs from the Nigerian publics whose interests and needs these procurements are intended to serve.

The above scenario created ample room for undue manoeuvring and of course entrenchment of corruption in the body system as lack of knowledge of and participation in the process meant that public scrutiny and oversight were purely lacking.

In order to address this parlous state of affairs and above all given the trend in the global sphere especially as a conditionality for many donor organs to whom Nigeria looked up to or requested for support from, moves were made in the 4th republic to create rules and guidelines for the procurement process in Nigeria. This effort led to the enactment of the Public Procurement Act 2007 which among other things set up the Bureau of Public Procurement as the organ to oversee the implementation of the Act.

The Bureau in the exercise of her mandate has set out rules, guidelines, processes and procedures - outstanding of them being the standard request for proposals, standard bidding documents for the various segments of the procurement process and the code of conduct for public procurement observers - for the effective implementation of the Act and to guarantee value for money and elimination of corruption in the procurement process.

Noting the benefits accruable in a regulated procurement process in the country, various States started to enact their own version of the Public Procurement Laws.

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My job here in this sensitization is to go through the Edo State Public Procurement Act 2012 to glean out and discuss with participants provisions that will grant citizens the opportunity of owning the law. In doing this, I must point out from the onset that what I am using is the Edo State House of Assembly version that was submitted to the Governor for his ascent as the clean copy in the Edo State Gazettes has not been made public or is not yet in public circulation.

The procurement process in Edo State prior to the Edo State Public Procurement Act 2012.

To underscore the importance and the place of the Edo State Public Procurement Act 2012, it will be appropriate to take a glance at the procurement process in the State before its enactment.

Since the creation of Edo State out of the old Bendel State on the 27th day of August, 1991 by the then General Ibrahim Babangida led Military junta, successive governments had managed the resources of the state without institutional and legislative framework or guidelines for the procurement process and associated fiscal mechanics for prudent and transparent management of those resources to guarantee value for money for the citizens of the state.

What obtained and will be the practice till the implementation of the Edo State Public Procurement Act 2012, is a mechanism where the Secretary to the State Government set out rules and guidelines including benchmarks for the state procurement process and standards to guarantee transparency and accountable management of resources allocated to the various Ministries, Departments and Agencies of the State. This method lacked provisions for scrutiny and oversight by both the public and the legislature on the procurement process. The only opportunity for both was hinged on the Appropriation Bills or Virements of the State Government when it came before the State House of Assembly for legislative approval. On fiscal discipline in the management of allocated resources via the procurement process, the story was not different as the House provided only general oversight on Ministries, Departments and Agencies on their performance without more.

The direction these went depended largely on the way the government of the day looked at the issues and the direction and course it charted for itself.
These definitely will have their advantages and disadvantage but we think that the disadvantages outweighs the advantages as the public scrutiny that guarantees transparency and accountability and eliminates sharp and corrupt practices are not present.

However, with the enactment of the Public Procurement Act by the federal government of Nigeria in 2007, States began to align by enacting the States Public Procurement laws.

Though this did not automatically translated to a different situation in Edo State the pendulum began to swing in 2009 when the state House of Assembly under the Speakership of Zakarawanu Garba, made the first move ever in the state when it commenced work on the Fiscal Transparency Bill for Edo State.

Though the coming of the bill was seen by those concerned with fiscal prudence in the management of scarce resources in the state as a step in the right direction, the timing made it very suspicious as a calculated attempt to strangulate the nascent government of Comr. Adams Oshiomhole having just rested power from the then ruling PDP government of Prof. Osariemen Osunbor via a court decision.

That phase over, the government of the day continued in the line of her predecessors of setting benchmarks and guidance by the Secretary to the State Government.

As events revealed while groups and organizations interested in good governance and value for money were working, the Edo State Government was equally interested in institutionalizing the procurement process in the State. Despite the fact that apart from setting the procurement process in the right direction through institutionalizing to guarantee value for money as has been demonstrated so far by the State under Comr. Adams Oshiomhole, there could be other lofty ideals for which the government embarked on the exercise and one of such is to attract grants from donor agencies and attract investors to the state by showing that there is a conducive and regulated environment for doing business in the State.

Whichever way one looks at it, it is all positive as the state and her citizens will be better off for it. The gains and beauty of the institutionalization of the procurement process for prudent management of resources cannot be over emphasized.

The present administration has shown a clear departure from what obtained since the democratic experience in Nigeria that was ushered in 1999. It has shown that
Edo State can work given a prudent allocation and management of state resources which is the only way to make citizens see the delivery of democracy dividends to them and earn their confidence and trust!

**The Edo State Public Procurement Act 2012 and citizens buy in an x-ray**

In analysing the Edo State Public Procurement Act 2012 and citizens buy in, I will be x-raying the law to identify key provisions that will be beneficial to both citizens, those doing business with government in Edo State and the government herself.

The Public Procurement law being designed to promote competition, transparency, professionalism and value for money in public finance expenditure with the aim of this sensitization being to enlighten contractors, public servant, consultants, politicians, civil society organizations, professional bodies, community stakeholders and the general public on the provisions of the Act as well as an opportunity to interact with stakeholders on how they can take maximum advantage of the law to compete effectively in the procurement process in Edo State, my job couldn’t have been made easier since I have my instrument of discussion ie the law itself.

A cursory look at the Edo State Public Procurement Act 2012 will reveal that the Act is divided into XII Parts and 58 Sections with a schedule to S. 2(4). While Part I made up of 17 Sections deals with the establishment of the Edo State Public Procurement Agency with their inherent powers and duties and obligations, Part II deals with the fundamental rules of procurement and is made up of 2 Sections. Part III with 3 Sections deals with Organization of Procurement while Part IV on Procurement Methods is covered in 7 Sections. Going further, while Part V on Organization of Procurement has 6 Sections, Part VI on Procurement of Consultancy Services is covered in 9 Sections and Part VII deals with Special and Restricted Methods of Procurement and is covered in 4 Sections. Part VIII with 2 Sections is on Security for Performance of Contracts, while Part IX has 4 Sections and deals with Procurement Surveillance and Review. Part X is on Disposal of Public Property is in Section and Part XI on Offence is discussed is a Section and Part XII the Miscellaneous part is covered in 2 Section.

Having listed the above, we will now take a look at the specific provisions that creates an inroad and buy in opportunities for the various stakeholders and at the same time guarantee the actualization of the key objectives of the Act which among others is the elimination of corruption in the public finance expenditure of the State, creation of real value for money expended on behalf of the citizens of the State, guarantee of competitive and equal opportunity in the bidding process all of which will translate to greater development of the State anchored on veritable democracy dividend delivery.

In doing this, we will analyze relevant Sections and provisions of the Act thus:
Section 3 (4) (d) which provides “… three persons from the public, one from each Senatorial District of the State who shall be part time members and nominated by the Governor and the persons should be of unquestionable character, including a member of the Civil Society Organization (CSO), whose nomination shall be confirmed by the Edo State House of Assembly.” is to ensure that there are people in the Procurement Board that community people can easily reach in case of any issue. This guarantees community participation as the Senatorial District and Civil Society representatives is to ensure that they are people that can be reached without the stress of traveling first to the State capital.

Tenure guarantee for the Board members of the procurement Agency as stipulated in Section 4 of the Act. Once tenure is guaranteed, it eliminates to a large extent undue interference by the appointing entity. That Board members know the duration of their appointment and the conditions that can terminate that will enable them to do the right things for the sake of the future. This entails that all the stakeholders coming before them may receive equal treatment.

Section 7 of the Act stipulates the powers of the Procurement Agency and of utmost importance to us here are the powers under S. 7(c), (d), (h), (j) – (m) and (o) and S. 7(2) under these provisions, the Agency can receive complaints, investigate and punish any erring service provider or procurement officer. It has the power to constitute a technical review committee comprising of technical, financial and legal experts to assist in the re-valuation a bid where necessary.

S. 13 while granting citizens the right to institute legal action against the Agency, however, protects the officers of the agency from consequences arising from the execution of their lawful duties. The emphasis for us here shall be “in the exercise of any functions or power conferred by this law upon the Agency or anyone acting on their behalf” this provision is to guarantee that all persons are equal before the law. While carrying out your lawful duties, the law protects you against any form of litigation but otherwise, you are on your own.

While Section 14 makes the rules in this law of general application within the State and the Local Government Councils and all procuring entities that derives their funds from the consolidated funds of the State, Section 15 guarantees checks and balances and confers on the State House of Assembly the powers of scrutiny and oversight as they are to receive the Annual State Procurement Assessment Report from the procurement Agency. This Section guarantees that not only the Executive knows what is going on in the State with respect to procurement issues but that the House whose duty it is to oversight the Executive is also aware and have the information with which to exercise their oversight functions appropriately.

Other critical Sections that are worthy of thorough reading because of the powers they confer on the various stakeholders are outlined below thus:
- Section 18 (1) sets out the governing rules on public Procurement which is to govern all procurement entities in the State both at the Local government levels. The essence of Section 18 read together is guarantee open competitive bidding and the criteria and processes that must be followed to guarantee open competitive bidding are as set out in Section 22.

- Section 18(2) sets out the qualifications of bidders with the implication being that knowing the qualifications that must be met by a firm or individual engaged in goods or service provision for the State, either the contractor or the procurement agency can be sued if found to have compromised the standard qualifications set by the Act and this will go along way in ensuring that round pegs are put in round holes.

- Section 19 deals with the issue of warranties which is to the effect that all procurement contracts must contain warranties for durability of goods, exercise of requisite skills in service provision and use of genuine materials and inputs in execution. This is to ensure appropriate value for money in the provision of goods and services.

- Section 31 is on the issue of opening of bids. Under this Section all bids shall be submitted before the deadline or date specified in the tender documents or any extension of the deadline for submission and the procuring entity shall ensure that the bid envelopes are inspected by all the bidders to show that none had been tampered with. The essence of this is to ensure that secret bid openings where there are pre determined or preferred bidders are eliminated. Every bidder will be treated equally.

- Section 48 which is on Domestic Preferences is a very important provision for small scale entrepreneurs and upcoming business people. This guarantees local content and is made to protect local business people against multilateral business empires in the bidding process. This Section clearly grants authority to the procurement authorities to create a preferential platform or yardstick in the evaluation of tenders in Preference of domestic bidders with those of foreign bidders to a certain margin on local contractors as against foreign ones as well as locally manufactures goods as against goods manufactured in foreign countries.

- Under Section 54, procedure for Complaints against a procuring or disposing entity or the agency is set out. This Section is to guide anyone whose feels having been short changed by any officer of the procurement agency or their privy on how to follow up on that through the complaint or grievance mechanism. This is to ensure that grievances and complaints are handled and resolved amicably and to the satisfaction of all interest parties where possible.
- Section 55 stipulates what amounts to public property and how it should be disposed of. This is to eliminate situations where controversies arise in the disposal of “government property” through which agents disposes citizens of their lawful personal properties in the name of public properties. Akin to this is the methodology of disposal to avert situations where disposing officers allot to themselves, their family members, friends and privies public properties at prices or costs 300 times less than the market value of such items.

- Section 56 which stipulates what amounts to an offence in the procurement exercise and the punishment for such an offences is the most critical component of this Act as it is the deterrent provision. This among other provisions of this Act makes Edo State Public Procurement Act 2012 one of a kind, different from other procurement laws in the country presently as most them including the Federal Public Procurement Act has provisions for offences but without commensurate deterrent punishment provisions alongside.

CONCLUSION

The ownership of this law by the citizens will stem from their appreciation of the peculiar provisions embedded therein as has been articulated in no particular order above for their benefit and protection. This is where the difference between a living law and a law in the text books lies! In a living law such as this everybody finds something therein for him or her and in that case looks up to it and takes advantage of it in their daily dealings in the sector and this will ultimately translate to better life for the citizens of the state since the elimination of corruption and enthronement of value for money will lead to more money being available for the overall development of the state.

On this note, I encourage all the actors and stakeholders in the procurement process in Edo State both here present and in spirit to do all within our powers to ensure that this law does not end up a law in the text books but a living law that will be daily applied!

Thank you for listening.
INTERLOCKING THE MEDIA IN THE CAMPAIGN AGAINST CORRUPTION
THROUGH THE PUBLIC PROCUREMENT ACT

By ALABI WILLIAMS

THE GUARDIAN NEWSPAPERS, LAGOS NIGERIA

As the title refers, I am to explain how the Media could connect with other stakeholders in the campaign to entrench good governance, through accountable and transparent leadership. In that spirit of ‘interlocking’, I suppose that all of us have to think together here, to ensure that an interlocking takes place. One body cannot interlock, without there being others to connect with it.

The media and the rest of us are to partner, to ensure that the various efforts directed at combating corruption attain relevant synergy, in order to yield result. I dare say that process is already at work and what we are going to attempt here is see how to move it forward; and then look at challenges, if any, and how to overcome them.

The Media

Traditionally, the Media functions in the capacity of a tireless watchdog, for all times and for purposes of informing, educating and entertaining. Being the Fourth Estate of the realm, the public Press (media) exists on behalf of the people, using public trust to exert itself in the demand for social, political and economic justice, from members of the other estates.

Through the ages, the media has evolved to become socially responsible enough to chart a course. That course is about ensuring that equity and justice exist for all, particularly for the generality of people who are at the
receiving end from bad leadership. The media has gone beyond just reporting issues, to doing investigations and unveiling the truth.

There is now professionalism in the media, so much that it takes on tasks based on social responsibility, which includes what this meeting is all about. The point is that the media is willing to take on more socially responsible tasks, and needs the support of other well-meaning stakeholders.

Fundamentally, the Constitution (1999) obligations the Media in Section 22 to at all times be free to uphold the fundamental objectives contained in chapter Two; and to insist that those who are elected to make laws and administer them act responsibly and transparently.

*The press, radio, television and other agencies of mass media shall at all times be free to uphold the fundamental objectives contained in this chapter (chapter Two) and uphold the responsibility and accountability of the Government to the people.*

The media, therefore is an essential stakeholder, and is empowered by the Constitution to demand good governance on behalf of the people. For us to appreciate the enormity of the task set for the media, we need to look critically at the details provided in chapter two.

**Chapter 2 of the 1999 Constitution** deals with the Fundamental Objectives and Directive Principles of State Policy.

Without realizing it, those who put the Constitution together dreamt too well for the good of the people, even beyond their imagination, but they couldn’t have meant it. Those who are conversant with this section keep wondering
what happened between the generous intention and the hopelessness that we now see everyday.

For the media, whose assignment is to monitor the application of this section, it is like waking up from a sweet dream and struggling to comprehend the reality that is inflicted on society, which is that the dream has evaporated. And we begin to ask, what went wrong?

Section chapter 2 reads:

*It shall be the duty and responsibility of all organs of government, and all authorities and persons exercising legislative, executive or judicial powers, to conform to, observe and apply the provisions of this chapter of this Constitution.*

It is in this chapter we see governments’ responsibilities clearly set out. Government is assigned the political objective to ensure that the state is in good hands, to be able to promote good governance, security and wellbeing of the people.

It is also the responsibility of government to make sure that the economic resources of the country are well harnessed for the prosperity if the citizenry. The political class also has responsibility to institute social objectives of freedom, equality and justice, as well as educational objectives of providing equal and adequate educational opportunities for citizens at all levels. Government is also expected to cater for environmental and foreign policy issues that will enhance the overall wellbeing of the country.

These are some of the constitutional provisions governments are expected to abide by, in order to deliver better life to the people. When the civilized society...
realized that constitutions alone (especially in Africa) do not ensure best practices in governance, new rules were drawn, to enthrone principles of merit, competence, competition and cost effectiveness, especially in public procurements. Yet what do we have?

We have governments that do not appreciate these new regulations and are even not willing to learn. They prefer to operate outside the procurement law. That is why we have a National Assembly that takes delight in flouting a procurement law it duly passed since 2007; and an executive that revels in spurious, weekly award of contracts, many of which have no basis in a particular year’s appropriation.

What we have largely, are exercises done through ministerial discretions and political patronages. For instance, last week, a minister was in the media trying to explain what it had done with the 2012 budget. When people called in to ask why standards are not enforced to ensure that work done meets appropriate quality, the minister insisted that quality was met. But they people who ply the roads say they go bad after just three months of rainfall. All the processes that ought to enhance quality are routinely circumvented.

Committee in the legislature that ought to go out and carry out oversight are sitting in Abuja, querying why budgets are not implemented. It is worth mentioning that that tools the legislature ought to use for the oversight were procured wrongly, in disregard of the procurement law. They have continued to make purchase of vehicles outside due process.

Apparently, the intention of the BPP at inception was to have the media interlocked in the procurement reform process. The Budget Monitoring and Price Intelligence Unit (Due Process Office) during Obasanjo’s presidency...
initiated tours of media houses across the country to introduce the reforms. There were also jingles played in local and national channels to provide enlightenment on Due Process. That method proved very useful, as in a matter of time, Due Process entered popular vocabulary. The driver of that initiative, Oby Ezekwesili became christened Madam ‘Due Process.’

There were seminars and trainings for the media to get acquainted with the reform process. Many of these were done in partnership with civil society groups; for instance, CISLAC and NDEBUMOG (our host today) did a series of capacity trainings for the media to get familiar with the gamut of reforms - fiscal responsibility, transparency in revenues of extractive industries, budget monitoring/tracking, among others.

Has the media discharged itself well, in terms of reporting and investigating procurement issues? Perhaps not well enough. Reporting actual procurement is still a bit technical, just like budget monitoring. The media is more interested in plain figures, and still lacks the painstaking attitude of observing all the due procedures from the time the presidency presents the budget, the debates and passage in the legislature, assent by the president, situations at the MDAs to the Budget Office, to the Finance Ministry, the Accountant General’s office and all of that. This is where the bureaucrats have the advantage to abuse and manipulate. Ministries’ finances are poorly reported, except when contracts are not executed.

In spite of the so-called Due Process regime, it is still difficult to know details of contract awards, except in those early days when bids were painstakingly publicized, even televised. The Senate committee that investigated sales of public corporations, like *Daily Times*, Volkswagen of Nigeria and others...
revealed that due process was not followed. For the media to be abreast of what is going on, the present level of transparency must increase. A lot of transactions still take place in the dark.

If the situation is bad at the federal level, it is appalling in states where governors are too powerful for legislatures to cut to size. For the media, it is a difficult task to ask correspondents in the states to monitor budgets, because what they know is what is presented and signed as appropriations. A good number of correspondents in the states do not know details of budgets talk less of monitoring. How do you key into the procurement process when you don’t know details of a budget? How do you know details of contracts when due diligence was not observed at the inception of a particular procurement? A good number of us journalists operate from state Houses, where everything revolves around the executive. We do not take initiative to go out and ask crucial questions that could reveal lapses in the procurement process.

To scale up beyond the present level, the Media, civil society and the BPP Secretariat can continue to collaborate, to share ideas and information. Because of the technical nature of the issues involved, a more scientific approach has to be adopted. In addition to what we will all agree at the end of this meeting, we can add the followings as suggestions towards improving on media reportage of public procurement.

- Improving the media’s knowledge of the principles of contracts, more familiarization with the BPP system and international best practices, just as we doing today.
• Encouraging the media, to show greater interest in procurements through trainings, special roundtable for the editors. Arranging competitions for independently investigated breaches of the procurement law and processes.

• Government should demystify its information system and guarantee access to public information for the Media and for the public. So far, there are still obstacles in the application of the FOI act because bureaucrats are not willing to operate transparently.

Is it not funny, for instance, that actual amount of salaries and allowances of national legislators are still a secret in a regime that claims due process? Is it not funny that actual figures of oil subsidy payments are not known, five years after the Public procurement law had become operational? Is it not laughable, that the presidency and the legislature are both struggling to explain what percentage of the 2012 budget has been implemented, in spite of clear regulations on procurement?

• Civil society groups with specialized knowledge of procurement processes have been doing a lot, to assist the media with information. Every year, NDEBUMOG comes out with reports of its budget tracking expeditions in the Niger Delta. Those facts and figures are always very useful in the media. More civil society organizations should make information available to the Media.

• Media owners and managers should be sensitized regarding procurement and the menace breaches of procurement law has done and will continue to do on the economy.

Sometimes, media owners do not have a good and fair knowledge of these issues to make space available for public enlightenment and education.
There should be regular collaborative efforts with the media to mount public campaigns that would educate the public on what to look out for when they are recipients of contract awards in their communities. They should be educated on terms of such contracts and what to do when contractors abandon projects or perform below standards. The public must first have an idea of what the standards are.

Media representation in the procurement bureaucracy at whatever level should not be traded for political gains. Rather, competence, independence of mind and capacity to deliver should be the criteria to be used in such appointments.

_Being presentation at the Fourth Phase (National) Sensitization On The Public Procurement Act, South-South Zone, Benin Edo State August 9, 2012._

**7.0 COMMUNIQUE ADOPTED**


**Preamble:**

The Bureau of Public Procurement (BPP) through its appointed facilitator, organized the fourth phase public sensitisation on the Public Procurement Act. The event was held at the Precious Palm Royal Hotel, Ugbowo, Benin City, Edo State on Thursday, the 9th of August, 2012. The event was attended by the Director-General, Bureau of Public Procurement (BPP) who was represented by Mr. Anthony Ikpor (Director-Research, Training and Strategic Planning of the Bureau). Others were, the Special Assistant to the Edo State Governor on NGOs, Mrs Isimene Whyte, Special Assistant to the Speaker of Delta State House of Assembly, Ms Angela Onwaeze, Assistant Inspector General of Police (AIG) Zone 5 Benin City, who was represented by ACP Adeleye Oyebade, representative of the Niger Delta Development Commission (NDDC), Mr. Ehiorobo Okonkwo, the Honourable Commissioner for Economic Planning, Delta State, who was represented by Mr. Emeka Okonkwo. Edo State Commissioner of Police and the State House of Assembly, were also represented at the

Facilitated by the Leadership of the Niger Delta Budget Monitoring Group (NDEBUMOG)
event. Six (6) Secondary Schools, Contractors, Consultants, Women Groups, Persons with Disabilities, NGOs, Youth Groups and NYSC members, the Media, amongst others, were also in attendance. Participants at the programme were over 600.

The sensitisation was to enlighten contractors, public servants, consultants, politicians, civil society organisations, professional bodies and associations, together with the general South-South stakeholders on the provisions of the Public Procurement Act, 2007. It was an opportunity to interact with the general public from the zone on how they can take maximum advantage of the law to compete effectively in national procurements. The papers presented include the following.

The first paper was presented by Dr Sofiri Joab-Peterside, Acting Executive Director-Centre for Advanced Social Science (CASS), Port Harcourt, which was titled: Fighting Corruption in the Niger Delta through the Bureau of Public Procurement ACT: Perspectives on Best Practices.

The second paper was presented by Barr. Chima Williams of Environmental Rights Action, Benin City. It was titled: Linking Edo State Citizens to the Edo State Public Procurement Act 2012: Entry Points for Citizens of Edo State.

The third presentation, which was delivered by Mr Alabi Williams of The Guardian Newspapers was titled: Interlocking the Media in the Campaign Against Corruption through the Public Procurement Act, 2007.

The forum resolved, amongst other, that:

1. The sensitization workshop is timely at this point in our political evolution.
2. Nigerians should acquaint themselves with the public procurement laws of the federal and respective state governments, to enable them engage government and other stakeholders effectively.
3. The need for citizens of Edo state in particular and the south-south in general to play active role in ensuring effective government compliance with the public procurement laws.
4. The media should leave up to its traditional role of watch-dog in a Democracy.
5. Effective compliance with the public procurement law at the federal and state levels is indispensible towards ensuring success in the fight against corruption.
6. Sensitization workshops of this nature should be sustained and held more frequently, especially at the grassroots.

Signed:
George-Hill Anthony
Lead Coordinator (South-South Zone)
Niger Delta Budget Monitoring Group (Port Harcourt)
(Regional Accountability Centre)

Austin Osakue
Foundation for Good Governance and Social Change (Benin City)
Chairman, Communiqué Drafting Committee.
Adopted at Benin City on Thursday 9th August, 2012.

Facilitated by the Leadership of the Niger Delta Budget Monitoring Group (NDEBUMOG)
8.0 PROGRAMME OF EVENTS

BUREAU OF PUBLIC PROCUREMENT

State House-Abuja

4TH PHASE NATIONAL SENSITIZATION ON THE PUBLIC PROCUREMENT ACT

SOUTH-SOUTH ZONE: PRECIOUS PALM ROYAL HOTEL, BENIN CITY, EDO STATE

2012 NATIONAL SENSITIZATION (SOUTH-SOUTH) PROGRAMME OF ACTIVITIES

9.00 a.m. - 9.30 a.m.  Registration of Participants

9.30 a.m. -9.40 a.m.  Introduction of Dignitaries

9.40 a.m.-9.45 a.m.  Opening Prayer

9.45 a.m.-10.00 a.m.  National Anthem

10 a.m.-10.15 a.m.  Welcome Remarks (Lead Coordinator (South-South Zone), George-Hill Anthony)

10.15 a.m.-10.45 a.m.  Goodwill messages

10.45 a.m.-11.00 a.m.  Welcome Address from DG, BPP, State House-Abuja, Engr. Emeka Ezeh

11.00 a.m.-11.45 a.m.  First Presentation: Dr. Sofiri Joab-Peterside. Topic: FIGHTING CORRUPTION IN THE NIGER DELTA THROUGH THE PUBLIC PROCUREMENT ACT: PERSPECTIVE ON BEST PRACTICES.

11.45 a.m.-12.15 p.m.  Q & A

12.15 p.m.-12.45 p.m.  Tea Break

12.45 p.m.-1.30 p.m.  Second Presentation: Barr. Chima Williams. Topic: LINKING EDO STATE CITIZENS TO THE EDO STATE PUBLIC ACT 2012: ENTRY POINTS FOR CITIZENS OF THE STATE.

1.30 p.m.-2.00 p.m  Q & A


2.30 p.m.-3.30 p.m.  Lunch Break

3.30 p.m.-4.00 p.m.  Q & A

4.00 p.m.-4.15 p.m.  Adoption of Communique

4.15 p.m.  National Anthem/Closing/Departure

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9.0 PICTURE GALLERY

4TH PHASE SENSITIZATION (SOUTH-SOUTH) EVENT PICTURE GALLERY
REPORT ON THE 4TH PHASE NATIONAL SENSITIZATION AND ENLIGHTENMENT PROGRAMME ON THE PUBLIC PROCUREMENT ACT FOR SOUTH-SOUTH ZONE, AUGUST 9th, 2012

Facilitated by the Leadership of the Niger Delta Budget Monitoring Group (NDEBUMOG)
10.0 APPENDICES

10.1 Newspaper advertorial (Guardian August 8th, 2012)

10.2 News features of event

10.3 Participants registration forms