



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA VOTES AND PROCEEDINGS

Thursday, 15th January, 2009

1. The Senate met at 10.20 a.m. The Deputy Senate President read prayers.
- 2= Votes and Proceedings:
The Deputy Senate President announced that he had examined the Votes and Proceedings of Wednesday, 14th January, 2009 and approved same.

By unanimous consent, the Votes and Proceedings were approved.

3. Presentation of Bills:

- (i) Electronic Commerce (Provision of Legal Recognition) Bill 2009 (SB. 233) — *Read the First Time.*
- (ii) National Visual Testing and Safety Scheme Bill; 2009 (SB. 230) — *Read the First Time.*

4. Committee on Federal Character and Inter-Governmental Affairs: ;
Report on the Screening of Nominees:

Motion made: That the Senate do receive the Report of the Committee on Federal Character and Inter-Governmental Affairs on the screening of Elder Bob Francis Ozaka (Bayelsa State) and Hon. Lawal Ibrahim Funtua (Katsina State) as Members of the Federal Character Commission (FCC) (*Senator Smart Adeyemi*).

Question put and agreed to:

Report Laid.

5. Committee on Environment and Ecology:

Report on the National Climate Change Bill, 2009 (SB. 24):

Laying of Report deferred to another Legislative day.

6. Confirmation of Nomination:

Motion made: That the Senate do consider the request of Mr. President, Commander-in-chief, for the confirmation of the nomination of Alhaji Abdullahi Abarshi Muhammed (Kebbi State) and Yusuf Mohammed Anka (Zamfara State) as Members of the National Population Commission (*Senate Leader*).

Question put and agreed to.

Request referred to the Committee on Federal Character and Inter-Governmental Affairs to report within two (2) weeks.

7. Confirmation of Nomination:

Motion made: That the Senate do consider the request of Mr. President, Commander-in-Chief, for the confirmation of the nomination of Professor Ahmed Dembo Danfulani as Director General of the National Institute for Policy and Strategic Studies (NIPSS) (*Senate Leader*).

Question put and agreed to.

Request referred to the Committees on Establishment and Public Service and Federal Character and Inter-Governmental Affairs to report within two (2) weeks.

8. Committee on Establishment and Public Service:

Report on the Public Procurement Act (Amendment) Bill 2009 (SB. 125):

Motion made: That the Senate do consider the report of the Joint Committee on Establishment and Public Service and Finance, on the Public Procurement Act (Amendment) Bill 2009. (*Senator Mohammed I. Ahmed*)

Question put and agreed to.

Report presented.

Motion made: That the Senate do resolve into the Committee of the Whole to consider the Committee Report (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

BILL FOR AN ACT TO AMEND THE PUBLIC PROCUREMENT ACT AND OTHER RELATED MATTERS.

Title of the Bill:

Public Procurement (Establishment, etc) (Amendment) Act 2009 (*Senator Mohammed I. Ahmed*) - *Agreed to.*

Clause 1: Establishment of National Council on Public Procurement and its membership:

(1) (a) The Public Procurement Act (in this Act referred to as "the Principal Act") is amended as set out in this Act.

(b) Section 1 of the Principal Act is amended by substituting for subsection (2) thereof a new subsection as follows-

(2) The Council shall consist of-

(a) a Chairman who shall be appointed by the President;

(b) the Minister of Finance;

(c) the Attorney-General of the Federation and Minister of Justice;

- (d) the Secretary to the Government of the Federation;
- (e) the Head of Service of the Federation;
- (f) . -
- (8) the Economic Adviser to the President; six members one each to represent the following institutions-(i) Nigeria Institute of Purchasing and Supply Management, Nigerian Bar Association,
- (ii) Nigerian Association of Chambers and Commerce,
- (in) Industry, Mines and Agriculture,
- (iv) Nigerian Society of Engineers,
- (v) Civil Society, The Media; and
- (vi) the Director-General of the Bureau who shall be the Secretary of the Council.

Amendment Proposed:

Insert a new item **(viii)**: as follows: **(via)** "Institute of Quantity Surveyors" (*Senator Bukar Abba Ibrahim*).

Another Amendment Proposed:

Leave out the word "six" in subclause 1(2)(g) and insert the word "eight" instead thereof (*Senator Bukar Abba Ibrahim*).

Question that the amendment be made, put and agreed to.

Question that Clause 1 as amended do stand part of the Bill, put and agreed to.

Clause 2:

Director-General and Staff of the Bureau:

There shall be for the Bureau, a Director-General who shall be appointed by the President, on the recommendation of the Council (*Senator Mohammed I. Ahmed*) — *Agreed to.*

Question that Clause 2 do stand part of the Bill, put and agreed to.

Clause 3:

Approving Authority:

"Subject to the monetary and prior review thresholds for procurement in this Act as may from time to time be determine by the President, the following shall be the approving authority for the conduct of public procurement.

- (a) for a Government Agency, Parastatal or Corporation, a Parastatals Tenders Board;
- (b) for a Ministry or Extra-Ministerial entity, the Ministerial Tenders Boards; and

(c) for Procurement in excess of the thresholds set out in subsection (b) of this section, the Federal Executive Council. (*Senator Mohammed I. Ahmed*) — *Agreed to.*

Question that Clause 3 do stand part of the Bill, put and agreed to.

Clause 4: Invitation to Bid:

Committee's Recommendation:

Section 25(2)(i & ii) be amended to read as follows:

" (i) In the case of goods and works under International Competitive Bidding, the invitation for bids shall be advertised in at least two national newspapers and one relevant internationally recognised publication, any official website of the procuring entity and the Bureau as well as the procurement journal not less than 3 weeks before the deadline for the submission of the bids for the goods and works,

(ii) In the case of good and works valued under National Competitive Bidding, the invitation for bids shall be advertised on the notice board of the procuring entity, any official websites of the procuring entity, at least two national newspapers, and in the procurement journal not less than 3 weeks before the deadline for submission of the bids for the goods and works (*Senator Mohammed I. Ahmed*) — *Agreed to.*

Question that Clause 4 do stand part of the Bill, put and agreed to.

Clause 5: Mobilization Fees:

Committee's Recommendation:

In addition to any other regulation as may be prescribed by the Bureau, a Mobilization fee of 30 % for construction works and 50 % for technical items may be paid to a supplier or contractor supported by the following: (*Senator Mohammed I. Ahmed*) — *Agreed to.*

Question that Clause 5 do stand part of the Bill, put and agreed to.

Clause 6: Administrative Review:

Committee's Recommendation:

"Section 54 (2)(b) of the Principal Act be amended to read as follows:

(b) on reviewing a complaint, the accounting officer shall make a decision in writing, within 10 working days indicating the corrective measures to be taken if any, including the suspension of the proceedings where he deems it necessary and giving reasons for this decision; or (*Senator Mohammed I. Ahmed*) — *Agreed to.*

Question that Clause 6 do stand part of the Bill, put and agreed to.

Clause 7: Citation:

This Act may be cited as the Public Procurement (Establishment, etc.) (Amendment) Act 2009 (*Senator Mohammed I. Ahmed*) — *Agreed to.*

Question that Clause 7 do stand part of the Bill, put and agreed to.

Schedule 1: Procurement Approval Thresholds for Bureau of Public Procurement, Tenders Boards and Accounting Officers (PSs and CEOs)

Approving Authority/No Objective to Award	Goods	Works	Non Consultant services	Consultant Services
BPP Issues No Objection to Award/FEC Approval	Naira 250 Million and above	*2.0 Billion and above	Naira 250 Million and above	Naira 250 Million and above
Tenders Boards: Ministerial	Less than Naira 250 Million	Less than Naira 2.0 Billion*	Less than Naira 250 Million	Less than Naira 250 Million
Parastatals	200 Million or less	Less than 500 Million	Less than Naira 100 Million	Less than Naira 100 Million
Accounting Officers: PSs	*Less than Naira 5.0 Million	Less than Naira 10 Million	Less than Naira 5.0 Million	Less than Naira 5.0 Million
*CEOs	*Less than 2.5 Million Naira	*Less than 10 Million Naira	*Less than 5.0 Million Naira	*Less than 5.0 Million Naira

Question that Schedule I under the head "Procurement Approval Thresholds for Public Procurement, Tenders Boards and Accounting Officers " stand part of the Bill, put and agreed to.

Schedule 2: Procurement Methods and Thresholds of Application:

Procurement / Selection Method and Prequalification	Thresholds			
	Good	Works	Non Consultant Services	Consultant Services
International / National Competitive Bidding	Naira 250 Million and above	* Naira 2.0Billion and above	Naira 250 Million	N/A
Shopping (Market Survey)	Less than Naira 6.5 Million	Less than Naira 6.5 Million	Less than Naira 6.5 Million	N/A
Single Source/Direct Contracting (Minor Value Procurement)	Less than Naira 250,000	Less than Naira 250,000	Less than Naira 250,000	Less than Naira 250,000
Prequalification	Naira 650 Million and above	Naira 650 Million and above	Naira 650 Million and above	N/A

Quality and Cost Based	N/A	N/A	N/A	Naira 25 Million and above
Consultant Qualifications	N/A	N/A	N/A	Less than Naira 25 Million
Least Cost	N/A	N/A	N/A	Less than Naira 25 Million

Question that Schedule 2 under the head "Procurement Methods and Thresholds of Application" stand part of the Bill, put and agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Joint Committee on Establishment and Public Service and Finance, on the Public Procurement Act (Amendment) Bill 2009. and approved as follows:

Clause 1	As Amended As
Clause 2	Recommended As
Clause 3	Recommended As
Clause 4	Recommended As
Clause 5	Recommended As
Clause 6	Recommended As
Clause 7	Recommended As
Schedule 1	Recommended As
Schedule 2	Recommended As
Long Title	Recommended.

Question: That the Senate do adopt the Report of the Committee of the Whole; — *Resolved in the Affirmative.*

Motion made: That the Bill be now read the Third Time (*Senate Leader*).

Question put and agreed to.

Bill accordingly read the Third Time and passed.

9. Committees on FCT and Housing:

Report on the Public Hearing in respect of the Administration of FCT between 1999 -2007:

Consideration of report deferred to another Legislative day.

10. Adjournment:

Motion made: That the Senate do adjourn till Tuesday, 20th January, 2009 at 10.00 a.m. (*Senate Leader*).

Adjourned accordingly at 12.05 p.m

Ike Ekweremadu, CFR
Deputy Senate President