



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 9th July, 2009

1. The Senate met at 10.20 a.m. The Senate President read prayers.
2. **Votes and Proceedings:**
The Senate President announced that he had examined the Votes and Proceedings of Wednesday, 8th July, 2009 and approved same.

By unanimous consent, the Votes and Proceedings were approved.

3. **Announcements:**

- (A) **South-South Caucus:**

The Senate President read a letter from Senator Victor Ndoma-Egba (Cross River Central) as follows:



SENATOR VICTOR NDOMA-EGBA SAN
DEPUTY SENATE LEADER

9th July, 2009

The Senate President,

NOTICE OF MEETING

There will be a very important meeting of the South-South Senate Caucus today, Thursday, 9 July, 2009 at 7.30 p. m. at the residence of the Deputy Senate Leader.

All Members should endeavour to attend promptly as urgent and critical issues affecting the zone will be discussed.

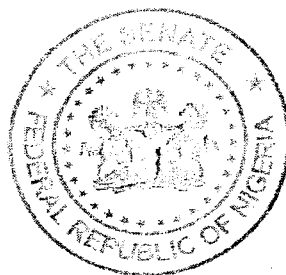
Signed:

Senator Victor Ndoma-Egba, SAN

Deputy Senate Leader/Leader of Caucus

(B) *Constitution Review Committee:*

The Senate President also read a letter from the Deputy Senate President, Senator Ike Ekweremadu (Enugu West) as follows:



DEPUTY SENATE PRESIDENT

9th July, 2009

The Senate President,

NOTICE OF MEETING

There will be a meeting of the Senate Committee on the Review of the 1999 Constitution.

Agenda: To receive the Report of a Round-Table Discussion on Constitutional Reform organized by the Office of the Deputy President of the Senate with the Canadian Forum of Federations.

Time: Immediately after sitting today, Thursday, 9th July, 2009.

Venue: Senate President's Meeting Room 301, New Senate Building.

Signed:

Senator Ike Ekweremadu, CFR

Deputy President of the Senate/Chairman of the Committee

(C) *Northern Senators' Forum:*

The Senate President further read a letter from Senator Bala A. Mohammed as follows:

There will be a brief meeting of the Northern Senators' Forum immediately after the Senate Session today, Thursday, 9th July, 2009 at Hearing Room 01.

All Members are kindly requested to attend, please.

Signed:

Senator Bala A. Mohammed

Secretary

(D) *Immortalizing Late Senators:*

The Senate President announced the following Senators as Chairman and Members of the Senate Committee on immortalizing late Senators of the Federal Republic of Nigeria (S. Res/047/09):

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|-------|----------------------------|---|----------|
| (i) | Senator Victor Ndoma-Egba | — | Chairman |
| (ii) | Senator Adeleke O. Mamora | — | Member |
| (iii) | Senator Nkechi J. Nwaogu | — | Member |
| (iv) | Senator Mujitaba M. Mallam | — | Member |
| (v) | Senator Omar A. Hambagda | — | Member |

(vi) Senator Suleiman A. Adokwe — Member

(E) **Acknowledgement:**

The Senate President acknowledged the presence of Staff and Students of St. Luke's Catholic Nursery and Primary School, Kubwa, Abuja who were in the gallery to observe Senate proceedings.

4. **Presentation of Bills:**

- (i) Area Courts Act (Amendment) Bill 2009 (SB. 293) — *Read the First Time.*
- (ii) Copyright Act (Amendment) Bill 2009 (SB. 303) — *Read the First Time.*
- (iii) Federal Capital Territory Customary Courts Act (Amendment) Bill 2009 (294) — *Read the First Time.*

5. **Committee on Finance:**

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

Motion made: That the Senate do receive and consider the Report of the Committee on Finance on the Public Procurement Act (Amendment) Bill 2009 (*Senator Ahmed M. Makarfi*).

Question put and agreed to.

Report presented and Laid.

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)

CONSIDERATION OF THE REPORT OF THE COMMITTEE ON FINANCE ON THE PUBLIC PROCUREMENT ACT (AMENDMENT) BILL 2009:

Clause 1: Public Procurement Act 2007 No.14:

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

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Ahmed M. Makarfi*)— *Agreed to.*

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

Clause 2: Section 1:

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

Committee's Recommendation:

Section 1 of the Principal Act is amended by

- (1) Substituting for subsection (2) thereof a new subsection as follows (*Senator Ahmed M. Makarfi*)— *Agreed to.*

- (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) the Economic Adviser to the President.

Committee's Recommendation:

That the provision in Clause 2 (2) (a) to (f) be retained (*Senator Ahmed M. Makarfi*)—*Agreed to.*

- (g) six part-time members to represent:

Amendment Proposed:

Immediately after the word "members" *insert* the words "who shall be subject to confirmation by the Senate" (*Senator Victor Ndoma-Egba*).

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

- (i) Chartered Institute of Purchasing and Supply Management of Nigeria;
- (ii) Nigeria Bar Association;
- (iii) Nigeria Association of Chambers of Commerce, Industry, Mines and Agriculture;
- (iv) Nigerian Society of Engineers;
- (v) Civil Society;
- (vi) the Media;

Amendment Proposed:

Leave out the word "Media" and *insert* the words "Nigeria Union of Journalists" instead thereof (*Senator Ayogu Eze*).

Question that the amendment be made put and the Senate divided.

AYES

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|-----------------------------------|------------------------------------|
| 1. Senator Abaribe, Enyinnaya, H. | 2. Senator Ahmed, Mohammed I. |
| 3. Senator Akaagerger, Joseph I. | 4. Senator Babalola, A. Abidemi O. |
| 5. Senator Bajomo, Felix Kolawole | 6. Senator Bello, Mahmud Kanti |
| 7. Senator Dahiru, Umaru | 8. Senator Dukku, Kawu Peto |
| 9. Senator Ehinlanwo, H. O. | 10. Senator Ekweremadu, Ike |
| 11. Senator Hambagda, Omar A. | 12. Senator Ibrahim, Bukar Abba |

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| 13. Senator Idris, Ibrahim Mohammed | 14. Senator Jibril, Mohammed Kabiru |
| 15. Senator Lado, Garba Yakubu | 16. Senator Lokpobiri, Heineken |
| 17. Senator Makarfi, Ahmad M. | 18. Senator Mallam, Mujitaba M. |
| 19. Senator Manzo, Anthony G. | 20. Senator Nwaogu, Nkechi |
| 21. Senator Obasanjo-Bello, Iyabo O. | 22. Senator Oduoye, Simeon O. |
| 23. Senator Shagaya, John Nanzip | 24. Senator Ugbane, Nicholas Yahaya |
| 25. Senator Wada, Tawar Umbi | 26. Senator Zagi, Caleb |

NOES

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| 1. Senator Adeleke, Isiaka Adetunji | 2. Senator Adeyemi, Smart |
| 3. Senator Adokwe, Suleiman. A. | 4. Senator Akwashiki, Patricia Naomi |
| 5. Senator Aminu, Jibril Mohammed | 6. Senator Argungu, Abubakar Umar |
| 7. Senator Barigha-Amange, Nimi | 8. Senator Bob, Effiong Dickson |
| 9. Senator Chukwumerije, Uche | 10. Senator Eferakeya, Adegbo E. |
| 11. Senator Ekaette, Eme Ufot | 12. Senator Ewa-Henshaw, Bassey |
| 13. Senator Eze, Ayogu | 14. Senator Folarin, Teslim K. |
| 15. Senator Gada, Abubakar Umar | 16. Senator Gogwim, Satty Davies |
| 17. Senator Ikenya, Joel Danlami | 18. Senator Izunaso, Osita B. |
| 19. Senator Festus, Olabode Ola | 20. Senator Maeba, Lee Ledogo |
| 21. Senator Mana, Mohammed | 22. Senator Mohammed, Bala A. |
| 23. Senator Muhammed, Mohammed. A. | 24. Senator Ndoma-Egba, Victor |
| 25. Senator Ohize, Otaru Salihu | 26. Senator Sodangi, Abubakar D. |
| 27. Senator Solomon, Ganiyu. O. | 28. Senator Talba, Adamu Garba |
| 29. Senator Ude, Anyim, Chukwu | 30. Senator Umar, Audu Idris |
| 31. Senator Yale, Kaka Mallam | |

ABSENT

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| 1. Senator Adedibu, A. Kamorudeen | 2. Senator Agbo, Anthony. O. |
| 3. Senator Ajibola, S. Sule | 4. Senator Ake, Wilson Asinobi |
| 5. Senator Akinyede, Sola | 6. Senator Akume, George |
| 7. Senator Aliyu, Nuhu | 8. Senator Anyanwu, Chris N. D. |
| 9. Senator Anyanwu, Sylvester N. | 10. Senator Ayuba, Abubakar Tanko |

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| 11. Senator Bent, Grace Folashade | 12. Senator Braimoh, Alh. Yisa |
| 13. Senator Dantong, Gyang Dalyop | 14. Senator Emodi, Joy Ifeyinwa |
| 15. Senator Etok, Alpan Aloysius | 16. Senator Bello, Hayatu Gwarzo |
| 17. Senator Gassol, Dahiru Bako | 18. Senator Gaya, Kabiru Ibrahim |
| 19. Senator Gwarzo Bello Hayatu | 20. Senator Gusau, Hassan Mohammed |
| 21. Senator Kure, Zaynab | 22. Senator Kuta, Dahiru. A |
| 23. Senator Lawan, Ahmad Ibrahim | 24. Senator Lawan, Maina Ma'aji |
| 25. Senator Mamora, A. Olorunnimbe | 26. Senator Manager, James Ebiowou |
| 27. Senator Muse, Munirudeen A. | 28. Senator Mustapha, Ramoni O. |
| 29. Senator Nazif, Sulaiman Mohammed | 30. Senator Senator Ngaji, Gregory I. |
| 31. Senator Nnamani, Chimaroke | 32. Senator Obiorah, Ikechukwu John |
| 33. Senator Ogunniya, Gbenga | 34. Senator Okonkwo, Annie |
| 35. Senator Olajumoke, Bode | 36. Senator Omisore, Iyiola |
| 37. Senator Osakwe, Patrick E. | 38. Senator Paulker, Emmanuel |
| 39. Senator Sani, Ahmad Rufa'i | 40. Senator Saraki, Gbemisola R. |
| 41. Senator Sekibo, George Thompson | 42. Senator Turaki, Ibrahim Saminu |
| 43. Senator Ucha, Julius A. | 44. Senator Ugbesia, Odion |
| 45. Senator Usman, Abdulaziz | 46. Senator Uzamere, Ehigie Edobor |
| 47. Senator Sidi-Ali, M. Adamu | 48. Senator Maccido, Ahmed Mohammed |
| 49. Senator Ya'u, Sahabi Alhaji | |

Question by Roll Call Vote resolved in the Negative.

ABSENT	—	49
AYES	—	26
NOES	—	<u>31</u>
TOTAL	—	<u>106</u>

(vi) Nigerian Society of Quantity Surveyors;

Amendment Proposed:

Leave out the word "Society" and insert the word "Institute" instead thereof (Senator Omar A. Hambagda).

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

- (iii) in subsection (4) by inserting immediately after the last word "Bureau" the following-
"Body of Principal Officers in the case of the National Assembly or by the Federal Judiciary Tenders' Board in the case of the Judiciary" (Senator Ahmed M. Makarfi) — Agreed to.

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

Clause 5:

Section 20:

Committee's Recommendations:

Section 20 of the Principal Act is amended in subsection (2)(a) by deleting all the words of the subsection after the word "entity" in line 2 (Senator Ahmed M. Makarfi) — Agreed to.

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

Clause 6:

Section 22:

Committee's Recommendations:

Section 22 of the Principal Act is amended in subsection (5) by inserting the words "or the Accounting Officer of the procuring entity as the case may be" after the word "Minister" (Senator Ahmed M. Makarfi) — Agreed to.

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

Clause 7:

Section 25:

Committee's Recommendations:

Section 25 of the Principal Act is amended in subsection (2)(i) and (ii) by substituting the words "six weeks" with the words "three weeks" (Senator Ahmed M. Makarfi) — Agreed to.

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

Clause 8:

Section 35:

Committee's Recommendations:

Section 35 of the Principal Act is amended by substituting for subsection (1) thereof a new subsection, that is-

"(1) In addition to any other regulations as may be prescribed by the Bureau, a mobilization fee of an amount to be prescribed in the bid document may be paid to a supplier or contractor supported by the following:" (Senator Ahmed M. Makarfi).

Amendment Proposed:

Leave out the words "an amount to be prescribed in the bid document" and insert the words "not more than 25%" (Senator Bassey Ewa-Henshaw).

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

Amendment Proposed:

Leave out the words "the following" and insert the words "requisite performance bond from a reliable bank" (Senator Mahmud Kanti Bello).

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

Question that Clause 8 as amended do stand part of the Bill, put and agreed to.

- (f.) The Director General of the Bureau who shall be the Secretary of the Council.

Committee's Recommendations

- (i) Substituting for subsection (2) thereof a new subsection as follows:
"Renumbering the amended subsection 2 as subsection (1) and inserting a new subsection (2) as follows:
- (ii) Notwithstanding the provision of subsection (1) each of the arms of Government shall determine its individual threshold".

Amendment Proposed:

Leave out the words "each of the Arms Government" and insert the words "The Legislature, Executive, and Judiciary" instead thereof (Senator Nimi Barigha-Amange).

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

Another Amendment Proposed:

Leave out the words "its individual" in line 2, and insert the words "their respective" instead thereof: (Senator Ike Ekweremadu).

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

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

Clause 3:

Section 7:

There shall be for the Bureau, a Director-General who shall be appointed by the President, on the recommendation of the Council after competitive selections.

Committee's Recommendation:

Section 7 of the Principal Act is amended in subsection (1) by deleting the phrase "after competitive selections" appearing in line 2

Amendment Proposed:

That the Senate do sustain the provision of the Principal Act (Senator Iyabo Obasanjo-Bello).

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

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

Clause 4:

Section 16:

Committee's Recommendations

Section 16 of the Principal Act is amended:-

- (i) in subsection (1)(b) by inserting immediately after the last word "Bureau" the following:
"Body of Principal Officers in the case of the National Assembly or by the Federal Judiciary Tenders' Board in the case of the Judiciary".
- (ii) in subsection (2) by inserting immediately after the last word "Bureau" the following-
"Body of Principal Officers in the case of the National Assembly or by the Federal Judiciary Tenders' Board in the case of the Judiciary", and

Clause 9: Short Title:*Committee's Recommendations:*

This Act may be cited as the Public Procurement Act (Amendment) Bill, 2009
(*Senator Ahmed M. Makarfi*) — *Agreed to.*

Question that Clause 9 as recommended do stand part of the Bill, put and agreed to.

(SENATE IN PLENARY)

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

Clause 1	—	As Recommended
Clause 2	—	As Amended
Clause 3	—	As Amended
Clauses 4 - 7	—	As Recommended
Clause 8	—	As Amended
Short Title	—	As 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.

6. Committee on Sports and Social Development:

Report on the National Centre for the Elderly Persons (Establishment) Bill 2009 (SB.15):

Consideration of the Report deferred to another Legislative Day.

7. Adjournment:

Motion made: That the Senate do now adjourn till Tuesday, 14th July, 2009 at 10.00 a.m.
(*Senate Leader*).

Adjourned accordingly at 1.15 p.m.

Dr. David A. B. Mark, GCON, *fnim*
President,
Senate of the Federal Republic of Nigeria.

