



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 24 August, 2006

1. The House met at 10.20 a.m. Mr Deputy Speaker read Prayers.
2. **Votes and Proceedings:**
Mr Deputy Speaker announced that he had examined and approved the Votes and Proceedings of Wednesday, 23 August, 2006.
By unanimous consent, the Votes and Proceedings was adopted.
3. **Announcements:**
 - (i) **Visitors:**
Mr Deputy Speaker recognized the presence in the Gallery, of Members of the "G19" group of Northern Youths.
 - (ii) **Defection:**
Mr Deputy Speaker announced the defection of Hon. Itaka Frank Ineke (*Ida Ioful Ibaji Igalamela-Odolu Federal Constituency*) Kogi State from the All Nigeria Peoples Party to the Peoples Democratic Party as contained in the following letter:



CHIEF/DR. ITAKA FRANK INEKE DIP. PR, LL.B MILD. B.L.(MHR)

DEPUTY CHAIRMAN HOUSE COMMITTEE ON JUSTICE

FEDERAL REPUBLIC OF NIGERIA

NATIONAL ASSEMBLY ROOM 2128 ANNE)

THREE ARMS ZONE ABUJA - P. O.BOX 8566 WUSE TEL 09-2310146/08035974378/08055601934

EJULE OJEBE.IBAJI

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P.O.BOX 156

IDAH, KOGI STATE. TEL: 058-800578

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P.O.BOX 144 YABA,

LAGOS TEL: 01-834724,

7742035

18th August, 2006

The Hon. Speaker House of Representatives National Assembly Abuja.

Sir,

NOTICE OF MY MEMBERSHIP IN PEOPLE'S DEMOCRATIC PARTY (PDP)

Sequel to my resignation from the All Nigeria people's Party (ANPP) and the need to be in credible political party, I have joined People's Democratic Party(PDP) after due and wide consultation with my People, friends and well wishers.

/ will henceforth take part in the activities and programme of the PDP at all time and places when need arises.

I therefore seek your cooperation.

Thanks

Yours sincerely,

(Signed)

Hon. /Chief Itaka Frank Ineke

(iii) Obituary:

Mr Deputy Speaker acquainted the House with the death of the father of Hon. Akinlade Abiodun Isiaq in the following letter:



Member House Of representatives
YEWA SOUTH/POKIA FEDERAL CONSTITUENCY
NATIONAL ASSEMBLY COMPLEX, THREE AMRS ZONE, PMB 141 ABUJA TEL:
0803684540 08023188466

23rd August, 2006



Rt. Hon. Aminu Bello Masari
Honourable Speaker House of
Representatives

NOTIFICATION OF MY FATHER'S DEATH

*With total submission to the will of Almighty Allah, I write to bring to your notice the death of my beloved father, **ALHAJI CHIEF YUSUFAJISAFE AKINLADE** who passed away on the 15th July 2006 at ripe age of 97 years.*

*While alive, **he** was the **BABA ADEEN OF OWODE MUSUM COMMUNITY AND THE ASIWAJU OF OWODE TOWN.***

He has since been buried according to Islamic rites at Owode Yewa, Ogun State.

Please accept the assurances of my highest regard.

Yours faithfully,

(Signed) **Hon. Abiodun**
Isiaq Akinlade

(Hon. Aminu Waziri Tambuwal prayed for the repose of the soul of the deceased).

(iv) Invitation:

Mr Deputy Speaker conveyed an invitation from Hon. Abdullahi Idris Umar (*Yalmatu-Deba, Federal Constituency*), Gombe State, to all Hon. Members as follows:



Hon. (Barr)A. Idris Umar

Chairman, House Committee on Finance
Federal Republic of Nigeria
Yamaltu-Deba Federal Constituency
National Assembly Complex,
Three Arm Zone, P.M.B. 141,
Abuja.

WEDDING, INVITA TION

Dear Hon. Members,

It is with gratitude to Almighty Allah that I write to inform you that by the grace of God on Saturday the 26th day of August, 2006, BILKISU ADAMU SARKI to whom I am a guardian will be married to AMINUNJIDDA AHMED GELLA the son of Honourable Njidda Ahmed Gella in my Home town Dadinkowa Hinna in Yamaltu/Deba Local Government Area of Gombe State.

May I humbly request that you make out time from your busy schedules to kindly honour me and my family by attending the wedding Fatiha which will take place on Saturday 26th day of August 2006 by 12:00 Noon at the palace of the Emir of Yamaltu at Dadinkowa Gombe state.

While looking forward to receiving you at the venue, please accept our highest regards.

Yours faithfully,

(Signed) Hon. (Ban.) Abdullahi Idris Umar.

4. **A Bill for a An Act to make Provisions for Regulations and Fiscal Incentives in Connection with Petroleum Operations carried out by Indigenous Oil Companies, (HB. 224) 2006 — Third Reading.**
Motion made and Question proposed: "That A Bill for a An Act to make Provisions for Regulations and Fiscal Incentives in Connection with Petroleum Operations carried out by Indigenous Oil Companies, 2006 be now read the Third Time. (Hon. Abdul Ningi).

Question that the Bill be now read the Third Time, put and agreed to. Bill

read the Third Time and Passed.

5. **A Bill for an Act to Repeal the Statistics Act, 1957, Establish the National Statistics System, National Bureau of Statistics and for Matters Connected Therewith, 2006 (HB. 224) — Second Reading.**
Motion made and Question proposed: "That A Bill for an Act to Repeal the Statistics Act, 1957, Establish the National Statistics System, National Bureau of Statistics and for Matters Connected Therewith, 2006 be now read a Second Time (Hon. Abdul Ningi).

Debate:

Question that the Bill be now read a Second Time, put and agreed to.

Bill read the Second Time and referred to the Joint Committee on National Planning and Justice.

6. **Consideration of Report:**
Special Ad-Hoc Committee on Due Process:
Motion made and Question proposed: "That this House do resume consideration of the Report of the Special Ad - Hoc Committee on Due Process on A Bill for an Act to Provide for the Establishment of the National Council on Public Procurement; the Bureau of Public Procurement as the Regulatory Authority Responsible for the Monitoring and Oversight of Public Procurement; and to Harmonize Existing Government; Policies and Practices by Regulating, Setting Standards and Developing the Legal Framework and Professional Capacity for Public Procurement in Nigeria and for other Related Purposes, 2006 and approve the Recommendations Therein" (Hon. Independence Ogunwe).

Question put and agreed to.

Question that the House do resolve into the Committee of Whole to resume consideration of the Report, put and agreed to.

HOUSE IN COMMITTEE

(Mr. Deputy Speaker in the Chair)

A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL COUNCIL ON PUBLIC PROCUREMENT; THE BUREAU OF PUBLIC PROCUREMENT AS THE REGULATORY AUTHORITY RESPONSIBLE FOR THE MONITORING AND OVERSIGHT OF PUBLIC PROCUREMENT; AND TO HARMONIZE EXISTING GOVERNMENT POLICIES AND PRACTICES BY REGULATING, SETTING STANDARDS AND DEVELOPING THE LEGAL FRAMEWORK AND PROFESSIONAL CAPACITY FOR PUBLIC PROCUREMENT IN NIGERIA AND FOR OTHER RELATED PURPOSES, 2006

Committee Recommendation:

Clause 3: Functions of Council.

The functions and powers of the Council are, subject to the provisions of this Bill, to-

- (a) consider, amend or/and approve the monetary and prior review thresholds for the application of the provisions of this Bill by procuring entities;
 - (b) consider and approve policies on public procurement;
 - (c) approve any procurement guidelines or regulations to be made pursuant to this Bill;
 - (d) approve the employment of the Directors of the Bureau of Public Procurement;
 - (e) receive, consider and forward for approval by the National Assembly the audited accounts of the Bureau of Public Procurement; and
- if) give such other directives and/or perform such other functions as are reasonably necessary to achieve the objectives of this Bill {Hon. Bala Ibn Na'Allah} — Agreed to.

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

Committee Recommendation:

Clause 4: Establishment of the Bureau of Public Procurement,

- (1) There is hereby established an agency to be known as the Bureau of Public Procurement (in this Bill referred to as "the Bureau").
- (2) The Bureau-
 - (a) shall be a body corporate with perpetual succession and a common seal;
 - (b) may sue and be sued in its corporate name: and
 - (c) may acquire, hold or dispose of any property, movable or immovable for the purpose of carrying out any of its functions under this Bill (Hon. Bala Ibn Na 'Allah) — Agreed to.

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

Committee Recommendation:

Clause 5: Objectives of the Bureau. The objectives of the Bureau shall be-

- (a) the harmonisation of existing government policies and practices on public procurement and ensuring probity, accountability and transparency in the procurement process;
- (b) the establishment of pricing standards and benchmarks;
- (c) to ensure the application of fair, competitive, transparent, value for money standards and practices for the procurement and disposal of public assets and services;
- (d) the attainment of transparency, competitiveness, cost effectiveness and professionalism in the public sector procurement system (Hon. Bala Ibn Na 'Allah) — Agreed to.

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

Committee Recommendation:

Clause 6: Functions of the Bureau.

The functions of the Bureau shall be to:-

- (a) formulate the general policies and guidelines relating to public sector procurement for the approval of Council;

- (b) publicise and explain provisions of this Bill;
- (c) subject to thresholds as may be approved by the Council, certify all Federal wide procurement prior to, during and after award of contract;

Amendment Proposed:

In paragraph (c) line 2, *leave out* the words "during and after" and immediately after the word "contract", **insert** the words "and payment" (*Hon. Almajir Geidam*).

Question that the amend be made, put and negatived.

- (d) supervise the implementation of established procurement policies;
- (e) monitor the prices of tendered items and keep a national database of standard prices;
- (f) publish these details of major contracts in the Procurement Journal;
- (g) publish paper and electronic editions of the procurement journal and maintain an archival system for the procurement journal;
- (h) maintain a national database of the particulars and classification and categorization of federal contractors and service providers as provided by the Procuring entities;
- (o) collate and maintain in an archival system; all federal procurement plans and information;
- (j) undertake procurement research and surveys;
- (k) provide training and development of procurement professionals;
- (l) periodically review the socioeconomic effect of the policies on procurement and advise the Council accordingly;
- (m) prepare and update standard bidding and contract documents;
- (n) prevent fraudulent and unfair procurement and where necessary apply administrative sanctions;
- (p) review the procurement and award of contract procedures of every entity to which this Bill applies;
- (p) perform procurement audits;
- (q) introduce, develop, update and maintain related database and technology; and
- (r) coordinate relevant training programs to build institutional capacity (*Hon. Hon. Bala Ibn Na'Allah*) — *Agreed to.*

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

Committee Recommendation:

Clause 7: Powers of the Bureau:-

- (1) The Bureau shall have the power to —
 - (a) enforce the monetary and prior review thresholds approved by Council for the application of the provisions of this Bill by procuring entities;
 - (ft) subject to the prior review threshold, issue "Certificate of 'No Objection' for Contract Award" and "Certificate of 'No Objection' for Payments" for all procurements within the purview of this Bill;
 - (c) from time to time stipulate to all procuring entities, the procedures and documentation prerequisite for the issuance of any Certificate of 'No Objection' under this Bill;

- (d) cause to be inspected and/or reviewed any procurement transaction to ensure compliance with the provisions of this **Bill**;
 - (e) investigate and determine whether any procuring entity has violated any provision of this Bill;
 - (f) subject to the approval by the Council, blacklist/debar any supplier, contractor or service provider that contravenes any provision of this Bill and regulations made pursuant to this Bill;
 - (g) maintain a list of firms and persons that have been blacklisted/debarred from participating in public procurement activity and publish them in the procurement journal;
 - (h) call for such information, documents, records and reports in respect of any aspect of any procurement proceeding where a breach, wrongdoing, default, mismanagement and/or collusion has been alleged, reported or proved against a procuring entity or service provider;
 - (i) recommend to the Council, where there are persistent or serious breaches of this Bill or regulations or guidelines made under this Bill for-
 - (if) the replacement of the head of the Procuring or Disposal Unit of any entity or the Chairperson of a Tenders Board as the case may be,
 - (iii) the disciplining of the Accounting Officer of any Procuring entity, or
 - (iv) any other sanction that the Bureau may consider appropriate;
 - (j) to nullify the whole or any part of any procurement proceeding or award which it adjudges to be in contravention of this Bill;
 - (k) to direct the discontinuance, stoppage, or suspension of any payments due from the Treasury under any procurement contract, activity or proceeding which has contravened or is likely to be in contravention of any provision of this **Bill**;
 - (l) undertake procurement and contract performance audit; and
 - (m) do such other things that are reasonably necessary for purpose of carrying out its functions under this Bill.
- (2) The Bureau shall be the Secretariat of the Council.
- (3) The Bureau shall, subject to the approval of the Council, have power to-
- (a) acquire, hold and manage movable and immovable property;
 - (b) enter into contracts or partnerships with any company, firm or person which in its opinion will facilitate the discharge of its **functions**;
 - (c) request for and obtain from any Ministry, Extra Ministerial Department or Agency and other information including reports, memoranda and audited accounts and other information relevant to its functions under this Bill; and
 - (d) liaise with relevant bodies or institutions locally or internationally for effective performance of its functions under this Bill (*Hon. Bala Ibn Na'Allah*) — *Agreed to*.

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

*Committee Recommendation:***Clause 8: Staff of the Bureau.**

- (1) There shall be for the Bureau, a Director-General who shall be appointed by the President, Commander-in-Chief, subject to confirmation by the Senate.
- (2) The Director General shall be
 - ta) the chief executive and accounting officer of the Bureau;
 - (b) responsible for the execution of the policy and day to day administration of the affairs of the Bureau;
 - (c) a person who possesses the relevant and adequate professional qualification and shall have been so qualified for a period of not less than 15 years.
- (3) The Director General shall hold office-
 - fa) for a term of 4 years in the first instance and may be reappointed for a further term of 3 years and no more; and
 - (b) on such terms and conditions as may be specified in his letter of appointment.
- (4) Without prejudice to the provisions of this Bill, the Director-General of the Bureau maybe removed from office at the instance of the President, Commander in Chief on the basis of gross misconduct or financial impropriety, fraud, and manifest incompetence proven by the Council (*Hon. Bala Ibn Na 'Allah*) — *Agreed to.*

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

*Committee Recommendation:***Clause 9: Principal Officers of the Bureau**

- (1) The Council shall appoint the principal officers of Bureau.
- (2) The principal officers appointed under Section 9 (1) above shall each have the requisite qualification and experience required for the effective performance of the functions of their respective Departments and the Bureau as specified under this Bill.
- (3) Notwithstanding the provisions of section 9 (1) above, Council shall have power to modify the operational structure of the Bureau as may be reasonably necessary to enhance the Bureau's duties and functions under this Bill (*Hon. Bala Ibn Na 'Allah*) — *Agreed to.*

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

*Committee Recommendation:***Clause 10: Other Staff of the Bureau.**

- (1) Council may appoint such officers and other employees as may, from time to time, be deemed necessary for the purposes of the Bureau.
- (2) The terms and conditions of service (including remuneration, allowances, benefits and pensions) of officers and employees of the Bureau shall be as determined by Council in accordance with existing practice in the Federal Public Service..
- (3) Without prejudice to the generality of Section 10 (1) above, Council shall have power to appoint either on transfer or on secondment from any public service in the Federation, such number of employees as may, be required to assist the Bureau in the discharge of any of its functions under the Bill and persons so employed shall be remunerated (including allowances) as Council may consider proper (*Hon. Bala Ibn Na 'Allah*) — *Agreed to.*

Question that Clause 10 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 11: Staff Regulations.

Council may, subject to the provisions of this Bill, make staff regulations relating generally to the conditions of service of the employees of the Bureau and without prejudice to the foregoing, such regulations may provide for (a) the appointment, promotion and disciplinary control (including dismissal) of employees of the Bureau; and

(b) appeals by such employees against dismissal or other disciplinary measures, and until such regulations are made, any instrument relating to the conditions of service of officers in the civil service of the Federation shall be applicable (*Hon. Bala Ibn Na 'Allah*) ~ Agreed to.

Question that Clause 11 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 12: Pension Provisions.

Employees of the Bureau shall be entitled to pensions, gratuities and other retirement benefits as prescribed under the Pensions Act, 2004 (*Hon. Bala Ibn Na'Allah*) ~ Agreed to.

Question that Clause 12 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 13: Fund of the Bureau.

(1) The Bureau shall establish and maintain a fund, to be approved by the Council from which shall be defrayed all expenditures incurred by it.

(2) There shall be paid and credited to the fund established pursuant to Subsection (1) of this section-

(a) the sum appropriated by the National Assembly for the running of the Bureau;

(b) all subventions and grants made to the Bureau; and

(c) all other assets which may, from time to time, accrue to the Bureau.

(3) The fund shall be managed in accordance with rules made by the Council and without prejudice to the generality of the power to make rules under this subsection; the rules shall in particular contain provisions-

(a) specifying the manner in which assets or the fund of the Bureau are to be held, and regulating the making of payment into and out of the fund; and

(b) requiring the keeping of proper accounts and records for the purposes of the fund in such form as may be specified in the rules.

(4) The Bureau may, from time to time, apply the proceeds of the fund established in pursuance of Subsection (1) above for the following purposes-

(a) the cost of administration of the Bureau;

(b) the payments of salaries, fees and other remuneration of employees of the Bureau or experts or professionals appointed by the Bureau;

(c) the maintenance of any property acquired by or vested in the Bureau; and

(d) Any matter connected with all or any of the functions of the Bureau under this Bill (*Hon. Bala Ibn Na'Allah*) — Agreed to.

Question that Clause 13 stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 14: Financial Year, Budgeting and Annual Report.**

- (1) **The** financial year of the Bureau shall be the same as that of the Federal Government.
- (2) No later than six months before the end of each financial year, the Bureau shall submit to the Council an estimate of its expenditure and projected income during the next succeeding year.
- (3) The Bureau shall keep proper accounts and records of its receipts, payments, assets and liabilities and shall in respect of each financial year prepare a statement of account in such form as the Council may direct.
- (4) The Bureau shall within 6 months after the end of the financial year to which the accounts relate cause the accounts to be audited in accordance with guidelines supplied by the Auditor General of the Federation.
- (5) The Bureau shall at the end of each financial year, prepare and submit to the Council a report in such form as shall accurately capture all the activities of the Bureau during the preceding year and shall include in the report a copy of the audited accounts of the Bureau for that year (*Hon. Bala Ibn Na'Allah*) — *Agreed to.*

Question that Clause 14 stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 15: Legal Proceedings.**

- (1) Subject to the provisions of this Bill, no suit shall be commenced against the Bureau before the expiration of 45 days after written notice of an intention to commence the suit shall have been served upon the Bureau by the intending plaintiff or his agent; and the notice shall clearly and explicitly state-
 - fa) the cause of action;
 - {b) the particulars of the claim;
 - (c) the name and legal residence of the intending plaintiff; and
 - {d) the relief being sought.

Amendment Proposed:

Leave out all the words in the Clause(hon. ita Enang).

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

- (2) The Director General of the Bureau, its officers, employees or agents shall not personally be subject to any action claim or demand by, or liability to any person in respect of anything done or omitted to be done in exercise of any function or power conferred by this Bill upon the Bureau, its Director General, officers, employees or agents

Indemnity against Proceedings.

- (3) A member of the Bureau or the Director General or any officer or employee of the Bureau shall be indemnified out of the assets of the Bureau against any liability incurred by him in defending any proceeding, whether civil or criminal, if the proceeding is brought against him in his capacity as a member, Director General, officer or other employee of the Bureau.

Service of Notices and Processes.

- (4) A notice, summons or other documents required or authorized to be served upon the Bureau under the provisions of this Bill or any other law or enactment may be served by delivering it to the Director General or by sending it by registered post and addressed to the Director General at the principal office of the Bureau (*Hon. Bala Ibn Na'Allah*) — *Agreed to.*

Question that Clause 15 stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 16: Scope of Application.**

- (1) The provisions of this Bill shall apply to all procurement of goods, works, and services carried out by the Federal Government of Nigeria, all Federal Ministries, Extra ministerial Offices/departments/ agencies, parastatals, corporations, the armed and paramilitary services and all entities set up by the Constitution or Bill of the National Assembly and/or whose funding derives from the Federation Accounts, their own internally generated revenue, the Federal share of the Consolidated Revenue Fund and special allocations in the federal budget.

Amendments Proposed:

- (i) In line 4, before the word "entities" insert the word "Federal (*Hon. Almajir Geidam*).

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

- (ii) In lines 5 and 6, leave out the words "Federation Accounts" (*Hon. Ita Enang*).

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

- (1) Notwithstanding the provisions of subsection (1) (a) above, it shall be unlawful for any corporation, agency, parastatal or joint venture whether wholly or partly owned by the Federal Government to embark on any procurement without substantial compliance with the provisions of this Bill.

- (iii) In lines 2 and 3, after the word "venture" leave out the words, "whether wholly or partly" and insert the words "between the Federal Government and or any Agency of State or Local Government, wholly or partly owned by the Federal Government" instead thereof (*Hon. Aminu Waziri Tambuwal*).

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

- (2) The provisions of this Bill shall not apply to the procurement of special purpose works, goods and services involving national defence or national security where the President's express approval has been first sought and obtained in writing.
- (3) The provisions of this Bill shall apply to all disposals of assets by all entities covered by Clause 16 (1) above (*Hon. Bala Ibn Na'Allah*) — *Agreed to.*

Question that Clause 16 as amended stand part of the Bill, put and agreed to.

Chairman to report progress.

HOUSE IN PLENARY

Mr Deputy Speaker in the Chair, reported that the House in the Committee of Whole, resumed consideration of the Report of the Special Ad - Hoc Committee on Due Process on A Bill for an Act to Provide for the Establishment of the National Council on Public Procurement; the Bureau of Public Procurement as the Regulatory Authority Responsible for the Monitoring and Oversight of Public Procurement; and to Harmonize Existing Government Policies and Practices by Regulating, Setting Standards and Developing the Legal Framework and Professional Capacity for Public Procurement in Nigeria and for other Related Purposes, 2006 and approved Clauses 3, 4, 5, amended Clause 6, approved Clauses 7, 8, 9, 10, 11, 12, 13, 14, and amended Clauses 15 and 16 and deferred further consideration of the Report. *He asked leave to sit again.*

Question that the House do adopt the Report of the Committee of the Whole, put and agreed to.

7. Adjournment:

That this House do now adjourn till Tuesday 29 August, 2006 at 10.00 a.m. (*Hon. Abdul Ningi*).

Adjourned accordingly at 1:22 p.m.

Austin Opara
Deputy Speaker