



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 11 September, 2008

1. The House met at 10.48 a.m. Mr Speaker read Prayers.
2. **Votes and Proceedings:**
Mr Speaker announced that he had examined and approved the Votes and Proceedings of Wednesday, 10 September, 2008.

By unanimous consent, the Votes and Proceedings was adopted.

3. Message:
Mr Speaker read a Message from the President, Commander-in-Chief of the Federal Republic of Nigeria:



THE PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

PREI \34

July 29, 2008

*The Rt Hon. Dimeji Bankole,
Speaker of the House of Representatives,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear brother,

NIGERIAN COMMUNICATIONS COMMISSION
2008 BUDGET PROPOSAL

I write to forward, for the kind consideration and approval of the House of Representatives of the Federal Republic of Nigeria, the 2008 budget proposal for the Nigerian Communications Commission.

Please accept the assurances of my highest consideration.

Yours sincerely,

(Signed) UMARU MUSA

YAR'ADUA

4. Announcement:

Membership of the Constitution Review Committee:

Mr Speaker named additional Members of the Constitution Review Committee as follows:

- (a) Hon. Chukwuemeka Ihedioha (*Jmo*);
- (b) Hon. Suleiman Abdulrahman Kawu (*Kano*);
- (c) Hon. Mohammed Bello Matawale (*Zamfara*).

5. Rescission of House Orders:

Mr Speaker referred to item 5 in the Votes and Proceedings of Wednesday 10 September, 2008 on a Bill for an Act to Amend the Public Procurement Act, 2007 and for Matter Connected Therewith, 2008 and stated that the House would consider the Bill forthwith in the Committee of Whole to facilitate the effective implementation of the Appropriation Act, 2008.

6. Petitions:

The following petitions were received and referred to the Committee on Public Petitions:

- (i) Hon. Isa E. Dobi (*Abuja South Federal Constituency*), from the Disengaged Staff of the University of Abuja Teaching Hospital, praying the House to intervene in the non-payment of their pensions and arrears of consolidated salaries and to grant other reliefs in the petition;
- (ii) Hon. Abasi Braimoh (*Etsako Federal Constituency*), from Azebioke Fellason M.A, praying the House to intervene in his alleged unjust dismissal by the Nigeria Immigration Service with a view to reinstating him;
- (iii) Hon. Ita Enang (*Itu/Ibiono Ibom Federal Constituency*), from Deacon Lawrence O. Ekanem, praying the House to investigate his alleged wrongful dismissal by the Nigeria Customs Service;
- (iv) Hon. Overah Joyce (*Okpe/Sapele/Uvwie Federal Constituency*), from Mr S.A Ikoyo, praying the House to investigate his alleged wrongful termination of appointment by the Central Bank of Nigeria with a view to reinstating him.

7. The State of the Nigeria Customs Service and the poor Performance of its Statutory Duties and Functions:

Motion made and Question proposed,

The House:

Worried about the statement accredited to the Nigeria Customs Service on the collapse of its Marine Unit leading to poor performance of its statutory duties and functions due to poor funding;

Concerned that the Nigeria Customs Service being the second largest revenue collector to the nation next to oil, is failing woefully in this critical aspect of its mandate;

Notes the inability of the Nigeria Customs Service to know the number of crude oil lifting vessels that come in and leave the shores of Nigeria and the volume of crude oil export of the country;

Disturbed about the inability of the Nigeria Customs Service to tackle the problems of oil bunkering;

Regret the complete collapse of the Marine Unit of the Nigeria Customs Service without a single serviceable seagoing vessel;

Resolves to:

Mandate the Committee on Customs and Excise to conduct a Public Hearing on this very important and central spine of the economy with a view to ascertaining the underlying problems affecting the organization and report back to the House (*Hon. Mohammed Sani Abdu and 18 Others*).

Debate:

Question put and agreed to.

The House:

Worried about the statement accredited to the Nigeria Customs Service on the collapse of its Marine Unit leading to poor performance of its statutory duties and functions due to poor funding;

Concerned that the Nigeria Customs Service being the second largest revenue collector to the nation next to oil, is failing woefully in this critical aspect of its mandate;

Noted the inability of the Nigeria Customs Service to know the number of crude oil lifting vessels that come in and leave the shores of Nigeria and the volume of crude oil export of the country;

Disturbed about the inability of the Nigeria Customs Service to tackle the problems of oil bunkering;

Regret the complete collapse of the Marine Unit of the Nigeria Customs Service without a single serviceable seagoing vessel;

Resolved to:

Mandate the Committee on Customs and Excise to conduct a Public Hearing on this very important and central spine of the economy with a view to ascertaining the underlying problems affecting the organization and report back to the House (**HR. 50/2008**).

8. A Bill for an Act to Amend the Public Procurement Act, 2007, and for Matters Connected Therewith, 2008 (Committee of Whole):

Motion made and Question proposed, "That this House do consider the Report on a Bill for an Act to Amend the Public Procurement Act, 2007, and for Matters Connected Therewith, 2008" (*Hon. Gbenga Onigbogi*)

Question put and agreed to.

Question that the House do resolve into the Committee of Whole to consider the Report — Agreed to.

(HOUSE IN COMMITTEE) (Mr

Deputy Speaker on the Chair)

**A BILL FOR AN ACT TO AMEND THE PUBLIC PROCUREMENT ACT, 2007,
AND FOR MATTERS CONNECTED THEREWITH, 2008**

Amendment of 2007 No. 14.

Committee Recommendation:

The Public Procurement Act (in this Act referred to as "the principal Act") is amended as set out in this Act (*Hon. Tunde Akogun*) — *Agreed to.*

Amendment of section 1.

Committee Recommendation:

Section 1 of the principal Act is amended by substituting for subsection (2) thereof a new subsection as follows —

- (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;
- (g) six members one each to represent the following institutions —
 - i) Nigerian Institute of Purchasing and Supply Management,
 - (ii) Nigerian Bar Association,
 - (iii) Nigerian Association of Chambers and Commerce, Industry, Mines and Agriculture,
 - (iv) Nigerian Society of Engineers,
 - (v) Civil Society,
 - (vi) the Media; and
- (h) **the** Director General of the Bureau who shall be **the** Secretary of the Council" {Hon. Tunde Akogun}.

Amendments Proposed:

- (i) Leave out all the words in subsection (g) (iv), (v) and (vi) {Hon. Ita Enang}.

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

- (ii) Inserts new subsection (g) (iv) as follows:

"Nigerian Society of Quantity Surveyors" (Hon. Kamil Akinlabi).

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

- (iii) Inserts new subsection (i) as follows:

"Two other members to be appointed at the discretion of Mr President" (Hon. C. I. D. Maduabum).

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

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

Amendment of section 7.

Committee Recommendation:

Section 7 of the principal Act is amended in subsection (1) by deleting the phrase "after competitive selections" appearing in line 2 (Hon. Tunde Akogun) — *Agreed to.*

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

Amendment of section 17.

Committee Recommendation:

Section 17 of the principal Act is amended by substituting the existing section with the following new section:

"Approving authority.

17. Subject to the monetary and prior review thresholds for procurements in this Act as may from time to time be determined 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 parastatal's Tenders Board;
- (b) for a Ministry or extra-Ministerial entity, the Ministerial Tenders Board; and
- (c) for procurement in excess of the thresholds set out in subsection (b) of this section, the Federal Executive Council" (Hon. Tunde Akogun) — *Agreed to.*

Question that Section 17 stand part of the Bill, put and agreed to..

Amendment of section 35.

Committee Recommendation:

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:" {Hon. Tunde Akoguri).

Amendment Proposed:

Insert a subsection (2) as follows:

"Notwithstanding any provision in this Act, as to time limit, public procurement shall be initiated and concluded, in the case of International Competitive Bidding (ICB) — 60 days, in the case of National Competitive Bidding (NCB) — 45 days and in the case of Local Competitive Bidding (LCB) — 30 days" {Hon. Isa Mohammed).

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

Question that Section 35 as amended, stand part of the Bill, put and agreed to..

Short Title.

Committee Recommendation:

This Bill may be cited as the Public Procurement (Establishment, etc.) (Amendment) Bill, 2008 (Hon. Tunde Akoguri) — Agreed to.

SCHEDULE

PROCUREMENT APPROVAL THRESHOLDS FOR BUREAU OF PUBLIC PROCUREMENT, TENDERS BOARDS AND ACCOUNTING OFFICERS (PSS AND CEOS)

<i>Approving Authority/No. Objection to Award</i>	<i>Goods</i>	<i>Works</i>	<i>Non- Consultant Services</i>	<i>Consultant Services</i>
BPP Issues No Objection to Award/FEC Approves	Naira 250 Million and above	Naira 2.0 Billion and above	Naira 250 Million and above	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	Less than 100 Million	Less than 500 Million	Less than Naira 100 Million	Less than Naira 100 Million
Accounting Officers:	Less than Naira	Less than Naira	Less than Naira	Less than Naira
PSS	5.0 Million	10 Million	5.0 Million	5.0 Million
CEOs	Less than Naira 2.5 Million	Less than Naira 10 Million	Less than Naira 5.0 Million	Less than Naira 5.0 Million
<i>Procurement/Selection</i>	<i>Thresholds</i>			
<i>Method and Pre-qualification</i>	<i>Goods</i>	<i>Works</i>	<i>Non- Consultant Services</i>	<i>Consultant Services</i>
International/National Competitive Bidding	Naira 250 Million and above	Naira 2.0 Billion and above	Naira 250 Million	N/A
Shopping (Market Survey) 6.5 Million	Less than Naira 6.5 Million	Less than Naira 6.5 Million	Less than Naira	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
Pre-qualification	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 Million and above	Naira 25
Consultant Qualifications	N/A	N/A	N/A 25 Million	Less than Naira

Least Cost

N/A

N/A

N/A

Less than Naira

25 Million (*Hon. Tunde Akogun*) — Agreed to.

Chairman to report progress.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in the Committee of Whole consider the Report on a Bill for an Act to Amend the Public Procurement Act, 2007, and for Matters Connected Therewith, 2008 and approved Clause 1, amended Clause 2, approved Clauses 3 and 4, amended Clause 5, approved the Short Title and the Schedule to the Bill.

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

9. Adjournment:

That this House do now adjourn till Tuesday, 16 September, 2008 at 10.00 a.m. (*Hon. Tunde Akogun*).

Adjourned accordingly at 1:26 p.m.

Dimeji Sabur Bankole
Speaker