

27<sup>th</sup> July, 2015



**The Permanent Secretary**

Federal Ministry of Transport  
Bukar Dipcharima House  
Central Business District  
Abuja

**ATTENTION: S. I. EDEH (MRS), LA (FOIA OFFICER (LEGAL))**

Dear Sir,

**RE: REQUEST FOR LIST OF ALL THE CONTRACTS AWARDED BY THE FEDERAL MINISTRY OF TRANSPORT IN THE YEAR 2014 AND THE PROCUREMENT PLAN WITHIN ITS APPROVAL FOR THE YEAR 2015.**

I write in response to your letter dated 23<sup>rd</sup> July, 2015 and received on the 27<sup>th</sup> of July, 2015 declining our request for a list of all the contracts awarded by the Federal Ministry of Transport in the year 2014 and referring us to the provisions of Section 15 (1) (b) & (c) of the FOIA, 2011.

May we kindly draw your attention to the exact provisions of **Section 15 (1)** of the **Freedom of Information Act, 2007** which provides for the exemption of third party information where the;

(b) Information the disclosure of which could reasonably be expected to interfere with the contractual or other negotiations of a third party;

and

(c) Proposal and bids for any contract, grants, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person.

A clear reading of the above section indicates that the exemption of a third party information is in cases of proposal and bids for contract where there is an ongoing negotiation or procurement process the disclosure of which could interfere or give an advantage to any person. The Act in this case clearly envisages an ongoing process and that the transaction must still be in a negotiation stage.

In this instance, the records requested are not subject of any contractual negotiations or procurement processes but are concluded contracts awarded by your Ministry in the year 2014.

This was the position in held in the decided case of **The Nigeria Contract Monitoring Coalition v Power Holding Company of Nigeria**. Please find attached a copy of the judgement for your perusal.

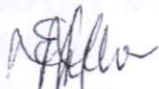
Further to the above, the provisions of **Section 1(1) (2) and (3)** of the **Freedom of Information Act, 2011** are clear on the right of access to public information from any public institution. The Act mandates your Ministry to provide access to information relating to any contract made by your institution (**Section 2 (3) (e)**)

Finally, contrary to the content of your letter, no attachment of the Procurement Plan 2015 for your Ministry was received in addition to this letter.

May we therefore kindly request that the list of all the contracts awarded by the Federal Ministry of Transport in the year 2014 and the procurement plan within its approval for the year 2015 be provided to us in accordance with the provisions of the Freedom of Information Act, 2011.

We kindly await your response.

Yours sincerely,



**Nkemdilim ILO**

*Procurement Monitoring Programme Coordinator  
Public and Private Development Centre (PPDC)*