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February 14<sup>th</sup>, 2014

**The Executive Secretary**  
Universal Basic Education Commission (UBEC)  
No. 7 Gwani Street  
Wuse Zone 4  
P.M.B 5086  
Abuja



**ATTN: HEAD PROCUREMENT UNIT**

Dear Sir,

**RE: FREEDOM OF INFORMATION (FOI) REQUEST: PROCUREMENT PLAN FOR THE YEAR 2014 AND CONTRACTS AWARDED IN 2012 AND 2013**

We acknowledge with thanks your response to our FOI request referred above; dated 06 February and received on the 10<sup>th</sup> of February, 2014.

We bring to your attention **S2 (3)(v)** of the Freedom of Information Act 2011 which reads that: "*A public institution shall cause to be published in accordance with subsection (4) of this section, the following information*":

*"Information relating to the receipt or expenditure of public or other funds of the institution"*.

In view of the above, procurement plans fall squarely under information relating to the expenditure of public funds and cannot be said to be exempt by **S15(1) (C)** which provides that:

*"A public institution shall deny an application for information that contains: proposals 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 close reading of the provision quoted above renders it is impossible for procurement plans which elaborate public expenditure plans within a public institution to frustrate procurement proceedings or give undue advantage to any person; least of all where members of the public who are keen to participate in their government.

In view of our constitutional authority to participate in our government, may we refer you to **S14(1)(2)** of the constitution which says that:

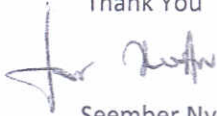
*"the participation of the people in their government shall be assured"*.

In view of the above, we hereby make a further request for details of UBEC's procurement plans and we would appreciate it, if we receive it as soon as possible, but in any event not later than 7 days as required by the Freedom of Information Act, 2011.

With relation to the contracts awarded in 2012 and 2013, please refer to **S6** of the Freedom of Information Act which provides that "***an institution may extend the time limit set out in Section 5 or Section 6 in respect of an application for a time not exceeding 7 days***". In view of this, kindly provide us with the list of contracts awarded in 2012 and 2013 within this time frame.

We would be seeking other legal options available under the FOI Act, 2011 where we are unable to get any response from your Commission within the stipulated time.

Thank You



Seember Nyager