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30<sup>th</sup> August 2013

**The Permanent Secretary**

Ministry of Mines and Steel Development  
Minerals & Mines Complex  
2 Luanda Crescent  
Off Ademola Adetokunbo Crescent  
Wuse II, Abuja



Dear Sir,

**RE: REQUEST FOR PROCUREMENT RECORDS AND INFORMATION ON:**

**LOT 1: PROCUREMENT OF EQUIPMENT TO UPGRADE AND UPDATE THE DATA BANK ON THE ACTIVITIES IN THE METAL SECTOR**

**LOT 5: PROCUREMENT OF IT EQUIPMENT AND ESTABLISHMENT OF A WELL EQUIPPED AND STANDARD MINING INFORMATION SYSTEM IN THE MINISTRY OF MINES AND STEEL DEVELOPMENT.**

The above subject matter refers.

We write to acknowledge receipt of your letter dated 23<sup>rd</sup> July, 2013 in response to our letter on the above subject matter dated 24<sup>th</sup> June, 2013.

May we draw your attention to the "**Guidelines on The Implementation of the Freedom of Information Act 2011 Revised Edition 2013**" published by the Honourable Attorney General of the Federation, which provides that the fee chargeable under the FOIA is **limited** to the standard charges to photocopy and transcribe the records where necessary. Specifically the Schedule to the Guidelines titled "**Range of Fees Chargeable for Duplication of Records under the FOIA 2011**". The Schedule specifies the fees for photocopying of records as a **maximum of N10 per page**. It is nowhere prescribed within the Guidelines any cost for inspection of documents neither is there any provision for certification. *Please find attached a copy the Guidelines.*

Secondly, the purpose of our inspection is also to ascertain the specific type and quantity of the documents to be duplicated. The sum of **Sixty-five thousand Naira (N65 000) only** indicated by your Ministry as the sum necessary to accede to our request for information does not contain a breakdown of the cost of duplication per page, the number of pages, etc. At the cost prescribed by the Guidelines the number of pages using the amount indicated by your agency would be 6,500 pages. From our experience monitoring Public Procurement Processes, we do not envisage that the records we need amount to this number of pages and we would therefore need to verify the relevant information we need.

Thirdly, in your letter you noted the very specific provision of Section 16 (14) of the Public Procurement Act, 2007 and stated thus "*the payment of certain amount of money for among other things the administrative charges stipulated in the said Act*". It is pertinent that we draw your attention to the fact that Section 16 (14) provides for an administrative charge **as may be prescribed from time to time by the Bureau**. The Bureau of Public Procurement is the only agency with the power to do this and is yet to prescribe this charge. May we therefore question your agency's insistence in including an administrative charge in the fees for duplication of records.

Finally and most importantly, the Freedom of Information Act 2011 supersedes every other law in Nigeria on access to publicly held information and the Honourable Attorney General of the Federation as the Minister of Justice has in his guidelines to MDAs for the implementation of the FOIA, 2011 provided the amount to be charged for duplication of records.

We are therefore requesting that you permit our access to the requested documents in the manner prescribed by the FOIA, 2011 and the Guidelines issued by the Honourable Attorney General of the Federation, revised edition 2013.

Please find enclosed the Guidelines on the Implementation of the Freedom of Information Act 2011 (revised edition 2013) for your information, guidance and necessary action.

To contact us regarding this application: [nkem@procurementmonitor.org](mailto:nkem@procurementmonitor.org) or 08034090530. Please send hard copy correspondences to our Abuja office as referred above.

We look forward to your response.

Yours sincerely,



**LO Nkemdilim**

Program Officer

Public and Private Development Centre (PPDC)