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June 13th, 2013

The Director General
NAFDAC
Plot 2032 Olusegun Obasanjo WAY
Wuse Zone 7
Abuja

ATTN: HEAD PROCUREMENT UNIT

Dear Sir,

RE: REQUEST FOR PROCUREMENT DOCUMENTS AND INFORMATION ON:
LOT 1: COMPLETION OF NAFDAC EXISTING BUILDING AT NO.1 ISOLO INDUSTRIAL
ESTATE APAPA EXPRESS WAY, LAGOS.
LOT 2: COMPLETION OF EXTERNAL WORKS AT NAFDAC EXISTING BUILDING AT
NO. 1 ISOLO INDUSTRIAL ESTATE APAPA EXPRESS WAY, LAGOS.

The above subject matter refers.

May we draw your attention to NAFDAC letters of September 6th, 2012 and October 15th, 2012 which invited Public and Private Development Centre (PPDC) as one of the CSOs to observe the technical bids opening and financial bids opening respectively of some projects advertised by your Agency in 2012.

As statutorily guaranteed under the Freedom of Information Act, 2011 and the Public Procurement Act, 2007 several requests were made on September 12th, 2012, November 13th, 2012, December 12th, 2012, for procurement records and documents for the above lots to enable us complete our observation reports. On the 13th of December, 2012, we received several documents from your Agency, with the assurance that the remaining documents would be forwarded to us in due course. Please find attached, NAFDAC forwarding letter for the documents made available to us.

On the 11th of June, 2013 a follow up visit was made to NAFDAC for the remaining documents. On the 13th of June, 2013 at 9:56am, our representative, Mr Theophilus Nnaji had a phone conversation with Mr. Wilfred Sayi on phone number 08035990980 who informed him that the



Director of procurement has stated that the specific procurement records should not be released to us with the rationale that we are just observers and are not entitled to the documents.

On the same day, I made a follow up call to Mr. Wilfred Sayi to verify the information and was also informed about the Director of Procurement's decision.

We wish to draw your attention to the provisions of section 1(1) (2) and (3) of the Freedom of Information Act, 2011 which are clear on the right of access to public information from any public institution. It mandates you to provide access to specific documents in this instance.

Please note also that as a citizen of Nigeria and as an observer during NAFDAC procurement exercise under the FOI Act, we do not need to demonstrate any specific interest in the information we are applying for.

Remember also that there is nowhere in the provisions of the Public Procurement Act, 2007 and the Freedom of Information Act, 2011 that provides for denial of access to information or documents on the basis of observance of a procurement process under Section 19 of the Public Procurement Act, 2007.

May we therefore once again, in accordance with the provisions of the Public Procurement Act 2007 and the Freedom of Information Act, 2011 request the release of the above documents and avail us of your cooperation in the fulfilment of your statutory obligation. The documents requested are:

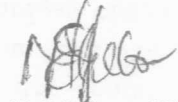
- Copies of the minutes of the Tender's Board meeting approving the winning bidder.
- Copies of the letters of award of contract and the contract sum.
- Copies of the contract award document.
- Copies of the conditions of the contract and payment terms.
- Copies of bids rejection notices, if any.

We would appreciate it if these documents can be made available to us promptly but in any event, not later than 7 days from the date of the receipt of this application, as required by the Freedom of Information Act, 2011.

Should you require further clarification regarding this application, do not hesitate to contact us at this phone number: 08034090530

Thank you for your continued anticipated cooperation.

Yours Sincerely,



ILO Nkemdilim

Procurement Program Officer

Public and Private Development Centre (PPDC)