



ZERO CORRUPTION COALITION

7, Mahatma Ghandi Street, Off Shehu Shagari Way, Asokoro, Abuja Tel: 09-7818706,
08030899990, 08026512345

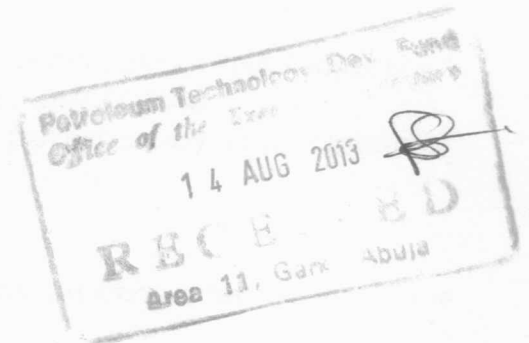
14th August, 2013

The Executive Secretary

Petroleum Technology Development Fund (PTDF)
6, Port Harcourt Crescent, off Gimbiya Street
Area 11, Garki, Abuja.

ATTN: HEAD PROCUREMENT UNIT

Dear Sir/Madam,



RE:REQUEST FOR PROCUREMENT RECORDS AND INFORMATION ON: OIL AND GAS RESEARCH CENTRE AND MUSEUM, OLOIBIRI, BAYELSA STATE.

We refer to our letter dated 12th July, 2013 and received in your office 23rd July, 2013,

On behalf of the Zero Corruption Coalition (ZCC), we write pursuant to the provisions of the Public Procurement Act, 2007 and the Freedom of Information Act, 2011 to request for copies of procurement records for the above referenced procurement processes which your organization undertook.

In accordance with the Public Procurement Act, 2007 and the Freedom of information Act, 2011, we hereby apply for photocopies of the following procurement records and information for the above referred bid.

1. Copies of Procurement plans and information, including needs assessment and evaluation, identification of goods and works required.
2. Copies of advertisements of invitation for bids published in at least two national dailies apart from the Federal Tenders journal. Also evidence of the advertisement on your website and notice board.
3. Copies of bids submission registers and duplicate copies of receipts issued to bidders on submission of bids.
4. Minutes of public bid opening for technical and financial proposals.
5. Copy of the Bids Evaluation Report by the Sub technical Committee of the Tenders Board
6. Copy of minutes of the meeting of the Tenders Board approving the winning bidder.
7. Copies of bids rejection letters or notices, if any
8. Copies of notices of Acceptance of bids issued by the procuring entity to the successful bidder immediately a winner is selected
9. Letter of notification of award of contract



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10. Signed contract document
11. Copy of formal appeal by bidders (Protest letter) and the decision in such appeals/complaints, if any.
12. Copy of request by the Tenders Board for certificate of "No Objection" and BPP Certificate of No Objection, where applicable
13. Copy of summary of details of contracts published by your ministry or BPP.

Please also note that we will be following up with the process after the contract is finally awarded as our statutory mandate requires.

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

Should you require any clarification regarding this application, do not hesitate to contact us at this phone number: 08030899990 or via email: one4favor@yahoo.com

Thank you.

Yours sincerely,

Moses Oluwaseyi

Zero Corruption Coalition



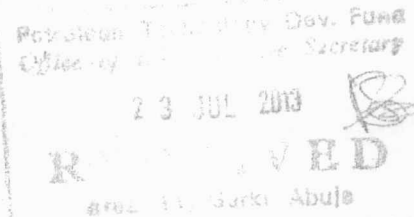
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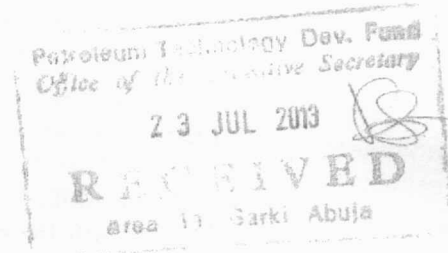
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12th July, 2013

The Executive Secretary

Petroleum Technology Development Fund (PTDF)
6, Port Harcourt Crescent, off Gimbiya Street
Area 11, Garki, Abuja.



Dear Sir,

RE: REQUEST FOR BID INFORMATION: OIL AND GAS RESEARCH CENTRE AND MUSEUM, OLOIBIRI, BAYELSA STATE.

We refer to your letter dated 30th May, 2013 in response to our letters on the above subject matter.

In your letter you indicated that our request for procurement records with respect to the above subject matter is denied with the following reasons:

1. That the fund is constrained from issuing out the documents containing the bid information because it contains third party information such as Company Bank accounts and financial statements and the release of such information may be injurious to their business interests and their confidence in the public tendering processes; and
2. That the procurement is before the Federal High Court, Abuja and in your opinion is subjudice.

May we respectfully point out that in the case of number 1 above; that the information sought is not required for the purposes of trading or obtaining commercial secrets but in fulfilment of the right of the public to access all unclassified procurement records for inspection by virtue Section 16 (14) of the Public Procurement Act, 2007.

Secondly, a clear reading of Section 15 (1) (c) of the Freedom of Information Act, 2011 indicates that the exemption of a third party information in cases of proposal and bids for contract may be protected where the disclosure would frustrate procurement or give an advantage to any person, which we reiterate is not the case here. A further reading of Section 32 (8) of the Public Procurement Act, 2007 clearly shows that at the conclusion of the bidding process and the notification of the successful bidder, information relating to the examination, clarification and evaluation of bids and recommendations may be disclosed to public. This was the position in the recently 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.

May we also point out that copies of advertisements of invitation for bids, copies of bids submission registers and duplicate copies of receipts issued to bidders on



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submission of bids amongst others do not necessarily contain third party information that would be injurious to their business interests.

Thirdly, Section 18 of the FOIA, 2011 provides for redaction of such information for example the Company Bank accounts which is not relevant to our inspection under the Public Procurement Act, 2007, and thus the procurement information requested may be disclosed with the exempt information redacted.

This position is further reiterated in the '**Guidelines on the Implementation of the Freedom of Information Act 2011: Revised Edition 2013**' published under the Authority of The Honourable Attorney General of the Federation and Minister of Justice where it is stated thus:

'Section 18 of the Act permits the extraction of disclosable information from other information in a record that is either exempt or not relevant; this is known as redaction. Redaction can be made by deleting or blocking words, sentences, paragraphs and whole sections of record. Therefore potentially sensitive information not relevant to the request...should be removed or redacted in the copy sent to the applicant...'

With regards to rationale Number 2, a matter before the Federal High Court is only subjudice where the release of the procurement information is prejudicial to the outcome of the case or for media publication; this is not the case with this request for information. The purposes of the application for the procurement records for the above subject matter is to ensure that the principles of transparency, accountability, competition, value for money and due process were duly applied in consonance with the Public Procurement Act, 2007.

May we therefore humbly request for the procurement records for the above subject matter, please find attached a letter of request.

We kindly await your response.

Yours sincerely,


Moses Oluwaseyi

Zero Corruption Coalition