



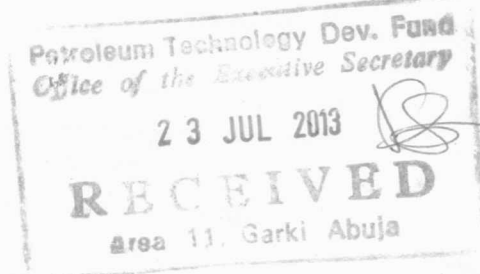
ZERO CORRUPTION COALITION

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

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,


Oses Oluwaseyi

Zero Corruption Coalition