

A BILL

FOR

AN ACT TO AMEND THE PUBLIC PROCUREMENT ACT. NO. 14, 2007

{ } Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

1. Amendment of section 1

Section 1 of the Principal Act is amended by substituting the existing subsection (2) with a new subsection as follows:

(2) The Council shall consist of:

- a) the President of the Federal Republic of Nigeria (“the President”), who shall be the Chairman of the Council with the inherent power to delegate’
- b) the Minister of Finance;
- c) the Attorney-General of the Federation and Minister of Justice;
- d) The Secretary to the Government of the Federation;
- e) The Head of t he Civil Service of the Federation;
- f) The Chief Economic Adviser to the President;
- g) Six members to represent;
 - I. Nigeria Institute of Purchasing and Supply Management,
 - II. Nigerian Bar Association,
 - III. Nigeria Association of Chambers of Commerce,
 - IV. Nigeria Society of Engineers,
 - V. Civil Society,
 - VI. The Media, and
- h) The Director-General of the Bureau who shall be the Secretary of the Council

2. Amendment of section 7

Section 7 of the Principal Act is amended in line 2 of subsection 1 by deleting the phrase ‘after competitive selection’.

3. Amendment of section 17

Section 17 of the Principal Act is amended by substituting the existing section with the following new section:

“17. Subject to the monetary and prior review thresholds for procurements in this Act, as may from time to time be determined by the Federal Executive Council, the following shall be the approving authority for the conduct of public procurement:

- a. for a Government Agency, Parastatal or Corporation, a Parastatals Tenders Board;**
- b. for a Ministry or Extra-Ministerial Department, the Ministerial Tenders Board; and**
- c. for procurement in excess of the thresholds set in paragraph (b) of this section, the Federal Executive Council”.**

Amendment of section 35

Section 35 of the Principal Act is amended by introducing new subsection 3 immediately after existing subsection 2 thereof as follows:-

“provided that all payments of mobilization fees in excess of 15% must first be approved by the President”.

Amendment of section 54

Section 54 of the Principal Act is amended in subsection (2) paragraph (b) by substituting “15” with “10”.

Short Title

This Act may be cited as the Public Procurement (Amendment) Act, 2012.

EXPLANATORY MEMORANDUM

(This note does not form part of the above Act, but is intended to explain its purport). This Bill seeks to amend the Public Procurement Act, 2007 by making the President the Chairman of the National Procurement Council, introducing additional tier of approving body, The Federal Executive Council, e.t.c.