

August 5th, 2014

The Director General,
Bureau of Public Procurement (BPP)
Three Arms Zone
Abuja.



Dear Sir,

UNLAWFUL EJECTION OF PROCUREMENT MONITORS FROM THE TERTIARY EDUCATION TRUST FUND (TETFUND) BID OPENING SESSION HELD ON 5th AUGUST, 2014

We write to bring to your attention the unlawful ejection of three (3) public procurement observers of the Civil Society Legislative Advocacy Centre (CISLAC) from the premises of the TETFUND bid opening session held today 5th August, 2014 at the Auditorium of the Nigerian Merit House, Aguiyi Ironsi Street, Maitama.

The procurement observers were requested by a staff of TETFUND to produce their ID Card and the RC number of their organization which they provided for inspection by the said gentleman. Despite this, they were asked to leave the premises by the staff without any explanation. The observers were later permitted to observe the bid opening process following the intervention of a superior.

The said unlawful ejection is in direct contravention of the provisions of **Section 30 (b) of the Public Procurement Act, 2007** which provides the procuring entity shall *“cause all bids to be opened in public, in the presence of the bidders or their representatives and ANY INTERESTED MEMBER OF THE PUBLIC”*

Furthermore, **Section 19 of the Public Procurement Act, 2007** permits observers from **non-governmental organizations working in transparency, accountability and anti-corruption areas to observe every procurement process**; a provision which was given effect by TETFUND's advert in the Federal Tenders Journal of July 14-July 27, 2014 notifying and inviting all relevant NGOs to witness the Public opening of the advertised Expression of Interest.

In the light of the actions of the staff which clearly contravened the requirements for an open and accountable procurement process, we have written to the Management of TETFUND to bring to its notice the unlawful action of its staff.

As regulators of the public procurement sector we hereby request that your Agency ensures that this practice is strongly discouraged across MDAs.

Thank you.

Yours Sincerely,



Seember Nyager

CEO

Public and Private Development Centre (PPDC)

www.ppdeng.org, www.procurementmonitor.org