

A BILL

FOR

A LAW TO AMEND BUREAU FOR PUBLIC PROCUREMENT AS THE  
REGULATORY AUTHORITY RESPONSIBLE FOR THE MONITORING  
AND OVER SIGHT OF PUBLIC PROCUREMENT LAW 2016 AND  
OTHER MATTERS RELATED THERETO

2019 *JH*  
~~2018~~

I ASSENT THIS.....<sup>ST</sup>11..... DAY OF JANUARY,.....<sup>2019</sup>~~2018~~ *Ab*

*Ab*  
ALHAJI IBRAHIM GAIDAM FNCA, FCPA.  
EXECUTIVE GOVERNOR  
YOBE STATE

**A LAW TO AMEND BUREAU FOR PUBLIC PROCUREMENT AS THE REGULATORY  
AUTHORITY RESPONSIBLE FOR THE MONITORING AND OVER SIGHT OF PUBLIC  
PROCUREMENT LAW 2016 AND OTHER MATTERS RELATED THERETO**

BE IT ENACTED by the Yobe State House Assembly as follows:-

*Citation and  
Commencement*

1. This law may be cited as the Yobe State Bureau for Public Procurement (Amendment) law 2018 and shall come into force on the...<sup>ST</sup>11..... Day of JANUARY,.....2018.

*Establishment  
of the Council*

2. Section 4 (2) of the Yobe State Public Procurement Bureau law 2016 (hereafter referred to as the "Principal Law is amended by addition of paragraph (h) to (l) in the membership of the Council as follows:-

- (h) The Commissioner of Works, Transport and Energy,
- (i) The Commissioner of Health and Human Services,
- (j) The Commissioner of Education,
- (k) The Commissioner of Agriculture and Natural Resources.
- (l) Representative of Civil Society

additions to the principal law

3. The principal law is hereby amended by the addition of four new Sections immediately after section 5 as follows:-

Meeting of the Council

5A The Council shall meet at least four (4) times in a year provided always that when the need arises the Chairman may call for an extraordinary meeting of the Council.

Presiding at the Meeting

5B At every meeting of the Council the Chairman shall preside, in his absence the members present shall appoint one of their members to preside over the meeting.

Quorum

5C The quorum for any meeting of the Council shall be two-thirds of the Council members, and all decisions shall be taken by simple majority of votes, in the event of a tie the Chairman shall cast the deciding vote.

Validity of proceedings

5D The validity of any proceedings of the Council or Committee thereof shall not be adversely affected by any vacancy in the membership of the Council or Committee, or by any defect in the appointment of a member of the Council or of a Committee, or by reason that a person not entitled to do so took part in the proceedings of the Council or Committee.

Open competitive Bidding

4. Section 26 (1) of the principal law is hereby amended by the deletion of Subsection (1) and Substitution thereof with the following:-

Except as provided by this law, procurement of goods and services by all procuring entities shall be conducted by open competitive bidding.

Invitation to bid

5. Section 27 (a) and (b) of the principal law are hereby amended by the deletion of the phrase "Not less than six weeks" wherever they appear and substitution thereof with phrase "within twenty one (21) days.

Request for Quotation

6. Section 42.(4) of the principal law is hereby deleted and substituted with the following new Section 42 (4) as follows:-

Negotiation shall take place between a procuring entity and the Contractor or Supplier with respect to a quotation.

Section 42 (7) of the principal law is hereby amended by the deletion of the Subsection and Substitution therefore with the following:

Where the total sum of the procurement is not more than the monetary threshold set out by the Bureau the procuring entity may not obtain the Bureau's approval.

Direct Procurement

7. Section 43 of the principal law is hereby amended by the addition of new subsection (3) and (4) as follows:-

"(3) Notwithstanding the provision of Subsection (1) and (2) of this Section, where the procurement of goods, works and services involves construction of roads to be carried out by the state ministry of works, drilling of boreholes to be carried out by Ministry of water resources and Rural Water Supply and Sanitation Agency, Electrification to be carried out by Rural Electrification Board the Ministry or Board may have power to carry out such work as direct labour.

(4) Notwithstanding the provision of Section 43 (3) of this law any procurement of goods, works and services that involves construction of roads, drilling of boreholes, and electrification which was done or purported to be done under the ministry of works, ministry of water resources or Rural Water Supply and Sanitation Agency and Rural Electrification Board as direct labour shall be deemed to have been validly made under this law.


Disposal of Public  
Property

8. Section 56 of the of the principal law is hereby amended by addition of two sub paragraphs as follows:-

(d) All procuring entity shall obtain a certificate of No objection from the Bureau before disposal of any public property.

(e) Disposal of any Pubic property by all Ministries, Departments, Agencies and Local Government Councils shall be conducted Based on the guidelines and regulations set out by the Bureau.

.....  
This printed impression has been carefully compared by me with the bill passed by Yobe State House of Assembly and found by me to be the true and correctly printed copy of the said bill.

  
**MUHAMMAD MADAKI**  
CLERK  
HOUSE OF ASSEMBLY