



SENSITIZATION ON YOBE PUBLIC PROCUREMENT LAW 2016

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Profile

PERL - Accountable, Responsive and Capable Government (ARC)

The Partnership to Engage, Reform and Learn (PERL) is a five-year governance programme, funded by the UK's Department for International Development (DFID). The PERL programme is being delivered through three 'pillars' which plan together to support sustainable service delivery reforms: Pillar 1. Accountable, Responsive & Capable Government (ARC); Pillar 2. Engaged Citizens (ECP); and Pillar 3. Learning, Evidencing and Advocacy Partnership (LEAP).

The Accountable, Responsive & Capable Government (ARC) pillar supports government stakeholders at various levels to become more effective at managing resources to address key service delivery and policy issues. ARC contributes to Nigerian-led processes, progressively improving the core capability of government partners to effectively manage their resources, to provide more responsive and accountable services to Nigerian citizens. ARC support is delivered flexibly, involving local stakeholders in identifying and solving specific reform and service delivery problems, leading to transformational changes in partner states and regions, by broadening reforms out of islands of success, deepening reforms to connect with service delivery issues, and further embedding reforms to ensure long-term sustainability.



Yobe State Bureau of Public Procurement

The Bureau is the regulatory authority that oversees the implementation of the Yobe State Public Procurement Law 2016. One of its core mandates is the harmonization of existing government policies on public procurement and ensuring probity, accountability and transparency in the procurement process. Another mandate is the attainment of transparency, competitiveness, cost effectiveness and professionalism in the public-sector procurement system of Yobe State.



More Info

The Director General of the Yobe State Bureau of Public Procurement requested PERL's assistance to support a sensitization programme for the members of the State House of Assembly (SHoA), Executive Council (ExCo) and the heads of the State Judiciary on the Yobe State Public Procurement Law 2016, with the aim of facilitating the effective implementation of the law across the state. Yobe State Government jointly funded the event with PERL.

Disclaimer

The opinions expressed in this report are those of the authors and do not necessarily represent the views of the Department for International Development.

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Acronyms and definitions

ARC	Accountable, Responsive & Capable Government
BPP	Bureau of Public Procurement
Council	Yobe State Council on Public Procurement
DFID	Department for International Development
ExCo	Executive Council
GCC	General Conditions of Contract
LGA	Local Government Area
MDAs	Ministries, Department and Agencies
NOC	No Objection Certification
PERL	Partnership to Engage, Reform and Learn
PFM	Public Financial Management
PPL	Public Procurement Law
RFP	Request for Proposals
RFQ	Requests for Quotations
SBD	Standard bidding documents
SHoA	State House of Assembly
TOR	Terms of Reference

Executive Summary

This report focuses on support the Yobe State Bureau of Public Procurement (BPP) to conduct a sensitization for the members of the State House of Assembly (SHoA), State Executive Council (ExCo) and the heads of the State Judiciary, on the implementation of the Yobe State Public Procurement Law 2016 (PPL).

The activities and tasks undertaken included the following:

- Consultation with key stakeholders to identify critical needs and success factors for the implementation of the Yobe State PPL;
- Review and adaptation of training materials based on the Law, input of key stakeholders and experience from other jurisdictions, for the effective implementation of the Law;
- Organisation and facilitation of a two-day sensitization session on the PPL;
- Preparation of assignment brief, which outlines lessons learnt, and an additional implementation and monitoring plan of the Yobe State PPL.

The main finding of this assignment is that the Yobe State Government is committed to following through with procurement reform in the State; steps (such as training, preparation and issuance of implementation tools for the PPL, etc.) are gradually being taken to turn commitment into reality. It is recommended that stakeholders should support the additional reform action(s) planned, as presented under the “Learning Brief” section below.

Introduction

This section presents the background information, the objectives and overall scope of this assignment.

Background

The Yobe State Government in 2016 enacted a Public Procurement Law (PPL) which provides for a decentralised procurement system, but subject to central regulation. The Law was enacted in recognition that the reconstruction and peace-building effort in the state will be greatly facilitated by a well-functioning governance process, including an orderly public financial management (PFM) and public procurement system. The PPL established the Yobe State Bureau of Public Procurement (BPP). Its mandate includes developing policies and procedures in accordance with the Law; and monitoring and enforcing implementation of the Law by Ministries, Department and Agencies (MDAs), the Local Government Areas (LGA), and other stakeholders.

Objectives and scope of the assignment

The objective of this assignment was to support Yobe State BPP to conduct a sensitization session for the members of the State Executive Council, House of Assembly, and the heads of the State Judiciary, on the implementation of the PPL, and to identify further procurement reform steps to be taken by the State government.

Output

The following is the output of the assignment:

1. All the members of Yobe State Executive Council, House of Assembly and the heads of the State Judiciary who participated, gained understanding on implementing the Yobe State PPL; and identified further reform measures to be taken, as well as their respective roles in the reform.
2. Short learning brief, which outlines the lessons learnt, implementation and monitoring plan of the Yobe State PPL 2016, was prepared, as presented under the last section below.

The Sensitization Session

The session held on 27th and 28th March 2018, at Sheraton Hotel, Abuja. Members of the State Executive Council, Yobe State House of Assembly and the heads of the State Judiciary participated in the interactive session. The National Programme Manager of PERL made opening remarks, and the Governor of Yobe State presented a keynote address, declaring the session open.

The theme of the sensitization session was “Towards the Implementation of the Yobe State Public Procurement Law”. The session comprised of 7 modules, presented on the 27th and 28th of March 2018.

The sensitization objectives

The specific objectives and learning outcomes were to:

- Discuss relevant provisions of the Yobe State Public Procurement Law 2016;
- Discuss the problems and prospects of procurement reforms in Yobe State;
- Support the implementation of the Law through lessons learnt.

The modules

The following modules were presented:

- Module 1: Background and Introduction to the PPL
- Module 2: Strengthening Integrity in Procurement
- Module 3: Key Features of the PPL
- Module 4: Good Practice during the Procurement Cycle
- Module 5: Procurement of Consultancy Services
- Module 6: Procurement of Non-Consultancy Services
- Module 7: Procurements Below the Threshold for Tendering

Methodology

The training modules were prepared relying on the review of the PPL, and in consultation with key stakeholders to identify critical needs and issues on the implementation of the Yobe PPL. The session was facilitated through presentation of power point slides, divided into 7 main parts, representing the 7 modules outlined above. Some practical and theoretical exercises, involving all the participants in groups (with a fair mix of ExCo, SHoA and Judiciary members), were taken at different segments of the session. The exercises were to provide opportunities for participants to discuss issues and reach agreement around implementation of the PPL and further procurement reform measures. Questions were allowed at any point to enrich the interaction.

The agenda containing an outline of the proceedings, the PowerPoint slides (presentation), the communique, and the attendance sheets have been submitted as further evidence.

Learning Brief

This section presents in tables, the lessons learnt by the participants during the session; and the additional plan developed to facilitate implementation of the PPL and to monitor the outcomes.

Lessons

The table below is an outline of lessons learnt.

Table 1: Lessons Learnt

Module no	Module title	Lessons and skills learnt
Module 1	Background and introduction to the PPL	<ul style="list-style-type: none"> Finding relevant provisions of the Yobe State Public Procurement Law 2016. Relationship between the PPL and (1) the Yobe State Procurement Guidelines 2018; (2) the federal Public Procurement Act 2007; (3) the procurement regulatory framework for donor-funded projects; (4) other international regulatory instruments on procurement. Hon Commissioners are Chairmen of their respective ministries Tenders Boards. Observing due process established by the PPL leads to efficient procurement and achievement of value for money.
Module 2	Strengthening Integrity in Procurement	<ul style="list-style-type: none"> Irregularities are revealed by due process and may be subjected to administrative review and prosecution, as provided by the PPL. File and electronic records of all procurement proceedings should be maintained and sent to the BPP, and open for public access. Code of conduct plays a role in addressing integrity issues in public procurement.
Module 3	Key Features of the PPL	<ul style="list-style-type: none"> The functions and powers of the BPP and how to address the challenges faced by the BPP. The composition and functions of the various structures within the MDAs and LGAs established by the PPL for procurement activities. There should be no initiation of procurement actions without existing budget appropriations. Basis for qualifying bidders and for contract award. Procurement processes; procurement methods, and conditions for use. Procurement investigation and offences; and administrative review.
Module 4	Good Practice during the Procurement Cycle	<ul style="list-style-type: none"> Following the different stages of the procurement cycle.

		<ul style="list-style-type: none"> • Preparation of tender documents and specifications, using SBDs. • Handling bid solicitation, receipt and evaluation; and, award and administration of contract.
Module 5	Procurement of Consultancy Services	<ul style="list-style-type: none"> • Procurement through Request for Proposals (RFP). • Evaluation of consultancy proposals and selecting service providers.
Module 6	Procurement of Non-Consultancy Services	<ul style="list-style-type: none"> • Difference between consultancy services and non-consultancy services. • Procurement strategies and objectives in contracting non-consultancy services.
Module 7	Procurements Below the Threshold for Tendering	<ul style="list-style-type: none"> • Threshold stipulations on tendering in the Procurement Guidelines. • Procurement methods for contracts below the tendering thresholds.

Implementation and monitoring plan

The table below presents an outline of additional plans by Yobe State Government (developed during the session and subsequent interactions) to implement and monitor implementation across the various aspects of the public procurement system of Yobe State; to be coordinated by the BPP.¹

Table 2: Implementation and monitoring plan

Aspects	Actions to be taken	Timeline
Pillar 1: Legislative and Regulatory Framework	<ul style="list-style-type: none"> • Clearly define within the Guidelines/Regulations the value of contract to be earmarked for the exclusive participation of local SMEs and indigenous contractors, in accordance with section 36(5) and (6) of the PPL. 	2 nd quarter, 2018
	<ul style="list-style-type: none"> • Provide guidelines and timelines for the issuance of Certificate of No Objection by the BPP. 	2 nd quarter, 2018
	<ul style="list-style-type: none"> • Review and simplify the current standard bidding documents; and conduct training on the use of the revised version. 	3 rd quarter, 2018
	<ul style="list-style-type: none"> • Amend, correct or harmonise where applicable some provisions of the PPL, including: <ul style="list-style-type: none"> - on general minimum deadline for submission of bids (currently 6 weeks); - harmonise the name of the BPP as “Bureau of Public Procurement” and “Bureau on Public Procurement” both appear in the law; - stipulate that evaluation of bids/tenders is the responsibility of the Evaluation Committee, not the Tenders Board. 	4 th quarter, 2018 (BPP, EXCO, and State SHoA)
Pillar 2: Institutional	<ul style="list-style-type: none"> • Improve the contents of BPP’s website. 	3 rd quarter, 2018

¹ Except where other authorities are indicated.

Framework and Management Capacity	<ul style="list-style-type: none"> • Develop and use appropriate procurement plan and bid evaluation templates across the MDAs and LGAs. 	
Pillar 3: Procurement Operations and Market Practices	<ul style="list-style-type: none"> • Conduct training sessions for accounting officers of MDA and LGAs on the implementation of the PPL. • Hold sensitization event with local SMEs and contractors on responding to the requirements of the PPL to enable indigenous participation in economic activities. 	<p>2nd quarter, 2018</p> <p>3rd quarter, 2018</p>
Pillar 4: Integrity and Transparency of the Public Procurement System	<ul style="list-style-type: none"> • Provide a platform within BPP's website for e-procurement, with capacity for end-user interaction. 	1st quarter, 2019



Accountable, Responsive and Capable Government (ARC)

🏠 Contact Address
10 Bobo Street, Maitama,
FCT, Abuja, Nigeria

✉ info@arc.perlnigeria.net

🌐 www.perlnigeria.net