

A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL AGENCIES PERFORMANCE AND EVALUATION COMMITTEE AND FOR RELATED MATTERS

Sponsored by Hon. Igariwey Iduma Erwo

[] Commencement

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

1 1. There is hereby established a body known as Performance
2 Improvement Committee, consisting of:

Establishment
of improvement
Committee
Performance

3 (1) a Deputy Director for Management in the Office of Budget and
4 planning, who shall act as chairperson of the Committee;

5 (2) the Chief Operating Officer established under this Act, from
6 each agency;

7 (3) other Performance Improvement Officers as determined
8 appropriate by the chairperson; and

9 (4) other individuals as determined appropriate by the chairperson.

10 (5) The Performance Improvement Committee shall:

Function

11 (a) be convened by the chairperson or the designee of the
12 chairperson, who shall preside at the meetings of the Performance
13 Improvement Committee, determine its agenda, direct its work, and
14 establish and direct subgroups of the Performance Improvement
15 Committee, as appropriate, to deal with particular subject matters;

16 (b) assist the Director of the Office of Budget and planning to
17 improve the performance of the Federal Government and achieve the
18 Federal Government goals;

19 (c) assist the Director of the Office of Budget and planning in
20 implementing the planning, reporting, and use of performance information
21 requirements related to the Federal Government plan provided this Act;

1 (d) work to resolve specific Government wide or crosscutting
2 performance issues, as necessary;

3 (e) facilitate the exchange among agencies of practices that have led
4 to performance improvements within specific programs, agencies, or across
5 agencies;

6 (f) seek advice and information as appropriate from nonmember
7 agencies, particularly smaller agencies;

8 (g) consider the performance improvement experiences of
9 corporations, nonprofit organizations, foreign, Government employees, public
10 sector unions, and customers of Government services;

11 (h) receive such assistance, information and advice from agencies as
12 the Committee may request, which agencies shall provide to the extent
13 permitted by law; and

14 (i) develop and submit to Both Houses of the National Assembly and
15 Office of Budget and planning, and when appropriate to the President through
16 the Director of the Office of Budget and planning, and in such formats as the
17 chairperson may specify, recommendations to streamline and improve
18 performance management policies and requirements.

Admin support

19 (6) The Federal Civil Service Commission shall provide general
20 administrative support for the Committee

21 (7) The heads of agencies with Performance Improvement Officers
22 serving on the Committee shall, as appropriate and to the extent permitted by
23 law, provide at the request of the chairperson of the Performance Improvement
24 Committee, up to 2 personnel authorizations to serve at the direction of the
25 chairperson.

Establishment
of Chief Operating
Officers

26 2. There is hereby established at each agency (for the purpose of this
27 Act), a Chief Operating Officer, who shall be the deputy head of the agency, or
28 equivalent.

Function

29 (1) A Chief Operating Officer shall be responsible for improving the
30 performance of the agency, and shall:

1 (a) provide overall organization management to improve agency
2 performance and achieve the mission and goals of the agency through the
3 use of strategic and performance planning, measurement, analysis, regular
4 assessment of progress, and use of performance information to improve the
5 results achieved;

6 (b) advise and assist the head of agency in carrying out the
7 requirements of this Act

8 (c) oversee agency-specific efforts to improve management
9 functions within the agency and across Government; and

10 (d) coordinate and collaborate with relevant personnel within and
11 external to the agency who have a significant role in contributing to and
12 achieving the mission and goals of the agency, such as the Financial Officer,
13 Personnel/Human resource Officer, Procurement Executive, Chief
14 Information Officer and other employees of the agency

15 3. There is hereby established at each agency (for the purpose of
16 this Act), a Chief Operating Officer, who shall be a senior executive of the
17 agency, and who shall be appointed by the head of the agency, in
18 consultation with the agency's Performance Improvement Office

Establishment
of Performance
Improvement
Officers

19 (1) Each Performance Improvement Office shall report directly to
20 the Chief Operating Officer, subject to the direction of the Chief Operating
21 Officer, each performance improvement officer shall

Function

22 (a) advise and assist the head of the agency and the Chief Operating
23 Officer to ensure that the mission and goals of the agency are achieved
24 through strategic and performance planning, measurement, analysis,
25 regular assessment of progress, and use of performance information to
26 improve the results achieved;

27 (b) advise the head of the agency and the Chief Operating Officer
28 on the selection of agency goals, including opportunities to collaborate with
29 other agencies on common goals;

30 (c) assist the head of the agency and the Chief Operating Officer in

1 overseeing the implementation of the agency strategic planning, performance
2 planning, and reporting requirements, including the contributions of the
3 agency to the Federal Government plan;

4 (d) support the head of agency and the Chief Operating Officer in the
5 conduct of regular reviews of agency performance, including at least quarterly
6 reviews of progress achieved toward agency priority goals, if applicable;

7 (e) assist the head of the agency and the Chief Operating Officer in the
8 development and use within the agency of performance measures in personnel
9 performance appraisals, and, as appropriate, other agency personnel and
10 planning processes and assessments; and

Web posting
public information

11 (f) ensure that agency progress toward the achievement of all goals is
12 communicated to leaders, managers, and employees in the agency, the
13 National Assembly, and made available on a public website of the agency.

Agency strategic
plans

14 4. That the head of each Federal agency shall, Not later than the first
15 Monday in the second month of the year in which the term of the President
16 commences, make available on the public website of the agency, a strategic
17 plan and submit to the President Office of budget and planning and National
18 Assembly a copy of such plan, which shall contain:

19 (1) a comprehensive mission statement covering the major functions
20 and operations of the agency.

21 (2) general goals and objectives, including outcome- oriented goals,
22 for the major functions and operations of the agency.

23 (3) a description of how any goals and objectives contribute to the
24 Federal Government goals.

25 (4) a description of how the goals and objectives are to be achieved,
26 including:

27 (a) a description of the operational processes, skills and technology,
28 and the human, capital, information, and other resources required to achieve
29 those goals and objectives; and

30 (b) a description of how the agency collaborates with other agencies

1 to achieve its goals and objectives as well as relevant Federal Government
2 goals.

3 (5) a description of how the goals and objectives, incorporate and
4 suggestions obtained through National Assembly consultations required
5 under subsection (8).

6 (6) an identification of those key factors external to the agency and
7 beyond its control that could significantly affect the achievement of the its
8 goals and objectives;

9 (7) and cover a period of not less than 4 years following the fiscal
10 year in which the plan is submitted. As needed, the head of the agency may
11 make adjustments to the strategic plan to reflect significant changes in the
12 environment in which the agency is operating, with appropriate notification
13 of the National Assembly.

14 (8) When developing or making adjustments to a strategic plan, Consultation.
15 the agency shall consult with the National Assembly, including the
16 appropriations, and oversight committees and shall solicit and consider the
17 views and suggestions of those entities potentially affected by or interested
18 in such a plan.

19 5. A Director in the Office of Budget and planning shall coordinate Federal
20 with agencies to develop a Federal Government performance plan, which Government
21 shall be submitted to the National Assembly and made available on the performance plan
22 website established by the Planning and Budget office and updated and we posting
23 periodically, but no more than a year.

24 (1) The Federal Government performance plan shall:

25 (a) establish goals under the Federal Government performance
26 plan to determine the level of performance to be achieved each fiscal year;

27 (b) identify the agencies, organizations, program activities,
28 regulations, expenditures, policies, and other activities contributing to the
29 established goals during the current fiscal year;

30 (c) identify for each Federal Government performance goal, a lead

1 Government Agency and official who shall be responsible for coordinating the
2 efforts to achieve the goal;

3 (d) establish common indicators with quarterly targets to be used in
4 measuring or assessing:

5 (i) overall progress toward each Federal Government performance
6 goal; and

7 (ii) the individual contribution of each agency, organization, program
8 activity, regulation, expenditure, policy, and other activity identified under
9 subsection (b);

10 (e) establish clearly defined quarterly milestones; and

11 (f) identify major management challenges that are Government wide
12 or crosscutting in nature and describe plans to address such challenges,
13 including relevant performance goals, performance indicators, and milestones.

14 6. The head of each agency shall Not later than 2 weeks before the
15 submission of Agency's budget of any year, make available on a public website
16 of the agency, and submit to the President and National Assembly, a copy of a
17 plan covering each program activity set forth in the budget of such agency,
18 which shall:

19 (1) establish performance goals to define the level of performance to
20 be achieved during the fiscal year in which the plan is submitted;

21 (2) express such goals in an objective, quantifiable, and measurable
22 form unless authorized to be in an alternative form under subsection (10);

23 (3) describe how the performance goals contribute to:

24 (a) the general goals and objectives established in the agency's
25 strategic plan;

26 (b) any of the Federal Government performance goals established in
27 the Federal Government performance plan.

28 (4) identify among the goals those which are designated as agency
29 priority.

30 (5) provide a description of how the performance goals are to be

1 achieved, including:

2 (a) the operation processes, training, skills and technology, and the
3 human, capital, information, and other resources and strategies required to
4 meet those performance goals;

5 (b) clearly defined milestones;

6 (c) an identification of the organizations, program activities,
7 regulations, policies, and other activities that contribute to each
8 performance goal, both within and external to the agency;

9 (d) a description of how the agency is working with other agencies
10 to achieve its performance goals as well as relevant Federal Government
11 performance goals; and

12 (e) an identification of the agency official (s) responsible for the
13 achievement of each performance goal, who shall be known as goal leaders;

14 (6) establish a balanced set of performance indicators to be used in
15 measuring or assessing progress toward each performance goal, including,
16 as appropriate, customer service, efficiency, output, and outcome
17 indicators;

18 (7) provide a basis for comparing actual program results with the
19 established performance goals;

20 (8) a description of how the agency will ensure the accuracy and
21 reliability of the data used to measure progress towards its performance
22 goals, including an identification of:

23 (a) the means to be used to verify and validate measured values;

24 (b) the sources for the data;

25 (c) the level of accuracy required for the intended use of the data;

26 (d) any limitations to the data at the required level of accuracy; and

27 (e) how the agency will compensate for such limitations if needed
28 to reach the required level of accuracy;

29 (9) describe major management challenges the agency faces and
30 identify:

1 (a) planned actions to address such challenges;
2 (b) performance goals, performance indicators, and milestones to
3 measure progress toward resolving such challenges; and

4 (c) the agency official responsible for resolving such challenges; and

Alternative
Form.

5 (10) If an agency, in consultation with the Director of the Office of
6 Budget and Planning, determines that it is not feasible to express the
7 performance goals for a particular program activity in an objective,
8 quantifiable, and measurable form, the Director of the Office of Budget and
9 planning may authorize an alternative form and notify the National Assembly.

Performance
reporting and
web posting

10 7. The head of each agency shall make available on a public website
11 of the agency and to the Office of Budget and planning an update on agency
12 performance and;

13 (1) Each update shall compare actual Deadline performance achieved
14 with the performance goals established in the agency performance plan and
15 shall occur no less than 90 days after the end of each fiscal year, with more
16 frequent updates of actual performance on indicators that provide data of
17 significant value to the Government, National Assembly, or program partners
18 at a reasonable level of administrative burden.

19 (2) If performance goals are specified in an alternative form, the
20 results shall be described in relation to such specifications.

21 (3) Each update shall:

22 (a) review the success of achieving the performance goals and include
23 actual results for the preceding fiscal years;

24 (b) evaluate the performance plan for the current fiscal year relative to
25 the performance achieved toward the performance goals during the period
26 covered by the update;

27 (c) explain and describe where a performance goal has not been met
28 (including when a program activity's performance is determined not to have
29 met the criteria of a successful program activity or a corresponding level of
30 achievement if another alternative form is used;

1 (d) state why any goal was not met;

2 (e) state those plans and schedules for achieving the established
3 performance goal; and

4 (f) state if the performance goal is impractical or infeasible, why
5 that is the case and what action is recommended;

6 (g) include a review of the performance goals and evaluation of the
7 performance plan relative to the agency's strategic human capital
8 management;

9 (4) If an agency performance update includes any program activity
10 or information that is specifically authorized under a criteria established by
11 legislation or an Executive Order to be kept secret in the interest of national
12 security or foreign policy and is properly classified pursuant to such
13 Executive Order, the head of the agency shall not be obliged to make such
14 information available to the Public.

Classified
information

15 8. Each fiscal year, the Office of Budget and planning shall
16 determine whether the agency programs or activities meet performance
17 goals and objectives outlined in the agency performance plans and submit a
18 report on unmet goals to the head of the agency and the National Assembly.

Performance
determination

19 (1) If an agency's programs or activities have not met performance
20 goals as determined by the Office of Budget and Planning, the head of the
21 agency shall submit a performance improvement plan to the Office of
22 Budget and planning to increase program effectiveness for each unmet goal
23 with measurable milestones.

24 (2) If the Office of Budget and planning determines that agency
25 programs or activities have unmet performance goals for 2 consecutive
26 fiscal years, the head of the agency shall:

27 (a) submit to National Assembly a description of the actions the
28 Administration will take to improve performance, including proposed
29 statutory changes or planned executive actions; and

30 (b) describe any additional funding the agency will obligate to

1 achieve the goal, if such an action is determined appropriate in consultation
2 with the Director of the Office of Budget and planning, for an amount
3 determined appropriate by the Director.

Recommendation

4 (3) If an agency's programs or activities have not met performance
5 goals as determined by the Office of Budget and planning or the national
6 Assembly, for 3 consecutive fiscal years, the Director of the Office of Budget
7 and planning shall submit recommendations to the National Assembly on
8 actions to improve performance not later than 60 days after that determination,
9 including:

10 (a) reauthorization proposals for each program or activity that has not
11 met performance goals;

12 (b) proposed statutory changes necessary for the program activities to
13 achieve the proposed level of performance on each performance goal and
14 planned executive actions.

Quarterly
priority progress
reviews

15 9. Not less than quarterly, the Director of the Office of Budget and
16 planning shall:

17 (1) for each Federal Government plan required under this Act, review
18 with the appropriate lead Government official the progress achieved during the
19 most recent quarter, overall trend data, and the likelihood of meeting the
20 planned level of performance;

21 (2) include in such reviews, officials from the agencies,
22 organizations, and program activities that contribute to the accomplishment of
23 Federal Government plan;

24 (3) assess, whether agencies organizations, program activities,
25 regulations, expenditures, policies, and other activities are contributing as
26 planned to each Federal Government plan;

27 (4) categorize the Federal Government by risk of not achieving the
28 planned level of performance; and

29 (5) for the Federal Government goals at greatest risk of not meeting
30 the planned level of performance, identify prospects and strategies for

1 performance improvement, including any needed changes to agencies,
2 organizations, program activities, regulations, expenditures, policies or
3 other activities.

4 10. Not less than quarterly, the head of the agency required to
5 develop agency priority goals under this Act with the support of the agency
6 Performance Improvement Officer, shall:

Agency quarterly
priority progress
reviews and use
of performance
information

7 (1) for each agency priority goal, review with the progress
8 achieved during the most recent quarter, overall trend data, and the
9 likelihood of meeting the planned level of performance;

10 (2) coordinate with relevant personnel within and outside the
11 agency who contribute to the accomplishment of each agency priority goal;

12 (3) assess whether relevant organizations, program activities,
13 regulations, policies, and other activities are contributing as planned to the
14 agency priority goals;

15 (4) categorize agency priority goals by risk of not achieving the
16 planned level of performance; and

17 (5) for agency priority goals at greatest risk of not meeting the
18 planned level of performance, identify prospects and strategies for
19 performance improvement, including any needed changes to agency
20 program activities, regulations, policies, or other activities.

21 11. Not later than 3 months after the enactment of this Act, the
22 Office of Budget and planning shall:

Publication of
Agency programs
information

23 (1) ensure the effective operation of a single website;

24 (2) at a minimum, update the website on a quarterly basis;

25 (3) include on the website information about each program
26 identified by the agencies;

27 (4) include on the website a description of the purposes of the
28 program and the contribution of the program to the mission and goals of the
29 agency; and

30 (5) include on the website an identification of funding for the

Format of performance plans and reports

1 current fiscal year and previous 2 fiscal years.

2 12. For each fiscal year, each agency required to produce strategic
3 plans, performance plans, and performance updates in accordance with this Act
4 and shall:

Searchable, Machine readable plans and reports

5 (1) not incur expenses for the printing of strategic plans, performance
6 plans, and performance reports for release external to the agency, except when
7 providing such documents to the National Assembly;

8 (2) produce such plans and reports in searchable, machine, readable
9 formats;

10 (3) make such plans and reports available on the website as required
11 under this Act; and

Web-based, performance planning and reporting.

12 (4) issue guidance to agencies to provide concise and timely
13 performance information for publication on the website:

14 (a) In developing guidance under this subsection, the Director of the
15 Office of Budget and planning shall take into consideration the experiences of
16 agencies in making consolidated performance planning and reporting
17 information available on the website.

Performance management skills and competencies

18 13. Not later than 1 year after the date of enactment of this Act, the
19 Director of Personnel, in the Office of Budget and Planning in consultation
20 with Performance Improvement Committee, shall identify the key skills and
21 competencies needed by Federal Government personnel for developing goals,
22 evaluating programs, and analyzing and using performance information for the
23 purpose of improving Government efficiency and effectiveness.

Position classifications

24 14. Not later than 2 years after the date of enactment of this Act, based
25 on the identifications under section 13, a Director of the Personnel of the
26 Budget and Planning Office shall incorporate as appropriate, such key skills
27 and competencies into relevant position classifications and;

Incorporation into existing Agency training

28 (1) Not later than 2 years after the enactment of this Act, shall work
29 with each agency, to incorporate the key skills identified under section 13 into
30 training for relevant employees at each agency.

1 15. The Director of the Office of Budget and planning shall Coordination
 2 coordinate with relevant agencies to develop interim Federal Government
 3 priority goals and submit interim Federal Government performance plans
 4 consistent with the requirements of this Act beginning with the submission
 5 of the first fiscal year Budget, after the enactment of this Act.

6 16. Any quarterly progress reviews required under this Act shall
 7 begin:

8 (1) with the first full quarter beginning on or after the date of
 9 commencement of this Act.

10 (2) The Director of the Office of Budget and planning shall prepare Guidance
 11 guidance for agencies in carrying out the interim planning and reporting
 12 activities required under this section, in addition to other guidance as
 13 required for implementation of this Act.

14 17. Nothing in this Act shall be construed as limiting the ability of National Assembly
Oversight and
Legislation
 15 National Assembly to establish, amend, suspend, or annul a goal of the
 16 Federal Government or an agency.

17 18. For purposes of this Act the term: Definitions

18 (1) "agency" means an Executive agency, but does not include the
 19 security Agencies.

20 (2) "crosscutting" means across organizational (such as agency)
 21 boundaries:

22 (3) "customer service measure" means an assessment of service
 23 delivery to a customer, client, citizen, or other recipient, which can include
 24 an assessment of quality, timeliness, and satisfaction among other factors;

25 (4) "efficiency measure" means a ratio of a program activity's
 26 inputs (such as costs or hours worked by employees) to its outputs (amount
 27 of products or services delivered) or outcomes (the desired results of a
 28 program);

29 (5) "major management challenge" means programs or
 30 management functions, within or across agencies, that have greater

1 vulnerability to waste, fraud, abuse, and mismanagement, where a failure to
2 perform well could seriously affect the ability of an agency or the Government
3 to achieve its mission or goals;

4 (6) "milestone" means a scheduled event signifying the completion of
5 a major deliverable or a set of related deliverables or a phase of work;

6 (7) "outcome measure" means an assessment of the results of a
7 program activity compared to its intended purpose;

8 (8) "output measure" means the tabulation, calculation, or recording
9 of activity or effort that can be expressed in a quantitative or qualitative
10 manner;

11 (9) "performance goal" means a target level of performance
12 expressed as a tangible, measurable objective, against which actual
13 achievement can be compared, including a goal expressed as a quantitative
14 standard, value, or rate;

15 (10) "performance indicator" means a particular value or
16 characteristic used to measure output or outcome;

17 (11) "program activity" means a specific activity or project as listed in
18 the program and financing schedules of the annual budget of the federation of
19 Nigeria and

20 (12) "program evaluation" means an assessment, through objective
21 measurement and systematic analysis, of the manner and extent to which
22 Federal programs achieve intended objectives.

23 19. This Bill may be cited as the Federal Agencies Performance and
24 Evaluation Bill, 2017.

EXPLANATORY MEMORANDUM

This Bill seeks to establish a law designed to set up government performance management system through strategic plans, performance plans, and conduct gap analyses of projects for an efficient measurable progress and for accountability.