

A BILL

FOR

AN ACT TO PROVIDE FEDERAL CONTRACTING PREFERENCES AND MEASURES AIMED AT PROMOTING AND ENCOURAGING NIGERIAN PATRIOT CORPORATIONS AND FOR RELATED MATTERS

Sponsored by Hon. Igariwey Iduma Enwo

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria:

1 **1. All procurement programs conducted by every Government**
2 **agency in each fiscal year and in line with the provisions of the Public**
3 **Procurement Act shall give contracting preferences and a reduction in the**
4 **rate of income tax imposed on Patriot corporations (hereinafter referred to as**
5 **Corporation) producing such goods and services as advertised by the**
6 **government agency.**

Procurement
preference to
corruption

7 **2. Notwithstanding the provision of section 1, the government**
8 **agency shall procure the goods, works and services of a company if the**
9 **company is certified by the Permanent Secretary of the Ministry in charge of**
10 **Commerce and Industry as a Patriot Corporation.**

Certification by
Permanent
Secretary

11 **3. A Company is certified by the Permanent Secretary as meeting**
12 **the requirements of a Patriot Corporation with respect to any fiscal year if:**

Requirements for
certification

13 **(a) the company produces in Nigeria at least 90 percent of the**
14 **goods and Services sold by such corporation in that fiscal year;**

15 **(b) the company's goods, works and services are certified to be of**
16 **good quality;**

17 **(c) the company's price is competitive and ability to be timely in**
18 **execution;**

19 **(d) the company is registered with-**

20 **(i) the Standard Organization of Nigeria (SON);**

1 (ii) the National Food and Drug Administration and Control
2 (NAFDAC);

3 (iii) any other government recognized agency capable of determining
4 quality standards.

5 (e) the company has contributed at least 5 percent of wages paid by it
6 during that Fiscal year to a portable pension fund for benefit of employees of
7 the corporation;

8 (f) the company has not been at any time during such fiscal year in
9 violation of appropriate Federal Regulations including those related to the
10 environment, work place safety, labour relations, and consumer protection as
11 determined by the Permanent Secretary;

12 (g) the company has paid at least 70 percent of the cost of standardized
13 health insurance plan for the benefit of the employees of the corporation
14 during such fiscal year;

15 (h) the company has not been in violation of any other regulations
16 specified by the Permanent Secretary;

17 (i) The Company has a deliberate policy of attracting and employing
18 qualified Nigerians currently living and/or working abroad.

Certification
process

19 4. Not later than 90 days after the commencement of this Act, the
20 Permanent Secretary shall establish an application and certification process to
21 annually certify companies as patriot Corporations. Such certifications shall be
22 made at such time and on the basis of such materials as the Permanent Secretary
23 determines appropriate.

Delisting of
Corporation

24 5. Notwithstanding the provisions of section 3 of this Act, the
25 Permanent Secretary shall delist any Corporation who after being certified
26 during the fiscal year, breaches any of the requirements of certification.

Prohibitions

27 6. No government agency shall engage in secret procurement of
28 goods, works and services such that such procurement exercise excludes
29 Corporations.

EXPLANATORY MEMORANDUM

This Bill seeks to provide Federal contracting preferences and measures aimed at promoting and encouraging Nigerian patriot corporations.