

# A BILL

## FOR

AN ACT TO AMEND THE NATIONAL PROCUREMENT ACT TO PROVIDE FOR AND ADOPT A LOCAL CONTENT POLICY AND TIMELY COMPLETION OF PROCUREMENT PROCESSES; AND OTHER RELATED MATTERS

*Sponsored by Senator Sam Egwu*

[ ] Commencement

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

1           **1.** The Public Procurement Act, Cap. P, LFN, 2004 (hereinafter  
2 referred to as the Principal Act) is amended as set out in this Bill. Amendment of  
the Procurement  
Act, No. 2005

3           **2.** Section 15 (1) of the Principal Act is amended by substituting  
4 for subsection (1) thereof a new subsection, that is: Amendment of  
Section 15

5 Subject to the provisions of the infrastructure Concession Regulatory  
6 Commission (ICRC) Act, the provisions of this Act shall apply to all  
7 procurement of goods, works and services carried out by:

8           (a) the Federal Government of Nigeria and all procurement entities

9           (b) all entities outside the foregoing description which derive at  
10 least thirty-five per cent of the funds appropriated or proposed to be  
11 appropriated for any type of procurement described in this Act from the  
12 Federation share of Consolidated Revenue Fund".

13           **3.** Sections 34 (1) and (2) of the Principal Act is amended by Amendment of  
Section 34  
14 substituting the existing subsections (1) and (2) with new subsections (1)  
15 and (2) as follows:

16           (1) A procuring entity shall grant a margin of preference in the  
17 evaluation of tenders, when comparing tenders from domestic bidders with  
18 those from foreign bidders or when comparing tenders from domestic  
19 suppliers offering goods manufactured locally with those offering goods  
20 manufactured abroad.

1 (2) Where a procuring entity has allowed domestic preferences, the  
2 bidding documents shall clearly indicate any preference to be granted to  
3 domestic suppliers and contractors and the information required to establish  
4 the eligibility of a bid for such preference.

5 (3) Margins of preference shall apply only to tenders under  
6 international competitive bidding.

7 (4) The Bureau shall by regulation from time to time set the limits and  
8 the formulae for the computation of margins of preference and determine the  
9 contents of goods manufactured locally.

Amendment of  
Section 35

10 4. Section 35 of the principal Act is amended by substituting for  
11 subsection (1) thereof a new subsection, that is:

12 "(1) In addition to any other regulations as may be prescribed by the  
13 Bureau, a mobilization fee of not more than 35% may be paid to a supplier or  
14 contractor supported by the following:

15 STANDARD PROCUREMENT PROCESSING TIME FOR QCBS

<i>Activity</i>	<i>Processing Time in Days</i>	<i>Previously</i>
Preparation of terms of Reference	3 - 7	7 - 14
Inviting for expression of interest up to submission of the same by consultants	10	14
Evaluation of Expression of interest and preparing shortlist and approval by the Tenders Board	15	21
Preparation and issuance of the request for proposal	15	21
Preparation and submission of proposals by consultants	21	30
Evaluation of technical proposals and approval of evaluation Report	21	30
Notification of technically qualified firms of date of financial proposal public opening	7	7 - 14
Opening of Financial proposals, approval of combined evaluation report and notification of negotiation to the firm with the highest combined score	10	21
Negotiations and approval of negotiated documents	7	7
Signature of contract	3	7

- 1                   5. This Act may be cited as the Public Procurement      Citation  
2                   (Establishment, etc.) (Amendment) Bill, 2016.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Public Procurement Act, Cap. P, LFN, 2004 to make provisions for local contents and timely completion of procurement process in Nigeria.