

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FACILITY
MANAGEMENT AGENCY OF NIGERIA AND FOR RELATED MATTERS

Sponsored by Hon. Ibrahim Hamza

[] Commencement

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

PART I - ESTABLISHMENT OF THE FACILITY MANAGEMENT AGENCY OF NIGERIA

1.-(1) There is hereby established a body to be known as the
Facility Management Agency of Nigeria (in this Act referred to as "the
Agency") which shall be a body corporate with perpetual succession and a
common seal and may sue and be sued in its corporate name.

Establishment
of the Facility
Management
Agency of Nigeria

(2) The supplementary provision in the schedule to this Act shall
have effect with respect to the proceedings of the governing board or its
committees and other matters.

2. There shall be established for the Agency a governing Board (in
this Act referred to as "the Board") which shall consist of a chairman, who
shall be appointed by the president and the following other members, that is:

Governing Board
of the Agency

(i) one person to represent the Federal Ministry of Works and
Housing;

(ii) one person to represent the Federal Ministry of Finance;

(iii) one person to represent the Federal Ministry of Labour and
Employment;

(iv) one person to represent the office of the Head of Service of the
Federation;

(v) one person to represent the Nigerian Labour congress;

- 1 (vi) one person to represent the civil society organizations in Nigeria
2 (vii) one person to represent the Trade Union Congress
3 (viii) two persons to be appointed on individual merit on a nationwide
4 basis who shall have a wide experience of service in the public or private
5 sector; and
6 (ix) the Director-General of the Agency who shall be an ex-officio
7 member of the Board but shall not have the right to vote at the meetings of the
8 Board.

Functions of
the Board

- 9 3. The functions of the Board shall be to:
10 (a) formulate and provide general policy guidelines for the discharge
11 of the functions of the agency.
12 (b) monitor and ensure the implementation of the programmes of the
13 agency.
14 (c) approve rules and regulations relating to the appointment,
15 promotion and disciplinary measures for the employees of the agency.
16 (d) fix the remuneration, allowances and benefits of the employees of
17 the agency.
18 (e) regulate its proceedings and make standing orders with respect to
19 the holding of meetings, notices to be given, the keeping of minutes of its
20 proceedings and such other matters as the governing board may, from time to
21 time determine.
22 (f) carry out such other functions as are necessary or expedient to ensure
23 the efficient performance of the functions of the agency under this Act.

Tenure of office
of Members

- 24 4. (1) A member of the Board other than an ex-officio member shall
25 hold office for a term of four years and no more.
26 (2) Members of the Board shall be paid allowances as may be
27 determined by the Board in consultation with the National Salaries, Wages and
28 Income Commission.
29 5. A member may resign his appointment by a notice in writing
30 addressed to the president.

Resignation of
members of the
Board

- 1 6. A member ceases to hold office if he: Cessation of
2 (a) becomes of unsound mind; membership
3 (b) is withdrawn by the body he represents;
4 (c) is convicted of a felony or any offence involving dishonesty.
- 5 7. Notwithstanding the provisions of section 4 of this Act, the Removal from
6 president may remove a member from the Board if any circumstance arises office of a member
7 which would require the removal of the member from the Board.
- 8 8. The functions of the Agency shall be to: Functions of
9 (a) supervise the maintenance of assets owned or controlled by the the Agency
10 Federal Government and ensure that facilities and installations operate at
11 optimal capacity;
12 (b) engage the services of professionals, engineers, artisans or
13 workmen for maintenance works including but not limited to mechanical
14 and electrical maintenance, replacement of spare parts, cleaning,
15 fumigation, painting, maintenance of sewage and drainage systems in any
16 facility under an agreement with any government ministry, department or
17 agency or any private organization;
18 (c) advise and make recommendations to the Federal Government
19 on matters relating to the maintenance of assets and facilities owned or
20 controlled by the Federal Government;
21 (d) conduct investigation on in-house expenses incurred by any
22 ministry, department or agency of the Federal Government for the
23 maintenance of any facility or any outsourced contract awarded in relation
24 thereto by such ministry, department or agency;
25 (e) create an Asset Register that meets international standards;
26 (f) draw up master plan towards management and maintenance of
27 assets owned by the Federal Government and establish assessment
28 procedure for such assets;
29 (g) perform periodic audit of Federal Government-owned

1 infrastructure and assets and advise on the maintenance and disposal of such
2 assets;

3 (h) improve health and safety in the working environment;

4 (i) act as consultant to ministries, departments and agencies of the
5 Federal Government in facility management and maintenance;

6 (j) ensure proper monitoring and accountability for capital and
7 recurrent works;

8 (k) create performance benchmarks for the maintenance of assets and
9 determine service levels for each asset class; and

10 (l) carry out any other function that may be necessary for the
11 attainment of the objectives of the agency.

12 PART II - STAFF OF THE AGENCY

Appointment
of Director-
General of the
Agency

13 9.-(1) There shall be appointed by the President on the
14 recommendation of the Minister, a Director-General to the Agency, who shall
15 possess relevant and adequate professional qualification in facility
16 management with 15 years cognate experience.

17 (2) The Director-General shall be the Chief Executive of the Agency
18 and shall be responsible for the execution of the policy of the Agency and the
19 day to day running of the affairs of the Agency.

20 (3) The Director-General shall hold office in the first instance for a
21 period of four years and shall be eligible for re-appointment for one further
22 term of two years and no more.

Removal of
the Director-
General

23 10.-(1) Notwithstanding the provision of sub-section 3 of section 9 of
24 this Act, the Director-General may be removed from office by the President if
25 he deems it necessary for the attainment of the objectives of the Agency.

26 (2) A person appointed as the Director-General after such removal in
27 subsection (1) shall serve the unexpired period of the term of his predecessor -
28 in-office.

Appointment
of the staff of
the Agency

29 11.-(1) The Agency may, from time to time, appoint such other staff as
30 it may deem necessary to assist the Director-General in the performance of the

1 functions of the Agency.

2 (2) Notwithstanding the provision of sub-section (1) of this
3 section, employees of the Agency may be appointed by the Agency by way
4 of transfer from the public service of the Federation.

5 12.-(1) It is hereby declared that service in the Agency shall be
6 pensionable under the Pension Reform Act and accordingly, employees of
7 the Agency shall, in respect of their services in the Agency, be entitled to
8 pensions, gratuities, and other retirement benefits as are prescribed there-
9 under.

Application of
the Pension Act

10 (2) Notwithstanding the provision of subsection (1) of this section,
11 nothing in this Act shall prevent the appointment of a person to any office on
12 terms which preclude the grant of pension and gratuity in respect of that
13 office.

14 PART III - FINANCIAL PROVISIONS

15 13.-(1) The Agency shall establish a fund from which shall be
16 defrayed all expenditure incurred by the Agency for the purpose of this Act.

Funds of the
Agency

17 (2) There shall be paid and credited to the fund established in
18 pursuance of subsection (1) of this section, such payments as may be made
19 to the Agency by the Federal Ministry of Finance for the running expense of
20 the Agency and all other payments or monies, from time to time accruing to
21 the Agency.

22 14. The Agency may from time to time, apply the proceeds of the
23 fund established in pursuance of section 13 of this Act:

Expenditure of
the Agency

24 (a) to the cost of administration of the Agency;

25 (b) to the payment of salaries, fees or other remunerations or
26 allowances, pensions, and gratuities payable to members or employees of
27 the Agency, so however that no payment of any kind under this paragraph
28 shall be made to any person who is in receipt of emoluments from the
29 Government of the Federation or of a state.

Annual estimates
and accounts

1 15.-(1) The Agency shall submit to the Minister not later than 30th
2 September in each year, an estimate of its expenditure and income during the
3 next succeeding year.

4 (2) The Agency shall keep proper accounts in respect of each year
5 (and proper records in relation thereto) and shall cause the accounts to be
6 audited by an auditor appointed from the list in accordance with the guidelines
7 supplied by the Auditor-General of the Federation.

Annual reports

8 16. The Agency shall prepare and submit to the President through the
9 Minister not later than 30th June in each year, a report in such form as he may
10 direct on the activities of the Agency, on or during the immediate preceding
11 year, and shall include in such report a copy of the audited accounts of the
12 Agency for that year and the Auditor-General's report thereon.

Power of Minister
to give directives

13 17. Subject to the provisions of this Act, the Minister may give to the
14 Agency directives of a general character or relating generally to matters of
15 policy with regards to the exercise by the Agency of its functions and it shall be
16 the duty of the Agency to comply with such directives.

Interpretation

17 18. In this Act, unless the context otherwise requires-
18 "agency" means Facility Management Agency of Nigeria;
19 "asset" means a property acquired or owned by the Federal Government;
20 "board" means the Governing Board of Facility Management Agency of
21 Nigeria;
22 "chairman" means the chairman of the Governing Board of Facility
23 Management Agency of Nigeria;
24 "function" includes power and duty;
25 "minister" means the Minister in charge of works and housing;
26 "president" means the president of the Federal Republic of Nigeria.

Short title

27 19. This Bill may be cited as the Facility Management Agency of
28 Nigeria (Establishment) Bill, 2021.

1

SCHEDULE

2

(Section 1(2))

3

SUPPLEMENTARY PROVISIONS RELATING TO THE PROCEEDINGS

4

OF THE BOARD

5

1. Subject to this Act and Section 27 of the Interpretation Act

6

(which provides for decisions of a statutory body to be taken by a majority of

7

its members and for the chairman to have a second or casting vote), the

8

Board may make standing orders regulating the proceedings of the Board or

9

any committee thereof.

10

2. Every meeting of the Board shall be presided over by the

11

Chairman or if the chairman is unable to attend a particular meeting, the

12

members present at the meeting shall elect one of their numbers to preside at

13

the meeting.

14

3. The quorum at a meeting of the Board shall consist of the

15

Chairman (or, in an appropriate case, the person presiding at the meeting

16

pursuant to paragraph 2 of this schedule) and five other members.

17

4. Where upon any special occasion, the Board desires to obtain

18

the advice of any person on any matter, the Board may co-opt that person to

19

be member for as many meetings as may be necessary, and that person,

20

while co-opted, shall not be entitled to vote or count towards a quorum.

21

5.-(1) Subject to its standing orders, the Board may appoint such

22

number of standing and ad-hoc committees as it thinks fit, to consider and

23

report on any matter with which the Board is concerned.

24

(2) Every committee appointed under the provisions of sub-

25

paragraph (1) of this paragraph, shall be presided over by a member of the

26

Board and shall be made up of such number of persons, not necessarily

27

members of the Board, as the Board may determine in each case.

28

6. The decision of a committee shall be of no effect until confirmed

29

by the Board.

30

7. The fixing of the seal of the Agency shall be authenticated by the

1 signature of the Chairman or the Director- General of the Agency.

2 8. Any contract or instrument which, if made by a person not being a
3 body corporate, would not be required to be under seal, may be made or
4 executed on behalf of the Agency by the Director-General or by any other
5 person generally or specifically authorized to act for that purpose by the
6 Agency.

7 9. Any document purporting to be a contract, instrument or other
8 document signed or sealed on behalf of the Agency shall be received in
9 evidence and unless the contrary is proved, be presumed without further proof,
10 to have been so signed or sealed.

11 10. The validity of any proceedings of the Board or a committee
12 thereof shall not be adversely affected:

13 (a) by any vacancy in the membership of the Board or committee;

14 (b) by any defect in the appointment of a member of the Board or
15 committee, or

16 (c) by reason that a person not entitled to do so took part in the
17 proceedings.

18 11. Any member of the Board or Committee thereof, who has a
19 personal interest in any contract or arrangement entered into or proposal to be
20 considered by the Board or Committee, shall forthwith disclose his interest to
21 the Board or Committee and shall not vote on any question relating to the
22 contract or arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Facility Management Agency of Nigeria to be charged with the responsibility of ensuring proper maintenance of assets owned or controlled by the Federal Government.