

A BILL

FOR

AN ACT TO REGULATE THE EXECUTION OF FEDERAL GOVERNMENT PROJECTS BY STATE GOVERNMENTS, PROVIDE FOR PROCEDURES TO UNDERTAKE SUCH PROJECTS, FINANCING, SUPERVISION/MONITORING, REFUND/RE-IMBURSEMENT OF MONEY SPENT THERETO AND FOR RELATED MATTERS

Sponsors:

Hon. Rimamnde Shawulu Kwewum

Hon. Bulus Solomon Maren

[] Commencement

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

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PART 1

1.-(1) Any tier of government that is interested in undertaking the execution of a Federal Project shall comply with the following requirements:

Procedure for the Execution of a Federal Project and the specification of the format request

(i) Forward a letter signed by the Governor of the state specifying the following:

- (a) Title of the project, including its location;
- (b) Scope;
- (c) Estimated cost of project;
- (d) Reasons/justification for undertaking the project at that time.

(ii) The letter to the President shall be accompanied by the following:

- (a) Resolution of the State house of assembly for the state or any tier of government to execute the project on behalf of the federal government;
- (b) The signed appropriation budget of the State containing the said

1 project to be executed.

2 (iii) The president shall then forward the request to the appropriate
3 Ministry or agency responsible for the execution of the said project;

4 (iv) The Ministry or Agency shall forward the request to the Bureau
5 for Public Procurement (CBPP) to verify the costing and if satisfied, issue a
6 Certificate of no objection to the ministry of finance;

7 (v) The Ministry of Finance and the Debt Management Office (DMO)
8 shall verify whether the project is contained in the medium term
9 expenditure framework of the Federal government for the period and the costs
10 as submitted meet the standard requirements of the Federal Government:

11 (a) Where it verifies that the project has met all requirements for
12 immediate funding by the Federal it shall recommend to the President to
13 request the approval of the National Assembly;

14 (b) Where it has been determined that the project has not met the
15 requirements for immediate implementation it shall communicate same to the
16 State Government.

17 (vi) The recommendation of the Federal Ministry of Finance and
18 DMO will be sent back to the President, who shall send the said request and all
19 approvals to the national Assembly for deliberation and approval specifying
20 the period the money will be pay back to the State or tier of government that
21 executes the said federal project;

22 (vii) Refunds of up to 80% shall be paid to the state Government;

23 (viii) No refund shall be entertained for projects undertaken without prior
24 approval of the National Assembly.

Regulation/
Monitoring/
Supervision of
Federal Projects
executed by bodies
other than the
Federal Government

25 **2.-(i)** The Monitoring and Supervision of Federal Projects adopted by
26 a state for execution shall be jointly carried out by relevant State and Federal
27 agencies or bodies in compliance with the Bureau of Public Enterprises Act,
28 Public Procurement Act, Fiscal Responsibility Act, Finance (Control and
29 Management) Act, Appropriation Act or Law and any other laws, regulations,
30 that may be made pursuant to this Act;

1 (ii) The National Assembly and the state Houses of Assembly shall
 2 have powers of oversight functions over such federal projects and shall
 3 summon any relevant state/federal agency, parastatal or official to appear
 4 before it and defend its actions/policies towards ensuring that such projects
 5 are efficiently and effectively executed.

6 3.-(1) The Re-imburement of money spent by States for the
 7 Execution of Federal Projects shall be processed by the federal ministry of
 8 finance after the approval of the request of the President by the National
 9 Assembly and the re-payment plan shall be spread over a period of not more
 10 than three (3) budgetary years.

Refund/
 Re-imburement
 of money spent to
 State Government
 or other non-federal
 bodies by Federal
 Government

11 (2) Upon such approval by the State/Federal Governments of the
 12 repayment plan in compliance with the relevant agencies listed in section 3
 13 (i) above the State and Federal governments shall direct their respective
 14 Ministries of Finance and Budget Offices to capture the re-payment plan in
 15 their annual Budgets.

16 4.-(1) The Federal High Court shall have jurisdiction in
 17 determining any dispute that may arise on the provisions of this act.

Resolution of
 Disputes

18 5. In this Bill, unless the context otherwise indicates:

Definition

19 “Federal Project” means and includes any project earmarked for execution
 20 in any part of the Federation by the Federal Government of Nigeria or
 21 agency, parastatal or department, etc, pursuant to the exercise of its Power
 22 under the Exclusive Legislative list as contained under the Second
 23 Schedule, Part 1 of the Constitution of the Federal Republic of Nigeria 1999
 24 as amended;

25 “State Government” means state of the federation as defined in part 1 of the
 26 First Schedule of the 1999 constitution as amended;

27 “Any tier of Government” means State Governments or Local Government
 28 Councils

29 “Governor” means Governor of a state of the Federal Republic of Nigeria;

30 “State Ministry” means and includes any Ministry of a State, agency or

- 1 parastatal of the state;
2 “Federal Ministry” means and includes agencies, or parastatals of the federal
3 Government of Nigeria.

Short Title

- 4 **6.** This Bill may be cited as Execution of Federal Projects Bill, 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to regulate the execution of Federal Government Projects by State Governments, provide for procedures to undertake such projects, financing, supervision/monitoring, refund/re-imbusement of money spent thereto.