

NATIONAL INFRASTRUCTURE MANAGEMENT AND MAINTENANCE  
AGENCY BILL, 2019  
ARRANGEMENTS OF SECTIONS

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# A BILL

## FOR

AN ACT TO REPEAL THE FEDERAL ROADS MAINTENANCE AGENCY ACT AND TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL INFRASTRUCTURE MANAGEMENT AND MAINTENANCE AGENCY AND FOR RELATED MATTERS

*Sponsored by Hon. Ben Rollands Igbakpa*

[ ] Commencement

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

1 PART I - ESTABLISHMENT OF NATIONAL INFRASTRUCTURE

2 MANAGEMENT AND MAINTENANCE AGENCY.

3 1.-(1) There is established the National Infrastructure  
4 Management and Maintenance Agency (in this Act referred to as "the  
5 Agency").

Establishment  
of National  
Infrastructure  
Management and  
Maintenance  
Agency

6 (2) The Agency-

7 (a) is a body corporate with perpetual succession and a common  
8 seal and may be sue or be sued in its corporate name; and

9 (b) may acquire, hold or dispose of any property, movable or  
10 immovable for the purpose of performing any of its functions under this Act

11 2.-(1) There is established for the Agency, a Governing Board for  
12 the running of the affairs of the Agency (in this Act referred to as "the  
13 Board").

Establishment  
and Composition  
of Governing Board

14 (2) The Board shall consist of-

15 (a) the Chairman, who shall be drawn from the Private Sector;

16 (b) one representative each not below the rank of a Director from  
17 the-

18 (i) office of the Secretary to the Government of the Federation,

- 1 (ii) Office of the National Security Adviser (ONSA) to the President,  
2 (iii) Federal Ministry of Finance,  
3 (iv) Federal Ministry of Works and Housing,  
4 (v) Federal Ministry of Labour and productivity.  
5 (vi) Federal Ministry of Tele-communication,  
6 (vii) Federal Ministry of Youths and Sports Development,  
7 (viii) Federal Ministry of Culture and Tourism,  
8 (ix) Federal Ministry of Transport,  
9 (x) Federal Ministry of Power,  
10 (xi) Nigeria Security and Civil Defence Corps (NSCDC).  
11 (c) a representative from each of the Six geo-political Zones;  
12 (d) the Managing Director of the Agency,  
13 (e) the Federal Commissioner.  
14 (3) Members of the Board shall be appointed by the President subject  
15 to the confirmation by the Senate.  
16 (4) The Chairman and members of the Board other than the Federal  
17 Commissioner shall hold office on part-time basis.  
18 (5) The supplementary provisions set out in the Schedule to this Act  
19 shall apply with regard to the proceedings of the Board and other related  
20 matters.
- Tenure, resignation,  
cessation or  
removal of  
members from  
office
- 21 **3.-(1)** Subject to section 3 (4) of this Act, members of the Board other  
22 than the Federal Commissioner shall hold office-  
23 (a) for four years and no more; and  
24 (b) on such terms and conditions may be specified in their letters of  
25 appointment.  
26 (2) The Chairman may resign his appointment by notice in writing  
27 addressed to the President.  
28 (3) A member of the Board ceases to be a member if he-  
29 (a) becomes of unsound mind;  
30 (b) becomes bankrupt;

1 (c) is convicted of a felony or any offence involving fraud or  
2 dishonesty; and

3 (d) is guilty of serious misconduct in relation to the office.

4 (4) Where a vacancy occurs in the Board's composition at any time,  
5 the Chairman of the Board shall-

6 (a) formally notify the President through the Secretary to the  
7 Government of the Federation of the vacancy; and

8 (b) make recommendations towards ensuring that the Board  
9 maintains a balance of skills, expertise, diversity and representation of  
10 relevant stakeholder groups.

11 (5) a member of the Board may resign his membership by giving  
12 two months' notice in writing or such other period as may be specified in his  
13 letter of appointment to the Chairman who shall forward same to the  
14 Secretary to the Government of the Federation for onward transmission to  
15 the President.

16 (6) Members of the Board shall be paid such allowances and  
17 benefits as may be approved by the Federal Government.

18 (7) Membership of the Board shall be terminated where a member  
19 ceases to hold office on the basis of which he became a member.

20 **4.-(1)** The Board shall-

21 (a) formulate policy and guidelines for the Agency;

22 (b) monitor and ensure the implementation of policies and  
23 programmes of the Agency; and

24 (c) perform such other functions as may be necessary for the  
25 attainment of the objectives and efficient performance of the functions of the  
26 Agency under this Act;

27 (2) The Board shall have powers to-

28 (a) approve rules and regulations relating to the appointment,  
29 promotion and discipline of staff of the Agency;

30 (b) regulate the proceedings of its meetings and make standing

Functions and  
powers of the  
Board

Functions of  
the Agency

1 orders with respect to keeping minutes of its proceedings, and such other  
2 matters as the Board may determine, subject to extant circular of the Federal  
3 Government on number of meetings of the Board;

4 (c) liaise with the Agency to develop the requisite technical capacity,  
5 human and material resources to respond to imminent collapse of any of our  
6 national infrastructure/asset; and

7 (d) advise the Agency on any other issue relating to the effective  
8 management and maintenance of the Nation's critical infrastructures.

9 **5.-(1)** The functions of the Agency shall be to-

10 (a) develop a consistent approach to Infrastructural management  
11 across all Ministries, Department and Agency (MDAs) of government with the  
12 exemption of assets concessioned to an operator under a Public-Private  
13 Partnership Agreement.

14 (b) create a National Infrastructure/Asset Register that meets  
15 international standard;

16 (c) draw up master plan towards management and maintenance of  
17 infrastructures/assets in the Country;

18 (d) create performance benchmarks;

19 (e) determine service levels for each asset class;

20 (f) establish assessment procedure for state assets;

21 (g) act as consultant in conjunction with the MDAs of government in  
22 facility Management and maintenance;

23 (h) monitor and co-ordinate outsourced facility management  
24 services;

25 (i) plan, implement and monitor all private and government owned  
26 assets;

27 (j) supervise all aspects of facilities management and maintenance  
28 with a view to ensuring that public assets, facilities and installations are  
29 operating at optimal capacity;

30 (k) approve and register facility managers;

1                   (l) perform periodic audit of state-owned infrastructure and assets  
2                   and advise on the maintenance or disposal of such assets;

3                   (m) co-ordinate the performance of outsourcing of management  
4                   scheduled and unscheduled Maintenance works, including but not limited to  
5                   general cleaning, fumigation, Painting, furniture works and fixtures,  
6                   mechanical and electrical maintenance, replacement of spare parts,  
7                   maintenance of sewage and drainage systems and horticultural  
8                   requirements of all and any other;

9                   (n) manage such functions, sites and organisations which are not  
10                  critical to the maintenance of essential services, but which need protection  
11                  due to the potential danger to the public;

12                  (o) optimize the cost of service delivery by-

13                  (i) ensure coordination in the use of assets within the services  
14                  delivery objectives of the Federal Government of Nigeria;

15                  (ii) ensuring proper monitoring and accountability for Capital and  
16                  recurrent works;

17                  (iii) establishing a system for regular maintenance and  
18                  Refurbishment of assets;

19                  (iv) undertaking proper disposal of used assets;

20                  (v) improving health and safety in the working environment;

21                  (p) establish skills acquisition/call centres for better management  
22                  and maintenance of its assets, infrastructure and facilities across the country  
23                  as well as maximize the use of trained artisans that graduated from its  
24                  various skills acquisition centres across the country to close the  
25                  unemployment gap;

26                  (q) decrease the disruption of the facility management practice in  
27                  Nigeria by evolving technologies adopted to enhance value delivery, proper  
28                  use of facility managers in the management of national infrastructure/assets  
29                  as well as develop an holistic and aggressive maintenance implementation  
30                  agenda in Nigeria that will ensure good maintenance culture in both public

1 and private strata of the society;  
2 (r) any other function that may be necessary for the attainment of the  
3 objectives of this law.

Powers of the  
Agency

4 **6.** The Agency shall have powers to-  
5 (a) set up appropriate advisory committees composed of  
6 administrative, technical and other experts in infrastructure, assets or facility  
7 management and maintenance issues as may be necessary for the effective  
8 performance of its functions under this Act; and  
9 (b) delegate its power to any specific person or committee and to grant  
10 such person or Committee general or specific powers of sub-delegation.

Objectives of  
the Agency

11 **7.** The objectives of this Act are to-  
12 (a) improve functionality and quality of infrastructure as well as  
13 encourage a more sustainable maintenance industry and culture in Nigeria;  
14 (b) provide for the coordinated approach that is used to establish  
15 national priorities, goals and requirements so that Federal resources are applied  
16 in the most effective and efficient manner to reduce vulnerability, deter threats,  
17 and minimize wastages;  
18 (c) ensure proper co-ordination of the activities of all agencies of  
19 government as it relates to all facilities, systems, sites, information, people,  
20 networks and processes, necessary for a country to function and upon which  
21 daily life depends;  
22 (d) provide for the effective preservation and maintenance of assets  
23 owned or controlled by the Federal Government of Nigeria;  
24 (e) provide a uniform management framework for sustainability,  
25 efficiency and accountability in the use and management of such assets;  
26 (f) provide enduring public facilities and infrastructure for all citizens  
27 of the Federal Republic of Nigeria.

Establishment  
of Directorates  
and Departments

28 **8.** The Board may establish such number of Directorates,  
29 Departments and Units as it may deem necessary and expedient to facilitate the  
30 realization of the objectives of the Agency.





- 1 (b) Emergency services;
- 2 (c) Energy sector;
- 3 (d) Dams;
- 4 (e) Food;
- 5 (f) Public services;
- 6 (g) Industry;
- 7 (h) Health;
- 8 (i) Transport;
- 9 (j) Gas;
- 10 (k) Radio and television;
- 11 (l) Commercial facilities;
- 12 (m) Chemical and nuclear sectors.

13 (2) Any other facilities as may be classified as critical infrastructure  
14 by the Federal Government of Nigeria through the office of National Security  
15 Adviser (ONSA) to the President which, if disabled or destroyed, would result  
16 in catastrophic and far reaching damage to societal functions.

17 PART IV - FINANCIAL PROVISION

Fund of the  
Agency

18 **11.** -(1) There is established for the Agency, a fund which shall consist  
19 of-

- 20 (a) Budgetary and extra budgetary allocations received from the  
21 Government of the Federation, grants and annual subventions;
- 22 (b) 5% of Value Added Tax accruable to consolidated Revenue Fund;
- 23 (c) 5% of monies generated by Department of Petroleum Resources  
24 (DPR) from signature bonus paid by the awardee of oil blocs;
- 25 (d) 5% of the operating security budgets of Multinational oil  
26 companies, banking institutions and companies;
- 27 (e) 5% of license fees collected by the (NCC);
- 28 (f) 5% of the share of the Federal Government of revenue accruing to  
29 the Federation Account;
- 30 (g) 5% of the annual allocations captured in the budgets of all

1 Ministries, Departments and Agencies (MDA)/parastatals of the Federal  
2 Government of Nigeria;

3 (h) Gifts, loans, endowment, grants-in-aids, testamentary  
4 disposition, bequest or other voluntary contributions where the terms and  
5 conditions attached are not inconsistent with the functions of the Agency;

6 (i) Rents, fees and other internally generated revenues from  
7 services rendered by the Agency;

8 (j) International vehicles transit charge as may be determined by  
9 the Hon. Minister of Transportation;

10 (k) Such other monies as may be received by the Agency from  
11 investments and other sources.

12 (2) The Agency may apply the fund established under subsection  
13 (1) of this section-

14 (a) to pay the costs of administration, charges and expenses of the  
15 Agency;

16 (b) to discharge the cost of maintaining the Head Office and other  
17 offices of the Agency;

18 (c) for the development and maintenance of any property vested in  
19 or owned by the Agency;

20 (d) for the payment of the allowances and other benefits of  
21 members of the Agency or any committee set up by it;

22 (e) for payment of emoluments. Allowances, benefits and other  
23 entitlements of staff of the Agency;

24 (f) for payment for all purchases made by the Agency and the  
25 training of members of its staff;

26 (g) for the payment of all consultancies, legal fees and costs of  
27 contracts awarded by the Agency; and

28 (h) for any other expenditure as may be approved by the Board,  
29 from time to time, in connection with all or any of its functions and powers  
30 under this Bill.

Investment of the Fund of the Agency	1	<b>12.</b> -(1) The Agency may invest any or all monies in its fund, not
	2	immediately required for its current expenditure in-
	3	(a) any securities created or issued by or on behalf of the Federal
	4	Government, as may be approved by the Board, from time to time;
	5	(b) the purchase or improvement of any land in any part of the
	6	Federation; or
	7	(c) any venture in Nigeria as may be approved by the Board, including
	8	investment in stocks quoted at the Nigerian Stock Exchange;
	9	(2) in the exercise of its powers of investment under subsection (1) of
	10	this section, the Agency may from time to time vary any such investments and
	11	may deposit any monies for the time being un-invested with any bank approved
	12	by the Board in line with Government Regulations.
Power to borrow	13	<b>13.</b> The Agency may with the approval of the President and in line
	14	with applicable laws, policies and regulations, borrow such sums by way of
	15	loan, overdraft or from any other source, as may be required for the
	16	performance of its functions and meeting its obligations under the Bill; and any
	17	interest payable on monies so borrowed shall be paid out of the fund of the
	18	Agency.
Power to accept gifts	19	<b>14.</b> -(1) The Agency may accept gifts of land, money or other property
	20	on such terms and conditions, if any, as may be specified by the persons or
	21	organization making the gift.
	22	(2) The Agency shall not accept any gift if the conditions attached by
	23	the persons or organization offering the gift are inconsistent with the functions
	24	of the Agency under this Bill.
Annual Estimates	25	<b>15.</b> -(1) The Agency shall, not later than 30th September of each
	26	financial year, prepare and submit to the Board for onward transmission to the
	27	National Assembly through the office of the Minister, an estimate for its
	28	income and expenditure for the next succeeding year.
	29	(2) Notwithstanding the provisions of subsection (1) of this section,
	30	the Agency may, where necessary due to unforeseen circumstances, submit

1 supplementary or adjusted statements of estimated income and expenditure  
2 to the Minister of Finance for onward transmission to the National  
3 Assembly for approval.

4           **16.**-(1) The Agency shall keep proper and regular accounts and  
5 other records of monies received and paid by the Agency and for other  
6 purposes for which monies have been received or paid, and of its assets,  
7 credits and liabilities in respect of each year and shall cause its accounts to be  
8 audited on or before 31st March of the following year to which the accounts  
9 relate, by a firm of auditors appointed from the approved list of auditors, and  
10 in accordance with guidelines, supplied by the Auditor-General for the  
11 Federation.

Accounts, Records  
and Audit

12           (2) The Agency shall do all things necessary to ensure that all  
13 payments of its funds and bank accounts are correctly made and properly  
14 authorized and that adequate control is maintained over its assets.

15           (3) As soon as the accounts and the financial statements of the  
16 Agency have been audited in accordance with the requirement of this Bill,  
17 the Agency shall forward a copy of the audited financial statements to the  
18 Minister of Finance together with any report or observations made by the  
19 auditors and the Auditor-General for the Federation on the statement of  
20 accounts.

21           (4) The remuneration of the auditor shall be paid out of the fund of  
22 the Agency.

23           **17.** The Agency shall, not later than 30th June of each year, prepare  
24 and submit to the Minister of Finance and the Auditor-General of the  
25 Federation, a report on the activities and administration of the Agency  
26 during the preceding year and shall include in the report a copy of the  
27 audited accounts of the Agency for the year and the auditor's report thereon.

Annual Reports

28   PART V - MISCELLANEOUS PROVISIONS

29           **18.** The Agency may, with the approval of the Secretary to the  
30 Government of the Federation, make regulations necessary for giving effect

Power to make  
Regulations

	1	to the provisions of this Act.
Power to give directives to the Agency	2	<b>19.</b> The Secretary to the Government of the Federation may give
	3	directives of a general character to the Agency relating to its policies and
	4	functions.
Federal Roads Maintenance Agency Act	5	<b>20.</b> The Federal Roads Maintenance Agency Act is repealed.
Interpretation	6	<b>21.</b> In this Act, unless the content otherwise requires:
	7	(a) "National infrastructure" relates to all facilities, assets, systems,
	8	sites, information, people, networks and processes, necessary for a country to
	9	function and upon which daily life depends;
	10	(b) "The Agency" means the National Infrastructure Management and
	11	Maintenance Agency;
	12	(c) "The Board" means the governing Board of the Agency;
	13	(d) "Federal Commissioner" means the Federal Commissioner for the
	14	National Infrastructure Management and Maintenance Agency who is the
	15	Chief Executive Officer of the Agency;
	16	(e) "The Minister" means the Honourable Minister of Works for the
	17	Federal Republic of Nigeria charged with the responsibility of matters relating
	18	to works;
	19	(f) "Members" means Members of the governing Board of the
	20	National Infrastructure Management and Maintenance Agency;
	21	(g) "President" means the President of the Federal Republic of
	22	Nigeria.
Citation	23	<b>22.</b> This Bill may be cited as the National Infrastructure Management
	24	and Maintenance Agency Bill, 2019.

1 SCHEDULE

2 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

3 1.-(1) Subject to the provisions of this Act and section 27 of the  
4 Interpretation Act, the Board may make standing orders regulating its  
5 proceedings or those of any of its committees

6 (2)(a) The quorum of the Board shall be the Chairman or the person  
7 presiding at the meeting, the Federal Commissioner and one-third of other  
8 members of the Board;

9 (b) The quorum of any Committee of the Agency shall be as  
10 determined by the Board.

11 2.-(1) The Board shall meet at least once every quarter and  
12 whenever it is summoned by the Chairman or if the Chairman is required to  
13 do so by notice given him by at least seven other members, he shall summon  
14 a meeting of the Board to be held within 14 days from the date on which the  
15 notice is given.

16 (2) At any meeting of the Board, the Chairman shall preside but if  
17 he is absent, the members present at the meeting shall appoint one of them to  
18 preside at the meeting.

19 (3) The Board may, at any time, co-opt any person to act as an  
20 adviser at any of its meetings, but such co-opted person is not entitled to vote  
21 at any meeting or count towards a quorum.

22 (4) All matters arising at a meeting of the Board shall be decided by  
23 a simple majority of the votes cast by members present and voted at the  
24 meeting, each member shall have one vote.

25 (5) In the event of an equality of votes, the person presiding at the  
26 meeting shall have a casting vote.

27 3.-(1) The Board may set up one or more Committees to perform,  
28 on behalf of the Board, such functions as the Board may determine.

29 (2) A Committee set up under this paragraph shall consist of such  
30 number of persons as may be determined by the Board and a person shall

1 hold office on the Committee in accordance with the terms of his appointment.

2 (3) A decision of a Committee of the Board is of no effect until it is  
3 confirmed by the Board.

4 4.-(1) The fixing of the seal of the Agency shall be authenticated by  
5 the signatures of the Chairman or any other member of the Board generally or  
6 specifically authorized by the Board to act for that purpose and the Federal  
7 Commissioner.

8 (2) A document purporting to be a document duly executed under the  
9 seal of the Agency shall be received in evidence and is, unless and until the  
10 contrary is proved, presumed to be so executed.

11 (3) The validity of any proceeding of the Board or Committee is not  
12 adversely affected by-

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

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

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

#### EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Federal Roads Maintenance Agency Act and establish the National Infrastructure Management and Maintenance Agency to provide a framework for the management and maintenance of all National Infrastructure/Asset of the Federal Government of Nigeria.