

A BILL

FOR

AN ACT 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:

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,

19 (ii) Office of the National Security Adviser (ONSA) to the
20 President,

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

Tenure, resignation,
cessation or
removal of
members from
office

1 dishonesty; and

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

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

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

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

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

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

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

19 **4.-(1)** The Board shall:

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

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

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

26 (2) The Board shall have powers to:

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

29 (b) regulate the proceedings of its meetings and make standing
30 orders with respect to keeping minutes of its proceedings, and such other

Functions and
powers of the
Board

1 matters as the Board may determine, subject to extant circular of the Federal
2 Government on number of meetings of the Board;

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

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

Functions of the
Agency

8 **5.-(1)** The functions of the Agency shall be to:

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

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

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

17 (d) create performance benchmarks;

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

19 (f) establish assessment procedure for state assets;

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

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

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

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

29 (k) approve and register facility managers;

30 (l) perform periodic audit of state-owned infrastructure and assets and

1 advise on the maintenance or disposal of such assets;

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

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

11 (o) optimize the cost of service delivery by:

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

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

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

18 (iv) undertaking proper disposal of used assets;

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

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

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

1 (r) any other function that may be necessary for the attainment of the
2 objectives of this law.

Powers of the
Agency

3 **6.** The Agency shall have powers to:

4 (a) set up appropriate advisory committees composed of
5 administrative, technical and other experts in infrastructure, assets or facility
6 management and maintenance issues as may be necessary for the effective
7 performance of its functions under this Act; and

8 (b) delegate its power to any specific person or committee and to grant
9 such person or Committee general or specific powers of sub-delegation.

Objectives of
the Agency

10 **7.** The objectives of this Act are to:

11 (a) improve functionality and quality of infrastructure as well as
12 encourage a more sustainable maintenance industry and culture in Nigeria;

13 (b) provide for the coordinated approach that is used to establish
14 national priorities, goals and requirements so that Federal resources are applied
15 in the most effective and efficient manner to reduce vulnerability, deter threats,
16 and minimize wastages;

17 (c) ensure proper co-ordination of the activities of all agencies of
18 government as it relates to all facilities, systems, sites, information, people,
19 networks and processes, necessary for a country to function and upon which
20 daily life depends;

21 (d) provide for the effective preservation and maintenance of assets
22 owned or controlled by the Federal Government of Nigeria;

23 (e) provide a uniform management framework for sustainability,
24 efficiency and accountability in the use and management of such assets;

25 (f) provide enduring public Facilities and infrastructure for all
26 citizens of the Federal Republic of Nigeria.

Establishment
of Directorates
and Departments

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

1 PART II - APPOINTMENT OF FEDERAL COMMISSIONER AND OTHER
2 STAFF OF THE AGENCY

3 9.-(1) The President shall appoint a Federal Commissioner for the Appointment
4 National Infrastructure Management and Maintenance Agency (in this Act of Federal
5 referred to as "the Federal Commissioner") who shall: Commissioner

- 6 (a) be the Chief Executive Officer of the Agency;
7 (b) be a person with at least 10 years post-graduate experience;
8 (c) hold office for four years and may be re-appointed for another
9 four years and no more.

10 (2) The Federal Commissioner shall:

11 (a) preside over the committees on the National Infrastructure
12 Management and Maintenance Agency;

13 (b) represent the Agency and enter contract agreements on its
14 behalf;

15 (c) exercise and discharge such other powers and duties relating to
16 the effective preservation and maintenance of National Infrastructure/assets
17 owned or controlled by the Federal Government of Nigeria, as may be
18 assigned by the Board; and

19 (d) take such steps as may be necessary to ensure compliance with
20 the provisions of this Act in consultation with the Board

21 (3) The Board may from time to time appoint such other staff or
22 second officers from the public services as it may deem necessary to assist
23 the Agency in the performance of its functions.

24 (4) Staff of the Agency shall in respect of their service in the
25 Agency be entitled to pensions and other retirement benefits prescribed
26 under the Pension Reform Act.

27 PART III - CRITICAL NATIONAL INFRASTRUCTURE

28 10.-(1) Critical National Infrastructure shall cover the following Critical National
29 facilities or services: Infrastructure

- 30 (a) Public Communications;

- 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 PART IV - FINANCIAL PROVISION

Fund of the
Agency

- 13 **11.-(1)** There is established for the Agency, a fund which shall consist
14 of:
- 15 (a) Budgetary and extra budgetary allocations received from the
16 Government of the Federation, grants and annual subventions;
 - 17 (b) 5% of Value Added Tax accruable to consolidated Revenue Fund;
 - 18 (c) 5% of monies generated by Department of Petroleum Resources
19 (DPR) from signature bonus paid by the awardee of oil blocs;
 - 20 (d) 5% of the operating security budgets of Multinational oil
21 companies, banking institutions and companies;
 - 22 (e) 5% of license fees collected by the (NCC);
 - 23 (f) 5% of the share of the Federal Government of revenue accruing to
24 the Federation Account;
 - 25 (g) 5% of the annual allocations captured in the budgets of all
26 Ministries, Departments and Agencies (MDA)/parastatals of the Federal
27 Government of Nigeria;
 - 28 (h) Gifts, loans, endowment, grants-in-aids, testamentary disposition,
29 bequest or other voluntary contributions where the terms and conditions
30 attached are not inconsistent with the functions of the Agency;

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

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

5 (k) Such other monies as may be received by the Agency from
6 investments and other sources;

7 (2) The Agency may apply the fund established under subsection
8 (1) of this section:

9 (a) to pay the costs of administration, charges and expenses of the
10 Agency;

11 (b) to discharge the cost of maintaining the Head Office and other
12 offices of the Agency; for the development and maintenance of any property
13 vested in or owned by the Agency;

14 (c) for the payment of the allowances and other benefits of
15 members of the Agency or any committee set up by it;

16 (d) for payment of emoluments. Allowances, benefits and other
17 entitlements of staff of the Agency;

18 (e) for payment for all purchases made by the Agency and the
19 training of members of its staff;

20 (f) for the payment of all consultancies, legal fees and costs of
21 contracts awarded by the Agency; and

22 (g) for any other expenditure as may be approved by the Board,
23 from time to time, in connection with all or any of its functions and powers
24 under this Bill.

25 **12.-(1)** The Agency may invest any or all monies in its fund, not
26 immediately required for its current expenditure in:

Investment of
the Fund of the
Agency

27 (a) any securities created or issued by or on behalf of the Federal
28 Government, as may be approved by the Board, from time to time;

29 (b) the purchase or improvement of any land in any part of the
30 Federation; or

1 (c) any venture in Nigeria as may be approved by the Board, including
2 investment in stocks quoted at the Nigerian Stock Exchange;

3 (2) in the exercise of its powers of investment under subsection (1) of
4 this section, the Agency may from time to time vary any such investments and
5 may deposit any monies or the time being un-invested with any bank approved
6 by the Board in line with Government Regulations.

Power to Borrow

7 **13.** The Agency may with the approval of the President and in line
8 with applicable laws, policies and regulations, borrow such sums by way of
9 loan, overdraft or from any other source, as may be required for the
10 performance of its functions and meeting its obligations under the Bill; and any
11 interest payable on monies so borrowed shall be paid out of the fund of the
12 Agency.

Power to accept
gifts

13 **14.**-(1) The Agency may accept gifts of land, money or other property
14 on such terms and conditions, if any, as may be specified by the persons or
15 organization making the gift.

16 (2) The Agency shall not accept any gift if the conditions attached by
17 the persons or organization offering the gift are inconsistent with the functions
18 of the Agency under this Bill.

Annual Estimates

19 **15.**-(1) The Agency shall, not later than 30th September of each
20 financial year, prepare and submit to the Board for onward transmission to the
21 National Assembly through the office of the Minister, an estimate for its
22 income and expenditure for the next succeeding year.

23 (2) Notwithstanding the provisions of subsection (1) of this section,
24 the Agency may, where necessary due to unforeseen circumstances, submit
25 supplementary or adjusted statements of estimated income and expenditure to
26 the Minister of Finance for onward transmission to the National Assembly for
27 approval.

Accounts, Records
and Audit

28 **16.**-(1) The Agency shall keep proper and regular accounts and
29 other records of monies received and paid by the Agency and for other
30 purposes for which monies have been received or paid, and of its assets, credits

1 and liabilities in respect of each year and shall cause its accounts to be
2 audited on or before 31st March of the following year to which the accounts
3 relate, by a firm of auditors appointed from the approved list of auditors, and
4 in accordance with guidelines, supplied by the Auditor-General for the
5 Federation.

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

9 (3) As soon as the accounts and the financial statements of the
10 Agency have been audited in accordance with the requirement of this Bill,
11 the Agency shall forward a copy of the audited financial statements to the
12 Minister of Finance together with any report or observations made by the
13 auditors and the Auditor-General for the Federation on the statement of
14 accounts.

15 (4) The remuneration of the auditor shall be paid out of the fund of
16 the Agency.

17 17. The Agency shall, not later than 30th June of each year, prepare Annual Reports t
18 and submit to the Minister of Finance and the Auditor-General of the
19 Federation, a report on the activities and administration of the Agency
20 during the preceding year and shall include in the report a copy of the audited
21 accounts of the Agency for the year and the auditor's report thereon.

22 PART V - MISCELLANEOUS PROVISIONS

23 18. The Agency may, with the approval of the Secretary to the Power to make
24 Government of the Federation, make regulations necessary for giving effect Regulations
25 to the provisions of this Act.

26 19. The Secretary to the Government of the Federation may give Power to give
27 directives of a general character to the Agency relating to its policies and Agency
28 functions.

29 20. In this Act, unless the content otherwise requires: Interpretation

30 (a) "National infrastructure" relates to all facilities, assets, systems,

1 sites, information, people, networks and processes, necessary for a country to
2 function and upon which daily life depends;

3 (b) "The Agency" means the National Infrastructure Management
4 and Maintenance Agency;

5 (c) "The Board" means the governing Board of the Agency;

6 (d) "Federal Commissioner" means the Federal Commissioner for the
7 National Infrastructure Management and Maintenance Agency who is the
8 Chief Executive Officer of the Agency;

9 (e) "The Minister" means the Honourable Minister of Works for the
10 Federal Republic of Nigeria charged with the responsibility of matters relating
11 to works;

12 (f) "Members" means Members of the governing Board of the
13 National Infrastructure Management and Maintenance Agency;

14 (g) "President" means the President of the Federal Republic of
15 Nigeria.

Citation 16 **21.** This Bill may be cited as the National Infrastructure Management
17 and Maintenance Agency Bill, 2020.

18 **SCHEDULE**

19 **SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.**

20 1.-(1) Subject to the provisions of this Act and section 27 of the
21 Interpretation Act, the Board may make standing orders regulating its
22 proceedings or those of any of its committees

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

26 (b) the quorum of any Committee of the Agency shall be as determined
27 by the Board.

28 2.-(1) The Board shall meet at least once every quarter and whenever
29 it is summoned by the Chairman or if the Chairman is required to do so by
30 notice given him by at least seven other members, he shall summon a meeting

1 of the Board to be held with 14 days from the date on which the notice is
2 given.

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

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

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

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

14 3.-(1) The Board may set up one or more Committees to perform,
15 on behalf of the Board, such functions as the Board may determine.

16 (2) A Committee set up under this paragraph shall consist of such
17 number of persons as may be determined by the Board and a person shall
18 hold office on the Committee in accordance with the terms of his
19 appointment.

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

22 4.-(1) The fixing of the seal of the Agency shall be authenticated by
23 the signatures of the Chairman or any other member of the Board generally
24 or specifically authorized by the Board to act for that purpose and the
25 Federal Commissioner.

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

29 (3) The validity of any proceeding of the Board or Committee is not
30 adversely affected by:

- 1 (a) any vacancy in the membership of the Board;
- 2 (b) any defect in the appointment of a member of the Board or
- 3 committee; or
- 4 (c) reason that a person not entitled to do so took part in the
- 5 proceedings of the Board or Committee.

EXPLANATORY MEMORANDUM

This Bill seeks to 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.