

PART XII MISCELLANEOUS

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- 56.** (1) The fixing of the seal of the Bureau shall be authenticated by the signature of the Chairman, the Director - General or of any other person authorized generally or specifically by Law for that purpose by the Bureau.
- (2) Any contractor or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Bureau by the Director-General or any person generally or specially authorized by Law for that purpose by the Bureau.
- (3) Any document purporting to be a document duly executed under the seal of the Bureau shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be so executed.
- (4) The validity of any proceeding of Bureau or of a committee thereof shall not be adversely affected by any vacancy in the membership of the Bureau, committee, or any defect in the appointment of a member of the Bureau or a committee, or by reason that a person not entitled to do so took part in the proceedings of the Bureau or Committee.

POWER TO MAKE REGULATIONS

- 57.** The Bureau may make regulations for carrying into effect the provisions of this Law.

INTERPRETATION

- 58.** In this Law:

“Accounting officer” means the person charged with the supervision of the conduct of all procurement processes.

“Approving Authority” means the person charged with overall responsibility for the functioning of a ministry, extra-ministerial department or corporation;

“Assets: includes tangible and intangible thing which have been or may be sold or procured for consideration;

“Bid Security” means a form of security assuring that the bidder shall not withdraw a bid , within the period specified for acceptance and shall execute a written contract within the time specified in the bid;

“Contract” means an agreement entered in writing;

“Debar” means the placing of a firm, company or natural person on a list of person ineligible to participate in any procurement proceedings under this Law;

“Contractor or supplier” means any potential party to a procurement contractor with the procuring entity and includes any corporation, partnership, individual, sole proprietor, joint stock company, joint venture or any other legal entity through which business is conducted;

“Excessive Price” means a monetary value proposed by a bidder for any procurement which is in the estimation of the Bureau unreasonable and injudicious after consideration of the actual value of the item in question plus all reasonable imputations of cost and profit;

“Goods” means objects of every kind and description including raw materials, products and equipment and objects in solid, liquid or gaseous form and electricity as well as services incidental to the supply of the goods;

Gross misconduct - very obvious and unacceptable behaviour which amounts to a grave violation or breach of the previous of this law.

“Interim Performance Certificate” means evidence that a contractor or supplier as performed its obligations under procurement contract up to a level stipulated by he rontract but not meaning completion;

“International Competitive Bidding” means the solicitation of bids from both domestic and foreign contractors and suppliers;

“Lowest Evaluated Responsive Bid” means the lowest price bid amongst the bids that meets all the technical requirements and standards as contained in the tender document;

“Margin of Preference” means the extra mark up on price allowed any domestic contractor or 'supplier bidding under international competitive bidding without being' otherwise disadvantageous to the bid in terms of price;

“Misconduct” A dereliction of duty; unlawful or improper behaviour

“Minor value” means a monetary value which is not in excess of the monetary thresholds set , 'for any approving authority by the Bureau;

“Monetary Threshold” means the value limit in Naira set by the Bureau outside of which an approving authority a\may not award a procurement contract;

“National Competitive Bidding” means the solicitation of bids from domestic contractors and suppliers registered or incorporated to carry on business under Laws of Nigeria;

“Negotiation” means discussions to determine the terms and conditions of contract or procurement;

“Open Competitive Bidding” means the offer of prices by individuals or firms competing for a contract, privilege or right to supply specified goods, works, construction or services;

“Procurement” means acquisition;

“Procurement Proceedings” means the initiation of the process of effecting procurement up to award of a procurement contract.

“Procuring Entity” means any public body engaged in procurement and includes a ministry, extra - ministerial office, government agency, parastatal and corporation;

“Collusive” to work together secretly and illegally in order to take undue advantage of other persons, companies and or the State Government.

“Public Procurement” means the acquisition by any means of goods, works or services by the government;

“Public Fund” means any monetary resources appropriated to procuring entities under Government Budget or revenue generated by statutory bodies, corporations, aids, grants and credits put at the disposal of procuring entities by the development partners through the Government.

“Relevant Authority” includes Economic and Financial Crimes Commission and Independent Corrupt Practices Commission in so far as their Laws are applicable in the State;

Relevant qualification means a professional of not less than 15 years cognate experience in the following vocations: Law; Accountancy; Purchasing, and. Marketing.

“Services” means the rendering by a contractor or supplier of his time and effort and includes any object of procurement other than goods, works” or construction;

“Solicitation Documents” means the bid solicitation documents or any other documents, for solicitation of offers proposals or quotations;

“Special Purpose Goods” has the meaning assigned to it under the Public Procurement Act, 2007.

“State Treasury” means the revenue of the State Government from which its budgetary appropriations are funded, and includes where applicable, revenue of Local Governments in the State, where this Law applies to public procurement by such Local Governments;

“Substantially Responsive” means the response to bid solicitations which virtually answers to all the needs of a procuring entity as stipulated in the bid solicitation documents.

“Supplier” means a real or legal person that provides or supplies of goods contracting of works or consultants;

“Threshold” refers only to the approving and not the actual process of award;

“Validity Period” means the period during which a bidder agrees not to increase the cost of its bid or to remove any components of the bid.

“Works” means all works associated with the construction, reconstruction, demolition, repair or renovation of a building, structure or works such as site preparation, excavation, erection, building, installation of equipment or materials, decoration and finishing, as well as services incidental to construction such as drilling, mapping, satellite photography, seismic investigation and similar services provided pursuant to the procurement or contract, where the value of those services does not exceed that of the construction itself,

Citation

59. This Law may be cited as the Public Procurement Law, No. 2008.

This printed impression has been carefully compared by me with the Rivers State Public Procurement Bill No 4 of 2008 which has been passed by the Rivers State House of Assembly and found by me to be a true and correct printed copy of the said Bill.