

I ASSENT THIS ^{4TH}..... DAY OF September.....2020

ENGR. PROF. BABAGANA UMARA ZULUM MNI, FNSE
GOVERNOR
BORNO STATE OF NIGERIA

BORNO STATE BUREAU OF PUBLIC PROCUREMENT AND OTHER MATTERS CONNECTED THEREWITH LAW, 2019 (AMENDMENT) LAW, 2020

A LAW TO AMEND BORNO STATE BUREAU OF PUBLIC PROCUREMENT AND OTHER MATTERS CONNECTED THEREWITH LAW 2019. (AMENDMENT) LAW, 2020

BE IT ENACTED by the Borno State House of Assembly of Nigeria as follows:-

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| Citation and Commencemen | 1. This Law may be cited as Borno State Bureau of Public Procurement and Other Matters Connected therewith Law 2019 (Amendment) Law, 2020 and shall come into effect on the ^{4TH}Day of <u>SEPT</u>2020. |
| Interpretation | 2. In this Law, unless where the context otherwise requires:

“ Principal Law ” means the Borno State Bureau of Public Procurement and Other Matters Connected Therewith Law, 2019. (Amendment) Law 2020.
All other words and phrases herein used shall have the same meaning as contained in section 2 of the Principal Law. |
| Amendment of Section 4 (1) of the Principal Law | 3. Section 4 (1) of the Principal Law is hereby amended to include “a representative of Civil Society Organization and or Professional Association” |
| Amendment of Section 5(f) of the Principal Law | 4. Section 5 paragraph (f) of the Principal Law is hereby amended by deleting same and substituting it with the following

Section 5(f) To approve the changing requirements of E-Procurement in line with international best practice. |
| Amendment of Section 17 (2) of the Principal Law | 5. Section 17 (2) (a) of the Principal Law is hereby amended by deleting same and substituting it with the following:-

Section 17 (2) (a) shall apply in accordance with the provision of section 41 (1) of the Principal Law for the procurement of special goods, works and services involving State Security. |

Amendment of
Section 18(29)
of the Principal
Law

6 Section 18 sub section 29 paragraph (i) & (ii) of the Principal Law are hereby amended by deleting same and substituting with the following:-
Section 18 (29)(i) The bureau shall design and set up a secure electronic portal to enable and support E-Procurement system within the purview of this Law.

Section 18(29)(ii) subject to the provisions of this law and its Regulations, any procuring entity may conduct any or all its tenders through E-Procurement process.

Amendment of
Section 20(vi)
of the Principal
Law

7 Section 20 Paragraph (vi) of the Principal Law is hereby amended by deleting the Phrase "Electronic tenders" and substituting it with "E-Procurement".

Section 20(vi) prescribing any method for effecting procurement which may include E-Procurement, bids or actual procurement subject to the necessary approval or guideline under this Law; and

(vii) Ensuring that the activities and duties stipulated in this section shall be carried out by the procurement planning committee.

Amendment of
Section 55(8)
of the Principal
Law

8 Section 55 paragraph (8) of the principal law is hereby amended by inserting the following new subsection;

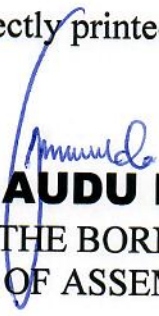
(c) HIGH COURT

(i) The right of a complainant and/or any other bidder not satisfied by the decision of the accounting officer to further complain to the authority should the accounting Officer fail to justifiably decide his complaint or communicate the decision taken to him within tolerable time given, or if he is dissatisfied by any decision of the accounting officer, or if the authority fails to decide his complaint within stipulated time or if he is dissatisfied with the Authority's decision is guaranteed to approach the Borno State High Court, under this law.

(ii) Not Later than six (6) months after the commencement of this law but without prejudice to any existing laws or regulations, the Chief Judge shall issue Practice Directions for the accelerated hearing of matters arising from bidders complaints and/or other disputes connected with Public Procurement, such that suites/proceedings to the state high court for judicial review, shall be disposed-off not later than 45 days of filing or in the case of any matter/dispute requiring oral evidence between/amongst parties, such that the matter is dispensed with not later than 6 months after institution of the action.

EXPLANATORY NOTE

This printed impression has been carefully compared by me with the Bill which has been passed by the Borno State House of Assembly and found by me to be a true and correctly printed copy of the Law.


IBRAHIM AUDU NGULDE
CLERK OF THE BORNO STATE
HOUSE OF ASSEMBLY