

GOMBE STATE GOVERNMENT



REVISED  
**OPERATIONAL  
GUIDELINES FOR  
PUBLIC PROCUREMENT**  
Second Edition (January 2020)

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## PREFACE

It is clear wish of the current Administration of His Excellency Alh. Mohammadu Inuwa Yahaya to run an open, transparent and efficient government. This informed His decision to pass into Law the State Public Procurement Council bill SPPL)of 2019 and the strengthening of state Public Procurement Bureau (Due Process)as the watchdog of procurement activities in the state, and part of the mandate of the Bureau is to formulate and review the procurement guidelines in tune with the existence and extent of the law as passed in December 2019. Updated on procurement Nitty Gritty as the view to curbing the multifarious ills of corruption that entrenched failures and poor service delivery .

Consequently the Bureau is here presenting a succinctly concise review of the State Public Procurement and what it is required for a successful procurement processes and execution.

As part of our mandate it is the target and hope to place this handy.

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## **ACCRONYM**

- GMPPB - Gombe State Public Procurement  
Bureau
- SPPL - Gombe State Public Procurement  
Law
- BEME - Bill of Engineering Measurement and  
Evaluation
- MDAs - Ministries, Departments and  
Agencies

## PREAMBLE

In the exercise of its functions under section eleven (S:11) of the public procurement Bureau law the following guidelines have been reviewed by the Bureau and approved by the public procurement council with effect from January 2020.



# CHAPTER ONE

## INTRODUCTION

In its determined effort to harness, maximize and efficiently utilize the resources of the state for the improvement of the quality of life of its citizens, the current administration of His Excellency Alh. Mohammadu Inuwa Yahaya, as a transparent and responsive government, decided to pass into Law, the establishment of Gombe State Council of Public Procurement and Public Procurement Bureau for the purpose of procurement process of the State Government.

The implementing agency of this programme of the procurement process is the Gombe State Public Procurement Bureau (Due Process Bureau). The strengthening of this body has become necessary in order to develop a system, processes, standards and procedures of procurement aimed at checking and controlling the following: -

- a. Abandonment of government projects after large sums of money have been paid out to Contractors from public funds;

- b. Siphoning of public funds through dubious and white elephant project;
- c. Uncoordinated awards of contracts to all at sundry;
- d. Highly inflated / overpriced contracts;
- e. Zero competition before award of contracts;
- f. Fraudulent variations and fluctuations;
- g. Award of contracts for selfish motives;
- h. Reduction of scope during project implementation;
- i. Inadequate quality control during projects implementation;
- j. Enhancing adequate capacity utilization in procurements;
- k. Promoting Due Process Compliance and professionalism.

Consequently, the foregoing malpractices entrenched endemic corruption, favoritism, poor service delivery, high rate of poverty and denial of social amenities to the people.

Since it has been empirically established that openness, transparency, competition, clear rules, regulations and sanctions, if strictly

enforced, are antidotes to corruption, any practice that thrives in secrecy under unclear rules and unequal access to information by parties to any transaction, must be avoided.

Therefore the present administration's drive to entrenched "Due Process" has ushered in good governance and economic prosperity for the people, restore hope, confidence and trust of the citizens in government and also create the right framework for openness in government and the citizens' participation as confident stakeholders, particularly in developmental projects.

## **1.0 GOMBE STATE PUBLIC PROCUREMENT BUREAU, GMPPB (DUE PROCESS BUREAU)**

### **1.1 VISION**

To maintain procurement system by fiscal discipline in governance by a culture of accountability that proactively gives value for money in Gombe State.

### **1.2 MISSION**

To restore and sustain a strong workable system, practice and procedure anchored on



transparency, integrity and competition in the procurement system of Gombe State, in order to achieve value for money for the benefit of the people of Gombe State.

### **1.3 FUNCTIONS OF THE BUREAU**

The functions and duties are to:

- (a) Formulate the general policies and guidelines relating to public sector procurement for the approval of the council;
- (b) Regulate and set standards to enforce harmonized bidding and tender documents for all the State contracts;
- (c) Develop, update and maintain system-wide database for the State on various procurements at the Ministries, Departments and Agencies;
- (d) Uphold professional ethics and report erring procurement personnel, State and Local Government functionaries, departments and-



private sector companies and their personnel to relevant authorities for appropriate sanctions;

(e) Monitor prices of tendered items and provide priced database advisory services to procurement entities;

(f) Publish details of major contracts in procurement journals;

(g) Publish paper and electronic editions of the procurement journal and maintain an archival system for procurement journal;

(h) Maintain a State database of the particulars, classification and categorization of contractors and service providers;

(i) Periodically review the socio-economic effect of the policies on procurement and advice the council accordingly;

(j) Prepare and update standard bidding and

contract documents;

(k) Prevent fraudulent and unfair procurement practices and where necessary apply administrative sanctions;

(l) Review the procurement and award of contracts, of every procurement entity to which public procurement law applies;

(m) Perform procurement audit and submit such report to the State House of Assembly;

(n) Establish a single internet portal that shall subject to section 16 (10) serve as a primary and definitive of all information on government procurement containing and displaying all public sector procurement information at all times;

(o) Coordinate relevant training programmes to build institutional capacity

#### **1.4 POWER OF THE BUREAU**

(1) The Bureau shall have the power to:

(a) Enforce the monetary and prior review thresholds set by the Council for the application of the provisions of this law by the procurement entities;

(b) Subject to paragraph (a) of this subsection, issue certificate of "No Objection for Contract Award" within the prior review threshold, all procurement within the purview of Public Procurement guideline;

(c) From time to time stipulate to all procuring entities the procedures and documentation prerequisite for the issuance of certificate of "No Objection" under this law;

(d) Where a reason exist

(i) Cause to be inspected or reviewed any procurement transaction to ensure compliance with the provisions of procurement guidelines;

(ii) Review and determine whether any

procuring entity has violated any provision of Public Procurement law;

(e) Debar any supplier, contractor or service provider that contravenes any provision of Public Procurement guidelines and regulation made pursuant to Public Procurement law;

(f) Maintain a State database of contractors and service providers and to the exclusion of all procuring entities prescribe classifications and categorizations for the companies on the register;

(g) Maintain a list of firms and persons that have been debarred from participating in public procurement activity and publish them in the procurement journal;

(h) Call for such information, documents, records and reports in respect of any aspect of any procurement proceeding where a breach, wrongdoing, default, mismanagement and or



collusion has been alleged, reported or proved against a procuring entity or service provider;

(I) Recommend to the Council, where there are persistent or serious breaches of this law or regulations or guidelines made under this law

(I) The suspension of officers concerned with the procurement or disposal proceeding in issue;

(ii) The replacement of the head or any of the members of the procuring or disposal unit, any entity or the Chairman Tenders Board as the case may be;

(iii) Cause to be inspected or reviewed any procurement transaction to ensure compliance with the provisions of this law;

(iv) Review and determine whether any procuring entity has violate any provision of the law;

(v) The discipline of the Accounting Officer or

any procuring entity;

(vi) The temporary transfer of the procuring and disposal function of a procuring and disposing entity to a third party procurement agency or consultant; or

(vii) Any other sanction that the Bureau may consider appropriate.

(j) Call for the production of books of accounts, plants, documents, and examine persons or parties in connection with any procurement proceeding;

(k) Act upon complaints in accordance with the procedures set out in the State Public procurement law;

(l) Nullify the whole or any part, of any procurement proceeding or award which is in contravention of Public Procurement law;

(m) Direct the discontinuance, stoppage or

suspension of any Payment due from the State Treasury under procurement Contract, activity or proceeding which has contravened or likely to contravene any provision of this law;

(n) Provide a framework for e-procurement;

(o) Do such other things as are necessary for the efficient Performance of its functions under this law;

(2) The Bureau shall, subject to the approval of the Council, have power to enter into contract or part partnership with any company, firm or person which in its opinion will facilitate the discharge of its functions.

(a) Request for and obtain from any procurement entity information including reports, memoranda and audited accounts, and other information relevant to its functions under Public Procurement law; and

(b) Liaise with relevant bodies or institutions, national and international for effective performance of its functions under Public Procurement law.



# CHAPTER TWO.

## 2.0 TYPES OF TENDERING

Types of Tendering to be adopted in the procurements.

There are four types of tendering to put in practice

### **(a) Open Tendering**

This type of Tendering requires advertisement for pre-qualification on Notice Boards of MDAs, the State Publication media “Jewel News” or any reputable National Daily, in order to provide bidders equal opportunity and access to information.

### **(b) Selective Tendering**

In this type of Tendering, at least three (3) Reputable contractors in specific areas of specialization are selected and invited to Bid.

### **(c) Proprietary Items Tendering (for special Items and Goods)**

This is applicable only where the items to be

procured are of the types that are marketed by Sole producers / Agents or Distributors e.g. equipments, machines or stationeries. Their prices can be Assessed / benchmarked. By considering prevailing prices that are comparable quality and make. Resorts to internet where applicable which can help ascertain the prices. The Ministerial tenders board will then cross check and recommend for approval.

**(d) Special And Restricted Method of Procurement (Rapid Response Services)**

(I) Procurements that are made owing to the State threatened by disaster, catastrophe, diseases insurrection or any act of God as the case of Pandemics of COVID – 19 presently ravaging the World or any other future emergency situations.

(ii) Procurement Entity/Task Force can only engage in direct procurement where there is an urgent need for the goods, works and services.

And engaging in the procurement methods is impracticable due to unforeseeable circumstances giving rise to the urgency.

(iii) Procurement Entity/Task Force can engage in direct procurement where the urgent need for the goods, works and services, making it impracticable to use other methods of procurement because of the time involved in using those methods.

(iv) Procurement Entity can engage in direct procurement/ single source where the services concerned State security or to secure Government Buildings.

These are procurements that are made owing to the Government Economy of scale and reduce procurement cost for sustainability. These special procurements for works, goods and services are to be deliberately engaged by Government so as to eliminate all procurement encumbrances and financial wastages in a transparent manner, and benchmarked by the

prevailing prices. The Executive Governor of the State is to approve for the award and payments of all Direct Labour projects.

These Direct and Cost Saving Procurement can only be engaged by the Government, where there is evidence of the State Economic downturn and it will eliminate wastages occasioned by other methods of procurements and reduce procurement cost and instill financial discipline, accountability and transparency- through Direct Labour.

These Direct Procurements request must be accompanied with:

- a) Project Bill of Quantities
  - (b) BEME
  - © Estimated Cost of the project
  - (d) Savings from the project
- (v) Where a procuring entity engaged in single source/direct procurement, it must give reason and justification for it.
- (vi) After the procurement or immediately after



the cessation of the emergency, the Procurement Entity/Task Force shall file a detail report (attached with relevant documents) with the Due Process Bureau for the issuance of 'Final Certificate of No Objection' after verifying same.

## **2.1 ROLE OF SMEs IN SPECIAL AND RESTRICTED METHOD OF PROCUREMENT**

In an emergency, the threshold for the procurement Entity/ Task Force for the procurement of goods, services and works that does not exceed Ten Million Naira (N10,000,000.00) the procurement Entity/Task Force shall patronize State Government registered SMEs for the procurement of all emergency consumables. The State registered SMES are to be engaged on a single source procurement due to the specialized nature of their business engagements. The SMES must submit their Profiles to the relevant MDAs for Due Process Certification.

## 2.2 REQUIREMENTS FOR THE ISSUANCE OF NO OBJECTION IN EMERGENCY SITUATION

1. His Excellency's Approval
2. The composition of the Task Force/Committee
3. Terms of reference of the Task Force/Committee
4. The secretariat of the Task Force/Committee must be domicile in an MDA/Procurement Entity
5. The threshold
6. Bill of Quantities

### **NB:**

It shall be regarded as a serious offence for any officer or procuring entity to deliberately split contracts of works, procurement or engagement of services in order to circumvent the provisions of these guidelines. Such bridge of rules shall be subject to disciplinary actions as may be prescribed in the enabling law or in the civil service rules and regulations.

## **CHAPTER THREE**

### **3.0 PROCURING ENTITY**

#### **3.0.1 DEFINITION OF PROCURING ENTITY**

A Procuring Entity is an organization or person that has a legal or administrative mandate to undertake procurement.

#### **3.0.2 ACCOUNTING OFFICER OF PROCUREMENT ENTITY**

The accounting officer is the person charged with the supervision of the conduct of procurement processes of a procurement entity. The accounting officer is responsible and accountable for actions taken and for any regard to the implementation of the law and guidelines. He is responsible to ensure that provisions of the law and guidelines are complied with, the concurrent approval by the tenders committee shall not absolve him from accountability for a contract that may be determined to have been procured in a manner that is inconsistent with the provisions of the law

and guidelines.

### **3.1 THRESHOLD FOR CONTRACT AWARDS BY APPROVING AUTHORITIES**

The Bureau shall provide threshold values within which the accounting officer and other approving authorities of a procuring entity may approve the award of contract within the categories as underline below:-

#### **3.1.1 ACCOUNTING OFFICER (CHIEF EXECUTIVE OF PARASTATAL)**

The accounting officer (chief executive of the Parastatals) on following all the applicable due process procedures, may award contract for the purchase of goods, construction work or engagement of services of an amount not exceeding One Million Naira (N1,000,000.00).

#### **3.1.2 BOARD OF PARASTATAL/CORPORATION**

The Board of the parastatal/corporation may award contract of an amount above One Million Naira (N1,000,000.00) but not exceeding Two



Million Naira only (N2,000,000.00). Amount above Two Million Naira (N2,000,000.00) to the maximum of Five Million Naira (N5,000,000.00) shall be referred to the Commissioner of the Ministry supervising the parastatal/corporation for approval. Any amount exceeding Five Million Naira (N5,000,000.00) to maximum of Three Hundred Million Naira (N300,000,000.00) shall be referred to the Governor for approval. Any amount exceeding Three Hundred Million Naira (300,000,000.00) shall be referred to the State Executive Council for ratification. In any case the applicable laid down rules must be complied with, except on some identified and verifiable cases of special/ Emergency procurement which are all within the powers of the governor to approve and present to the State Executive Council at a later time not exceeding three month for Council ratification.

### **3.1.3 CAPITAL PROJECT**

(A) Any capital procurement by a ministry shall be initiated by the head of Department,

Permanent Secretary or Commissioner, in accordance with its applicable approved budgetary provision. Where envisaged procurement is below Three Hundred Million (N300,000,000.00), the Permanent Secretary/Commissioner shall forward the proposed expenditure supported by all relevant and necessary documents to the Bureau for vetting. After the vetting by the Bureau, it shall then be forwarded to the Executive Governor for approval.

(B) Where the expenditure is above Three Hundred Million Naira (N300,000,000.00) the Ministry shall constitute a Ministerial Tenders Board for the purpose of open tendering. The proposed tender method and the relevant documents to be forwarded to the Bureau for vetting and issuance of certificate of "No objection" for the commencement of procurement process and to be approved by the Executive Council.

(C) Any contract that is below Three Hundred Million (N300, 000,000.00) but the Bureau consider that, better value for money is likely to be obtained through direct procurement method, so as to achieve value for money and the desired result, here a single source procurement method is to be adopted by the appropriate awarding procuring entities, judging from reliability, experience and competence of the contractor and approved by the Executive Governor.

(D) Where the procurement is below Three Hundred Million Naira (300,000,000.00), in line with the principle of checks and balances, the Bureau has to certify the nominated contractor and advice/ recommend the rejection of any contractor whose reliability or competence is in doubt for the Governor's consideration.

(E) All contracts for supplies of good and engagement of consultants above Five Million (N5, 000,000.00) but below One Hundred and



Fifty Million Naira (N150,000,000.00) shall be approved by the Executive Governor after obtaining a certificate of 'No Objection' from the Bureau for engagement of a Consultant on projects, upon presentation of all relevant documents to the Bureau for vetting.

(F) Any contract for supplies of goods and/or services above One Hundred and Fifty Million (N150,000,000.00) shall be presented to the State Executive Council for ratification/approval.

(G) Notwithstanding the provisions of this guidelines, the Bureau may issue a certificate of "No Objection" to a procuring entity to undertake procurement for works/purchase of goods and services by means of direct labour/direct procurement where the Bureau believes that high quality, timely and standard works could be executed at less cost or any other reason as may be approved by the chief Executive of the state. (S.48 (6))



### 3.2 REVIEWED APPROVAL THRESHOLD AS SET BY DUE PROCESS BUREAU AND APPROVED BY THE STATE PROCUREMENT COUNCIL

Pursuant to the powers vested on the Bureau in S.21 and S.22 part III and IV of the public procurement Bureau law 2019 as assented to by the Executive Governor of Gombe State. The Procurement Council has approved the review of approval threshold below:

	GOODS	WORKS	CONSULTING SERVICES	NON CONSULTING SERVICES
Governor's Certification of approval of funds/funds Approval	Below N150 Million	Below N300 Million	Below N150 Million	Below N150 Million
Governor in Exco's (State Executive Council) certification of approval of funds/funds Approval	Above N150 Million	Above N300 Million	Above N150 Million	Above N150 Million
Governor's approval of funds/funds Approval on emergency/special direct procurement	Below N300 Million	Above N300 Million	Below N300 Million	Below N150 Million

**AWARD AND APPROVING AUTHORITIES FOR WORKS FOR  
PROCURING ENTITIES**

	GOODS	WORKS		
MDA Accounting officer	N1,000,000(Million)	N2,000,000(Million)	-	-
Ministerial Tenders Board/LGA Tenders Board	Below N5,000,000	Below N5,000,000	-	-

## **CHAPTER FOUR**

### **4.0 PROCUREMENT OF WORKS, GOODS AND SERVICES**

#### **4.1 APPROVAL THRESHOLD**

Gombe State Due Process Office will regulate and certify contracts according to the following threshold.

#### **4.2 BUDGETARY PROVISION**

There must be budgetary provision in line with current appropriation bill or approved virement.

#### **4.3 CONTRACTS BELOW 300 MILLION NAIRA**

Advertisement shall be posted on the notice board of the procuring agencies.

#### **4.4 CONTRACTS ABOVE 300 MILLION NAIRA**

Advertisement shall be in the in the State Publication Media Jewel News and / or a National Newspaper.

## **4.5 PROCUREMENT PROCEDURES FOR AWARDS OF CONTRACTS**

- (a) Advertisement
- (b) Pre-qualification
- (c) Invitation to Tender
- (d) Opening of Tender
- (e) Bid Evaluation
- (f) Determination of winning bid
- (g) Due Process No objection Certificate for the Award of Contract
- (h) Approvals

### **(A) ADVERTISEMENT REQUIREMENT**

- i. All contractors/bidders shall have equal access to information in order to ensure free and fair competition
- ii. Reasonable time shall be allowed for prospective bidders to prepare and submit bidding documents
- iii. The procuring agency shall be responsible for advertising directly for all invitation for



prequalification or invitation for tender for goods, services and works

## **STANDARD FORMAT FOR ADVERTISEMENT**

- i. The standard format for advertisement shall include name and address of the procuring entity.
- ii. Introduction: a brief description of the object of procurement, including the desired time of delivery or completion.
- iii. Scope of work.
- iv. A summary of the pre-qualification requirements.
- v. The place and date for the submission of application for pre-qualification documents.
- vi. The fee payable and mode of payment.
- vii. Submission of documents shall not be less than 1 week for contract below N300 million

Naira and 2 weeks for contracts above N300 Million Naira to be allowed by the public responses to the adverts.

### **(B) PRE-QUALIFICATION REQUIREMENT**

Upon the collection of all submission of all respondents to an advertisement for pre-qualification showing date of opening and attendance list, the submission shall be forwarded to the Technical Evaluation Committee with the aim of short listing and selecting those that can participate in the financial bid.

The criteria scores totaling 100% are categorized as follows: -

1. Evidence of Incorporation 25%
2. Registration with the State Government 10%
3. Company audited account for 3 years 10% suggested
4. Evidence of Tax Clearance 15% suggested
5. Evidence of financial capability and banking support 10%

6. Experience and technical qualification of key staff 10%
7. Similar project executed 10%
8. evidence of Vat Registration 5%
9. Company Profile 5%

Best practice in contracting established that pre-qualification benchmark score within and above which respondents can be considered competent is a score of 80% and above.

### **DETERMINATION OF PRE-QUALIFIED BIDDERS**

Gombe State contracting practice shall have a benchmark of 70% and which all respondents must acquire in order to qualify. The lists of all respondents are referred as “List of pre-Qualified Bidders” or competent Bidders” all of whom had to be issued on invitation to Tender by the procuring MDAS.

### **Bids Opening**

Bids opening shall be in public and it shall open immediately after the closure of bid submission

and shall be witnessed by bidders.

## COMPOSITION OF MEETING FOR BIDS OPENING

The composition of the meeting shall include:

- Permanent Secretary – Chairman
- Director of Planning, Research and Statistics – Secretary or a Director in the organization to be appointed by the Chairman
- Director of Administration & Finance – Member
- Personnel knowledgeable in the object of the procurement – member
- Due Process Representative – Observers
- Members of the Civil Society Organization – Observers
- Representatives of Professional bodies: NIA, NIQS, COREN, SURVEYORS, NIOB, NBA, etc
- Press – Observers

## ATTENDANCE AND MINUTES OF MEETING

Minutes of meeting and attendant list shall be



duly signed. Thereafter all the documents shall be forwarded to the Technical Evaluation Committee for further action.

The following documents, prepared in the attached formats and presented in APPENDIXES must always be available for all bid/tender opening. These are:

- i. **APPENDIX 1:** This is an attendance form for contractors that are present at the opening of tender.
  
- ii. **APPENDIX 2:** This is an attendance form for officials and other invited representative of other organizations.
  
- iii. **APPENDIX 3:** This is a sample of tender record form that is supposed to be reproduced in copies and distributed to officials and other invited representatives to record the tender proceedings for their own individual consumption. The number of columns is supposed to be equal to the number of prequalified contractors that are invited to

tender.

iv. **APPENDIX 4:** Bid return sheet, is a very good official tender document. It is supposed to be reproduced on a letter headed paper of a client MDA in question. Each project is supposed to have its own bid return sheet. The number of column is supposed to be equal to the number of prequalified contractors for a particular project for record purposes. The filling of that form is supposed to be made by the competent hand of the client MDA. He is to carefully record name of a company, quoted sum and period of completion for any company as announced. He should also record the Title of the project under: ' OPENING OF TENDER FOR:'..., record the date for the opening, record the Consultant estimate and the consultant completion period. At the end of the process before closing, announcement should be made to those contractors present to check their company and record against their name, if it agrees with what is announced, they should sign against their company name. The essence is

to ensure that all announced figure and completion period for companies are recorded correctly. When this is done, the last aspect of the bid return sheet would be signed as explained in last page of the appendix.

**v. APENDIX 5: Evidence of Certificate of Tender fees payment.**

All payments should be done before tender opening and evidence of payments should form part of the tender documents.

The payments schedule is as follows:

1.	SMES	N20,000
2.	Prequalification	N50,000
3.	Selective Tendering	N50,000
4.	Single source/direct procurement	N150,000
5.	Repeat Order	N150,000

**MEETING OF TECHNICAL EVALUATION COMMITTEE**

Composition of the Technical Evaluation Committee shall consist of at least three (3)

members. The Secretary of the Ministerial Tender's Board shall be the Chairman.

- Secretary Ministerial Tenders Board – Chairman
- Director Planning Research and Statistics – Secretary
- Director of Procuring Unit or Senior Personnel knowledgeable in the object of procurement – member
- Any other person deemed necessary in the choice of the best submission the committee shall analyze, evaluate and submit its report to the Ministerial Tenders Board for further action.

## **MEETING OF THE MINISTERIAL TENDERS BOARD**

The Ministerial Tenders Board shall consist a minimum of 5 members.

- Permanent Secretary – Chairman
- Director Planning, Research and Statistics – Secretary
- Director of Administrator & Finance –



Member

- Director of the Procuring Unit – Member
- Any other Senior Personnel in the Ministry – Member

The committee shall recommend the list of pre-qualified bidders for the consideration and approval.

### **APPROVAL OF PRE-QUALIFIED BIDDERS**

The committee shall recommend the list of pre-qualified to the Honourable Commissioner for approval. Thereafter copies of the following shall be forwarded to the Due Process Bureau along with letter of request for certification of the list of pre-qualified bidders.

- Copy of Advert
- Pre-qualification opening minutes and attendance list duly signed by all persons
- Copies of the pre-qualification documents submitted.
- Technical Evaluation report duly signed.
- Ministerial Tenders Board Minutes duly

signed.

## **DUE PROCESS CERTIFICATION FOR LIST OF PRE-QUALIFIED BIDDERS**

After Due Process review, certificate shall be issued for the list of pre-qualified Bidders that has met the guidelines. The list that has not met the guidelines shall be declined certification and the reason clearly stated.

## **JOINT SITE INSPECTION FOR THE PROPOSED PROJECT**

A joint inspection shall be carried out between the procuring MDAs, Due Process Office and Client representative {where they apply} in order to:

- I. Ascertain the scope of work
- II. To check for possible encumbrances
- III. To advice on lots formations
- IV. To projects plans against variations

## **(c) INVITATION TO TENDER**

All pre-qualified bidders / contractors shall be

invited to tender. Tender documents shall follow the format of standard tender document appropriate to goods, works or services to be procured. It shall contain sufficient information to enable competition to take place among bidders on the basis of neutral and objective terms. The tender documents shall be in two parts. Technical and financial analysis and shall be submitted not less than one week after the bids documents are issued.

#### **(D) OPENING OF TENDER**

The composition of the meeting of opening of tenders shall include:

- Permanent Secretary – Chairman
- Director Planning and Statistics – Secretary or any Director/senior officer in the organization to be appointed by the Head
- Director / Head of administration & Finance – Member
- Director / personnel knowledgeable in the subject matter the procurement or consultant commissioned for the project –

matter

- Due Process Bureau representative – Observer
- All pre-qualified bidders/contractors or their representatives – Observers
- Members of the civil society (NIQS, NSE, NIA, Local Chapter) – Observers
- Press – Observers

### **ATTENDANCE AND MINUTES OF MEETING**

Minutes of meeting and the attendance list shall be duly signed. Thereafter all tender documents shall be forwarded to the Technical Evaluation Committee or the Consultant Commissioned for the project for evaluation and recommendations for further action by MDAs.

### **(E) TECHNICAL EVALUATION BID**

The Technical Evaluation Committee shall have a minimum of three members which will include:

- Secretary Tenders Board – Member (chairman)
- Director Engineering or Senior Personnel



knowledgeable in the object of the procuring Unit – Member

- Director /Head of the Procuring Unit – Secretary
- Director/ Head Research Planning and Statistics – Member
- Any other person deemed necessary in the determination of a best bidder

#### **(F) DETERMINATION OF WINNING BID**

The evaluation criteria shall be pre-agreed before opening of tender. The lowest evaluation tender cost, also called the best responsive bidder shall be adjudged the right.

The Committee or the Consultant as the case may be shall forward its evaluation report to the Ministerial Tender Board for necessary and further action.

#### **MEETING OF THE MINISTERIAL TENDERS BOARD**

The composition of the Ministerial Tenders' Board shall consist a minimum of 5/ Head of the agency

members.

- Permanent Secretary – Member Chairman
- Director / Head of the Procuring Unit – Secretary
- Director / Head of Administration & Finance – Member
- Director / Head Planning Research and Statistics – Member
- Any Director/senior management officer necessary in the decision

The Committee shall recommend successful tenders for consideration and approval.

The decision of Ministerial Tenders Board shall be communicated to the Honourable Commissioner Board Chairman for further implementation.

### **(G) DUE PROCESS NO OBJECTION CERTIFICATE FOR THE AWARD OF CONTRACT**

Copies of the following along with a letter of request shall be forwarded to the Due Process Bureau for certification for Award of Contract.

- Bid opening report and attendance list signed
- Tender analysis report duly signed
- Base estimate & Tender document
- Copies of submitted bids
- Minutes of Ministerial Tenders Board duly signed.

Due Process certification shall be issued for the procurement that has met the guidelines. Procurement that has not met the guidelines shall be declined certification with reasons clearly stated.

The parties to the contract normally have the right to terminate the contract, but to protect the procuring entity, advise of the legal department shall be sought. Contracts shall not be terminated without examining all possible alternatives, unless determination is mutually agreed by all the parties to the contract. The procuring entity shall examine the contract carefully to be aware of all contract conditions and penalties relating to the termination of

contract. The procuring entity shall always seek advice of the legal officer in preparation of any procurement correspondences.

## **(H) APPROVALS**

Pre-qualification of bidders shall be processed to His Excellency for approval after Due Process certification

- Award of contracts for contract up to N300 Million shall be forwarded to the Governor while contracts above N300 Million shall be forwarded to the State Executive Council through the Governor for approval **Vetting of Contracts Documents by the Bureau** Project Designs (where applicable), Bills of Quantities, Quotations and other tendering documents in respect of any construction work, procurement or service contract whose value is Five Million Naira (N5,000,000.00) and above shall be vetted by the Due Process and Project Monitoring Bureau (Bureau). Accordingly, all Ministries, Extra-Ministerial Departments and



Parastatals/Corporations shall forward all documents in respect of contracts whose values exceed Five Million Naira (N5,000,000.00) to the Bureau for vetting to ensure compliance with laid down rules and regulations and for the issuance of a Due Process Certificate. This Certificate must be presented to the relevant approving authority before approval is given for the award of the contract. The Bureau reserves the right to reject any submission made to it which does not include all required / necessary documents.

All government contracts and additional works of goods and services attract one percent (1%) vetting fee of the approved contract sum to be paid into the State Single Treasury Account (TSA) through Board of Internal Revenue payment's portal.

# CHAPTER FIVE

## 5.0 PAYMENT FOR WORKS, GOODS AND SERVICES

### 5.1 DUE PROCESS NO OBJECTION CERTIFICATE FOR PAYMENTS STAGES

Due Process no objection certificate shall be required for payment as follows: -

- Project below 300 Million – three stage
- Advance payment
- 50% payment
- 100% payment
- Project above N300 Million – all valued payment certificates

#### 5.1.1 PROJECTS ENTITLED TO ADVANCE PAYMENT

Copies of the following shall be forwarded to Due Process Bureau for Certificate

- State Executive Council Approval
- Letter of Award of Contract
- Signed Contract Agreement
- Performance Bond

- Advance Payment Bond
- Advance Payment Certificate
- Advance Payment Guarantee Certificate

**5.1.2 PROJECTS THAT HAS ACHIEVED 50% COMPLETION FOR PROJECTS BELOW N300 MILLION**• Evidence of Deductions of Advance Payment

- Evidence of Site Visits
- Technical and Financial Progress Report
- Certificate of Current Recommended Amount

**5.1.3 PROJECT THAT HAS ATTAINED 100% COMPLETION**

Copies of the following shall be forwarded to the Due Process Bureau for Due Process certification.

- Statement of all payments including advance payment
- Evidence of Amortization of Advance Payment
- Evidence of Site Visits
- Evidence of Expending Contingency

## Amount

- Technical and Financial Progress Report
- Certificate of Current Recommended Payment
- Duly Signed Completion Certificate

### **5.1.4 RELEASE OF RETENTION AT THE END OF WARRANTY OR DEFECT LIABILITIES PERIOD**

On the expiration of the Defect Liability Period if the project is found to be in a good functional state the retention sum will be released to the contractor.

### **PRINCIPLES OF PROCUREMENT**

All procurement shall only be made:

(a) In accordance with the approved plans supported by prior budgetary appropriations and no procurement proceedings shall be formalized until the entity has ensured that funds are available to meet the obligations and subject to the threshold under these guidelines.

(b) By open competitive, selective or



nominative tendering as the case may be.

© In a manner which is transparent, timely, equitable for ensuring accountability and conformity with the law and these guidelines.

(d) With the aim of achieving value for money of all procurements.

(e) In a manner which promotes competition and efficiency

## CHAPTER SIX

### 6.0 PRE-SHIPMENT INSPECTION COMMITTEE OF SPECIAL GOODS PROCUREMENTS

Where special goods are to be procured (Foreign or Domestic) pre-inspection cost should always be included by the procuring MDA in the preparation of Bill of Quantities. In this regard, minimum of 3 member committee should go for such inspection with representation each from:

- . Due process office
- . Consultant
- . Procuring entity

# CHAPTER SEVEN

## 7.0 PROCUREMENT OF CONSULTANT

Where the scope of work require speciality in implementation from conception to managment of implementation, the service of a relevant consultant(s) is required. Such service should be procured subject to approval of such consultant.

## 7.1 DEFINITION OF CONSULTANCY SERVICES

Procurement of consultant service is the request for services which are of an intellectual and advisory nature provided by firms or individuals using their professional skills to study design and organize specific projects, advice clients, conduct training or transfer knowledge.

The type of services includes the following:

- ✓ Feasibility studies
- ✓ Preparation of Bid Documents
- ✓ Construction Supervision
- ✓ Project Management
- ✓ Procurement Assistance

- ✓ Reorganization/Privatization
- ✓ Institutional Capacity Building
- ✓ Training and Knowledge Transfer
- ✓ Management Advice
- ✓ Cleaning Services

Where a procuring Entity wishes to procure services for its needs which are precise and ascertainable, it shall solicit for expressions of interest (EOI) or applications to pre-qualify to provide the services by publishing a notice to that effect in at least two national newspapers and the procurement journal.

However, where the value of the services to be procured is small, or with the approval of the Bureau of such a low value that only national consultants would be interested, the procuring entity may without placing a notice as indicated above, request at least three and not more than 10 consultants or service providers to make proposals for the provision of the services in a format stipulating:

- ✓ A statement of qualifications of the consultant to provide the service;



- ✓ A statement of understanding of the procuring entity's need;
- ✓ The methodology for providing the service;
- ✓ The timeframe for providing the service; and
- ✓ The cost or fee for the service.

## **7.2 SPECIAL FEATURES OF CONSULTANCY SERVICE**

The procurement of consultancy services is a specialized form of procurement requiring procedures and document which are very different from those for goods and works.

## **7.3 METHODS OF SELECTING CONSULTANTS**

The methods of selecting consultants are as follow:

- Quality and cost base selection (QCBS)
- Quality base selection (QBS)
- Least cost selection (LCS)
- Selection under fixed budget (SFB)
- Selection based on Consultants Qualification (SBCQ)

## ➤ Single Source Selection (SSS)

### 7.3.1 QUALITY AND COST BASE SELECTION (QCBS)

Quality and Cost Base Selection (QCBS) is the standard method of selection for most consultancy services and uses a merit-point score system.

The technical capabilities and experience of the consultants and personnel, and the quality of the proposal submitted in response to the terms of reference, will receive the major percentage of the total points to be awarded. Only firms/consultant whose technical proposals achieved a minimum technical score will have their financial proposal considered. The general practice is that the best compromise between technical quality and cost of the services is often achieved by allocating 80% of the total points to the technical features of the proposal and 20% to the financial score.

### **7.3.2 QUALITY BASE SELECTION (QBS)**

Quality base selection (QBS) may be suitable for complex, difficult to define, or highly specialized assignments, where the best expertise available is required without consideration of the price. In this case, only technical proposals are evaluated with the winning bidder being invited for detailed negotiation to agree on the price of the services and the contract.

QBS is suitable for the following types of assignment:

Complex or highly specialized assignments where it is difficult to define precise terms of reference (TOR) and the required input from the consultants, and for which the client expects the consultants to demonstrate innovation in their proposals (for example, sector studies, multi-sector feasibility studies, design of a hazardous waste remediation plant or of an urban master plan, financial sector reforms);

Assignments that have a long – term impact and in which the objective is to have the best experts



available (for example, feasibility and structural engineering design of such major infrastructure, such as large dams; policy studies of national significance; management studies of large government agencies); and assignment that can be carried out in very different ways and therefore proposals may not be directly comparable (for example, management advice, or policy studies in which the value of the services depends on the quality of the analysis).

The request for proposals (RFP) shall not indicate the estimated budget, but may provide the estimated number of key staff and time, specifying that this information is given as an indication only and that consultants are free to propose their own staff composition and estimates.

The RFP may require submission of a technical proposal only (without a financial proposal), or request submission of both technical and financial proposals at the same time, but in



separate envelopes (two envelope system). Only the financial envelope of the highest ranked technical proposals is opened. The rest are returned unopened to the bidders, after the negotiations are successfully concluded.

If technical proposal only are invited, after evaluating the technical proposals, the consultant with the highest ranked technical proposal will be invited to submit a detailed financial proposal. The procuring entity and consultant shall then negotiate the financial proposal and contract.

Other aspects of the selection process are identical to those of QCBS.

### **7.3.3 Selection under Fixed Budget (SFB)**

Selection under fixed budget (SFB) may be used when the assignment is simple and can be clearly defined and there is only a strictly limited budget available for the services. Consultants are invited to submit their best technical proposal within the fixed budget price and award of contract is made to the highest scoring technical proposal.

This method entails the following:

1. The RFP will indicate the available budget and request the consultants to provide their best technical and financial proposals in separate sealed envelopes within the stated budget
2. The TOR must be carefully prepared to ensure that the budget is sufficient for the consultants to perform all of the expected tasks
3. Technical proposals will be evaluated and bidders who pass the minimum technical score will be invited to a public opening of their financial envelopes
4. Bidders whose technical proposals fail to meet the minimum technical score will have their financial envelopes returned unopened
5. Any financial proposal that exceed the indicated budget shall be rejected
6. The consultant who has submitted the highest ranked technical proposal within the budget will be selected for award of contract.

### **7.3.4 LEAST – COST SELECTION**

This method is more appropriate to selection of

consultants for assignments of a standard or routine nature (audits, engineering design of noncomplex works, etc.), where well established practices and professional standards exist, and when the contract value is small.

This method entails the following:

1. A minimum qualifying score for the required quality is established stated in the RFP
2. Technical and financial proposals are required to be submitted in separate envelopes by the short-listed bidders.

Technical envelopes are opened first and evaluated. Those bids scoring less than the minimum qualifying score are rejected. The financial envelopes of the remaining bidders are opened in public.

3. The firm with the lowest price is selected for contract award



### **7.3.5 SELECTION BASED ON CONSULTANTS QUALIFICATIONS**

This method may be appropriate for very small assignments where the need for the submission and evaluation of detailed competitive proposals is not justified.

This method entails the following:

1. Information on consultants experience and competence relevant to the assignment are requested
2. The firm/consultant with the most appropriate qualifications and references is selected
3. The selected firm is invited to submit a combined technical and financial proposal, and then invited to negotiate the proposal and the contract.

### **7.3.6 SINGLE – SOURCE SELECTION**

Single–source selection of consultants lacks the benefit of competition in regard to quality and cost, the selection is not transparent, and may encourage unacceptable practices. Therefore,



single source selection shall only be used in exceptional circumstances. The justification for single source selection must be examined carefully to ensure economy and efficiency.

Single source selection is appropriate:

1. If there is a clear advantage over competitive selection for instance;
2. For task that are a natural continuation of previous work carried out by consultant;
3. Where rapid selection is essential (for example, in an emergency situation);
4. For very low value assignment;
5. When only one consultant/firm is qualified or has the necessary experience for the assignment; or
6. Single source selection would be based on the Bureau's guidelines which is available on the bureau's website.

## 7.4 USE OF INDIVIDUAL CONSULTANTS

Individual consultants are employed on assignment in the following circumstances:

1. Teams of personnel are not required;
2. Additional outside (home office) professional support is not required;
3. The experience and qualifications of individual are the major requirement;
4. Selection may be on the basis of references or through comparison of qualifications among those expressing interest in the assignment or approached directly by the procuring entity;
5. Individuals must meet all relevant qualifications and be fully capable of carrying out the assignment; and
6. Capability is judge on academic and professional background, experience, knowledge of local conditions and culture, administrative systems, government organization and language skills as appropriate. If co-ordination, administration, or collective responsibility may become difficult because of the number of individuals required, it may be

advisable to employ a firm.

## **7.5 THE STEPS OF PROCUREMENT PROCESS**

### **7.5.1 THE PROCEDURES AND GUIDELINES**

The procedures and guidelines below are based on the standard QCBS process of selection although other selection methods are available for use in appropriate circumstances. The procurement of consultancy services will normally include the following steps:

- Preparation of terms of references (TOR)
- Preparation of a cost estimate and confirmation of available budgeted funds.
- Advertise for expression of interest (if appropriate) or preparation of the shortlisted consultants.
- Preparation and issue of the request for proposals (RFP), including: a – Letter of invitation (LOI) b – information to consultants (ITC) c – Draft contract.
- Receipt of proposals in two envelopes
- Opening and evaluation of technical proposals



- Opening and evaluation of financial proposals
- Consolidated evaluation according to the criteria stated in the RFP
- Negotiation and award of contract to the selected firm

### 7.5.2 THE TERMS OF REFERENCE

The terms of reference (TOR) is the key document in the RFP. It ensures that both the client and the consultant are fully aware of the objectives and outputs of the services. Consultant services are expensive, and lack of careful thought, research and preparation of the terms of reference by the client, may result in considerable waste of resources.

The term of Reference (TOR) shall provide sufficient information to enable consultants to fully understand the services required by the client, and to prepare proposals that are realistic and competitive.

The TOR must be complete, precise and clear to minimize request for clarifications from



consultants. It must be prepared by staff with the requisite expertise. The term of reference will normally contain the following headings:

1. Background
2. Objectives
3. Scope of services
4. Transfer of Knowledge/Training  
(when appropriate)
5. Deliverables
6. Assignment Reports and Schedules of reports
7. Facilities, services and resources to be provided by the client
8. Assignment period and
9. Assignment management and administration

# CHAPTER EIGHT

## 8.0 ADDITIONAL WORK

Where the need of an additional work arises, the scope of such work has to be clearly expressed by means of proper work description, priced Bill of Quantities and Drawing where necessary.

## 8.1 PROCUREMENT OF ADDITIONAL WORK

The approval of additional work depends on its 'monetary threshold':

- Below N5M, to be approved by the Honourable Commissioner, and Executive Director or, Head of the procuring MDAs,.
- N5M and above, to be approved by the Chief Executive of the State.

## CHAPTER NINE

### 9.0 TECHNICAL APPRAISAL OF CONTRACT DOCUMENTS

Where project requiring contract documents, e.g Drawings and Bill of Quantities are involve, a joint appraisal of such documents involving Due process office, Consultant and Procuring MDAs in order to check the followings prior to issuance of NO Objection certificate for final approval by the Chief executive of the state.

The following are the check list:

- Budgetted cost of the project.
- Engineering base estimate.
- Price of Items (Rates)
- Technical specification.
- Scope of work
- Checking possible omission of essential items in the Bill of Quantities
- Checking unnecessary items included in the Bill of Quantities.
- Where necessary, checking operation and maintaenance manual. And, Or; cost of

## Training in the case of specially procured Machine and Equipments.



# CHAPTER TEN

## 10.0 REVIEW OF PROJECTS PROCESSED THROUGH GOMBE STATE PUBLIC PROCUREMENT BUREAU

### 10.1 REVIEW FILE TO ENSURE THAT THE FOLLOWING ARE IN THE FILE

#### (A) PREQUALIFICATION

- Approval of HE
- Letter of request for prequalification Certification
- Copy of Advert
- Minutes of Bid Opening
- Technical Evaluation Committee Report
- MTB Minutes
- Copies of Submission
- Due Process Bureau Registration Compliance Certification

#### (B) AWARD OF CONTRACT

- HE's Approval to invite bids from Qualified Contractors

- Letter of request for Award Certification
- Tender Opening Minutes
- Technical Evaluation Committee / Consultants Report
- MTB Minutes
- Copies of Tender and Drawings
- Due Process Bureau Registration Compliance Certification

**(C) ADVANCE PAYMENT**

- HE's / State Executive Council Approval
- Letter of request for Advanced Payment
- Letter of Award of Contract
- Signed Contract Agreement
- Performance Bond
- Advance Payment Bond
- Contract Vetting Certification for Advance Payment

**(D) INTERIM CERTIFICATE**

- Letter of request for Certificate
- Interim Certificate duly signed
- Interim Statement of Valuation

- Inspection Report
- Backup Documents

**(E) FINAL PAYMENT**

- Letter of request for Final Certification
- Certificate of Current Recommended Payment
- Inspection Report
- Statement of all Payments Including Advance Payment
- Evidence of Financial Progress Report
- Duly Signed Completion Certificate

**(F) PROJECT FINAL ACCOUNT / PROJECT COST SAVINGS MADE**

- Write the recommended contract sum from the request
- Write the contract sum of the Due Process Certificate
- Write the difference

**(G) ADDITIONAL WORK**

- Request for Certification

- Technical Recommendation
- Consultants report with BOQ
- Due Process Inspection Report
- Approval by His Excellency