



**PLATEAU STATE GOVERNMENT  
BUREAU OF PUBLIC PROCUREMENT  
(PLSBPP)**

**PROCUREMENT REGULATIONS**

**FOR**

**MDAs and LOCAL GOVERNMENT COUNCILS**

**AUGUST, 2017**

## **ABBREVIATIONS and ACRONYMS**

<b>APG</b>	Advance Payment Guarantee
<b>PLSBPP</b>	Plateau State Bureau of Public Procurement
<b>BDS</b>	Bid Data Sheet
<b>CoN</b>	Certificate of No Objection
<b>CQ</b>	Consultants Qualification (Selection Method)
<b>GPN</b>	General Procurement Notice
<b>ICB</b>	International Competitive Bidding
<b>IFB</b>	Invitation for Bid
<b>IS</b>	International Shopping
<b>ITB</b>	Instruction to Bidders
<b>LCS</b>	Least Cost Selection
<b>MDA's</b>	Ministries, Departments and Agencies
<b>MTB</b>	Ministerial Tenders Board
<b>NCB</b>	National Competitive Bidding
<b>LIB</b>	Limited International Bidding
<b>DC</b>	Direct Contracting
<b>FA</b>	Force Account
<b>NS</b>	National Shopping
<b>QBS</b>	Quality Based Selection
<b>QCBS</b>	Quality, Cost Based Selection
<b>REoI</b>	Request for Expression of Interest
<b>SFB</b>	Selection under Fixed Budget
<b>SPN</b>	Special Procurement Notice
<b>STD</b>	Standard Tender Document
<b>SBDG</b>	Standard Bidding Document for Goods
<b>SBDLW</b>	Standard Bidding Document for Large Works
<b>SBDSW</b>	Standard Bidding Document for Small Works

# Section A - Goods, Works and Non Consulting Services

## Public Procurement Regulations For Goods, Works and Non-Consulting Services *Commencement.*

**In the exercise of powers granted to it under the Public Procurement Law 2016 the Plateau State Bureau of Public Procurement hereby makes the following Regulations:**

### Part I

#### General Provisions

101.	These Regulations may be cited as the Public Procurement Regulations for Goods, Works and Non-Consulting Services 2017. These Regulations shall apply to all Procuring Entities and Participants in Public Contracts and to all public procurements of Goods, Works and Non Consulting Services, except where an exemption is first obtained under the Law. The Regulations for Consulting Services of an intellectual or advisory nature form part B of this regulations	Citation and Commencement
102.	These Regulations for the procurement of Goods, Works and Non-Consulting Service have been prepared by the Plateau State Bureau of Public Procurement (PLSBPP) pursuant to the Public Procurement Law for use by the Procuring Entities and Consultants participating in public financed contracts.	
103.	These Regulations supersede all prior procurement Regulations, Directives and or due process guidelines.	Revocation of prior directives
104.	In these Regulations: -  <i>“Accounting Officer”</i> means the person charged with line supervision of the conduct of all procurement processes.; <i>“Approving Authority”</i> means the person charged with overall responsibility for the functioning of a ministry, extra-ministerial department or corporation; <i>“Assets”</i> includes tangible and intangible things which have been or may be sold or procured for consideration; <i>“Bid Security”</i> means a form of security assuring 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. <i>“BOO”</i> means Build, Own, Operate contracts; <i>“BOT”</i> means Build, Operate, Transfer contracts; <i>“BOOT”</i> means Build, Own, Operate and Transfer contracts	Interpretation

	<p>“<i>Certificate of No Objection</i>” means the document evidencing and authenticating that due process and the letters of this Law have been followed in the conduct of a procurement proceeding and allowing for the procuring entity to enter into contract or effect payments to contractors or suppliers from the Treasury;</p> <p>“<i>Coercive practice</i>” means force or threatening to use force, directly or indirectly, against persons or their property with intent to influence the manner of their participation in and/or their appropriate conduct of a procurement process and/ or the execution of a contract;</p> <p>“<i>Conflict of interest</i>” means but is not limited to the following situations:</p> <ul style="list-style-type: none"> <li>where a person has a direct or indirect interest in or relationship with a Bidder that is or may be reasonably perceived to be unethical due to that person’s influence or ability to affect the procurement process;</li> <li>where a person receives or benefits by taking personal advantage of an opportunity that properly belongs to the Procuring Entity he represents or the Government;</li> <li>(c) where a person for his personal benefit discloses to unauthorized persons confidential information belonging to; the Procuring Entity, the Government, or a Bidder;</li> <li>(d) where a supplier or contractor (or the firm with which it is affiliated) combines the functions of manufacturer or contractor with those of consultant;</li> </ul> <p>Provided that a conflict of interest may not be inferred:</p> <ul style="list-style-type: none"> <li>i. where a supplier! manufacturer or contractor’s bid is in combination with a firm offering services as a consultant and in its bid is included relevant information about such relationship along with a statement to the effect that it shall limit its role to that of supplier or contractor, and that neither the firm nor its associates and affiliates shall participate in the project in any other capacity;</li> <li>ii. where two or more firms (suppliers, contractors and consultants) with disclosure to the Procuring Entity combine to bid for and/or execute a Turnkey or Design and Build contract.</li> </ul> <p>“<i>Contract</i>” means an agreement entered in writing;</p> <p>“<i>Contractor or supplier</i>” means any potential party to a procurement contract 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;</p> <p>“<i>Collusive practice</i>” means a scheme or an arrangement between two or more Bidders with or without the knowledge of the Procuring Entity, including nondisclosure of subsidiary relationships, designed to establish bid prices at artificial, non-competitive levels thereby depriving the Procuring Entity of the</p>	

	<p>benefits of free and open competition;  <i>“Corruption”</i> or <i>“corrupt practice”</i> means the offering, giving, receiving, or soliciting for anything of value to influence the action of a public official in the procurement process or in contract execution;</p> <p><i>“Debar”</i> means the placing of a firm, company or natural person on a list of person Copt, ineligible to participate in any procurement proceedings under this Act;</p>	<p>Corrupt,  Fraudulent,  Collusive or  Coercive Practices</p>
<p><i>“Domestic firm”</i> means a business or professional organization:</p>		
	<p>1 incorporated or otherwise organized in Nigeria; and  having its principal place of business located in Nigeria; and  having at least 50% of its equity held by nationals of Nigeria; and  not having its assets controlled by foreign national or organization incorporated or organized outside Nigeria; and  with more than 50% of persons who will perform services under the contract whether employed directly or by a subcontractor being nationals of Nigeria.</p> <p><i>“Direct Labour Account”</i> means the procurement of civil works by a procuring entity using its own internal personnel , equipment and resources;</p> <p><i>“Excessive Price”</i> means a monetary value proposed by a bidder for any procurement which is in the estimation of the Project unreasonable and injudicious after consideration of the actual value of the item in question plus all reasonable imputations of cost and profit.</p> <p><i>“Fraudulent practice”</i> means any act or combined misrepresentation or omission of facts that affects the procurement process or contract execution to the detriment of the Procuring Entity;</p> <p><i>“Goods”</i> 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;</p> <p><i>“Government”</i> shall mean the Plateau State Government;</p> <p><i>“Interim Performance Certificate”</i> means evidence that a contractor or supplier or service provider has performed its obligations under a procurement contract up to a level stipulated by the contract but not meaning completion;</p> <p><i>“International Competitive Bidding”</i> means the solicitation of bids from both domestic and foreign contractors and suppliers;</p> <p><i>“Joint Venture”</i> means an association where all member firms or persons are jointly and severally liable for the entire contract, and shall designate one party to act as a leader with authority to bind the joint venture and to sign contract with the</p>	

Procurement Entity.

*“Margin of Preference”* means 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;

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

*“National Competitive Bidding”* means the solicitation of bids from domestic contractors and suppliers registered or incorporated to carry on business under Nigeria Law; *“Negotiation”* means discussions to determine the terms and conditions of a contract or procurement; *“Non Consulting Services”* are services which are bid and contracted on the basis of performance of a measurable physical output and for which performance standard can be clearly identified and consistently applied such as drilling, area photographing, satellite imagery, mapping and similar operations.

*“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 a 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 Project, Parastatal and Corporation;

*“Relevant Authority”* includes Economic and Financial Crimes Commission and Independent Corrupt Practices Commission;

*“Services”* means the rendering by a contractor or supplier or service provider of his time and effort and technical expertise 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”* means any object of armaments, ammunition, mechanical, electrical equipment or other things as may be determined by the President needed by the Armed Forces or Police Force as well as the services incidental to the supply of the objects.

*“Subcontractor”*, means natural person, a legal person or combination of the above to whom any part of the goods to be supplied or works to be executed is subcontracted by the supplier or contractor,

*“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 supply of goods, contracting of works or consultants;

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

*“Valid 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 of contract, where the value of those services does not exceed that of the construction itself.

105. If these Regulations conflict with the Government’s obligations under agreements with other countries or international organizations, the provisions under such international agreements shall prevail.

106. Where:

- (a) a Procuring Entity establishes the use of corrupt, fraudulent, collusive or coercive practices of any kind in the procurement process, or

(b) the Project establishes same during prior review or post review of procurement procedures or procurement audits, the Procuring Entity shall immediately refer the matter to, or the Project shall promptly take up the matter, and will, upon substantiated evidence, direct:

- (i) Exclusion of the Bidder from further proceedings in the procurement of the contracts or reject a proposal for contract award, or measures to sanction such firm or individual, including declaring it ineligible, either indefinitely or for a stated period of time, to be awarded public financed contracts.

107. To be eligible to bid for and execute a public procurement contract, every Bidder shall:

- (a) possess the following:
  - i. Professional and technical qualification to carry out particular procurement;
  - ii. Financial capacity;
  - iii. Equipment and other relevant infrastructure;
  - iv. Personnel to perform the obligations of the procurement contract; and
  - v. The legal capacity to enter into the procurement contract;
  - vi. Not be in receivership, the subject of any form of insolvency or bankruptcy proceedings or the subject of any form of winding up petition or proceedings;
  - vii. Have fulfilled all its obligations to pay taxes, pensions and social security contributions; Not have any directors who have been convicted in any country for any criminal offence relating to fraud or financial impropriety or criminal misrepresentation or falsification of facts relating to any matter.

108	Government-owned or controlled enterprises in Nigeria may bid for goods and works within the purview of the Law only if they can establish that they:	Government owned enterprises
	(a) Will meet all the prerequisites set out in the bid solicitation; (b) are legally and financially autonomous;  are subject to Nigerian commercial law and not exempted by statute from being sued or prosecuted;  Do not receive any form of subsidy from the public treasury	
109.	(i) All procurements shall be undertaken within the approved budget of the Procuring Entity and be based on a meticulously prepared procurement plan. The Procuring Entity shall prepare an Annual Procurement Plan to be approved by the Accounting Officer.  (ii) The procurement plan should  (a) be closely coordinated with the Budget departments of each Procuring Entity to ensure that the procurement expenditure is provided for in the budget;	Procurement Planning  Section 28.