

DELTA STATE PUBLIC PROCUREMENT COMMISSION LAW

PART 111 - ADMINISTRATIVE STRUCTURE AND CONTROL

Appointment Tenure of Director – General

8. (1) There shall be for the Commission, a Director-General who shall be appointed by the Governor, subject to the confirmation of the House.
- (2) The Director-General shall be:
- (a) the Chief Executive and Accounting Officer of the Commission;
 - (b) responsible for the execution of the policy and day to day on of the affairs of the Commission; and
 - (c) a person of impeccable character who must not be below Grade Level 15 in the Civil Service of the State or must be a graduate of not less than 15 years cognate and relevant experience.
- (3)The Director-General shall hold office:
- (a) for a term of three years in the first instance and may be reappointed for a further term of three years and no more; and
 - (b) on such terms and conditions as may be specified in his letter of appointment
- (4) Four Directors appointed by the Governor, shall be responsible for the departments to be created under this law and also perform such other duties as may be assigned to them by the Director-General or the Council through the Director-general.

(5) the Director shall have such relevant qualifications as the Council may prescribe

(6) The Director shall each hold office:

(a) for a term of three years in the instance and may be reappointed for a further term of three years and no more and

(b) on such terms and condition as may specified in his letter of appointment.

Principal Officers of the commission

9. (1) There shall be established for the commission the following departments:

(a) Department of Administration and Finance

(b) Department of Planning, research and Price Intelligence

(c) Department of Technical Evaluation

(d) Department of Legal service and Compliance

(2) Subject to the approval of the Council the Commission shall have the powers to establish and maintain such offices, subsidiary divisions, units and sections and make all other administrative arrangements as may necessary or expedient for the performance of its functions.

Other Staff of the Commission

10. (1) Subject to the approval of the Council, the Commission may appoint such officers and other employees as deemed necessary,

(2) Subject to the Pension "Reform Law, the terms and conditions of service(including remuneration, allowances," benefits and pensions) of officers and employees of the Commission shall be as determined by the council, provided such

salaries and allowances are kept broadly in line with what obtains in the Public Service of the State.

(3) Without prejudice to the generality of subsection (1), the Commission shall have power to appoint either on transfer or receive on secondment from any public service in the State, such number of employees as may be required to assist the Commission in the discharge of any of its functions under this Law.

Conditions of Services Employees of the Commission

11. (1) The Commission may subject to the provisions of this Law and within six months of the inauguration, make staff regulations relating generally to the conditions of service of the Commission as applicable in the State Public Commission Service, and such regulations may provide for:

- (a) the appointment, promotion and disciplinary control (including dismissal) of employees of the Commission; and
- (b) appeals by such employees against dismissal or other disciplinary measures.

(2) Until such regulations are made, any instrument relating to the conditions of services of officers in the Civil Service of the State shall be applicable

Pension Provision

12. Employees of the Commission shall be entitled to pension and other retirement benefits as prescribed under the Pensions Reform Law.

Funds of the Commission

13. (1) The Commission shall establish and maintain a fund, to 'be approved by the Council, into which shall be paid and credited:
 - (a) the sums appropriated by the House for the running of the Commission;
 - (b) all subventions, fees and charges for services rendered or publications made by the Commission; and;
 - (c) all other assets which may, from time to time, accrue to the Commission.
- (2) The Commission shall make charge against its fund to meet all its expenditure.
- (3) The Council may make regulations for the Commission:
 - (a) specifying the manner in which assets or the fund of the Commission are to be held, and regulating the making of payment into and out of the fund; and
 - (b) requiring the keeping of proper accounts and records for the purposes of the fund in such form as may be specified in the rules,
- (4) The Commission may, from time to time, apply the proceeds of the fund for:
 - (a) the cost of administration of the Commission;
 - (b) the payments of salaries, fees and other remuneration of employees of the Commission or experts or professional appointed by the Commission;
 - (c) the maintenance of any property acquired by or vested in the Commission;
 - (d) any matter connected with all or any of the functions of the Commission under this Law, and

- (e) any expenditure connected with all or any of the functions of the Commission under this Law.

Financial Year Budgeting and Annual Report

14. (1) The financial year of the Commission shall be the same as that of the State Government.
- (2) Not later than six months before the end of the financial year, the Commission shall submit to the Council, an estimate of its expenditure and projected income during the next succeeding year.
- (3) The Commission shall keep proper accounts and records of its receipts payments assets and liabilities and shall in respect of each financial year prepare a statement of account in such form as the Council may direct.
- (4) The Commission shall within six months after the end of the financial year to which the accounts relate, cause the accounts to be audited in accordance with guidelines supplied by the Auditor-General of the State.
- (5) The Commission shall at the end of each financial year, prepare and submit it to the Council a report in such form as shall accurately capture all the activities of the Commission during the preceding year and shall include in the report a copy of the audited accounts of the Commission for that year.

Legal Proceedings

15. (1) No suit shall commence against the Commission, a member of the Council, the Director-General, any officer or employee of the Commission, or a holder of an office under this Law, except 60 days written notice of intention

to sue, has been served on the Commission by the intending claimant or his authorized agent.

(2) the notice referred to in subsection (1) shall state:

- (a) the cause or action;
- (b) the particulars of the claim;
- (c) the name and address of the intending claimant; and
- (d) the relief being sought.

(3) The Director-General of the Commission, its officers, employees, agents or a holder of an office under this Law, shall not be personally subject to any action, claim or demand by, or liable to any person or authority in respect of anything done or omitted to be done in the exercise of any function or power conferred by this Law in their official capacity.

(4) A member of the Commission or the Director-General or any officer or employee of the Commission shall be indemnified out of the assets of the Commission against any liability incurred by him in defending any proceeding, whether civil or criminal, if the proceeding is brought against him in his capacity as a member, Director-General, officer or other employee of the Commission.

(5) a notice, summon or other documents required or authorized to be served upon the Commission under the provisions of this Law or any other Law or enactment may be served by delivering it to the Director-General or by sending it by registered post and addressed to the Director-General at the principal office of the Commission.