

DELTA STATE PUBLIC PROCUREMENT COMMISSION LAW

PART II: ESTABLISHMENT OF THE PUBLIC PROCUREMENT COMMISSION

4. (1) There is hereby established a body to; known as the Public Procurement Commission

(2) The Commission:

- (a) shall be a body corporate with perpetual succession and a common seal
- (b) may sue and be sued in its corporate name; and
- (c) may acquire, hold or dispose of any property, movable or immovable for the purpose of carrying out any of its functions under this Law.

Objective Of The Commission

5. The objectives of the Commission are:

- (a) the harmonization of existing government policies and practices on public procurement and ensuring probity, accountability and transparency in the procurement process;
- (b) the establishment of pricing standards and benchmarks;
- (c) ensuring the application of fair, competitive, transparent, value-for-money standards and practices for the procurement and disposal of public asset and services; and
- (d) the attainment. of transparency, competitiveness, cost effectiveness and professionalism in the public sector procurement system.

Functions of the Commission

6. The Commission shall:

- (a) formulate the general policies and guidelines relating to public section procurement for the approval of the Council;
- (b) publicize and explain the provisions of this Law;
- (c) subject to the thresholds as may be set by the council, certify National/State and International procurement prior to the award contract;
- (d) supervise the implementation of established procurement policies;
- (e) monitor the prices of tendered items and keep State database of standard;
- (f) publish in the procurement journal details of all contracts within threshold approved for processing at the State Tenders Board;
- (g) publish paper and electronic editions of the procurement journal and maintain an archival system for the procurement journal ;
- (h) maintain a state database of the particulars and classification and categorization of state contractors and service providers;
- (i) collate and maintain in an archival system, all state procurement plans;
- (j) undertake procurement research and surveys;
- (k) organise training and development programmes for procurement professional;
- (l) periodically review the socio-economic effect of the policies on procurement and advise the Council accordingly;
- (m) prepare and update standard bidding and contract documents;
- (n) prevent fraudulent and unfair procurement and where necessary apply administrative sanctions;
- (o) review the procurement and award of contract procedures of every entity to which this law applies;

- (p) perform procurement audits and submit such report to the Governor and the house annually
- (q) introduce, develop, update and maintain related database and technology;
- (r) establish a single internet portal that shall, subject to section 17(12) serve as a primary and definitive source of all information on government procurement containing and displaying all public sector procurement information at all times ; and
- (s) co-ordinate relevant training programmes to build institutional capacity

Power of the Commission

7. (1) The Commission shall have the power to:

- (a) enforce the monetary threshold and prior review threshold set by the Council for the application of the provisions of the Law by the procuring entity;
- (b) subject to paragraph (a) of this section issue certificate of "No Objection" for "Contract Award" within the prior review threshold for all procurement within the purview of this law;
- (c) from time to time stipulate to all procuring entities the procedures and documents prerequisite for the issuance of certificates of No objection under this law;
- (d) where a reason exists:
 - (i) cause to inspected or reviewed any procurement or transaction to ensure compliance with the provisions of this Law;
 - (ii) review and determine whether any procuring entity has violated any provision of this Law
- (e) debar any supplier, contractor or service provider that contravenes an any provisions of this Law and regulations made pursuant to this Law;

- (f) maintain a list of firms and persons that have been debarred from participating in public procurement activity and publish them in the procurement Journal;
- (g) 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;
- (h) recommend to the Council, where there are persistent or serious breaches of this Law or regulations or guidelines made under this Law for:
 - (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 of any entity or the Chairperson of the Tenders Board as the case may be;
 - (iii) the discipline of the Accounting Officer of any procuring entity;
 - (iv) the temporary transfer of the procuring and disposal function of a procuring and disposing entity to a third party or procurement or consultant; or
 - (v) any other sanction that the Commission may consider appropriate'
- (i) call for the production of accounts, plans, documents-, and examine persons or parties in connection with any procurement proceedings;
- (j) act upon complaints in accordance with the procedures set out in this Law;
- (k) nullify the whole or any part of any procurement proceeding or award which is in contravention of this Law;

- (1) do such other things as are necessary for the efficient performance of its functions under this Law;
- (2) The Commission shall serve as the Secretariat for the Council on public procurement matters.
- (3) The Commission shall, subject to the approval of the Council, have power to:
 - (a) enter into contract or partnership with any company, firm or person which in its opinion will facilitate the discharge of its functions;
 - (b) request for and obtain from any procurement entity, information including reports, memoranda and audited accounts, and other information relevant to its functions under this Law; and
 - (c) liaise with relevant bodies or institutions within and outside the State and international bodies for effective performance of its functions under" this Law