

**PUBLIC PROCUREMENT
(AMENDMENT)
LAW, 2020**

GOVERNMENT OF BAYELSA STATE OF NIGERIA

PUBLIC PROCUREMENT (AMENDMENT) LAW, 2020

ARRANGEMENT OF SECTIONS

SECTIONS

1. Amendment of the Bayelsa State Public Procurement Law, 2009.
2. Amendment of Section 1.
3. Amendment of Section 2.
4. Amendment of Section 16.
5. Amendment of Section 16:1.5.
6. Amendment of Section 16:2.
7. Amendment of Part VI.
8. Amendment of Section 50.
9. Amendment of Part VIII.
10. Short Title and Citation.

GOVERNMENT OF BAYELSA STATE OF NIGERIA

PUBLIC PROCUREMENT (AMENDMENT) LAW, 2020

A Law to amend the Bayelsa State Public Procurement Law, 2009, and other matters connected thereto.

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Commencement

ENACTED by the Bayelsa State House of Assembly and by the Authority of same as follows:

Enactment

1. The Bayelsa State Public Procurement Law, 2009 (hereafter called the "**The Principal Law**") is hereby amended as set out in this Law.

Amendment of the
Bayelsa State Public
Procurement Law, 2009

2. Section 1 of the Principal Law is hereby amended as follows:

Amendment of Section 1

(a) Section 1(2)(i) is deleted and replaced with a new Section 1(2)(i) as follows:

"The Commissioner of Finance as Chairman".

(b) Section 1(2)(v) is amended by deleting the words "*who shall be the Secretary of the Council*".

(c) Section 1(2) is further amended by adding a new Section 1(2)(vii) as follows:

"The Director-General, Due Process Bureau, who shall be the Secretary of the Council".

(d) Section 1(3) of the Principal Law is hereby amended by adding the words "*and shall serve on part-time basis*" after the word "Governor" "*The Chairman and members of the Council shall be appointed by the Governor and shall serve on part-time basis*".

3. Section 2(f) of the Principal Law is hereby deleted.

Amendment of Section 2

4. Section 16(1) of the Principal Law is hereby deleted and replaced with a new Subsection 16(1) as follows:

Amendment of Section 16

"16. THE BAYELSA STATE CENTRAL PROCUREMENT BOARD

1. *There is hereby established a Central Procurement Board for the State.*

The Board shall consist of the following:

- (a) *Chairman who shall be appointed by the Governor from among Commissioners in the State Executive Council;*
- (b) *Three (3) other Commissioners to be appointed by the Governor as members;*
- (c) *A Permanent Secretary nominated by the Secretary to the State Government from his office - Secretary;*
- (d) *The Permanent Secretary, Ministry of Finance - Member;*
- (e) *The Permanent Secretary, Ministry of Budget - Member;*
- (f) *The Director General, Due Process Bureau - Member; and*
- (g) *Three (3) other persons to be appointed by the Governor who have cognate experience in Public Procurement and from any of the following areas: Law, Administration, Economics, Finance, Engineering, Quantity Surveying, Science and Technical Matters.*

2. *In the absence of Commissioners, the Governor shall appoint Permanent Secretaries of the related Ministries pending the appointment of Commissioners.*

3. *In the absence of the Chairman, the Members present shall elect a Chairman among themselves to preside at that specific meeting."*

5. Section 16:1.5(4) of the Principal Law is hereby amended by deleting the word, "*the Chairperson and 4 others*" and replacing them with the words. "*1/3 of*" *Amendment of Section 16:1.5*
- "At board meetings, 1/3 of members shall constitute a quorum".*

6. Section 16:2 of the Principal Law is hereby deleted and replaced with a new Section 16:2 as follows: *Amendment of Section 16:2*

"16:2 COMPOSITION OF THE LOCAL GOVERNMENT PROCUREMENT BOARD

There is hereby established a Local Government Procurement Board.

The Board shall consist of the following:

1. Head of Local Government Administration - Chairman
2. Treasurer of the Local Government Council - Member
3. Head of Department, Works - Member
4. Two (2) Supervisors to be appointed by Chairman of the Local Government Council;
5. Two (2) other persons to be appointed by the Chairman of the Local Government Council who have cognate experience in Public Procurement and from any of the following areas: Law, Administration, Economics, Finance, Engineering, Quantity Surveying, Science and Technical Matters.
6. In the absence of the Chairman, the Members present shall elect a Chairman among themselves to preside at any meeting of the Board.
7. At Board meetings, 1/3 of members present shall constitute a quorum."

7. Part VI of the Principal Law is hereby amended by the addition of a new Section 31(A) as follows: *Amendment of Part VI*

"31A. Electronic Procurement (E-Procurement)

1. Not later than three (3) calendar months from the enactment of this Law or at such other time as the Governor may approve, the Bureau shall design and set up a safe and secure electronic portal to be known as the Bayelsa State Electronic Procurement System which shall serve as the primary source of information for all procurement matters and opportunities within the purview of this Law and regulations made under this Law;
2. Subject to the provisions of this Law and its regulations, it shall be lawful for a procurement entity to consider any or all of its tenders by electronic auction and/or simulation on its electronic portal, provided always that

the use of the electronic system shall be transparent, efficient and cost effective."

8. Section 50(8) of the Principal Law is hereby deleted and a new *Amendment of* Section 50(8) provided as follows:

"50 (8) Procurement entities shall promptly publish or cause to be published, in the State official website, notice of award of every procurement contract."

9. Part VIII of the Principal Law is hereby amended by inserting *Amendment of P* Sections 55A and 55B after Section 55 as follows:

"LEGAL PROCEEDINGS

55A: (1) *Subject to the provisions of this Law, no suit shall be commenced against the bureau before the expiration of thirty (30) days after written notice of intention to commence such suit has been served upon the Bureau by the intending Claimant or his agent; and the notice shall clearly state:*

- (a) The cause of action;*
- (b) The particulars of claims;*
- (c) The name, address and seal of the Legal Practitioner of the intending Claimant; and*
- (d) The relief(s) sought.*

(2) *The Director-General of the Bureau, officers, employees and agents of the Bureau shall not be liable for any act or omission done in exercise of any function or power conferred by this Law upon the Bureau and/or its Director-General, officers, employees or agents.*

(3) *An officer or employee of the Bureau shall be indemnified from the assets of the Bureau against any liability incurred by him in defending any civil proceedings, if the*

proceeding is brought against him in his capacity as an officer or employee or agent of the Bureau.

ARBITRATION

55B: (1) *Notwithstanding the provisions of Section 55A, no legal proceedings shall be commenced in court in respect of any dispute under this Law without reference to Arbitration.*

(2) *Any arbitration under this Law shall be conducted in accordance with the United Nations Commission on International Trade Law (UNCITRAL Model Law) and amendments made thereto."*

10. This Law may be cited as the **Public Procurement (Amendment) Law, 2020** and shall come into force on the day of, 2020.

*Short Title and
Citation*

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



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MR. OWUDOGU KOZIGENA EDWARD

Clerk of the House

Assented the 21st day of MAY, 2020.



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SENATOR DOUYE DIRI

Governor of Bayelsa State