

Open Contracting Scoping Study

NIGERIA

West Africa Open Contracting Assessment Project

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Table of Contents

Abbreviations

1. Executive Summary & Key Recommendations	3
2. Purpose, Methodology & Field Visit Information	8
3. Overview of the General Country Context	10
4. Institutional Arrangement	12
5. Legal Framework	17
6. Policy Context	23
7. Technical Assessment	26
8. User engagement	31
9. Stakeholder Identification	35
10. Broader Public Financial Management Environment	39
Annex 1: List of Interviews	41
Annex 2: BPP's Procurement Records Template	42
Annex 3: Priority Recommendations List	44

Abbreviations

AG	Attorney General
BPP	Bureau of Public Procurement
BudgIT	BudgIT Information Technology Network
CODE	Connected Development
CSO	Civil Society Organization
DFID	Department for International Development
DG	Development Gateway
FEC	Federal Executive Council
FMoJ	Federal Ministry of Justice
GBP	Great Britain Pounds
ICB	International Competitive Bidding
IFMIS	Integrated Financial Management Information System
OAGF	Office of the Accountant General of the Federation
OCB	Open Competitive Bidding
PE	Procuring entity
MDA	Ministry Department and Agency
MoF	Ministry of Finance
NASS	National Assembly
NCB	National Competitive Bidding
NCPP	National Council on Public Procurement
NEITI	Nigerian Extractives Industry Transparency Initiative
NRGI	Natural Resource Governance Institute
NPHCDA	National Primary Health Care Development Agency
OCDS	Open Contracting Data Standards
OCP	Open Contracting Partnership
OGP	Open Government Partnership
OSIWA	Open Society Initiative for West Africa
PAU	Pan Atlantic University
PPA	Public Procurement Act, 2007
PPDC	Public and Private Development Centre
PT	Premium Times
PMWG	Procurement Monitoring Working Group
SBD	Standard Bidding Document
UBEC	Universal Basic Education Commission

1. Executive Summary & Key Recommendations¹

Since the enactment of the Public Procurement Act (PPA), 2007, Nigeria has made significant advances with respect to its federal level procurement processes. The PPA established two procurement bodies: the National Council on Public Procurement (NCP), a high level multi-stakeholder body set up to approve all procurement operational policies, and the Bureau of Public Procurement (BPP), which oversees procurement policy formulation and implementation across the public sector. The NCP has never been formed, but the BPP fulfills a variety of functions.

Nigeria's newly elected government has committed to adopting the open contracting principles as part of its anti-corruption and open government strategies.² The commitment follows a decade of implementing public procurement reforms that seek to enshrine transparency, competitiveness, professionalism, and value for money in the process. The BPP is developing a prototype open procurement portal that will be launched in the first quarter of 2017, while it is planning to deploy an e-procurement system between 2017 and 2019. The participation of citizens in the procurement process is guaranteed and civil society is consistently contacted to observe bid opening processes. Nigeria has an active civil society, some of whom have converted available procurement data to OCDS and others who use procurement data to track public services. There are several private sector organizations that provide access to tender information based on a paid subscription service.

Despite these advances and other efforts being made by the Nigerian government, there remain challenges to rooting out corruption and ensuring efficient and effective procurement. Without the NCP, the BPP's role in harmonizing procurement policies with other public finance policies is limited. Nigeria would benefit from increased training of procurement entity (PE) staff and the hiring of additional staff. Some have suggested the BPP could benefit from support for the maturation from a policing body to one that incentivizes common-sense implementation of the law and increased transparency. In lieu of the president's approval, regulations governing procurement related to national defense and security are technically beyond the scope of the PPA, while normal procurement rules are only recently being applied to extractive industries. Although expected to change as the BPP continues its efforts to implement open contracting in collaboration with civil society, procurement information remains largely inaccessible to the public unless the Freedom of Information Act is invoked. On the state level, states are required to enact their procurement laws and many have requested the BPP's support therein. A few states have expressed interest in open contracting, although a number of others lack procurement frameworks entirely.

The adoption of new technologies can help support the BPP's continued advance. Presently, most of the processes for collecting and storing procurement data are manual; the data collected is insufficient for some types of corruption monitoring analytics. Although there is no unified government-wide system for managing the procurement process, the planned e-procurement system would make use of the Open Contracting Data Standard (OCDS), including unique identifiers for key processes and entities. It is expected to be linked to the Integrated Financial Management Information System (IFMIS) that is currently being deployed across public institutions.

¹ This report has been primarily prepared by Seember Nyager, CEO of the Public Private Development Centre.

² See: <http://www.open-contracting.org/get-started/global-principles/>.

Key Recommendations

Institutional Arrangement

Inaugurate the NCPP. A highly politicized matter, no group has been able to pressure the government to inaugurate the NCPP since its inception. However, the establishment of the NCPP is important for addressing the challenge of coordination between the BPP and other entities, particularly with respect to harmonizing procurement policies and for ensuring the independence of the BPP. ***The NCPP should be inaugurated so that procurement processes are fully integrated with other public finance processes and so that the BPP can increase its independence.***

Eliminate the role of the Federal Executive Council (FEC) in authorizing procurements. The FEC, Nigeria's cabinet, currently reviews and authorizes the largest procurements in the country. While oversight - and disclosure - of the largest procurements is welcome, it stands against international good practice for this role to be played by a political body, a problem that President Buhari has acknowledged.³ As in other countries, including Ghana and Tanzania, ***the role of approving contracts should be played by an independent tender board.*** The separation of politics and contracting is necessary for the public to have confidence that politics do not influence which companies win or lose public contracts.

Support efforts of the BPP to provide increased incentives for compliance with procurement policies and directives. To enable better coordination and overall efficiency of the procurement process, the ***BPP should continue its efforts to work closely with PEs.*** Several PE staff interviewed for this report suggested that the BPP uses its oversight authority to ensure that PEs comply with regulations adequately. Others suggested that the BPP could provide additional ***assistance and guidance on the implementation of policies within PE procurement processes and seek to create incentives for compliance.*** Development Partners should support collaborative efforts to help the BPP to facilitate engagement with other procuring entities where such initiatives are being conducted.

Digitize the procurement processes. The BPP is currently taking steps to achieve this through adoption of e-procurement, which could bolster the efficiency of the procurement process. The success of e-procurement depends on several factors, including effective coordination across key data-controlling institutions. In particular, ***care should be taken to ensure that e-procurement adoption integrates successfully with the IFMIS.*** While it could be argued that it is the role of the NCPP – according to the PPA – to adopt e-procurement, the BPP has effectively stepped into this role.

Legal Framework

Enhance use of regulations. The BPP, lawmakers and other procurement stakeholders are encouraged to focus more on regulations rather than amendments to the primary legislation. ***Building an effective public procurement regime requires more flexible and less restrictive legal approaches that can be tweaked to respond to the changing procurement landscape.*** In addition, regulations do not require an extensive legislative procedure and could be easily revised. ***The BPP should focus more on the adoption of regulations that support increased transparency, improved data collection and enhanced efficiency in the procurement process.***

Shift from the provision of procurement information upon request to proactive disclosure. The provisions of the PPA do not extend to proactive disclosure of information, which limits the use of

³ See: http://aitonline.tv/post-my_100_days_covenant_with_nigerians_muhammadu_buhari.

procurement information for informed analysis. However, the BPP can rely on the provisions of the FOIA to mainstream proactive disclosure into procurement practices. On this basis, a ***policy specific to proactive disclosure of procurement information can be fairly easily developed***. This could be achieved by the BPP through the creation of a small interagency team, including the IFMIS unit at the Office of the Accountant-General (OAGF), the ***budget office of the federation and one or two representatives from civil society***.

Increase disclosure in the extractives sector. The current application of the PPA to the extractive industries (oil, gas and mining) is a good step that needs to be encouraged and sustained. ***This could be achieved through targeted support to NEITI for working closely with PEs in the extractives sector in order to institutionalize disclosure practices*** that are only just taking root. Given the progress being made in the sector and the ability of technocrats who currently lead the sector, there is a good opportunity now to strengthen disclosure on oil, gas and solid minerals.

Policy Context

The effective implementation of open contracting policies will require consistent leadership from the DG of the BPP. By taking a strong public stance and continuing to engage a multi-stakeholder group, the DG can ensure that open contracting remains a priority of the administration. The BPP, with the DG's leadership, has an opportunity to become a global leader on open contracting if it sees through on its current efforts to implement OCDS and open it to the public. But the ***success of open contracting in Nigeria depends on visible leadership by the DG in high-level meetings to ensure buy-in of relevant institutions***.

Coordinate efforts on procurement reform. Government stakeholders currently need a mechanism to enable coordination of various reform efforts related to public procurement. ***With international support and attention from the BPP's DG, coordination between key data controlling agencies such as the MOF, OAGF and the BPP can be achieved*** by establishing a ***short-term technical team to build coordination***.

Technical Assessment

Ensure that sufficient data is collected for corruption risk monitoring. The BPP has expressed an interest in developing analytics aimed at identifying contracts or procurement processes that are at risk for malfeasance. While the BPP is collecting a variety of valuable data fields, it could also take the following measures to enhance efforts to monitor corruption risk:

- ***Adopt unique identifiers for procurement processes, businesses, PEs, and items*** that are relevant and applicable across the public financial system. The development of unique identifiers should be integrated with the country's ongoing implementation of the IFMIS chart of accounts codes and classification system.
- ***Collect additional data fields***, including names and identifiers of all bidders, bid amounts, contract amendments, amendment values, subcontractors, co-bidders, complaint types;
- ***Collect data from PEs on a rolling basis***, for example, on a monthly basis until e-procurement is adopted.

Coordinate closely with the IFMIS unit. To ensure uniformity of the data standards used across the contracting process, particularly looking toward the launch of the e-procurement system, the ***BPP should develop a closer collaboration with the IFMIS unit at the OAGF***.

Develop data release policies. Data release policies that apply to both the BPP and IFMIS unit should be developed to enable unrestricted data release and public data use. In line with the provisions of FOIA, the policy should provide restrictions on personal data where necessary, while also facilitating timely and accessible data release. As BPP considers e-Procurement implementation, it should coordinate with the OAGF and the AG's office within the FMOJ, to ensure that citizens' access to data spans all 5 stages of the procurement process.

User Engagement

Support the BPP to analyze procurement data. *The current strides by the BPP to implement open contracting reforms can be improved with analytical support.* The BPP has indicated the need for capacity development to enable deeper analysis of procurement data routinely and, eventually, in real-time. *This training support could be included in the yearly training calendars of the Public Procurement Research Centres at the University of Owerri and the University of Lagos. The training is also likely to require training-of-trainer models, in which local instructors are trained to train PEs across the country.*

Expand and deepen open contracting discourse within the private sector. *The case for open contracting would be strengthened by demonstrating the usability and utility of procurement data for business.* For example, the private sector could use historical award data to evaluate competition or to compare the completion rates of contractors providing services in a certain sector. *Involving the private sector requires mapping various private sector groups and reaching out to them to support the open contracting reforms.* A primary target in the private sector would be techpreneurs focused on building digital tools using open data. Buy-in from the private sector could also make it more difficult for the government to rescind their open contracting commitments.

Stakeholder Identification

Clarify roles in implementation. A coordinated effort across key government agencies requires a clear work plan for implementing open contracting reforms. The roles and responsibilities of each team member across various institutions need to be established. With everyone knowing their role and when they are required to play their part, the procurement systems being built should mirror the design of coordination efforts and various work flows across the public finance system. *The BPP should lead efforts to develop a work plan for implementation of open contracting reforms and convene other government actors to ensure that all agencies play their appropriate roles.*

Provide technical support to enable mainstreaming of open contracting. The task of overhauling the current procurement system is daunting. Those who are implementing reforms would also be responsible for carrying out current practices and strategies for implementing open contracting commitments. *Technical support through the creation of a small team or collaborative partnership to help guide and enable this transition could go a long way towards institutionalizing open contracting reforms.*

Communicate creatively about contracting. Civil society stakeholders need to be able to creatively pass on their messages to various audiences. *Discrete projects that help civil society to relay open contracting messaging in a way that it is digestible and useful may be the greatest capacity need across civil society at the moment.*

Sustain civil society campaigns to deepen public understanding of contracting issues. Civil society is constrained by limited resources and the need to show results for their work. Whilst output-based

funding can be good, the short-term nature of this funding often makes continued engagement on open contracting efforts difficult. ***Civil society will require additional support to ensure a campaign is carried out to its full potential, keeping in mind a balance between outputs and continuity of efforts.*** Rather than insisting on entirely new projects, donors and civil society partners would benefit if resources are used to strengthen existing initiatives.

Collaborate with government. Civil society and government have the tendency to be suspicious of each other, breeding mutual distrust between parties. However, ***the efforts of civil society may be best sustained if institutionalized within formal governance structures.*** Support for such efforts, and the building of civil society advocacy and communication skills would enable civil society to work more effectively and strategically with government, whilst maintaining their independence.

Broader Public Financial Management Environment

Map data collection within IFMIS based on the OCDS. As the IFMIS process plans a backward integration to capture procurement planning, tender and contract award data, the data should be captured based on the OCDS. Additionally, the proposed e-Procurement system should use chart of account classifications to link the tender, award and contracting processes with implementation and payments data from IFMIS. This would require close coordination between the BPP and the IFMIS unit.

2. Purpose, Methodology & Field Visit Information

Purpose

This scoping study, supported by the UK Foreign & Commonwealth Office, aims to gauge the state of openness of public procurement processes in Nigeria, understand the capacities and interests of key procurement actors, and identify opportunities for procurement reform and the adoption of open contracting principles.

Open contracting refers to a set of [global principles](#) aimed at improving procurement data disclosure and recognizing the importance of public participation in the contracting process. Open contracting refers to the publication of procurement data in open and structured formats that enable public use and reuse at the user's discretion. Procurement data must thus be "technically" open (e.g. machine readable, free of proprietary software requirements, etc.) and "legally" open (e.g. published in the public domain or in accordance with copy left principles). Furthermore, open contracting refers to the participation of citizens in the procurement process, including the creation and implementation of accountability and redress mechanisms that build trust between citizens and government. Ultimately, open contracting aims to deliver value for money, create a more level playing field for business, reduce fraud and corruption, and improve service delivery.

Methodology

The [methodology](#) followed by this study, divided into seven parts and accompanied by an [interview guide](#) and [annexes](#), seeks to:

- Document current levels of openness in public contracting in targeted polities;
- Identify and assess existing systems and data sources (including non-public) within government for collecting, analyzing, and sharing procurement data;
- Map key stakeholders and their capacities and enthusiasm for advancing open contracting; and,
- Provide recommendations on realistic targets and use cases for open contracting moving forward.

The seven sections of the methodology covered by this study are: 1) institutional arrangement, 2) legal framework, 3) policy context, 4) technical analysis, 5) user engagement, 6) stakeholder identification, 7) broader public financial management environment.

Field Visit Information

As part of the methodology for the study, over 20 interviews were conducted by the international and the local consultant. The interviews were held in the first week of November, 2016 for an initial period of five days. In the course of drafting the report, several follow-up interviews were undertaken to clarify some of the findings. Respondents to the interviews included government agencies, civil society organizations, development partners, independent contractors and consultants. Participants from government included staff from the following:

- Bureau of Public Procurement (BPP);
- National Extractive Industry Transparency Initiative (NEITI);
- Bureau of Public Service Reforms (BPSR);
- Ministry of Budget and National Planning;
- National Primary Health Care Development Agency (NPHCDA);

- Federal Ministry of Health;
- Universal Basic Education Commission (UBEC);
- Federal Ministry of Justice (FMoJ);
- Office of the Accountant General, and;
- Central Bank of Nigeria.

Participants from civil society included BudgetIT and Connected Development (CODE). The Open Society Initiative of West Africa (OSIWA), the World Bank, the Natural Resource Governance Institute (NRGI) and the British Foreign & Commonwealth Office also participated in the interviews, along with local and international contracting firms.

3. Overview of the General Country Context

Nigeria returned to democratic rule in 1999, after a prolonged military reign induced by successive coups. Since the return to democracy, 2015 was the first time an opposition party defeated the incumbent ruling party at the national polls, followed by a peaceful transition of power. For many, the change in government was indication that Nigeria is becoming an increasingly stable democracy.

With a promise to fight corruption, the newly elected Buhari-led administration received majority support from Nigerians at the 2015 national elections. On assumption of office, the current government has led several reform efforts to root out corruption and, ultimately, meet the primary function of providing welfare and security to Nigerians -- a function that is largely achieved through public procurement. On the home front, a Presidential Advisory Committee Against Corruption (PAC) has been set up, several high profile prosecutions of top security officials accused of procurement fraud are ongoing, efforts to expand the Integrated Financial Management Information System (IFMIS) are underway, and the application of the Treasury Single Account (TSA) to enable traceable receipt of all government revenue is now fully operational.

At the international level, Nigeria also committed to institutionalize open contracting in the public sector through both the [Open Government Partnership](#)⁴ framework and the 2016 London [Anti-Corruption Summit](#).

But for many, the dividends of democracy and the fight against corruption are trickling down to the people too slowly. The excitement of overtaking South Africa as the largest African economy was short-lived and did not have any real impact on Nigerians. The plunging value of the Naira due to over dependence on declining oil revenue along with the overall impact of an economy in recession have taken their toll on Nigerians. Nigerians are eager to benefit from public services.

The anti-corruption rhetoric in Nigeria dates back to the 1960s and was used to justify back-to-back military coups. Since returning to democracy, the fight against corruption has topped the agenda of every administration. However, in reality, systemic corruption continues to have a devastating effect on all facets of the Nigerian society, most notably in the inefficient delivery of public services. Nigeria's public sector, including awards of public contracts, is deeply rooted in cronyism rather than based on merit. For decades, public finance information was considered classified by the state, and there was no accountability for the performance of public contracts. In recent years, access to publicly-held information has been guaranteed by statute, but the prevalent systems and government culture still need to advance. In some cases, a complete overhaul of the current system may be required in order to support the free flow of information, as linkages between key datasets held by various government bodies have been virtually non-existent. Aside from recently established IFMIS, most of the current systems for channeling information are limited to a unit or department.

It is within this context that Nigeria has introduced -- and made significant progress on -- public procurement reforms over the last decade. Following the findings from a [country procurement assessment report in 2000](#), Nigeria sought to build a value-driven, transparent, competitive and professional procurement system that was independent of political decision making. Having developed a legal framework to guide the process, the Bureau of Public Procurement (BPP) has worked to develop a

⁴<http://www.justice.gov.ng/documents/OVERVIEW%20OF%20THE%20NIGERIA%E2%80%99S%20NATIONAL%20ACTION%20PLAN%E2%80%932017.pdf>

professional cadre for procurement officers, as well as procurement standards applicable across the public sector.

A key need to effectively use data for engagement and decision making remains, and the BPP seeks to achieve this by implementing the principles of open contracting. The effective application of these principles would also require better coordination and integration with other key public institutions. In addition, Nigeria has a vibrant civil society and some independent press willing to engage on various levels with available procurement data. The freedoms of expression and of the press are generally not under threat, so among stakeholders there is low fear of reprisal over data use.

4. Institutional Arrangement

Nigeria's Public Procurement Act of 2007 (PPA) creates two institutions with the responsibility for oversight and regulation of the procurement process: the National Council on Public Procurement and the Bureau of Public Procurement.

The National Council on Public Procurement (NCPP) is tasked with responsibility for approving public procurement policies. The NCPP is, in theory, a multi-stakeholder establishment composed of representatives from the public, private and citizens sector. Its composition includes the Minister of Finance, the Attorney General, representatives from professional bodies and civil society organizations.⁵ As the approving authority, NCPP should ensure that all operational policies are aligned with the principles and objectives of a competitive, transparent, and value-driven procurement process are achieved. Its multi-stakeholder composition is meant to ensure high-level coordination, buy-in and independence of the public procurement process, thus addressing several of the challenges documented in the country's procurement assessment report.⁶ However, to date, the NCPP has never actually been assembled.

The Bureau of Public Procurement (BPP) has also been established by the PPA as custodian of the law, harmonizing and operationalizing the policies approved by the NCPP, educating stakeholders on provisions of the law, and building mechanisms to ensure compliance. BPP is, therefore, the main oversight authority on public procurement and is respected by all stakeholders as such. The mandate of the BPP is applicable to everyone who engages with the procurement process, particularly the procuring entities and bidders who are directly involved in public procurement. PPA establishes the BPP as secretariat to the NCPP, and the Director General (DG) of the BPP as secretary to the NCPP. To ensure its independence, the PPA requires the DG of the BPP to be appointed by the President on recommendation by the NCPP after a competitive selection process.⁷ In the absence of the NCPP, the appointment of the DG by the President has been without any recommendation thus limiting the independence of the office.

The Procuring Entities (PEs) are the various ministries, departments and agencies (MDAs) that buy or dispose of public goods, works and services. The PEs are responsible for ensuring that the value-for-money objective of the PPA is achieved by following the outlined procedure for procurement. Each PE has a procurement unit or department that is made up of procurement officers, and their procuring activities are overseen by the BPP. In order to professionalize the procurement process across PEs and prevent procurement staff from undergoing the interdepartmental transfers to which core civil servants are subject, the BPP carries out a course that converts applicants to the procurement cadre. Once a procurement officer is certified as a member of the procurement cadre, he/she can no longer be transferred outside of procurement-related functions. The converted procurement officers are then exposed to further procurement training over the course of their careers. The study showed that the majority of procurement officers in the head Ministries had been converted to the procurement cadre, while most of the procurement officers in the smaller PEs had not converted. As a result, the head ministries have more stable, professionalized procurement staff, while procurement officers in smaller

⁵ Section 1(2) Public Procurement Act, 2007

⁶ <http://documents.worldbank.org/curated/en/2000/06/1121258/nigeria-country-procurement-assessment-report-cpar>

⁷ Section 7, Public Procurement Act, 2007

PEs remain prone to the regular interdepartmental transfers that occur in the civil service. This significantly reduces the capacity and depth of experience within the procurement units of smaller PEs.

The Federal Executive Council of Ministers (FEC) comprises of the President's cabinet of ministers. In practice, FEC approves all major contracts that fall within the highest monetary threshold. Unlike other roles clearly stated in the PPA, FEC has no statutory responsibility to award public contracts. Rather, the PPA requires that the NCPP approve monetary thresholds within which contracts would be awarded by various approving authorities.⁸ In the absence of the NCPP to prescribe these award thresholds, the BPP has established them instead, with the FEC approving all major contracts since the enactment of the PPA. This has been a constant cause of agitation for various stakeholders who believe that there is a fundamental breach in the application of the PPA.⁹ In particular, this tension stems from the fact that one of the main objectives of the Nigerian procurement reforms was to professionalize the process to the extent that procurement decisions are removed from political interference and influence.¹⁰

The Procurement Process

Government procurement in Nigeria is decentralized and the BPP is only responsible for ensuring that procuring entities procure goods, works and services based on the procedure outlined in the PPA. The default method for awarding contracts is through open competitive bidding and the process is laid out below.

The Procurement Process for a Competitive Procurement: From Planning to Delivery

Step 1 (Planning): PEs carry out a needs assessment and ensure that the proposed procurement has an appropriation in the annual budget before proceeding any further with the procurement process. Once there is an approved budget line covering the particular procurement to be undertaken, the PE develops a procurement plan based on a procurement planning template provided by the BPP, and makes this available to the BPP for publication and population on the BPP website.

Step 2 (Tender): The PE places an advertisement to submit bids, stating the period for bid submission, date and time for bid opening. The bid opening usually takes place immediately after the close of bids. Bids are opened in presence of representatives of the PE, bidders, procurement observers and any interested member of the public.

Step 3 (Award): PE sets up a committee to examine and evaluate the bids and based on the monetary threshold of the bid, recommends a bid winner to the internal award committee for contract award. If the procurement value falls into the highest monetary threshold, the PE seeks a no-objection certificate from the BPP prior to contract award and if the no-objection is granted, FEC awards the contract.

Step 4 (Contracting): An offer is made to the winning bidder and on acceptance, a contract agreement is entered into based on the contract agreement template in the Standard documents for selection of bidders issued by the BPP.

Step 5 (Implementation): The PE provides the contractor with a mobilization fee of not more than 15% to commence contract implementation. The rest of the payment is processed within 60 days of contract completion. Payments that extend beyond 60 days attract an interest rate as specified in the contract.¹¹ The

⁸ Section 2(a) Public Procurement Act, 2007

⁹ <http://theeagleonline.com.ng/senate-urges-buhari-to-set-up-national-council-on-public-procurement/>

¹⁰ <http://documents.worldbank.org/curated/en/598041468775819821/pdf/multi0page.pdf>

¹¹ Section 35 and 37, Public Procurement Act, 2007

Monitoring of Contract implementation is a function that is carried out by the PEs with little or no statutory or practical supervision by the BPP. Most PEs appoint consultants who monitor contract execution and report level of satisfaction to the procurement department. Where contract execution is recorded as satisfactory, a certificate of valuation or job completion is issued and in the case of goods, a Stores Receipt Voucher (SRVs) is issued. Thereafter the Minister or the accounting officer authorizes payment to contractor¹².

In practice, payment may be delayed beyond the 60 days without any interest being paid to accommodate the delays. As a result, beyond the mobilization fee of 15%, contractors, particularly those executing public works contracts, are paid according to milestones completed and often do not work beyond the resources provided.

Interviews however, suggest that the current administration is seeking to ensure strict compliance with the law; where contracts are only awarded when resources are fully available to see the contract through to the end of the execution.

Throughout this procedure, the BPP may check the records of a PE to ensure compliance; this is often done by checking published bid advertisements and identifying instances in which there is seen to be non-compliance with the PPA. In these cases, the BPP may require the PE to go through the complicated re-advertisement process.

The BPP also has a complaints mechanism where aggrieved bidders, within a stipulated time frame, may forward their complaints related to any procurement process. The BPP may then decide to suspend the procurement process pending the outcomes of the administrative review. The administrative powers of the BPP also enable them to overturn contract award decisions that are found to violate the PPA, and to conduct procurement audits. The procurement journal publications indicate that several contract award decisions have indeed been overturned. In its lifetime, the BPP has also conducted two procurement audits, and the report was handed over to the National Assembly.

Interagency Engagement

Interagency data management is largely achieved through the use of templates provided by the BPP to PEs. In addition to procurement plan templates, the BPP also provides PEs with a procurement records template where they enter in details of procurement records, then submit the template to the BPP within 3 months following the end of the year (as required by the PPA). The procurement regulations and standard bidding documents also contain uniform templates issued to PEs to enable them to develop standard bidding documents, carry out various methods for evaluation, set out general contract terms and develop contract agreements.

Given their wide-reaching regulatory powers provided by statute, the position of the BPP as the regulator of the procurement process is not in doubt. The PEs view the BPP as an enforcer of the procurement process, rather than as a collaborator. The powers of the BPP are, however, limited to compliance with the contract award process. Its mandate with respect to harmonization of procurement policies with other public finance policies is reduced, particularly in lieu of a functioning NCPP.

The plans by the BPP to introduce an e-procurement system would help to further streamline data management by automatically linking BPP to the PEs and reducing the need for human enforcement by

¹²http://www.bpp.gov.ng/index.php?option=com_joomdoc&view=documents&path=BUDGET_IMPLEMENTATION_PROCESS_HANDBOOK.pdf&Itemid=797

the BPP. Through an automated system of checks and controls, PEs would be prevented from moving on if compliance in a previous process has not been sufficiently followed.

Public Procurement at the sub-national level

Nigeria operates a federalist system of government. States exercise autonomous functions in areas such as public finance management. Thus, each state is responsible for enacting its own procurement laws and the PPA is generally not applicable to state procurements, except in cases where the federal government contributes up to 35% to a state procurement process¹³. Additionally, federal PEs have procurement processes that are executed across various states, so the PPA would apply to those projects..

Up to 15 of the 36 states in Nigeria have enacted their own procurement laws, most of which are very similar to the PPA. However, the implementation of procurement laws in most states is poor and discretion over procurement decisions at the state level ultimately lies with the state government.

Harmonizing Procurement Policies

Since the procurement process is embedded within the public finance system, BPP's statutory role of harmonizing existing policies requires them to liaise with other authorities such as the Ministry of Finance (MoF). In carrying out this function, the BPP is unable to approach the MOF as an overseer; rather, it must do so as a collaborator. Because the law does not give them authority to oversee the activities of the MOF, this coordination role presents a challenge, as the BPP has little or no political influence to ensure that their processes are harmonized and synced with larger public finance processes. The PPA seems to have envisaged this by establishing the NCPP; however, since the PPA came into force, no administration has inaugurated the NCPP. Should the NCPP be put in place to coordinate and harmonize procurement policies with other related policies, it would potentially get the high-level commitment and backing needed to give the BPP greater leverage.

In the absence of an inaugurated NCPP, harmonization of procurement-related policies with other public finance policies relies on the Secretary General of the Federation. As a result of its experience attempting to coordinate with other institutions, the BPP is more inclined to work within its core mandate and responsibility, rather than where it is not fully empowered by law to act. The result is that each agency restricts its own tasks to what can be done with little to no interference from any other institution.

Challenges to the Procurement Process

Since the enactment of the PPA in 2007, significant progress has been made in regulating the procurement process. Nevertheless, a number of challenges remain, including:

Slow Budget Process: Yearly, the Nigerian budget process suffers delays that complicate the execution of the public procurement process in accordance with the statute. This causes a large disconnect between the procurement plans and the actual procurement execution. It also leads to a scenario where PEs struggle to complete the procurement procedures before the end of the year so that the resources are not returned to treasury.

¹³ Section 15(1)(b) Public Procurement Act, 2007.

Extra-legal award of contracts by FEC: Before the PPA was enacted, FEC was responsible for awarding contracts; in the absence of the NCPP to duly appoint approval thresholds for contract awards, the FEC continues to award major contracts. This is a challenge because nowhere in the PPA is the FEC mentioned. Additionally, the award of major contracts by FEC reintroduces political influence into procurement decisions.

Manual procedures: There is little to no automation of procurement procedures and so, in spite of the extensive documentation required by the PPA, the extent that procurement records are analyzed is limited.

Contract performance is not covered by procurement process: The authority of the BPP lies mostly within the contract award process and there is very little statutory oversight of the contract performance. The procurement audits, for example, do not cover contract performance and the BPP does not have any real authority over payments to contractors.

Recommendations

Inaugurate the NCPP. A highly politicized matter, no group has been able to pressure the government to inaugurate the NCPP since its inception. However, the establishment of the NCPP is important for addressing the challenge of coordination between the BPP and other entities, particularly with respect to harmonizing procurement policies and for ensuring the independence of the BPP. ***The NCPP should be inaugurated so that procurement processes are fully integrated with other public finance processes and so that the BPP can increase its independence.***

Eliminate the role of the Federal Executive Council (FEC) in authorizing procurements. The FEC, Nigeria's cabinet, currently reviews and authorizes the largest procurements in the country, a problem that President Buhari has acknowledged.¹⁴ While oversight - and disclosure - of the largest procurements is welcome, it stands against international good practice for this role to be played by a political body. As in other countries, including Ghana and Tanzania, ***the role of approving contracts should be played by an independent tender board.*** The separation of politics and contracting is necessary for the public to have confidence that politics do not influence which companies win or lose public contracts.

Support efforts of the BPP to provide increased incentives for compliance with procurement policies and directives. To enable better coordination and overall efficiency of the procurement process, the ***BPP should continue its efforts to work closely with PEs.*** Several PE staff interviewed for this report suggested that the BPP uses its oversight authority to ensure that PEs comply with regulations adequately. Others suggested that the BPP could provide additional ***assistance and guidance on the implementation of policies within PE procurement processes and seek to create incentives for compliance.*** Development Partners should support collaborative efforts to help the BPP to facilitate engagement with other procuring entities where such initiatives are being conducted.

Digitize the procurement processes. The BPP is currently taking steps to achieve this through adoption of e-procurement, which could bolster the efficiency of the procurement process. The success of e-procurement depends on several factors, including effective coordination across key data-controlling institutions. In particular, ***care should be taken to ensure that e-procurement adoption integrates***

¹⁴ See: http://aitonline.tv/post-my_100_days_covenant_with_nigerians_muhammadu_buhari.

successfully with the IFMIS. While it could be argued that it is the role of the NCPP – according to the PPA – to adopt e-procurement, the BPP has effectively stepped into this role.

5. Legal Framework

The principal legislation governing Nigeria's procurement process is the Public Procurement Act (PPA) of 2007. The provisions of the PPA apply to all procurement of goods, works and services carried out by the Federal Government of Nigeria, and to any PE that derives at least 35% of its funds from the federation share of the Consolidated Revenue Fund.¹⁵ In principle, therefore, the PPA applies to general contracts across the public sector, including the oil and gas sector, the extractive sector¹⁶ and the defense sector, with certain exceptions.

The procurement of special¹⁷ goods, works and services involving national defense or national security are exempt from the provisions of the PPA unless express permission has been sought and obtained from the President of the Federal Republic of Nigeria.¹⁸

The Application of the PPA in the Oil and Gas Sector

In addition to the PPA, public procurement in the extractives sector is governed by the relevant laws applicable in the sector, such as the Nigerian Oil and Gas Content Development Act (NCA), the Petroleum Act and various licensing regulations. For every bidder, the appropriate license must be obtained as a precondition to participating in a specific tender process.

The application of the PPA in the extractives sector is, however, not straightforward; in recent years, the extractives sector has relied on the Petroleum Act, which gave the Minister of Petroleum discretionary powers in the award of petroleum contracts.¹⁹ The practice did not stop after the PPA was enacted. As a result, crude oil swap contracts, crude lifting contracts and several other agreements were entered into the PPA without recourse. Crude oil swap contracts are no longer practiced.

Since the assumption of power by the Buhari administration, some of these practices have been curtailed. To participate in any oil and gas contract, an interested bidder is required to obtain the necessary license. Thereafter, licensed operators would need to openly bid in the specific process that is of interest. The government has now replaced the previous crude oil swaps with a direct sale-direct purchase (DS-DP) process that is carried out through a competitive tender process in accordance with the PPA.²⁰ Similarly, crude lifting contracts are now openly bid on, but bidders must have the requisite license to participate in the bid rounds and must adhere to the national content provisions in the NCA.

¹⁵ See Section 15 Public Procurement Act, 2007.

http://bpp.gov.ng/index.php?option=com_joomdoc&view=documents&path=Public%20Procurement%20Act%2007pdf.pdf&Itemid=614

¹⁶ See: <http://www.premiumtimesng.com/news/headlines/192244-nnpc-broadcasts-oil-contract-bids-as-278-firms-jostle-for-deals.html>

¹⁷ Section 60 of the PPA, 2007 defines special to mean any objects of armaments, ammunition, mechanical, electrical equipment or other thing 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. See www.library.procurementmonitor.org.

¹⁸ Section 15 (2) PPA, 2007. See also an article on the procurement Act and security sector <http://opinion.premiumtimesng.com/2016/07/02/accountable-public-procurement-systems-matter-nigerian-defence-sector-nkemdilim-ilo/>

¹⁹ Petroleum Act 1969

²⁰ <http://www.nnpcgroup.com/PublicRelations/NNPCinthenews/tabid/92/articleType/ArticleView/articleId/621/Directory-Sale-Direct-Purchase-to-Replace-Crude-Swap-Takes-off-March-Kachikwu.aspx>

For the oversight and implementation of the PPA provisions, the BPP is established as the regulatory agency and conferred with the power to issue regulations governing the public procurement process in Nigeria (through the promulgation of circulars, standardized documents, etc.) in addition to the provisions of the PPA.²¹ These subsidiary regulations, however, must in principle be approved by the NCPP, which has yet to be inaugurated.

Procurement Methods

Two categories of procurement methods are recognized by the PPA: the open competitive method (OCB), which is captured in Part VI of the PPA; and an exhaustive list of special and restricted methods of procurement, captured in the Part VII of the PPA²².

Open Competitive Bidding (OCB): According to the PPA, OCB is the default procurement method. The BPP and the PEs suggest that this is upheld in practice, but there is insufficient verifiable information in the public domain to ascertain the extent to which OCB is practiced.

OCB comes in two forms, both of which aim to uphold the timely publication of open tender notices and public participation in the bid opening process.

- **National Competitive Bidding (NCB):** Requires the advertisement of invitations to bid in at least two national dailies, the procurement journal (a hard copy publication), the PE's notice board and any official websites of the PE not less than six (6) weeks prior to the deadline for submission of bids.
- **International Competitive Bidding (ICB):** For ICB, in addition to the places of publication provided above, the invitation for bids shall be advertised in one relevant internationally recognized publication.

Determining which method of OCB to use is based on monetary thresholds for procurement, which are set by BPP in the absence of the NCPP.²³ For ICB to be used, the threshold is N100 million/266,666 GBP for goods and N1 billion/2,666,666 GBP for works.²⁴ There is also a provision for domestic preferences where ICB is used, permitting a procuring entity to grant a margin of preference to domestic suppliers during the evaluation of tenders.²⁵

In awarding contracts, PEs are mandated by law to determine and select the lowest evaluated responsive bid from the bidders that responded to the bid solicitation.²⁶ In addition to the price of the

²¹ The Public Procurement Regulations (Public Procurement Goods and Works Regulation, 2007 and Public Procurement Consultancy Services Regulation) and the Procurement Procedure Manual can be accessed from the BPP website under 'Public Procurement Documents'. See link http://bpp.gov.ng/index.php?option=com_joomdoc&view=documents&path=Public%20Procurement%20Act%20007pdf.pdf&Itemid=614

²² Two Stage tendering Section 39; Restricted tendering Section 40; Request for quotations Section 41; Direct procurement Section 42; Emergency procurement Section 43.

²³ Section 25 (1) Public Procurement Act, 2007

²⁴ http://bpp.gov.ng/index.php?option=com_joomdoc&view=documents&path=Approved_Revised_Thresholds_for_Service-Wide_Application.pdf&Itemid=724

²⁵ Section 34 PPA, 2007 and Section 106 of the Procurement Regulation, 2007.

²⁶ Sections 16 (17), 32 and 33 of the PPA, 2007.

bid, Sections 32 and 33 outline the processes and factors that must be considered for determining the lowest evaluated responsive bid.²⁷

The International Bidding Process

The PPA sets a monetary threshold that triggers the use of ICB: 100 million Naira and above for goods, 1 billion Naira and above for works, and 100 million Naira and above for non-consulting services. However, this study has found that the proportion of bids to which ICB applies are few and may be more prevalent for heavy works. The decentralized nature of procurement makes it difficult for ICB to be triggered by law. This is because each PE carries out its own procurement; therefore, the value of each procurement is normally less than the threshold set.

According to interviews, international bidders are often inclined to partner with local companies on specific projects as this may lower operational costs. Additionally, local companies are given a margin of preference over international bidders.

International bidders partner with local companies in a variety of ways, including by registering a joint venture or registering a local affiliate of a local parent company. According to interviews, how international businesses engage in the Nigerian procurement market may depend on their knowledge of local processes and connections. An international company just entering the market may benefit from engaging in a joint venture with a national company that has a good track record. Once an international company is sufficiently established, it may be worthwhile to register a local affiliate.

An amendment currently before the National Assembly seeks to include a local content policy that would require international bidders to employ a percentage of local staff.

Restricted Procurement Methods: The list of restricted methods includes two-stage tendering, restricted tendering, request for quotations, direct procurement and emergency procurement. A wide range of conditions are attached to the use of these restricted procurement methods. For example, before a procuring entity can use restricted tendering for the purchase of goods or works, the approval of the BPP must first be obtained, in addition to other listed conditions.²⁸ The paucity of data on procurement methods makes it difficult to reach an independent assessment on how frequently restricted procurement methods are used.

Procurement Transparency

The right of public access and participation in public expenditure in Nigeria is expressed in the 1999 Constitution of Nigeria, which recognizes the right of every citizen to participate in their government.²⁹ This right is further codified in several sections of the PPA, 2007, which gives the BPP the following duties with respect to disclosure of procurement information:³⁰

- To publicize and explain the PPA;³¹

²⁷ Sections 39 - 52 sets out the criteria for evaluation and general selection procedure for procurement services.

²⁸ Section 39 PPA, 2007.

²⁹ Section 14 (2) (c) Constitution of the Federal Republic of Nigeria, 1999

³⁰ Sections 16 (14), 32 (8), 38 (1) and (2) Public Procurement Act, 2007

³¹ Section 5 PPA, 2007

- To establish a single internet portal that would serve as a primary and definitive source of all information on government procurement, and containing and displaying all public sector procurement information at all times;³²
- To electronically publish major contracts, maintain a database of contractors, standard prices of tendered items and procurement plans;³³
- To publish the tender notices of PEs, which must include information on the bid requirements, evaluation criteria and bidding period.

Many of the details around what information should be published and timeframes for publication are not specified in the PPA, so citizens often resort to the Freedom of Information Act (FOIA) 2011, submitting specific information requests to gain access to procurement information. While PEs are required to transmit their procurement records to the BPP within 3 months of the end of the fiscal year, there is no obligation for these records to be made public. Nevertheless, by developing the procurement records template and procurement planning template that PEs use to submit procurement records, the BPP has a strong influence over procurement data from the planning stage to the contract award stage. However, implementation and transactional data does not directly fall under the purview of the BPP. While the BPP has auditing power, its audits do not cover details of contract implementation. Should the BPP conduct an audit, it would only need to forward these reports to the National Assembly.

In relation to the bid evaluation period, the PPA specifies that “after the opening of bids, no information relating to the examination, clarification and evaluation of bids and recommendations concerning awards shall be disclosed either to any bidder or to other persons not officially concerned with the procedure; until the award of contract is notified to the successful Bidder.”³⁴ Based on some expressed legal arguments and some exemptions in the FOIA, access to evaluation records during the bid evaluation may affect the competitive advantage of a certain bidder. However, this seems to be borne out of speculation and rhetoric, rather than any justifiable or highly likely occurrence.

The PPA does not explicitly require PEs to proactively publish their procurement information. PEs are required to maintain a comprehensive record of procurement proceedings and to make these available on request to any person upon the conclusion of the procurement process, whether resulting in an award or termination. In practice, civil society often resorts to the FOIA which provides detailed disclosure mechanisms on timeliness of information; proactive publication beyond request for information;³⁵ and publication in physical copies, electronic and online sources. When information is unobtainable through FOIA requests, civil society organizations sometimes resort to judicial intervention.

Citizen Participation

A unique provision of the PPA is the right of citizens to participate in the procurement process. In Section 19, procuring entities are required to invite two (2) credible persons as observers in every procurement process. These observers may not intervene in the process, but are permitted to submit an observation report to any agency, including the BPP. Civil society often participates in procurement observation.

³² Section 5(r) of the Public Procurement Act, 2007

³³ Section 5 (f) PPA, 2007

³⁴ Section 14 of the Public Procurement Goods and Works Regulation, 2007. See also Section 91.

³⁵ Sections 1 and 2 FOI Act, 2011

Beyond this provision, citizen participation in other stages of the procurement process is not expressly provided for in the PPA. At the planning stage, there is no requirement for procuring entities to seek citizens' input during the development of a procurement plan. This notwithstanding, PEs are required to conduct a needs assessment and evaluation in the preparation of a procurement plan. This may include public hearings at the discretion of the PE. Although no express provision in the PPA enables citizens to monitor project implementation, in practice, many citizens participate in project implementation, drawing authority from the provisions of the constitution and the rights conferred by the FOIA.³⁶

Potential Reforms to the Legal Framework

The legal framework for public procurement in Nigeria may soon change. Currently, there is a bill before the National Assembly that seeks to amend provisions of the PPA to facilitate the award of contracts by reducing the timeliness specified for bid advertisements. The amendment also seeks to include a local content policy that would require international bidders to employ locals. Furthermore, the bill's provisions would require procuring entities to purchase goods made in Nigeria and would increase the mobilization fee for contracts from 15% to 25%. The Senate passed its version of the bill in June 2016; it has been sent to the lower house for harmonization, but it is not clear when the amendment bill will be harmonized.

It is also notable that there is a fear among several stakeholders, within and outside the public sector, that amendments to the PPA would water down existing provisions that guarantee a certain level of disclosure and access. Given the various versions of the bill that exist in both chambers of Parliament and the lengthy process of harmonizing these bills (and without a bills tracking process), it is often difficult for even BPP to keep abreast of all the proposed amendments to the PPA that are tabled.

Recommendations

Enhance use of regulations. The BPP, lawmakers and other procurement stakeholders are encouraged to focus more on regulations rather than amendments to the primary legislation. ***Building an effective public procurement regime requires more flexible and less restrictive legal approaches that can be tweaked to respond to the changing procurement landscape.*** In addition, regulations do not require an extensive legislative procedure and could be easily revised. ***The BPP should focus more on the adoption of regulations that support increased transparency, improved data collection and enhanced efficiency in the procurement process.***

Shift from the provision of procurement information upon request to proactive disclosure. The provisions of the PPA do not extend to proactive disclosure of information, which limits the use of procurement information for informed analysis. However, the BPP can rely on the provisions of the FOIA to mainstream proactive disclosure into procurement practices. On this basis, a ***policy specific to proactive disclosure of procurement information can be fairly easily developed.*** This could be achieved by the BPP through the creation of a small interagency team, including the IFMIS unit at the Office of the Accountant-General (OAGF), the ***budget office of the federation and one or two representatives from civil society.***

³⁶ Some examples of citizens monitoring project implementation include the Almajiri and Primary Health Care projects of the Public and Private Development Centre (PPDC) www.procurementmonitor.org and www.budeshi.ng ; Tracka by BudgIT <http://www.tracka.ng/> ; and Follow the Money by Connected Development (CODE) <http://followthemoneyng.org/>

Increase disclosure in the extractives sector. The current application of the PPA to the extractive industries (oil, gas and mining) is a good step that needs to be encouraged and sustained. ***This could be achieved through targeted support to NEITI for working closely with PEs in the extractives sector in order to institutionalize disclosure practices*** that are only just taking root. Given the progress being made in the sector and the ability of technocrats who currently lead the sector, there is a good opportunity now to strengthen disclosure on oil, gas and solid minerals.

6. Policy Context

In the past year, senior leadership in Nigeria has publicly expressed support for open contracting on multiple occasions. The first of these public statements was made by the Attorney General of the Federation at a national anti-corruption conference organized by ONE and the Ministry of Justice in Abuja at the beginning of May, 2016. This conference was the first time the Nigerian government publicly indicated its intention to implement the principles of open contracting and to join the Open Government Partnership (OGP.)

Shortly after, at the May 2016 Anti-Corruption Summit in London attended by President Muhammadu Buhari, Nigeria committed to fully implementing the Open Contracting Data Standard (OCDS)³⁷, with early priority given to major projects in health, education, extractives, roads, and power.³⁸ Following its successful entry to OGP in the second half of 2016, the Nigerian Government has integrated its commitment to implementing OCDS within its fiscal transparency commitment.³⁹ Recognizing that high-level political statements are often watered down in practice, the Attorney General has publicly stated that an executive order from the President would be sought and obtained to ensure that these commitments are fully implemented across the public sector.⁴⁰

At the moment, the government, through the BPP, has taken several steps to implement the OCDS. For instance, the BPP has created an Open Contracting Platform based on the OCDS, which would be fully launched in 2017. Mechanisms such as the Open Government Partnership and inter-agency follow up meetings from the Anti-Corruption Summit⁴¹ have provided avenues to break down these policy statements into concrete and actionable implementation plans.

Policy Leadership within BPP

As the statutory regulators of the public procurement process in Nigeria, BPP is leading the development of an implementation plan for open contracting in Nigeria. Its role as the key implementing agency on open contracting is further reflected in the government's OGP national action plan (NAP). One of the steps taken by the BPP in this capacity is the creation of a working group of civil society organizations with whom it would liaise in the development of an open contracting portal. The BPP also plans to extend membership of the working group to the private sector.

Additionally, the BPP plans to coordinate with key public finance institutions, such as the Office of the Accountant General and the Budget Office. This is reflected in the BPP's implementation plan for open contracting, although it has not yet commenced.

³⁷ <http://standard.open-contracting.org/latest/en/>

³⁸ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/523799/NIGERIA-FINAL_COUNTRY_STATEMENT-UK_SUMMIT.pdf

³⁹ Nigeria OGP National Action Plan 2017 to 2019

<http://www.justice.gov.ng/documents/OVERVIEW%20OF%20THE%20NIGERIA%E2%80%99S%20NATIONAL%20ACTION%20PLAN%E2%80%93202017.pdf>

⁴⁰ <http://www.thisdaylive.com/index.php/2016/10/25/buhari-to-issue-executive-order-on-transparency/>

⁴¹ <http://www.justice.gov.ng/documents/HAGF's%20Speech%20at%20the%20Stakeholders%20meeting%20on%20the%20implementation%20of%20the%20London%20Summit%20on%20Anti-Corruption%20and%20OGP.pdf>

Data Release Policies

Specific policies for releasing procurement data are non-existent. However, the PPA and the FOIA have some provisions for sharing and releasing procurement data.

The PPA requires procuring entities to submit procurement records to the BPP three months after the end of the fiscal year. To this end, the BPP has created a procurement records template for PEs to submit their procurement records. Although the procurement records are not available online, in the past the BPP has published these records in the procurement journal. The procurement journal has not been published for 2015 and 2016.

The FOIA also has provisions that require public expenditure data to be proactively published; however, this provision is not complied with and most procurement data is only released reactively, based on FOIA requests.

Data Collection & Validation

The procedures for collecting and validating procurement data vary across the stages of the procurement process, but this is not based on a comprehensive written procurement policy. Rather, it is based on general practices that have emerged from provisions in the PPA.

The responsibility for collecting data under the PPA is decentralized, with each PE responsible for collecting its own data, although this is also passed on to the BPP. In addition to submitting financial records to BPP each financial year,⁴² all procuring entities are mandated by law to maintain both hard copy and electronic versions of procurement records within a financial year and for a 10 year period thereafter.⁴³

At this stage, each PE develops an annual procurement plan based on the procurement planning template provided by the BPP. Although this template can be completed online, the challenge of losing unsaved data has led the majority of MDAs to fill out the spreadsheet offline. They keep a copy for their records and make physical copies available to designated BPP staff via flash drives. Initially, the procurement plans were consolidated and published online by the BPP, but this has not been updated online since 2011. Until 2014, hard copy procurement plans were consolidated and physically distributed by the BPP. Although there is no set policy that indicates a timeline for submitting procurement plans, the plans are finalized soon after the country's budget is passed, in accordance with legal provisions that require a plan to be approved prior to the continuation of the procurement process.

To enable the transmission of procurement records to the BPP by each PE, the BPP developed a procurement records template for MDAs to populate and submit to the BPP. While the procurement records template is available on the BPP's website, the MDAs' submissions are not available through the BPP. Very few PEs publish their procurement data on their websites. The Bureau of Public Service Reforms (BPSR) is one of the few to do so; for the most part, PEs only provide their procurement data upon receiving a FOIA request. These requests are mostly sent through hard copy letters and the response are often received in hard copy although on few occasions, some PEs would respond to FOIA requests by email. The BPSR is the only PE that has formalized the receipt of FOIA requests online.

⁴² Section 16(13) Public Procurement Act, 2007

⁴³ Section 16(12) Public Procurement Act 2007

Recommendations

The effective implementation of open contracting policies will require consistent leadership from the DG of the BPP. By taking a strong public stance and continuing to engage a multi-stakeholder group, the DG can ensure that open contracting remains a priority of the administration. The BPP, with the DG's leadership, has an opportunity to become a global leader on open contracting if it sees through on its current efforts to implement OCDS and open it to the public. But the ***success of open contracting in Nigeria depends on visible leadership by the DG in high-level meetings to ensure buy-in of relevant institutions.***

Coordinate efforts on procurement reform. Government stakeholders currently need a mechanism to enable coordination of various reform efforts related to public procurement. ***With international support and attention from the BPP's DG, coordination between key data controlling agencies such as the MOF, OAGF and the BPP can be achieved*** by establishing a ***short-term technical team to build coordination.***

7. Technical Assessment

The Nigerian public procurement process is largely a paper-based, manual filing system. Word processing and spreadsheets are mostly used to prepare and format procurement data before it is printed for dissemination and further storage. The BPP also has internal archival databases for storing various procurement records. PEs do not have any software that helps to support documentation, processing, analysis and information sharing across the procurement cycle. The BPP is currently seeking consultants to support their efforts to develop an e-procurement system; this prospect was supported by all interviewees, who believe that an e-procurement system will make their jobs easier⁴⁴.

The emphasis on paper-based procedures and storage methods within procurement operations reflects the prevalent civil service culture and also the literal requirements of the legal framework. The PPA requires that procuring entities store procurement records in electronic and hard copy for a period of 10 years.⁴⁵ Consequently, all PEs have storage facilities where bulky procurement records are kept before they are destroyed. The civil service practice is also such that approvals at various stages in the procurement process require the approving officer to sign off on the document produced before filing.

Key Public and Undisclosed Data Categories

Critical data about the procurement process is being produced by PEs and the BPP. At times, as is described below in the section on data sharing, the data captured in PDFs or physical documents remain trapped in either PE or BPP databases. Publicly available data sources include::

- The Bureau of Public Service Reforms (BPSR) and a few other PEs have taken steps to have procurement records available online.
- The BPP publishes limited details of large contracts awarded by the FEC online, but most of the data available is outdated.
- Information about planned procurements are available in the national budget, which is published online annually.⁴⁶ This includes the name of procuring entity, the title of the proposed contract and the budgeted amount for the contract. The data that is published online is usually published only in PDF format.
- Tenders are published online in HTML format through a paid subscription service run by a private sector organization.⁴⁷ The published tenders are not linked to other stages in the procurement process.
- The BPP publishes procurement records in its hard copy journals, but no journals for 2015 and 2016 have been published or distributed.

Undisclosed Data within PEs: PEs produce a substantial amount of data, some of which is passed onto the BPP, and some of which is trapped in their archives. As PEs are bound by Nigeria's FOIA, civil society has been successful in receiving the following from some PEs through information requests: procurement plans, tender notices, award notifications and contracts, payment schedules and

⁴⁴ http://www.bpp.gov.ng/index.php?option=com_joomdoc&view=documents&path=EOI - Nigeria - Individual Consultant - e-Government Procurement Technical Advisory Services .pdf

⁴⁵ Section 16(12) Public Procurement Act, 2007.

http://goprs.unodc.org/documents/Public_Procurement_Act_2007.pdf

⁴⁶ www.budgetoffice.gov.ng

⁴⁷ <http://tendersnigeria.com/>

documentation on the project status. However, accessibility to this information differs by PE. Some PEs also use a bid evaluation form provided by the BPP when grading bids.

Undisclosed Data within the BPP: The procurement records template, which is produced and can be amended by the BPP, is completed by all PEs and contains data spanning the procurement process.

The Procurement Records Template: Data Fields Span Tender to Contract Implementation	
<ul style="list-style-type: none"> • serial number • contract description • date the advertisement was published in the media • monetary approval thresholds • procurement method • bid opening date • bid evaluation report date • budgetary provision • date of certificate of no objection • approval date • whether the contract was awarded to the lowest bidder 	<ul style="list-style-type: none"> • contractor name • date of contract award • contract value • contract period • date of commencement (physical mobilization) • amount paid at the end of the year • expected completion date • project status • % of completion at the end of the year • date of variation approval, if any • variation amount • remarks.

The BPP also collects information on complaints, businesses, and hard copy information about advertisements as described below.

Online and Offline Data Sharing Systems

At the planning stage, the BPP has an internal IBM Procurement Management System (PMS) that is being used by all procuring entities. This customized software developed by BPP staff facilitates creation of procurement plans and bid documents. The system can output an Excel spreadsheet containing critical bid data, including lots, amounts and dates.

This system is web-based and procurement planning data can be directly fed into it; however according to procurement officers interviewed, the inability to cache data and save offline when entering data means that data being entered real-time is lost anytime the internet connection fails. As a result, the majority of PEs fill out the procurement planning template the system generates offline and provide it to the BPP using an external drive. This may also explain why the BPP has not published procurement plans online since 2011, when the PMS was first deployed. Internally, the system enables BPP to carry out bulk data exports in open, structured machine readable formats such as CSV and excel. In 2011, the BPP converted these procurement plans to PDF format and published these on their website for public access.

At the tender stage, PEs use the templates in the standard bidding documents and procurement regulations to create bid documents for the procurement process in question. The bid documents are printed out and made available to bidders at a cost. The bidders create their bid proposals based on the specifications in the bid documents and in the advertised tender. In accordance with the law, the bid proposals are collected in a tamper-proof box -- a wooden box that is locked with a space where the bids are slipped through. All bidders who submit their bids also have their names, company details and time of bid submission entered in a hard copy register.

During bid opening, an attendance sheet is circulated where everyone in attendance writes down his/her name, organizational affiliation and provides their signature. The bid submission tamper-proof box is opened and the name of each bid submitted is called out to the hearing of everyone present. Details such as bid prices, availability of bid security, evidence of tax and pension documentation for each submitted bid is also publicly announced. The procurement staff and the present bidder's representatives manually record the details of each bid that is called out. At the close of the bid opening, the details taken during bid opening are typed in a Microsoft Word document called a "bid return sheet". This is also printed and filed by the procurement unit.

At the bid examination and evaluation stage, depending on the evaluation method specified in the issued bids, procuring entities use the evaluation forms from the procurement regulations for the evaluation exercise. Generally, the evaluation scores are hand-written and later typed out in the final evaluation report in Microsoft Word format. The evaluation report would recommend a winner and this would be sent in hard copy to the tender committee for contract award.

In the case of high threshold contracts, the evaluation report along with all other procurement records for the particular procurement process are forwarded to the BPP in hard copy; if all documentation and procedures are without fault, the BPP would issue a certificate of no objection, a hard copy document handed over to the procuring entity. Thereafter, the contract would be approved for award by the Federal Executive Council of Ministers (FEC).

The contract award letter is typed and printed out by the procurement entity and handed over to the winning bidder. On acceptance, the winning bidder, now the contractor, is provided with a contract agreement that is drafted based on the BPP regulations.

Analytics

The e-procurement team at the BPP currently uses Excel to analyze procurement data internally. The team often does not have the time to do more in-depth analyses because of competing priorities within a very small team. However, the BPP recognizes the need for this and has indicated interest in receiving technical support in this regard.

Other Software Systems

In addition to the PMS described above, the BPP possesses at least two other software systems that it uses to aid in managing the procurement process. A fourth system, the Government Integrated Financial Management Information System (IFMIS), interacts with the procurement process as well.

Contractor Database: In accordance with the PPA, the BPP maintains a database of contractors, consultants and service providers that seeks to classify and track these entities to aid the BPP in making award decisions. The extent to which the system is successful in this role is unclear. Within this database, contractor IDs are given to registered contractors. As part of the procurement procedure, bidders are required to provide their contractor IDs and an interim registration report (IRR) issued by the BPP along with their bid proposals. The contractor ID and the IRR are used by the PEs to manually verify that a contractor is registered with the BPP. The contractor database is not currently linked to any system-wide procurement database; however, the BPP plans to have the contractor database migrated to the e-procurement system once it is developed.

IBM Lotus Database: BPP maintains an IBM database where it stores documents related to the procurement process, including the procurement records received from PEs, prior reviews and

certificates issued. It is foreseen that these documents would likely be migrated into the new e-procurement system once it is developed. In addition, BPP staff have developed a petition database within Lotus, as well as an advertising monitor tool that aims to ensure that the criteria set forth in tender documents is met. The tools pull in data on a monthly basis.

IFMIS: At the moment, the IFMIS capture commences at the contract award stage, although there are plans to capture all procurement stages prior to contract award through a backward integration process. It is notable that the IFMIS project is run by a project management unit at the Office of the Accountant General; its processes are not currently being coordinated with those of the BPP, although there are meetings being held to ensure that plans by the BPP to deploy an e-procurement system are synced with the ongoing deployment of IFMIS.

BPP has also begun to collaborate with civil society to develop a prototype open contracting portal, which includes data from planning to contract implementation.

Unique Identifiers

Each procurement process has a hard copy file and an accompanying file number. However, there is presently no global identifier system that links the various procurement stages together, whether in hard or soft copy.

For the 37 PEs that are now fully integrated with the Government Integrated Financial Management Information System (IFMIS), the contract award document is linked to a tax identification number of the winning supplier. The contracts are generated using the Taxpayer Identification Number (TIN) as the contract ID; thus linking the contracting process to the revenue generation process. This may be the only concrete example of the use of unique identifiers within the contracting process. BPP staff are aware of the benefits of using unique identifiers and have expressed interest in using the open contracting identifiers, supplier identifiers and item identifiers with the desire to track value for money.

Key Data Categories			
The following information types are among those that procuring entities made public online for January-June, 2016. (A = Always; S = Sometimes; N = Never)			
Planning	Online	Award (cont.)	Online
- Unique IDs for contracting process	N	- Award Amount	S
		- Reasons for award	N
- Procurement plans	N	- Complaints procedure	A
- Consultation documents	N	Contract	
Tender		- Contract documents	N
- Tender document	S	- Contract amount	S
- Bidding document	N	- Contract dates	S
- Bidder names	N	Implementation	
- Tender dates	S	- Milestones	N
- Bidder blacklist	N	- Payments	N
Award		- Evaluation results	N
- Supplier(s)	S	- Procurement process statistics	N

Recommendations

Ensure that sufficient data is collected for corruption risk monitoring. The BPP has expressed an interest in developing analytics aimed at identifying contracts or procurement processes that are at risk for malfeasance. While the BPP is collecting a variety of valuable data fields, it could also take the following measures to enhance efforts to monitor corruption risk:

- ***Adopt unique identifiers for procurement processes, businesses, PEs, and items*** that are relevant and applicable across the public financial system. The development of unique identifiers should be integrated with the country's ongoing implementation of the IFMIS chart of accounts codes and classification system.
- ***Collect additional data fields***, including names and identifiers of all bidders, bid amounts, contract amendments, amendment values, subcontractors, co-bidders, complaint types;
- ***Collect data from PEs on a rolling basis***, for example, on a monthly basis until e-procurement is adopted.

Coordinate closely with the IFMIS unit. To ensure uniformity of the data standards used across the contracting process, particularly looking toward the launch of the e-procurement system, the ***BPP should develop a closer collaboration with the IFMIS unit at the OAGF.***

Develop data release policies. Data release policies that apply to both the BPP and IFMIS unit should be developed to enable unrestricted data release and public data use. In line with the provisions of FOIA, the policy should provide restrictions on personal data where necessary, while also facilitating timely and accessible data release. As BPP considers e-Procurement implementation, it should coordinate with the OAGF and the AG's office within the FMOJ, to ensure that citizens' access to data spans all 5 stages of the procurement process.

8. User engagement

Citizen Engagement

The PPA requires PEs to invite CSOs and professional bodies to observe every procurement process. The PPA also allows any interested member of the public to participate in bid opening processes.⁴⁸ Over the years, this requirement has been upheld by PEs who would often invite CSOs to observe and report on public procurement processes. The BPP also enables the attendance of stakeholders in bid opening processes by providing PEs with a list of accredited CSOs and their addresses so that they can be contacted whenever there is a bid opening process. In 2011, the BPP also informed PEs that they could place invitations to the general public and to CSOs in their tender advertisements; several PEs have followed suit. The PEs are also generally receptive to advocacy visits and other public engagements being organized by CSOs, and the BPP itself also invites CSOs to procurement-related fora. In addition, the OGP mechanism now provides an avenue to strengthen engagement and collaboration between government and CSOs.

Over the years, the BPP has also shown a commitment to engaging various stakeholders in procurement matters. Consultative meetings have always been held by the BPP during revision processes for standard bidding documents. Additionally, the BPP organizes an annual national procurement conference where civil society, private sector and the various arms of government hold robust discussions and jointly come up with recommendations to further reform the procurement process.

The BPP is receptive to advocacy visits by stakeholders. Several groups have been successful in obtaining meetings with BPP staff to discuss issues of concern upon requesting these meetings. For instance, the BPP has honored several requests by CSOs to discuss implementation of open contracting principles and OCDS.

Following Nigeria's commitment to implement OCDS in May 2016, the BPP established a working group to develop an open contracting portal. The BPP placed an advertisement on their website inviting interested CSOs to apply as procurement observers⁴⁹ and there are plans to involve the private sector in this working group. The BPP's objective is to have an operational open contracting portal co-created by the coalition of CSOs and private sector actors by the end of the first quarter of 2017. The BPP has expressed the need for co-creation to ensure that usability requirements stakeholders are taken into account in the portal's development; so far, the BPP has called several meetings of the working group to promote collaboration.

In addition to the plans being made by the BPP to ensure that procurement data is proactively available, several PEs are also working closely with CSOs to open up the procurement data in their possession. The Universal Basic Education Commission (UBEC), for example, now joins a group of organizations deploying a platform called Budeshi,⁵⁰ focused on disclosing procurement data at every stage in the procurement process.⁵¹ This has also led to several other PEs requesting support to proactively disclose their procurement data in the same OCDS format.

⁴⁸ Section 19, Public Procurement Act, 2007

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http://www.bpp.gov.ng/index.php?option=com_joomdoc&view=documents&path=CSO+Registration+Advert.pdf

⁵⁰ www.budeshi.ng

⁵¹ <http://www.budeshi.org/2016/10/the-3-year-expedition-to-unlock-basic-education-data-a-true-short-story/>

Feedback & Redress

The PPA provides a complaints mechanism for bidders to seek redress for any omission or breach of the PPA. A bidder can therefore submit a complaint at any stage in the procurement process, but must do so within 15 working days of the infraction coming to light (or within 15 days of when the infraction *should have* come to light).⁵² The PE is then expected to respond to the complaint within 15 working days. A summary of each of these complaints and the outcome is usually published in the procurement journal. The BPP has handled several administrative reviews, which at times have led to contract awards being recalled and procurement processes being repeated. BPP officials note the increasing number of complaints they are receiving, and see this as an improvement in businesses' attitudes towards the BPP and their confidence that complaints will be dealt with in a fair and transparent manner.

The complaints mechanism in the PPA is specifically for bidders who participated in the procurement process; there is no general, formal complaints mechanism for whistleblowers within or outside of the procuring entity. Nevertheless, the PPA enables procurement observers to observe and report on the procurement process, which provides a potential avenue for procurement observers to complain about a certain procedure.

Use Cases

The will and desire of various stakeholders to engage with procurement data is notable. It speaks to the various potential entry points for engaging with Nigeria on efforts to improve access to and usability of procurement data.

Within government: Staff within the BPP expressed a desire to enhance their use of analytics to ensure that PEs are following the law, and to improve the efficiency of the procurement process. In addition, they noted several shortcomings of the procurement process - such as the advertising period and prevalence of split bidding - where they felt corruption risk analytics could support their efforts to combat fraud and bid rigging. Although some PEs are not taking initiative to analyze or evaluate their procurement implementation at present, all PEs that were interviewed expressed a desire for e-procurement to help ensure that they do not violate the PPA.

Within the private sector: Contractors currently use the estimated amounts provided in the annual budgets as benchmarks for their bid amounts. There are also a few private sector organizations that run a paid subscription service to access published tenders online. Regarding increased access to contracting data, several contractors agree that better disclosure could increase competition, though they also contend that contracting information, by its nature, ought to be commercially confidential. There is therefore a need to get buy-in from the private sector by demonstrating the value of open contracting to their business.

Among civil society and infomediaries: Infomediaries take complex information and package it or contextualize it so that it can be understood and used by wider segments of society. In Nigeria, infomediaries have actively used available procurement data to advocate for improved public service delivery. This focus on the impact of contract implementation on the public is borne from the visible need for improved infrastructure and service delivery across the country. Notable use cases include:

- **Budeshi: Advocacy for the Adoption of the Open Contracting Data Standards.** Between August 2015 and May 2016, three organizations -- the [Public and Private Development Centre \(PPDC\)](#),

⁵² Section 54, Public Procurement Act, 2007

[Pan Atlantic University \(PAU\)](#) and the [Premium Times Centre for investigative journalism \(PTCIJ\)](#) -- advocated for the adoption of OCDS by the Nigerian government. Their advocacy efforts were carried out to various public institutions using a platform called “Budeshi,”⁵³ which means “Open It” in the Hausa language. Using Budeshi, the group converted procurement data received through FOIA requests from the health and education sector to OCDS, and demonstrated why procurement data needs to be comprehensible before it can affect corruption or decision making. This advocacy led to Nigeria’s commitment to adopt OCDS.

- **#WomenCookStoves: Tracking Contract awards to local communities.** Connected Development is an NGO that uses its ‘follow the money movement’ to ensure the transparent and accountable use of resources meant for local communities, particularly in the sectors of health, education and the environment. One such case is #WomenCookStoves, where CODE, during a 12-week delivery period, followed FEC’s 9.2 Billion Naira contract awarded to Messrs Integra Renewable Energy Services Limited for the purchase of 750,000 “wonder bags” for rural women. CODE raised alarm over the contract’s execution, leading to an inquiry by the Independent Corrupt Practices Commission (ICPC).⁵⁴
- **#Tracka: Tracking and demanding the release of allocated resources for local projects.** BudgIT is a renowned NGO in Nigeria that aims to simplify the budget in order to increase public engagement and accountability. Using a platform called Tracka, BudgIT breaks down allocations meant for local projects and organizes communities to demand better public services. One example is a primary school in a community in Ogun state, where 429 primary students were crammed into two classrooms with tin roofs after the community ran out of funds to complete construction of their school. Through BudgIT’s intervention, the community was informed of the resources allocated for the school and wrote to their representatives in the National Assembly. This led to the execution of the school contract by the government.

At the moment, the most comprehensive procurement data that infomediaries have access to is the national budget, which is broken down into line items with each item given a budget estimate. For capital projects, these estimates form the first part of the procurement plans. Nevertheless, all the infomediaries interviewed clearly stated that they would be much more productive if there was timely, proactive release of standardized procurement data that runs through the entire process. The infomediaries realize that the national budget sums are only estimates and not the final contract award sums. Although accurate, the budget estimates lack context and do not provide detail on other stages in the contracting process. As a result, when the estimates are relied upon to question inadequate service delivery, the claims can be easily rebutted based on contracting data that is not publicly available. This leads to a vicious cycle of inconclusive monitoring activities by infomediaries. Infomediaries are also of the opinion that with increased procurement data, the depth of the analysis can be increased and could focus more on value for money, competition, efficiency of the process, and prioritization of public needs.

Recommendations

Support the BPP to analyze procurement data. *The current strides by the BPP to implement open contracting reforms can be improved with analytical support.* The BPP has indicated the need for capacity development to enable deeper analysis of procurement data routinely and, eventually, in real-

⁵³ www.budeshi.org

⁵⁴ <http://www.blueprint.ng/fg-urged-to-probe-n9-2bn-clean-cookstove-scheme/>

time. ***This training support could be included in the yearly training calendars of the Public Procurement Research Centres at the University of Owerri and the University of Lagos. The training is also likely to require training-of-trainer models, in which local instructors are trained to train PEs across the country.***

Expand and deepen open contracting discourse within the private sector. ***The case for open contracting would be strengthened by demonstrating the usability and utility of procurement data for business.*** For example, the private sector could use historical award data to evaluate competition or to compare the completion rates of contractors providing services in a certain sector. ***Involving the private sector requires mapping various private sector groups and reaching out to them to support the open contracting reforms.*** A primary target in the private sector would be techpreneurs focused on building digital tools using open data. Buy-in from the private sector could also make it more difficult for the government to rescind their open contracting commitments.

9. Stakeholder Identification

Government Stakeholders

Key government stakeholders include the following:

The Bureau of Public Procurement (BPP) is the lead implementing agency for open contracting in Nigeria and is championing the implementation of open contracting. It is working to sensitize and engaging stakeholders, including civil society and the business sector, while enhancing citizen participation on open contracting. The BPP independently reached out to the OCDS Helpdesk for support on implementing OCDS and continues to collaborate with the Helpdesk. The BPP is co-creating the [Nigeria Open Contracting Portal \(NOCOPO\)](#)⁵⁵ with the Procurement Monitoring Working Group (described below), anti-corruption agencies and private sector businesses. BPP is developing the portal in line with its statutory mandate stated in Section 5(r) of the Public Procurement Act, 2007, to establish a single portal that shall serve as a primary and definitive source of all information on government procurement containing and displaying all public sector procurement information at all times.

The Office of the Accountant General of Nigeria (OAGF) is responsible for approving and releasing payments for various procurement processes and, as a result, controls transactional data for all procurements undertaken by PEs. At the moment, transactional data is not linked to the procurement data that is in the custody of the BPP, although the IFMIS project eventually seeks to integrate the procurement process with the transactional process. Transactional data for contracts awarded are also not currently published, although this can be obtained from the OAGF upon request.

The Ministry of Finance (MoF) is responsible for general supervision and control of public funds of the Federation, including public expenditure and external finances. Therefore, the MoF oversees the entire public finance space and is highly influential in determining the country's fiscal strategy. Both the procurement data collected by the BPP up to the stage of contract award and the transactional data for all contracts that have been cash-backed would be useful to the MoF; however, there are currently no automated links between the procurement process data and the transactional data, which limits the ability of MoF to conduct holistic analyses.

The Federal Ministry of Justice (FMoJ) is led by the AG, who plays a dual role as the Minister of Justice. Therefore, in addition to coordinating the country's anti-corruption efforts and the OGP, the AG's office, which is part of FMoJ, is also responsible for ensuring compliance of public institutions with the FOIA. The FOIA is currently the most reliable statute to guarantee access to procurement information -- either based on requests or through the enforcement of proactive disclosure provisions. Although several CSOs have used the FOIA to access information based on request, there has been little to no engagement in using the proactive disclosure mechanism to ensure proactive access to information. As the coordinating agency for Nigeria's anti-corruption strategy, the FMoJ is also responsible for ensuring that Nigeria implements anti-corruption commitments including full implementation of the open contracting data standards. The FMoJ has sought an executive order to enable compliance with these commitments and, based on its various coordinating roles, the FMoJ is highly influential.

⁵⁵ The Nigeria Open Contracting Portal, which is at the advance stage of development at the time of publication, is: www.nigeriaoc.org. Administrators can be contact by email: nigeriaopencontracting@gmail.com; and on Twitter: @ocnigeria.

Ongoing Initiatives

The government has several ongoing initiatives that are relevant to open contracting.

Open Contracting Portal: As described above, the BPP and its civil society and private sector partners are launching the NOCOPO in 2017, a portal that is in the final stages of development.

e-Procurement System: The BPP is planning to develop an e-procurement system that would collect and map data based on the OCDS requirements; OCDS is specified in the Terms of Reference for development of the system.

The Open Government Partnership (OGP): One of the commitments within Nigeria's OGP National Action Plan (NAP) is the implementation of open contracting and adoption of OCDS in the public sector. The BPP is the lead implementing agency for this commitment.

OCDS in UBEC: The Universal Basic Education Commission (UBEC) is working closely with CSOs to convert existing data forms to the OCDS; this is being published on the Budeshi platform.

Civil Society/Networks/Infomediary/Media

The Public and Private Development Centre (PPDC) is currently collaborating with the Pan-Atlantic University and Premium Times Centre of Investigative Journalism to implement the "Budeshi" project.⁵⁶ The project converts procurement data obtained through FOI requests to the OCDS, and links these to public services. PPDC and partners successfully advocated for the adoption of the OCDS by the Nigerian government and, since then, several government agencies have expressed interest in using the Budeshi platform to open up procurement data. In the narrow sphere of public procurement, PPDC has a track record of influencing policy and practice. However, this influence could be better enhanced through core partnerships with other actors in the public finance space. PPDC is open to collaborating with government and other stakeholders particularly because open contracting is only sustainable if the publishers of data adopt its principles. Like several other CSOs, PPDC is also conscious of maintaining its independence.

The Procurement Monitoring Working Group (PMWG) comprises of 50 civil society organizations selected from Nigeria's six geo-political zones and was set up by the BPP during a procurement training workshop in July 2016. The PMWG⁵⁷ was inaugurated with the aim of ensuring that public resources are judiciously utilized through feedback from procurement monitoring activities. As a result, members of the group were trained on public procurement monitoring, reporting, feedback mechanisms and how they can engage with open contracting initiative towards achieving the better accountability for service delivery. In September 2016, a corruption risk assessment training was held for the PMWG, which paid a courtesy visit to the Chairman of the House Committee on Financial Crimes to facilitate the passage of the Whistle Blowers and Money Laundering Bill. In November 2016, a workshop on the Nigerian open contracting portal was held along with a System Requirements Gathering session, which included procurement officers and officers of the Anti-Corruption & Transparency Units from procuring entities. This sought to identify features that could be expected by stakeholders in the Nigerian open contracting portal. The BPP is now working in collaboration with the PMWG to develop the Nigerian open contracting portal. The PMWG, which is chaired by PPDC as of writing, is open to collaboration.

⁵⁶ The local researcher is chief executive of PPDC <https://medium.com/@Seember1/the-autobiography-of-budeshi-how-we-successfully-advocated-for-the-adoption-of-the-ocds-by-the-2372dbe6d71a>

⁵⁷ The growing list of PMWG members is available at the following link: <http://www.nigeriaoc.org/cso-partners/>.

BudgIT Information Technology Network is a civic organization particularly focused on creative communication around the budget and other public finance data. BudgIT has a strong research team and is knowledgeable about the public finance cycle, with a core focus on the budgeting process. Their expertise lies in breaking down complex budget data so that it is well understood by all stakeholders. Although a relatively new CSO, BudgIT has recorded a high level of engagement with citizens using their creativity as a means of influence. BudgIT has also secured partnerships with the Kaduna State government and the Nigerian Ports Authority to open up their budgets. BudgIT is open to collaboration with both civil society organizations and governments. Like several other CSOs, BudgIT strives to maintain their independence and their voice and is bold to oppose popular government views where necessary.⁵⁸

Beeg Serve⁵⁹ is the technology partner working with BPP and PMWG to develop the National Open Contracting Portal for Nigeria. Beeg Serve is one of the Corporate Social Responsibility initiatives of Beeg Eye tailored to the procurement process in Nigeria with an interest in open contracting and business intelligence. Beeg Serve has also partnered with key stakeholders to develop an open data solution for Nigeria.

Connected Development (CODE) is a non-governmental organization that works to empower marginalized communities to demand better accountability from the government. CODE has successfully “followed the money” to ensure delivery of public services to underserved communities particularly in the area of health, education and the environment. Their successful campaigns include #SaveBagega in 2013, during which their advocacy contributed to the release and utilization of resources allocated for remediation and for treating children affected by lead poisoning.⁶⁰ CODE is open to collaborating with other civil society and international development partners, and also keen to work with government to the extent that they can retain their independence and are not made a conduit for the activities of government.

The Open Alliance is a coalition of civil society organizations that was borne out of a conversation between BudgIT and PPDC. Beginning with seven civil society organizations, the Alliance is set to expand to over 40 organizational members based on applications from CSOs willing to be a part of the coalition. The coalition is set up to push for open government reforms across various sectors. Collectively, the coalition successfully advocated for Nigeria’s involvement in the OGP using a draft action plan and targeted media outreach. Through the draft action plan drawn up before Nigeria formally joined the OGP, the Open Alliance secured various commitments within the first National Action Plan, including open contracting. The Open Alliance is open to collaboration, and has already supported the work on Nigeria’s OGP framework with the FMOJ and other development partners.

Premium Times (PT) is an online investigative reporting platform that focuses on public accountability. In its four years of existence, the paper has released hundreds of exclusive investigative reports, including from the Panama paper leaks⁶¹. PT is considered to be one of the most credible and thorough media platforms, and would be a great potential collaborator on open contracting. PT is open to collaboration in so far as its independence as a media platform is not compromised.

⁵⁸ <https://medium.com/@seunonigbinde/new-fx-rules-a-year-of-yes-men-980051c527cf#.t1bwe04jh>

⁵⁹ Additional information about Beeg Serve is available at: <http://beegeye.com/beeg-serve/>

⁶⁰ <http://followthemoneyng.org/2013/10/05/how-we-tracked-700-million-ngn-to-savebagega/>

⁶¹ <http://www.premiumtimesng.com/category/investigationspecial-reports>

The International Centre for Investigative Reporting (ICIR) focuses on training and supporting mainstream journalists to promote transparency and accountability through robust and objective investigative reporting⁶². In the past year, the ICIR has supported several ground-breaking and award-winning investigations, including stories that uncovered the condition of soldiers injured in battle and left deserted by “fraudulent” budgets. The ICIR is open to collaboration with the media and development partners. Additional financial resources would enable the Centre to expand its reach to more journalists willing to uncover stories around the utilization of public resources.

International Organizations/Donor Agencies

The Open Contracting Partnership continues to provide tremendous support to both government and civil society organizations working on open contracting implementation.

The Open Society Initiative of West Africa has supported civil society organizations to monitor and report on the public procurement process for several years, promoting their access to procurement-related information. Within the program strategy for 2017 to 2020, OSIWA is keen to provide support to local partners working on open contracting in Nigeria and across the region.

The MacArthur Foundation has operated in Nigeria for nearly 30 years and, in 2015, adopted a new strategy focused on the efficient utilization of resources and corruption prevention. Within this new strategy, the foundation is supporting open contracting initiatives in the education and health sectors.

The Omidyar Network has provided support to several organizations in Nigeria working on accountability. Omidyar is now partnering with DFID to develop a project on the use of data to prevent corruption.

The World Bank has supported federal and state governments over the years in their economic reforms to public procurement. The World Bank is also providing support for the deployment of an e-procurement system in Nigeria and is open to collaboration.

Recommendations

Clarify roles in implementation. A coordinated effort across key government agencies requires a clear work plan for implementing open contracting reforms. The roles and responsibilities of each team member across various institutions need to be established. With everyone knowing their role and when they are required to play their part, the procurement systems being built should mirror the design of coordination efforts and various work flows across the public finance system. ***The BPP should lead efforts to develop a work plan for implementation of open contracting reforms and convene other government actors to ensure that all agencies play their appropriate roles.***

Provide technical support to enable mainstreaming of open contracting. The task of overhauling the current procurement system is daunting. Those who are implementing reforms would also be responsible for carrying out current practices and strategies for implementing open contracting commitments. ***Technical support through the creation of a small team or collaborative partnership to help guide and enable this transition could go a long way towards institutionalizing open contracting reforms.***

⁶² <http://icirnigeria.org/>

Communicate creatively about contracting. Civil society stakeholders need to be able to creatively pass on their messages to various audiences. *Discrete projects that help civil society to relay open contracting messaging in a way that it is digestible and useful may be the greatest capacity need across civil society at the moment.*

Sustain civil society campaigns to deepen public understanding of contracting issues. Civil society is constrained by limited resources and the need to show results for their work. Whilst output-based funding can be good, the short-term nature of this funding often makes continued engagement on open contracting efforts difficult. *Civil society will require additional support to ensure a campaign is carried out to its full potential, keeping in mind a balance between outputs and continuity of efforts.* Rather than insisting on entirely new projects, donors and civil society partners would benefit if resources are used to strengthen existing initiatives.

Collaborate with government. Civil society and government have the tendency to be suspicious of each other, breeding mutual distrust between parties. However, *the efforts of civil society may be best sustained if institutionalized within formal governance structures.* Support for such efforts, and the building of civil society advocacy and communication skills would enable civil society to work more effectively and strategically with government, whilst maintaining their independence.

10. Broader Public Financial Management Environment

The systems and mechanisms for planning, approval and execution of the national budget are guided by provisions in the Constitution of the Federal Republic of Nigeria, the Fiscal Responsibility Act and legislative practices. The annual budget is introduced to the National Assembly by the Executive and is signed into law by the president. The various procedures are as follows:

Budget planning: This process usually commences in the first quarter of the fiscal year. It is initiated by the Budget Office, which was previously in the Ministry of Finance but now falls under the Ministry of Budget and National Planning. The Budget Office meets with key revenue generating and economic agencies of government -- including the Federal Inland Revenue Service (FIRS), the Central Bank of Nigeria (CBN) and the National Bureau of Statistics (NBS) -- to review revenue performance and set projections for the following three years. This leads to the preparation of the Medium Term Expenditure framework (MTEF), which the President passes to the National Assembly for approval. After approval, the Budget Office issues a circular call to procuring entities with expenditure ceilings for both capital and recurrent expenditures. Based on a needs assessment, each procuring entity uses a standard excel sheet provided by the Budget Office to prepare the annual budget, which is passed on to the National Assembly in both hard and soft copies. The National Assembly modifies the budget proposal and passes it on to the President for assent. Following a review by the Presidential Technical Committee on Budget and the Budget Office, the President signs the budget into law. Thereafter, the Budget Office consolidates all budgets, sends mass copies to all procuring entities and then publishes the budget online in PDF format.

Budget Execution: After going through the procurement process, the OAGF issues warrants for disbursement of funds to various procuring entities on a quarterly basis. The releases are based on reports submitted by each procuring entity on the projects to be undertaken. For procuring entities that are fully on IFMIS, the process from contract award through contract payments is captured on the IFMIS system, including linking contractor details with their tax identification numbers.

Budget reporting: Procurement-related expenditure is monitored by each procuring entity through the M&E or project monitoring department. Procuring entities prepare and print out monitoring and evaluation templates for uniform reporting on contracts. These reports are submitted in hard copy format. For major contracts that require a certificate of no objection from the BPP, a project performance template created with an excel sheet is used to report project performance.⁶³ The BPP publishes details of this in the quarterly journals; however, the journals have not been published for 2016. The Budget Office also releases quarterly budget implementation reports that indicate the percentage of resources released to procuring entities for the quarter.

The fiscal year for Nigeria runs from January 1st to December 31st annually. Call circulars are issued in June and the proposed budget should be presented to the house by October. In the event that the passage of the budget is late, the Fiscal Responsibility Act (FRA) allows the President to spend from previous year's budget for a maximum period of 6 months. However, there must be a proposed budget being considered for passage in the national assembly before the 6 months allowance is applicable. It is very common in Nigeria for the budget to be passed late.

⁶³ http://www.bpp.gov.ng/index.php?option=com_joomdoc&view=documents&path=Project%20Performance.xls&Itemid=860

IFMIS

The Integrated Financial Management Information System (IFMIS) is being developed to meet the objectives of several public finance laws including the FRA, the PPA, and the Constitution, which seek to ensure better efficiency and effectiveness in the use of resources. In addition, the document retention policy of IFMIS has taken into account the rules for admissibility of electronic evidence in line with the Evidence Act.

The OAGF is adopting an incremental strategy in deploying IFMIS. The deployment started with revenue generation modules and then moved to payment modules, cash management, and the storage of fixed assets. The plan for deployment is to eventually automate all financial processes including procurement and contract management processes. At the moment, 12 modules have been fully deployed in 37 ministries. There are 726 MDAs partially operating on IFMIS, but the target is to fully deploy all 12 modules currently available to the 821 budget receiving MDAs.

At the moment, IFMIS generates details of payments disbursed to various ministries and, for a period in 2015, payments and cash balances were available daily online.⁶⁴ This is no longer the case and the IFMIS project unit is working on an access to information policy; if approved, this would enable the unit to publicly publish its reports. The current FOIA has no bearing on the draft policy being developed.

Nigeria has a fiscal federalism structure, therefore the deployment of IFMIS at the state level is at the discretion of the state government. A few states have IFMIS running; Lagos state has had it for a long time and is planning to upgrade from the current Oracle-run system. In addition, Kaduna state and Rivers state have also deployed IFMIS.

Chart of Accounts

Nigeria currently uses a standardized national chart of accounts that is applicable across the federal, state and local government. The chart of accounts is a 52-digit framework, made up of 6 segments: the administrative classification, the economic classification, the functional classification (CLASFON), the program classification, the fund classification and the geo-location segment. The chart of accounts is currently being used for posting all accounting records and expenditures across the public sector. Therefore, the budget preparation and execution stages are recorded based on classifications in the chart of accounts.

Recommendations

Map data collection within IFMIS based on the OCDS. As the IFMIS process plans a backward integration to capture procurement planning, tender and contract award data, the data should be captured based on the OCDS. Additionally, *the proposed e-Procurement system should use chart of account classifications to link the tender, award and contracting processes with implementation and payments data from IFMIS.* This would require close coordination between the BPP and the IFMIS unit.

⁶⁴ <http://IFMIS.gov.ng/IFMIS/index.php/fr>

Name	Position	Organization	Date of Interview
Chief Bayo Awosemusi	Lead Procurement specialist	World Bank	11/4/2016
Adesina Isaac Mokuolu	Head, e-procurement	BPP	10/31/2016
Aliyu Aliyu	database	BPP	10/31/2016
Musa Abdullahi	Procurement officer	NEITI	11/1/2016
Dr. Anne Nzegwu	Director, Reform Coordination and Service Improvement	Ministry of Budget and National Planning	11/4/2016
Raymond Esegbabon	Deputy Chief of party	National Democratic Institute	11/3/2016
Jiru Bako	Country Manager/Managing Director	Crown Agents	11/3/2016
Desteo Mugabi	GIFMIS Project Manager	General of the	11/4/2016
Lyndon Radnedge/Andrew Flemming	Head of Political Section	UK Embassy	11/3/2016
Mrs. Juliet Ibekaku	SA to President on Juctise Reforms	Attorney General's office	11/4/2016
Dr. Joe Abah	Director General	Bureau of Public Service Reforms	11/1/2016
Alhaji Gambo	Director Procurement	Ministry of Health	11/1/2016
Mr. Haruna	Procurement department	National primary health care development agency	11/2/2016
Oluseun Onigbinde	Director	BudgIT	11/2/2016
Oludotun Babayemi	M&E Expert	CODE	10/31/2016
Abu Ibrahim	Director	A4 Associates	10/31/2016
Ghandi Maduka	General Secretary	Professionals	10/31/2016
Joseph Amenaghwon	Governance	OSIWA	11/1/2016
Dauda Garuba	Nigeria officer	Governance Institute	12/13/2016
Umar Atta	officer	Education Commission	12/8/2016
Tochukwu Nwachukwu	Accountant General	Preston Consults	12/12/2016

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[illegible]

Priority Recommendations List									
Theme	Recommendation	Text	Difficulty Level	Priority Level	Financial Burden	Lead Stakeholder	Other Stakeholder Involvement	Monitoring & Sustainability	Additional Resources/ Initiatives
Data and Technology	Ensure that sufficient data is collected for corruption risk monitoring	The BPP has expressed an interest in developing analytics aimed at identifying contracts or procurement processes that are at risk for malfeasance. While the BPP is collecting a variety of valuable data fields, it could also take the following measures to enhance efforts to monitor corruption risk: ●Adopt unique identifiers for procurement processes, businesses, PEs, and items that are relevant and applicable across theDa public financial system. The development of unique identifiers should be integrated with the country's ongoing implementation of the IFMIS chart of accounts codes and classification system. ●Collect additional data fields, including names and identifiers of all bidders, bid amounts, contract amendments, amendment values, subcontractors, co-bidders, complaint types; ●Collect data from PEs on a rolling basis, for example, on a monthly basis until e-procurement is adopted.	High - requires mapping of all identifiers currently being used and getting all procuring entities to uniformly apply unique identifiers	High	Medium	BPP	PEs	Procurement data from various PEs published on portal using unique identifiers across all stages	Open Contracting Data Standards
Data and Technology	Coordinate closely with the IFMIS unit	To ensure uniformity of the data standards used across the contracting process, particularly looking toward the launch of the e-procurement system, the BPP should develop a closer collaboration with the IFMIS unit at the OAGF.	Medium	High - procurement data needs to be interoperable with transactional data on IFMIS	Low	BPP	Office of the accountant general	Data collection on IFMIS and e-procurement system meets OCDS requirements	Open Contracting Data Standards
Data and Technology	Develop data release policies	Data release policies that apply to both the BPP and IFMIS unit should be developed to enable unrestricted data release and public data use. In line with the provisions of FOIA, the policy should provide restrictions on personal data where necessary, while also facilitating timely and accessible data release. As BPP considers e-Procurement implementation, it should coordinate with the OAGF and the AG's office within the FMoJ, to ensure that citizens' access to data spans all 5 stages of the procurement process.	Low-Medium: Relatively easy to develop data release policies but coordination is key	High - this would improve compliance with proactive data release	Low	BPP	Office of the accountant general	Uniform data release policy applicable to BPP and IFMIS	FOI Act 2011
Data and User engagement	Support the BPP to analyze procurement data.	The current strides by the BPP to implement open contracting reforms can be improved with analytical support. The BPP has indicated the need for capacity development to enable deeper analysis of procurement data routinely and, eventually, in real-time. This training support could be included in the yearly training calendars of the Public Procurement Research Centres at the University of Owerri and the University of Lagos. The training is also likely to require training-of-trainer models, in which local instructors are trained to train PEs across the country.	Low - BPP has indicated need for this capacity building	High	Medium	BPP	Public Procurement Research Centres, PEs, CSOs	Reports issued based on procurement data analyses, data analyses tools on procurement portal	Open contracting tools https://ogptoolbox.org/en/collections/10 .
Data and User engagement	Expand and deepen open contracting discourse within the private sector.	The case for open contracting would be strengthened by demonstrating the usability and utility of procurement data for business. For example, the private sector could use historical award data to evaluate competition or to compare the completion rates of contractors providing services in a certain sector. Involving the private sector requires mapping various private sector groups and reaching out to them to support the open contracting reforms. A primary target in the private sector would be techpreneurs focused on building digital tools using open data. Buy-in from the private sector could also make it more difficult for the government to rescind their open contracting commitments	Low- what is required is more awareness raising	High - this would strengthen the business case for ocd data	Low	CSOs	tech community	More private sector platforms using procurement data	Open contracting tools https://ogptoolbox.org/en/collections/10 .
Financial management	Map data collection within IFMIS based on the OCDS	As the IFMIS process plans a backward integration to capture procurement planning, tender and contract award data, the data should be captured based on the OCDS. Additionally, the proposed e-Procurement system should use chart of account classifications to link the tender, award and contracting processes with implementation and payments data from IFMIS. This would require close coordination between the BPP and the IFMIS unit.	Medium to high - Currently working separately but there are several opportunities to collaborate e.g the OGP working group and coordination through admonition from the Secretary General of the Federation	High	Medium	BPP	Office of the Accountant General, Ministry of Finance	IFMIS data collection tailored to OCDS requirements, e-procurement system using chart of accounts classification to link procurement stages.	OGP working group on OC
Institutional re-organization	Inaugurate the NCPP.	Inaugurate the NCPP. A highly politicized matter, no group has been able to pressure the government to inaugurate the NCPP since its inception. However, the establishment of the NCPP is important for addressing the challenge of coordination between the BPP and other entities, particularly with respect to harmonizing procurement policies and for ensuring the independence of the BPP. The NCPP should be inaugurated so that procurement processes are fully integrated with other public finance processes and so that the BPP can increase its independence.	High - NCPP has not been established in 10 years.	Medium	Low	BPP	Civil society advocacy	NCPP has been established (Y/N)	Independence of procurement oversight authority recognized as essential in UNCITRAL Model Law on Public Procurement

Priority Recommendations List									
Theme	Recommendation	Text	Difficulty Level	Priority Level	Financial Burden	Lead Stakeholder	Other Stakeholder Involvement	Monitoring & Sustainability	Additional Resources/ Initiatives
Institutional re-organization	Eliminate the role of the Federal Executive Council (FEC) in authorizing procurements.	The FEC, Nigeria's cabinet, currently reviews and authorizes the largest procurements in the country, a problem that President Buhari has acknowledged. While oversight - and disclosure - of the largest procurements is welcome, it stands against international good practice for this role to be played by a political body. As in other countries, including Ghana and Tanzania, the role of approving contracts should be played by an independent tender board. The separation of politics and contracting is necessary for the public to have confidence that politics do not influence which companies win or lose public contracts.	Medium - Considered a priority by President Buhari	High	Low	BPP	Civil society advocacy	FEC no longer plays role in approving contracts (Y/N)	Independence of procurement decision making from political bodies is recognized as essential in UNCITRAL Model Law on Public Procurement
Institutional re-organization	Support efforts of the BPP to provide increased incentives for compliance with procurement policies and directives.	To enable better coordination and overall efficiency of the procurement process, the BPP should continue its efforts to work closely with PEs. Several PE staff interviewed for this report suggested that the BPP uses its oversight authority to ensure that PEs comply with regulations adequately. Others suggested that the BPP could provide additional assistance and guidance on the implementation of policies within PE procurement processes and seek to create incentives for compliance. Development Partners should support collaborative efforts to help the BPP to facilitate engagement with other procuring entities where such initiatives are being conducted.	Medium - Incentives such as recognition have increased compliance in related areas such as access to information	High	Low	BPP	PEs	Increased compliance with disclosure of procurement information	Open contracting Principles
Institutional re-organization	Digitize the procurement processes	Digitize the procurement processes. The BPP is currently taking steps to achieve this through adoption of e-procurement, which could bolster the efficiency of the procurement process. The success of e-procurement depends on several factors, including effective coordination across key data-controlling institutions. In particular, care should be taken to ensure that e-procurement adoption integrates successfully with the IFMIS. While it could be argued that it is the role of the NCPP - according to the PPA - to adopt e-procurement, the BPP has effectively stepped into this role.	Medium - Process to adopt is already ongoing	High	High	BPP	PEs	e-procurement system deployed and functional	e-procurement system to map data collection and recording to meet OCDS requirements
Law and Policy	Enhance use of regulations.	The BPP, lawmakers and other procurement stakeholders are encouraged to focus more on regulations rather than amendments to the primary legislation. Building an effective public procurement regime requires more flexible and less restrictive legal approaches that can be tweaked to respond to the changing procurement landscape. In addition, regulations do not require an extensive legislative procedure and could be easily revised. The BPP should focus more on the adoption of regulations that support increased transparency, improved data collection and enhanced efficiency in the procurement process.	Medium - More flexible than amending primary legislation	High	Low - Medium	BPP	Office of the Attorney General, office of the Accountant General, CSOs	regulations developed to give effect to open contracting practises	Open Contracting principles, open contracting data standards as guides for developing these regulations
Law and Policy	Shift from the provision of procurement information upon request to proactive disclosure.	The provisions of the PPA do not extend to proactive disclosure of information, which limits the use of procurement information for informed analysis. However, the BPP can rely on the provisions of the FOIA to mainstream proactive disclosure into procurement practices. On this basis, a policy specific to proactive disclosure of procurement information can be fairly easily developed. This could be achieved by the BPP through the creation of a small interagency team, including the IFMIS unit at the Office of the Accountant-General (OAGF), the budget office of the federation and one or two representatives from civil society.	Medium - relatively easy to develop proactive disclosure policy but coordination between the agencies is key to full adoption across board	High	Low	BPP	Office of the Accountant General, Budget office, CSOs	Proactive disclosure policy developed	Open contracting principles, Freedom of Information Act, 2011.
Law and Policy	Increase disclosure in the extractives sector.	The current application of the PPA to the extractive industries (oil, gas and mining) is a good step that needs to be encouraged and sustained. This could be achieved through targeted support to NEITI for working closely with PEs in the extractives sector in order to institutionalize disclosure practices that are only just taking root. Given the progress being made in the sector and the ability of technocrats who currently lead the sector, there is a good opportunity now to strengthen disclosure on oil, gas and solid minerals.	Medium - There is support from the executive secretary of NEITI but sectoral support from NNPC, Ministry of Petroleum also key.	High	Low	NEITI	BPP, NEITI, Ministry of Petroleum, NNPC	Increased disclosure of contracting processes in the extractives sector	Open Contracting Data Standards, EITI principles, beneficial ownership registries
Law and Policy	The effective implementation of open contracting policies will require consistent leadership from the DG of the BPP	By taking a strong public stance and continuing to engage a multi-stakeholder group, the DG can ensure that open contracting remains a priority of the administration. The BPP, with the DG's leadership, has an opportunity to become a global leader on open contracting if it sees through on its current efforts to implement OCDS and open it to the public. But the success of open contracting in Nigeria depends on visible leadership by the DG in high-level meetings to ensure buy-in of relevant institutions.	Low - the BPP has a newly appointed DG that is willing to lead open contracting initiatives	High	Low	BPP		Public statement in support of open contracting implementation in Nigeria	Open contracting principles, OCP networks
Law and Policy	Coordinate efforts on procurement reform	Government stakeholders currently need a mechanism to enable coordination of various reform efforts related to public procurement. With international support and attention from the BPP's DG, coordination between key data controlling agencies such as the MOF, OAGF and the BPP can be achieved by establishing a short-term technical team to build coordination	Medium to High - practise of working in silos	High - sustained open contracting implementation requires coordination	Medium to low	BPP	Ministry of finance, office of the Accountant General, Ministry of Budget and national planning	Reinforcing statements from public finance institutions on using the OCDS to collect and map related public finance data	Open Government Partnership offers potential avenue for coordination

Priority Recommendations List									
Theme	Recommendation	Text	Difficulty Level	Priority Level	Financial Burden	Lead Stakeholder	Other Stakeholder Involvement	Monitoring & Sustainability	Additional Resources/ Initiatives
Stakeholder effectiveness	Clarify roles in implementation	A coordinated effort across key government agencies requires a clear work plan for implementing open contracting reforms. The roles and responsibilities of each team member across various institutions need to be established. With everyone knowing their role and when they are required to play their part, the procurement systems being built should mirror the design of coordination efforts and various work flows across the public finance system. The BPP should lead efforts to develop a work plan for implementation of open contracting reforms and convene other government actors to ensure that all agencies play their appropriate roles.	Medium - Relatively easy to develop work plan but adoption by all institutions is key	High - coordination is required to design for compatibility and scale	Low	BPP	Office of the Accountant General, PEs	OC Work plan with clear roles developed and adopted by relevant institutions	
Stakeholder effectiveness	Provide technical support to enable mainstreaming of open contracting	The task of overhauling the current procurement system is daunting. Those who are implementing reforms would also be responsible for carrying out current practices and strategies for implementing open contracting commitments. Technical support through the creation of a small team or collaborative partnership to help guide and enable this transition could go a long way towards institutionalizing open contracting reforms.	Medium - relatively easy to set up but needs commitment of BPP and relevant stakeholders to be effective	High	Medium	BPP	Office of the Accountant General, CSO representative	Technical team to support open contracting implementation set up	
Stakeholder effectiveness	Communicate creatively about contracting	Civil society stakeholders need to be able to creatively pass on their messages to various audiences. Discrete projects that help civil society to relay open contracting messaging in a way that it is digestible and useful may be the greatest capacity need across civil society at the moment	High - CSOs used to certain strategies and forms of partnerships and would need to open themselves to other forms of influence	High	Medium	CSOS	Donor agencies, development partners	An increase in creative messaging using open contracting data	Resources from Tactical Technology Collective
Stakeholder effectiveness	Sustain civil society campaigns to deepen public understanding of contracting issues.	Civil society is constrained by limited resources and the need to show results for their work. Whilst output-based funding can be good, the short-term nature of this funding often makes continued engagement on open contracting efforts difficult. Civil society will require additional support to ensure a campaign is carried out to its full potential, keeping in mind a balance between outputs and continuity of efforts. Rather than insisting on entirely new projects, donors and civil society partners would benefit if resources are used to strengthen existing initiatives.	High - Both CSOs and donor agencies need to stay on the course for much longer than usual. may also require some flexibility to grant operations, willingness to modify existing grants.	High	High - the longer term may mean additional resources committed.	CSOs	Donor agencies, development partners	Longer term support (2 to 5 years) to local CSOs working on OC	
Stakeholder effectiveness	Collaborate with government.	Civil society and government have the tendency to be suspicious of each other, breeding mutual distrust between parties. However, the efforts of civil society may be best sustained if institutionalized within formal governance structures. Support for such efforts, and the building of civil society advocacy and communication skills would enable civil society to work more effectively and strategically with government, whilst maintaining their independence	High - mutual distrust exists	High - CSO interventions are sustained when they transform prevailing practises.	Low	CSOs, BPP	PEs	Press statements, working groups indicate collaboration, joint presentations show increased collaboration	OGP working groups, OC working groups, case studies from other countries.