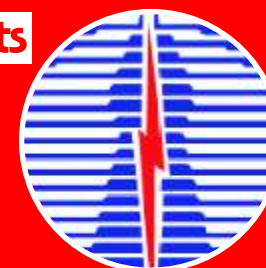


Uncovering Power Sector Procurement and Contracting Processes: **A Guideline for Journalists**

June 2014



Produced by Media Rights Agenda on behalf of the
Nigerian Contract Monitoring Coalition



Supported by:



The World Bank Institutional Development Fund
And regionally convened at:



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Foreword

There is the tendency for reported public procurement processes to sound abstract and disconnected from activities that ordinary people have reason to value. It is difficult for people to grasp the benefits to themselves of a due process mechanism for awarding contracts when it is not closely tied to their socio-economic realities in Nigeria. The truth is, public procurement affects the state of national infrastructure and service delivery that is passed down to every Nigerian. Its importance therefore cannot be overstated. The benefits of a duly followed public procurement process cuts across all sectors including key development sectors such as power.

This Guide seeks to empower journalists to report on public procurement processes in a way that makes sense to various stakeholders that make up the public; be they contractors, beneficiaries, the media, public institutions or Nigerian enthusiasts as the case may be. The guide shall draw strongly from the experiences of the Nigerian Contract Monitoring Coalition; a multi-stakeholder group that monitors power sector projects. Although the primary target of this guide is journalists, it would also be of use to anybody who would like to systematically follow the procurement process in Nigeria.

List of key Acronyms

PPA 2007	— Public Procurement Act 2007
FOIA 2011	— Freedom of Information Act 2011
BPP	— Bureau of Public Procurement
MRA	— Media Rights Agenda
PPDC	— Public and Private Development Centre
NSE	— Nigerian Society of Engineers

1. Introduction: The Public Procurement System

Procurement is important because of the role it plays in development, the amount of resources it consumes and its susceptibility to undue influence. The condition of any states national infrastructure depends on the effectiveness of procurement and its process. In several countries, the prevalent culture of secrecy in public expenditure which hinders significant public access and scrutiny has a direct relationship with governance failures. Effective procurement monitoring therefore contributes to reducing failures in the procurement process that lead to project failures. That is why procurement reform laws from Nigeria to the Philippines to Mongolia have provisions allowing citizens participation in the Public procurement processes.

Defining Procurement

WHAT IS PROCUREMENT?

- ▶ Procurement is defined as the acquisition of goods and/or services at the **BEST POSSIBLE TOTAL** cost of ownership, in the **Right Quantity** and **QUALITY** at the **RIGHT TIME**, in the **RIGHT PLACE** for the direct **BENEFIT** or use of Government, Corporation or individuals, generally via a contract.
- WIKIpedia Encyclopedia



Globally, nations adopt public procurement system to enable them manage their contracting processes for the purchase and disposal of goods, works and services in a manner that is accountable, transparent and cost effective.

Public Procurement is the purchase of goods and services on behalf of a public authority, such as a government agency. These public authorities are called procuring entities. It usually requires the procuring authority to issue public tenders if the value of the procurement exceeds a certain stated threshold. The reverse process of efficient disposal of goods after their life cycle is also under the public procurement process.

Cont...

- ▶ The overall process of acquiring goods, works and services, from the identification of need to contract administration and through the end of a services' contract or the useful life of an asset.

*Procurement Manual, Bureau of Management,
Office of Legal and Procurement Support, Jan 2005*



Public procurement can be viewed as a process through which a government institution goes into an agreement with contractors, suppliers, consultants, etc to obtain goods and or services required to fulfill its objectives which usually are in accordance with laid down policies covering the execution of the procurement process.

The procurement process varies according to different countries subject to the prevailing procurement laid down system which covers issues such as the way the public institution calls for bids through advertisements; the rules for selecting a contractor and making the procurement process fair.

By opening up the contracting process, it allows for an increase in competitive bidding which secures the best acquisition of goods and services at the best cost.

The Nigerian Public Procurement (PPA) Act, 2007 is designed primarily after the UNCITRAL Model Law on Public Procurement.

International Standard Practices

In promoting the law of international trade and procurement in the interest of citizens, in particular those of developing countries, the United Nations Commission on International Trade Law (UNCITRAL) was established by the United Nations General Assembly (UNGA) on December 17, 1966, by passing Resolution 2205 (XXI). The UNCITRAL created a Model Law on Public Procurement that seeks to ensure that transparency in the procurement process is achieved.

Nigerian Public Procurement System

By implementing public procurement reforms in the country, the Nigerian government has joined the League of Nations that aim to strengthen its public procurement systems by enacting an act that will promote good procurement practices in the country.

The Nigerian government realized that sound public procurement policies and practices are among the essential

elements of good governance. Fostering good procurement practices will reduce mismanagement of public finance and produce timely results which reduce the rate of allegations of corruption and ineptitude of government.

The World Bank, being the driver behind public procurement reform in Nigeria, conducted a Country Procurement Assessment (CPAR) in 1991 of the Nigerian public procurement system. The assessment revealed a number of deficiencies that created a weak procurement system that was characterized by irregularities, fraud, corruption and mismanagement. These include:

Deficiencies that led to the Nigerian Procurement Reforms

- **The** absence of a Public Procurement law
- **Nonexistence** of any public institution with policy direction responsibility on public procurement
- **No defined** standards nor procedures for conducting procurement



In response to the recommendations in the CPAR, the Nigerian government enacted the PPA in 2007 to govern public procurement by federal agencies.

The PPA established the National Council on Public Procurement and the Bureau of Public Procurement (BPP) as the

regulatory authorities responsible for the oversight and monitoring of public procurement processes. It harmonized and standardized the existing government policies and practices by regulating public procurement principles; thereby developed and strengthened the legal framework and professional capacity for Public Procurement in Nigeria. The PPA also introduced the application of accountable, fair, competitive, cost effective, professional, transparent, value for money, standards for procurements and disposal of public assets.

Transparency in Public Procurement

Transparency is the bedrock of the public procurement system and is the most effective safeguard against corruption.

Objectives of the New Public Procurement Regime

The stated objectives which the Government seeks to achieve through the regime introduced by the PPA 2007 and the fundamental principles guiding all public procurements include

Objectives of the Nigerian Public Procurement Reforms

- Ensuring probity in the procurement process
- Ensuring accountability in the procurement process
- Attainment of transparency in the procurement process
- Attainment of competitiveness in the public sector procurement system
- Ensuring fairness of the procurement system
- Application of value-for-money standards & practices for the procurement & disposal of public assets & services
- Accomplishment of cost-effectiveness in the procurement system
- Realization of professionalism in the procurement system



The success or otherwise of the PPA 2007 and the systems created in it should therefore be evaluated and assessed by whether these objectives are achieved. In covering the Act and relevant public procurement issues and institutions, the media ought to bear these objectives in mind. The media should constantly focus their searchlight on the system to ensure that these objectives are being realized.

Transparency Provisions in the PPA 2007

Measures are prescribed by the Act to achieve the identified transparency and accountability objectives. These measures should help the media to be more effective in covering public procurement and its procedures. The broad transparency provisions include:

Transparency Provisions within the PPA 2007

- **Rigorous** and systematic documentation of procurement proceedings and maintenance of procurement records as well as collation and maintenance of a variety of other records and information related to the procurement process.
- **The** requirement for proactive release of certain types of information, including through advertising and the use of websites
- **The** requirement that bid opening sessions are open to the public as well as stakeholders and interested parties
- **A** regime of access to information based on request by stakeholders and interested members of the public.



Competitive Bidding Processes under the Public Procurement Act 2007

Procuring entities are also required by the Act to carry out the procurement of goods and works through “open competitive bidding”. Open competitive bidding is defined as “offering to every interested bidder, equal, simultaneous information and opportunity to offer the goods and works needed” – Section 24(1) & (2).

The Act specifies that for international competitive bidding, the invitation “*shall be advertised in at least two national newspapers & one relevant internationally recognized publication, any official websites of the procuring entity and the Bureau as well as the procurement journal not less than six weeks before the deadline for submission of the bids for the goods & works*” – Section 25(2) (i)).

For procurement under national competitive bidding, the Act provides that the invitation “*shall be advertised on the notice board of the procuring entity, any official websites of the procuring entity, at least two national newspapers & in the procurement journal not less than six weeks before the deadline for submissions of the bids for the good s & works*” – Section 5(2) (ii)

2. The Need for Effective Reporting of the Nigerian Public Procurement System

The Media are at the center of any effective transparency and accountability mechanism in any democratic nation. They act on behalf of the public by seeking information about government policies, their activities and its implications for the country. Invariably, the media are watchdogs for the nation, its government and the instruments of governance

It is the duty of the media to investigate issues; assemble, analyze and verify facts; and provide unbiased information in a consistent, transparent and honest way in line with Journalism principles and best practices. Section 22 of the 1999 Constitution of Nigeria (as amended) gives the Media the primary responsibility to focus on and monitor the implementation of the "Fundamental Objectives and Directive Principles of State Policy." This Section of the Constitution captures the basic principles and philosophy of governance in Nigeria.

The media are saddled with the responsibility under the Constitution to monitor and ensure compliance. Section 22 of the 1999 Nigerian Constitution confers constitutional duty on the Nigerian Press thus: "The press, radio, television and other agencies of the mass media shall at all times be free to uphold the fundamental objectives contained in this

Chapter and uphold the responsibility and accountability of the Government to the people."

Government institutions, parastatals and all Government officials are supposed to apply the principles in Section 13 of the constitution which states; "It shall be the duty and responsibility of all organs of government, and of all authorities and persons, exercising legislative, executive or judicial powers, to conform to, observe and apply the provisions of this chapter of this Constitution."

The role of Media in public accountability under the Constitution is to focus on government's actions and ensure that the Government and all government officials and institutions are accountable to the people. The media is also responsible for ensuring that the Government and all government officials and institutions are working towards achieving the objectives in Chapter 2 of the Nigeria Constitution.

The Media are to monitor governance principles and objectives articulated in Section 22 which is at the heart of good governance. These should inform all policies, legislation, programs, actions and activities of Government. This includes corrupt practices and abuse of power.

What is required of the Media within the Public Procurement Process?

- Independence
- Objectivity
- In depth analyses that links Public Procurement to Service delivery and the standards of living
- A veritable source of information and analyses to raise and/or improve people's awareness and understanding of the Public Procurement process – there should be increased levels of reporting of Public Procurement with greater depth
- Monitor the compliance of Public institutions with the Public Procurement regime.

Key Stages within the Public Procurement Act that Require Monitoring by the Media

The Act contains numerous provisions whose implementation require monitoring. They include:



Each of these stages requires vigorous documentation and record keeping in order to ensure that the procurement system can be probed. The first area that requires monitoring therefore, is compliance by the BPP and procuring entities with the obligations imposed on them to establish, develop or maintain, as the case may be, various databases, records and information systems.

These provisions serve as pointers for the media, the public and other interested stakeholders on the different types of information that are available and where they can be obtained. Unless these are done and the media, the public and the primary stakeholders have access to the information, the transparency

objectives of the Act may not be achieved. The media therefore have a duty to monitor the enforcement of these aspects of the Law.

How Can the Media be Effective?

For the media to be effective, the Media and media practitioners covering public procurement must be familiar with all the relevant issues. They should study and understand the PPA and all relevant policies, guidelines, systems and mechanisms relating to public procurement. The media should be familiar with relevant documents and reports touching on public procurement.

Media should be aware of various bodies, institutions and agencies relevant to public procurement, as well as their composition, functions, powers, etc. such as:

- a) National Council on Public Procurement
- b) Bureau of Public Procurement
- c) Nigerian Institute of Purchasing and Supply Management, etc

The Media should build partnerships with civil society organisations (CSOs), other interest groups and stakeholders to feed them with information and relevant data. Building technical capacity and expertise to follow and monitor what is going on in the sector is very important for the media. Ability to review statistics, technical data (facts and figures), etc., presented by Government, procurement officials or other interest groups is essential for the media.

The achievement of the purpose, objectives and principles of the PPA 2007 will depend on its effective implementation. It is

therefore of critical importance that the media and other stakeholders ensure its effective implementation through public enlightenment and monitoring activities. In order to be effective in this endeavour, the Media must build their capacity to engage the procurement process.

The Media should have access to a range of experts who can fill their knowledge gaps, clarify issues and provide perspectives. Such informed knowledge will enable media practitioners to ask the right questions from Government procurement officials.

3. Using Investigative Reporting to Ensure the Integrity of the Nigerian Public Procurement System

To ensure the integrity of the procurement process, thereby achieving effective and sustainable outcomes, it requires continuous and sound investigative reporting to sustain mounted pressure on the operators of the system to comply with the PPA 2007.

What is Investigative Journalism?

There is no precise or commonly agreed definition for investigative journalism. However, it is generally described as a journalistic process in which information which reveals corruption, wrongdoing, abuse of power or which is damaging in some other way is uncovered through a systematic fact-finding process.

According to Wikipedia, investigative journalism is a form of [journalism in which reporters deeply investigate a single topic of interest, such as serious crimes, political corruption, or corporate wrongdoing.](#)

Investigative journalism is based on the hypothesis that governments, corporate bodies and other powerful interests in society are secretive, frequently do not tell the truth or the whole truth and cover-up information that ordinary citizens want or ought to know. It is therefore the job of the journalist to dig below the surface to uncover this information and reveal it to the public.

Investigative journalism goes beyond the reporting of routine press statements, handouts, speeches at conferences, launchings,

seminars, and workshops or even leaked exclusive information. But such events may give the reporter ideas or clues about activities that are either going on or have taken place, which require investigation.

Reason for Investigative Journalism

The public is under the constant onslaught of public relations information –from Governments, corporate bodies and other interests in society. Most of the information is designed for one purpose only—to make the Government or companies and the individuals that run them look good, regardless of what the reality maybe. It is the duty of the journalist under these circumstances to provide the public with the real truth.

An investigative journalist digs below the surface of any issue or event to peel back the layers of lies, half-truths, deceptions or cover-ups. This enables the reporter to gather information that will help the public to have a full picture of information and to understand both the information and its implications.

Who is an Investigative Reporter?

An investigative reporter is a writer who reports information with the purpose of facilitating change. Investigative reporters are behind many of the reforms that are seen in the society. An investigative reporter is like a law enforcement investigator or a prosecutor trying to establish a case against a suspect.

Good investigative and research skills, determination, and a keen sense of skepticism are all important qualities to have as an investigative reporter. Writing, ethics, data interpretation and research techniques can help to hone these critical skills.

The investigative reporter looks for evidence – documentary, interviews witnesses, suspects, etc; conducts research into aspects of the case; gets expert opinions (legal, medical, financial, etc.); and assembles the facts to prove a case.

Why should the Investigative Reporter look for Public Records and Documents to perfect his Reports?

The basic operating principle for the investigative reporter should be to go after documents and records. Records and documents are invaluable assets when building a case against powerful interests. They are very important in ensuring that the journalist has accurate and reliable facts for verifying information which may have been obtained from anonymous or other sources in providing the evidence when the story is challenged.

***A Journalist
should strive
to employ
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information.
Exceptional
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be employed
only when
the public
interest is at
stake."***

**Article 10:
Code of Ethics
for Nigerian
Journalists**

The Public records and documents will help journalists to correctly report events that may have escaped public attention at the time they happened in helping to reveal the full facts of a situation or event which were only partially known to the public.

Having Access to Information

Governments of all types are, by nature, bureaucratic in their operations. Government departments and agencies routinely and habitually document almost all their decisions, actions and activities. Therefore, there is a multitude of documents and records covering a wide variety of issues and subjects generated daily and stored by various government offices. The reporter has to be enterprising to harvest this important resource waiting out there.

As a journalist seeking to use public records or documents in investigative reporting, such journalist should be aware that you face some challenges such as:

Some Challenges Investigative Reporters face

- **Knowing** whether the particular record or information you seek is in existence;
- **Determining** who has the required record or information
- **How** to obtain the record or document from that source.



A journalist who is in search for public records and documents should be prepared to face the challenge of whether a particular record sought for is in existence; how to know who has the information and how to obtain the information or document in a manner that does not endanger the reporter's source.

The easiest way of knowing what information is available and who has it is through reliable and trusted sources. Such sources can usually alert or tip off the reporter about the existence of records or information that you might be interested in and where they can be found. Depending on the type of record or document involved. It is also possible to surmise what sort of information a government department or agency should have in its custody.

Journalists can also rely on the Freedom of Information (FOI) Act 2011. The FOI Act gives every person in Nigeria, including journalists, a legally enforceable right of access to public records or information. Any person can therefore obtain public records and information by relying on the provisions of the PPA and the FOI Act. Wherever possible, a requester for information should first try to use the FOI Act to obtain any document, record or information.

Besides the PPA and the FOI Act, there are other laws with access to information provisions that can also be used to obtain information, including:

- The National Archives Act, 1992
- The National Inland Waterways Authority Act, 1996
- The Fiscal Responsibility Act, 2007
- The Nigeria Extractive Industries Transparency (NEITI) Act, 2007

However, if these laws are not applicable in any instance or if they prove unhelpful for lack of compliance by the relevant public

institutions, you may use personal contacts or sources to get the information or record.

It is very important as a journalist to be mindful of the professional standard in the Code of Ethics for Nigerian Journalists. Article 10 of which provide that: *"A journalist should strive to employ open and honest means in the gathering of information. Exceptional methods may be employed only when the public interest is at stake."*

Story Presentation

Having gathered all the facts, done background checks, conducted interviews to fill in any gaps and to get expert opinions, there is still the need to present the story to the audience. As a professional investigative reporter, you need to identify the audience that you want to target and write with the target in mind. Ask yourself who you are trying to get through to with the story:

- Is it government officials who can take action on the issues raised in your story?
- Is it the general public?
- Is it a particular segment of society that should have an interest in your story?

Writing the story should not be an end in itself. The investigative reporter should think through the whole process of writing the story and try to understand how the story will affect the target group or groups. Certain questions need to be addressed before presenting a story in order to meet the stories objective which should cover the expected outcome from the story. These are its presentation; highlighted points or issues raised; and the story language.

Some Questions to ask before writing a story

- Do you want to influence policy with the story?
- Are you only interested in provoking some sort of public reaction?
- Do you want to ginger the government to take action against certain activities, individuals or groups?



In presenting a story, the reporter must also have regard to the basic principles of journalistic practice, including:

- Accuracy
- Fairness
- Balance
- Proper attribution
- Decency and good taste

4. How the Freedom of Information Act 2011 can Enhance Effective Reporting of the Nigerian Public Procurement System

The Freedom of Information Act, (FOIA) 2011 is designed: “To make public records and information more freely available, provide for public access to public records and information, protect public records and information to the extent consistent with the public interest and the protection of personal privacy, protect serving public officers from adverse consequences for disclosing certain kinds of official information without authorization and establish procedures for the achievement of those purposes.”

Objectives of the FOIA 2011

- To make public records and information more freely available
- To provide for public access to public records and information
- To protect public records and information to the extent consistent with the public interest & the protection of personal privacy
- To protect serving public officers from adverse consequences for disclosing certain kinds of official information without authorization
- To establish procedures for the achievement of these purposes for other related matters.



The right of access to information under the FOI Act establishes in very clear terms the right to information for every person. Section 1(1) of the Act states that:

Notwithstanding any thing contained in any other Act, law or regulation, the right of any person to access or request information, whether or not contained in any written form, which is in the custody or possession of any public official, agency or institution howsoever described, is established.” Section 1(1)

exemptions stated in the Act.

The PPA 2007 established the National Council on Public Procurement and the Bureau of Public Procurement as the regulatory authorities responsible for the monitoring and oversight of public procurement, harmonizing the existing government policies and practices by regulating, setting standards and developing the legal framework and professional capacity for public procurement in Nigeria, and for related matters.

Some of the relevant features of the PPA 2007 include the scope of application, fundamental principles for procurement, organization of procurements and procurement methods.

Summary of PPA 2007 Scope

Section 15 of the Act states that it applies to all procurement of goods, works and services carried out by the federal government and all procurement entities; all others that derive a minimum of 35% appropriation or proposed to be appropriated for procurement as described in the Act from the Federation's share of Consolidated

Therefore, every person has a legally enforceable right of access to records, documents and information held by public institutions, subject to certain

- Revenue Fund; and shall not apply to the procurement of special goods, works and services involving national defense or security unless approved by the President.
- The fundamental principles include but not limited to the following: economy (utility maximization), efficiency (full employment of resources and full production), equity (fairness or economic justice), transparency (clear rules and regulations), accountability (probity) and ethics (standards of morality).
- Organization of procurement should consist of approving authority, planning, implementation, accounting officer, planning committee, tenders board, pre-qualification of bidders, and open competitive bidding.
- Procurement methods encompass invitations to bid, bid security, submission of bids, rejection of bids, validity periods of bids and modifications as well as withdrawal of tenders, bid opening, examination of bids, acceptance of bids, domestic preferences, mobilization fees, contract performance guarantee, interest on delayed payments, and record of procurement proceeding.

The FOI Act and Public Procurement in Nigeria

The FOI Act enacted in 2011 will make the PPA 2007 effective in terms of accountability and participation. The two laws complement each other in the areas of transparency, accountability and participation.

The main tenets of public procurement according to the public procurement procedure manual published by the Bureau of Public

Procurement are: economy, efficiency, fairness, reliability, transparency, accountability, and ethical standards. Therefore, lack of accountability or integrity can lead to inefficient production of goods and services as evidenced in the poor quality of public works, maintenance, and delivery of services.

Accountability and greater participation in government are necessary measures for effective and efficient production and delivery of goods and services as well as stimulating growth and development.

Essentially, the accountability of procurement officials is critical to the success or failure of a project and by extension the development of the

country. One way to verify this issue is to analyze the freedom of information and procurement process in Nigeria within the context of transparency, accountability and participation.

To solve ongoing failures in the procurement process, accountability and greater participation in government are necessary measures for effective and efficient production and delivery of goods and services as well as stimulating growth and development. The adoption of the FOI Act is a step in the right direction to ensuring that accountability and participation in government spending are enhanced. The FOI Act provides opportunities for greater accountability, transparency, and efficiency in the procurement process by reducing asymmetric information in access to information. The FOI Act can also assist in protecting whistleblowers in government whose activities reduce wasteful spending which affects the procurement process.

5. Sourcing for Information on Power Sector Contracts in Nigeria

One of the best ways to follow up on power sector contracts is to follow the entire process from the start to finish. In order to do this, we would need to remember the general stages within every procurement process and decide what is newsworthy within each stage or better still, closely link each stage to the expected service delivery. Bearing this in mind also ensures that we know exactly what to look out (and ask for) at each stage and perhaps provides some clarity on whom we should be looking for to provide the information sought. This is what we shall be providing guidance for in this section.

Caution! Guides are not etched in stone. However you develop a guide, you would have to improvise in practice.

One of the best ways to source for information on power sector contracts is to map existing stakeholders in the power sector and depending on the angle of your report, you focus on your primary or target stakeholders. A map of who is doing what, provides you with direction on where to source for information that you, as a journalist has reason to value.

Some of the leading stakeholders in the Power Sector are:

- National Electricity Regulatory Commission
- The Bureau of Public Procurement
- The Transmission Company of Nigeria
- The Electricity Distribution Companies
- The Electricity Generation Companies

- Bidders and Contractors in the power sector
- Media houses
- Nigerian residents
- Bureau of Public Enterprises
- Ministry of Power
- Nigeria Bulk Electricity Trading Company

KYS!!!! Know Your Stakeholders

Know Your Stakeholder's Role: There is little point sourcing for information in the place that is least likely to hold that information. There is need to know the role each of these stakeholder plays within the power sector contracting process. This can be found by looking online or by using the FOI Act, 2011 to gain information on the role of each of these stakeholders.

6. The Nigerian Contract Monitoring Coalition: Overview of History and Activities

Overview

The Nigerian Contract Monitoring Coalition is a division of the West African Contract Monitoring Coalition regionally coordinated by the Ghana Anti-corruption Coalition and supported by the World Bank Institutional Development Fund. In Nigeria, the coalition has been tasked to monitor the contract implementation for the supply and installation of High Voltage Distribution systems in Lagos, Ibadan and Abuja.

Members of the Nigerian Coalition include the Public and Private Development Centre (PPDC), which is the National Convener of the Coalition, the Nigeria Society of Engineers (NSE), the Bureau of Public Procurement (BPP), Media Rights Agenda (MRA), the Centre for Organisational and Professional Ethics (COPE-AFRICA) and the Initiative for Environmental and Health Society (IFEHS).

In the course of its operation, the coalition, led by the NSE, has paid regular visits to the sites in these three locations. The monitors, who were trained by PPDC and others, were drawn largely from the Nigerian Society of Engineers, and the team was headed by Dr. Charles Mbeledede.

Activities

•Litigation

The Nigerian Contract Monitoring Coalition approached the Federal High Court to seek redress after it became obvious that the then Power Holding Company of Nigeria (PHCN) has denied request for information made to them to disclose to it details of a World Bank-supported contract for the supply and installation of High Voltage Distribution systems in Abuja, Lagos and Ibadan. The Federal High Court in Abuja granted leave to the Coalition to apply for an order to coerce PHCN to release the information. Justice AFA Ademola granted the Coalition leave following a suit in September 21, 2012 instituted on its behalf by one of its members, PPDC.

•Training

The Coalition has trained procurement observers on how to use procurement monitoring tools developed by the PPDC in consultation with a wide range of stakeholders, to monitor and report on the procurement process through the Procurement Portal.

•Advocacy

The Coalition has also carried out advocacy visits to Ministries, Departments and Agencies (MDAs) of government and Civil Society Organizations (CSOs) and Networks, promoting that public procurement takes a large chunk of national resources and as such adequate effort should be made at making it transparent.

7. Contract Monitoring Tools: The Procurement Portal

What Is the Nigerian Procurement Observatory Portal?

The Procurement Observatory Portal is a robust web based analytical tool developed by the PPDC.

The Aims of the Procurement Portal – www.procurementmonitor.org

- Provide access for the submission of feedbacks reports from procurement monitors across the nation (continent).
- Perform a wide range of procurement analyses and dissemination of results to designated bodies and persons.
- Provide real time procurement related legal advice to investigative journalists and procurement monitors with the use of a blog.
- Improve the capacity of procurement observers and other procurement stakeholders through online training and tutorials.
- Provide accurate, timely and detailed information for interested person(s) on the Nigerian procurement system.
- Provide ready access to accurate, relevant and detailed information on procurement in Nigeria and across the globe.



Structure of the Procurement Portal

The Nigerian procurement observatory has been designed with careful thought and consideration to the needs of the various stakeholders in the procurement process. These stakeholders include:

- Investigative journalists, organized civil society and professional bodies (Procurement observers)

- The Bureau of Public Procurement (The regulators)
- Federal ministries, departments and agencies (procuring entities)
- Contractors and suppliers
- The international development communities
- And interested Nigerian citizens

In order to meet the information needs of all these stakeholders, the portal is broadly categorized into two sections:

- The descriptive pages (open access)
- The participatory, analytical and technical pages (restricted access)

The Descriptive Pages (Open Access Category)

The descriptive pages are mainly for information receiving and sharing. Access is open to the general public and they include the following tab displays:

- News slides displaying daily procurement news updates on the homepage of the portal.
- About us which is a profile of PPDC.
- The portal which describes the structure and functionalities of the Nigerian procurement monitoring portal.
- Publications which contain various published texts on procurement theory and practice.
- Procurement practice which illustrates the activities of PPDC in making procurement reforms operable.

- Frequently asked questions on public procurement.
- Contact us page which contains the contact address of the PPDC team.
- Partners page which contains links to the pages of our local and international development partners.
- Procurement bulletin page with information on the latest activities of various stakeholders and covers the latest issues in public procurement and open contracting practices in Nigeria.
- Internet radio: A portlet with recorded podcasts discussing open contracting issues across Nigeria which displays a list of tender notices for interested contractors.
- An open source library with public procurement information and related content from local and international sources.
- An FOI section which contains rankings on access to information in Nigeria, updates on litigation and advisories on accessing procurement information.

The Participatory, Analytical and Technical Pages (Restricted Access)

The second part of the portal deals with the descriptive, analytical and participatory aspect of the portal. These are web

pages where stakeholders can create and share accurate information among each other. The information sharing capabilities include:

- Portlet for creating reports: This is where procurement monitors will feed in the data they gather during procurement observation using a standard checklist for procurement monitors developed by PPDC. This web page is equipped with a database mechanism that will collate, analyse and provide statistical feedback that will be useful for further analysis and action by the relevant procurement and anti-corruption agencies.
- Blog functionality: This portlet allows investigative journalists, contractors, procurement monitors, procurement officers and other stakeholders to receive instant legal advice on procurement processes. The blog also provides up to date information on other procurement activities from across the globe.
- Article sharing: Procurement practitioners also have a portlet where they can share their experiences with other stakeholders in the process.

Procurement training: This will be fully developed to provide interactive and multi-media procurement training to interested stakeholders. Currently, the module available is a guide/training for procurement monitors and observers on the use of the monitoring checklist.

8. TEMPLATE LETTERS (SAMPLE APPLICATION LETTER)

Name
Address
Phone
Number
E-mail
Address

Date
Title of Official Public
Institution Address

Dear Sir/Madam,

Application for Information under the Freedom of Information Act 2011

I hereby apply for the following information or record under the Freedom of Information Act 2011.

- (a) On what date the Bureau of Public Procurement (BPP) approved the....
- (b) Who within the BPP gave the approval....
- (c) Kindly provide me with a copy of the minutes of the meeting in which it was agreed that....
- (d) Kindly provide me with copies of all written and electronic communication between the BPP and the company ahead of the decision being taken on whether or

(e) Kindly provide me with details of all advice and guidance, both written and electronic; given to the Honourable Minister before the decision was taken ...

I understand that under the Act, I am entitled to a response within seven(7) days of your receipt of this application.

I would prefer to receive this information electronically, by email at: john@yahoo.com.

If you need any clarification, please contact me by phone on: 0800 0000000 or by email at: john@yahoo.com.

I would appreciate it if you could acknowledge receipt of this application.

I look forward to hearing from you in the near future. Yours faithfully,

Your signature

Your Full Name

Following Up

There may be the need to follow-up on FOI application made to public institutions, particularly, in a case where the 7-days timeframe allowed in the Act has elapsed and no response or request for extension of time has been made.

Applicants requesting for information should ensure they have acknowledged copies of the request submitted. This will make reference to such application easy in case of any discrepancy or denial. Such acknowledgements should be in form of a stamped and or signed but dated copy of the original letter.

(SAMPLE FOLLOW-UP LETTER)

Name

Address

Phone Number

E-mail Address

Date

Title of Official Public

Institution Address

Dear Sir/Madam,

Follow-up on Information Requested Under the FOI Act, 2011

I hereby write to follow-up on my application dated,
requesting for the following information:

(a)

(b).....

(c).....

The 7-days timeframe provided in the Act within which I should get
the information requested has elapsed.

I will appreciate a prompt response on the status of my application.

As indicated in my earlier letter, I would prefer to receive this
information electronically, by email at: john@yahoo.com.

Please contact me by phone on: 08000000000 or by email at:
john@yahoo.com.

Yours faithfully,

Your signature

Your full name