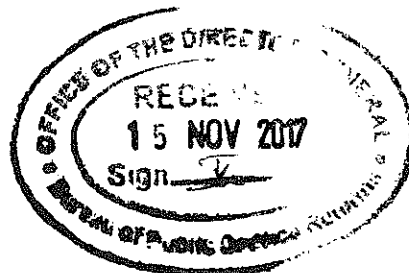


CIRCULAR

Ref. No. SGF.50/S.52/III/675

Office of the Secretary to the
Government of the Federation,
The Presidency,
Shehu Shagari Complex,
Three Arms Zone,
Abuja.

24th October, 2017



Chief of Staff to the President,
Deputy Chief of Staff to the Vice President,
Principal Secretary to the President,
All Honourable Ministers/Ministers of State,
Head of the Civil Service of the Federation,
National Security Adviser,
Economic Adviser to the President,
Special Advisers/Senior Special Assistants,
Chief of Defence Staff/Service Chiefs/Inspector-General of Police,
Governor, Central Bank of Nigeria,
Chairman, Federal Civil Service Commission,
Chairman, Police Service Commission,
Chairman, Code of Conduct Bureau,
Chairman, Code of Conduct Tribunal,
Chairman, Federal Character Commission,
Chairman, Revenue Mobilization, Allocation and Fiscal Commission,
Chairman, Federal Inland Revenue Service,
Chairman, Independent National Electoral Commission,
Chairman, National Population Commission,
Chairman, Independent Corrupt Practices and other Related
Offences Commission,

Chairman, Economic and Financial Crimes Commission,
Chairman, National Drug Law Enforcement Agency,
All Permanent Secretaries and Heads of Extra-Ministerial
Departments,
Clerk of the National Assembly,
Chief Registrar, Supreme Court of Nigeria,
Accountant-General of the Federation,
Auditor-General for the Federation,
Directors-General and Chief Executives of Parastatals, Agencies and
Government-Owned Companies.

RE: USE OF STANDARD BIDDING DOCUMENTS AND
ADOPTION OF ITS GENERAL CONDITIONS OF
CONTRACT AND SPECIFIC CONDITIONS OF
CONTRACT IN CONTRACT AGREEMENT

It has come to the attention of the Government that Ministries, Departments and Agencies (MDAs) are not complying with relevant clauses of the Public Procurement Regulations for Goods, Works and Services pursuant to the Public Procurement Act, 2007 despite having being reinforced by the SGF Circular Ref. No. SGF50/S.52/II/469 dated 13th January, 2014 which mandates all Procuring Entities to use appropriate Standard Bidding Documents and the Conditions of Contract contained therein developed by the Bureau of Public Procurement (BPP).

2. This trend has continuously exposed the Government to unnecessary risks during project implementation and shall no longer be tolerated. To this end, Government wishes to reiterate its earlier directive conveyed in the SGF Circular Ref. No. SGF50/S.52/II/469 dated 13th January, 2014 on ensuring compliance with the use of Standard Bidding Documents and adoption of its General Conditions of Contract and Specific Conditions of Contract in project Contract Agreement executed as stated in the above referred circular.

3. It is noteworthy to bring to your attention that the Standard Bidding Documents, which are part of the solicitation documents for prequalification guide the Procuring Entity under Instruction to Tenderers (ITT) and Specific Instruction to Tenderers, (SIT) in setting objective project specific technical and financial capabilities requirements that can

be objectively evaluated, as well as assisting bidders on decisions in bidding having pre-sighted the draft project requirements thereby reducing if not eliminating cases of complain that stalls project implementation.

4. For emphasis, Clause 118 of the Public Procurement Regulations for Goods and Works states that "Procuring Entities shall use the appropriate Standard Bidding Documents issued by the BPP, Any changes to address project specific issues should be introduced only through the Specific Instructions in the bid solicitation documents, or through Specific Conditions of Contract, but not by introducing changes in the Standard Instruction to Bidders or the General Conditions of Contract of the Standard Bidding Documents".

5. Similarly, Clauses 80 and 81 of the Public Procurement Regulations for Consultancy Services states that "Procuring Entities shall adapt the Standard Contracts for consulting services provided by BPP and attached to the appropriate Request for Proposal (RfP)" and "the draft contract for each assignment shall be included in the Standard Request for Proposals (RFP) as an annexure"

6. In light of the foregoing, all Procuring Entities should henceforth:

- (a) Ensure the use of the appropriate 'Standard Bidding Documents' issued by the Bureau of Public Procurement for all procurements. Any change to address specific issue should be introduced only through the specific Instructions in the bid solicitation documents, or through Specific Conditions of Contract, but not by introducing changes in the Standard Instruction to Bidders or the General Conditions of Contract in the Standard Bidding Documents; and
- (b) The content of both General Conditions of Contract and Specific Conditions of Contract must be included in the Contract Agreement to be executed for project implementation purposes.

7. All MDAs are enjoined to strictly comply with the provisions of the Public Procurement Act, 2007 and the Public Procurement Regulations, 2007 issued by the Bureau of Public Procurement on all procurement

issues as earlier directed in the circular Ref. No. SGF50/S.52/II/469 dated 13th January, 2014.

8. Please ensure strict compliance with the contents of this circular as reported non-compliance will no longer be tolerated.



Dr. Habiba M. Lawal

Ag. Secretary to the Government of the Federation