

PRINCIPLES AND NATURE OF PUBLIC PROCUREMENT ACT IN NIGERIA

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Abstract

National development index is very encompassing including capacity building, provision of goods and services, all subsumed in good governance. Good governance in itself is a function of accountability, honesty and probity in public expenditure including procurement. This paper is anchored on good governance as an indicator for national development, hence principles and nature of Public Procurement Act is aimed at addressing impunity and respect for the rule of engagement following due process and due diligence in all public expenditure process. The study is anchored on the Utilitarian Theory in handling public resources and positions as its methodology is content analytical using secondary data. The study therefore recommends both change of attitude on the part of Public Office holders; Strict adherence to the rule of engagement and Government willingness to enforce rules and sanctions on the defaulters among others.

Keywords: Public procurement, public procurement Acts.

Introduction

Policy reforms in Nigeria's Public Service have been a continuous process since 1945 till present. The Nigerian nation and its people have before independence grappled with the challenge of achieving socio-economic and political development. The journey towards national development in Nigeria started far back 1970's, especially within the wake of her enormous resources. Indeed, several Public Service reforms were introduced and pursued over time in line with the socio-economic, political and cultural needs of Nigerian people.

Consequently, the Nigerian Public Service at independence became more visible, viable and active both in the formulation and execution of development policies and programmes. With increased revenues in the 1970's and other socio-cultural issues, greater commitment was attached to the expansion of the economy hence contemporarily, the Nigerian Public Service has become a vast and complex

organization made up of several public agencies and institutions with varied activities. Indeed, the scope of contemporary Nigerian Public Service has grown highly sophisticated due to expansion, spectrum of public activities thus making its services to be knowledge driven (Njoku, 2009).

The Nigerian Public Service witnessed unprecedented growth to match the increased responsibilities of both Federal and State Civil Services. The realization of the indispensable role of Nigerian Public Service in the administration of service delivery and national development, must have the driving force behind the number of administrative reforms that have taken place in the development of the Nigerian nation which included the most recent Public Procurement policy as established by the 2007 Act by the Bureau of Public Procurement.

Policy reform being a predetermined change/amendment brought into a system, having in mind of introducing acceptable modifications on an identified or existing weaknesses, was captured by Okoli and Onah (2004:204-205) when they referred to reform as:

A purposeful change introduced with a view to totally eliminating certain identified views and imperfections existing in any system or organization. Administrative reforms are deliberate attempt to change both (a) the structure or procedure of the public bureaucracy i.e. reorganization of the institutional aspect and (b) the attitude and behavior of the public bureaucrats involved in order to promote organizational effectiveness and attain development goals.

STATEMENT OF PROBLEM AND NATURE OF PUBLIC PROCUREMENT ACT IN NIGERIA

The Nigerian Public Service itself is a colonial heritage of public administration established by the British authorities as administrative machinery for forming Nigeria, which tended to retain many of the features of the Colonial Public Service including patterns of recruitment, remuneration, contract procurement etc. (Omenna, 2007). Immediately after independence, our Public Service which is a British bequeathal, became replete with primordial loyalties and relationship thus, Africans including Nigerians entrenched in their Public Service, democratization of bureaucracy which in the words of Okoli (1980), was referred to as “Crisis of legitimacy” in African bureaucracy. The transition from colonial administration to indigenous status, afforded the new administrative elites in Nigeria a liberal interpretation of the administration of resources, wages and salaries, recruitment and promotion of personnel and public procurement (Obodo, 2012).

Many indigenous factors crept into the Nigerian Public Service thus mediocrity, corruption, nepotism, leadership ineptitude replaced the Public Service legacies of impersonal relations, honesty, commitment, anonymity and neutrality, hence all the legacies that enhanced development in public service inherent in the British

colonial administration, disappeared as nobody was interested with rules and general regulations guiding the operations of public service. Impunity, imposition, recklessness in respect of laws, rules and principles of public expenditure, procurement and rules of engagement became things of the past. Hence public procurement rules became nobody's business.

Indeed, with the inception of several vices such as self-interest and the crave for wealth at the expense of service delivery in the operations of Nigeria's public service, it became imperative that reform policies could be the only answer to re-organize and re-position our public service. No wonder Gboyega (1988:105) sees Public Service Reform as a deliberate attempt to use power, authority and influence to change the goals, structures or procedures of a given bureaucracy and thereafter, alter the behavior of the personnel. Many public service reforms have been introduced in Nigeria since 1945 aimed at ensuring service delivery which is the hallmark of good governance. Good governance itself has a lot of indicators which include the pursuit and practice of rule of law, establishment of democratic institutions, accountability, delivery on electioneering campaign promises, entronement of due process, freedom of the press and adherence to public opinion and obedience to all the rules of engagement in public procurement especially in contract agreement and due process.

Fundamentally, the 2007 Manual of Public Procurement recognizes that some public procurement policies and practices are essential elements of good governance and that good practices or due processes reduce cost and produce timely result in governance as poor practices lead to waste, delays and are often the causes of allegation of corruption and government inefficiency.

Nigerians thrive in lawlessness and are best in abdicating laws, rules and regulations in the operation of public offices and because we are corrupt and fraudulent, we are known for sharp practices and cutting corners such that we are experts of all manner of short cut approaches. Financial memoranda and general orders litter our tables in our public offices, yet we never adhered to them in the performance of our routine and official duties. To this end, corruption and fraudulent acts have characterized our Public Service practice and the need to introduce reforms had always become imperative in our national development agenda in order to modify our attitudes and behaviors and so restructure and re-position our Public Service for service delivery.

The Public Procurement Act is a legal framework meant to serve as a regulatory authority responsible for the monitoring and oversight functioning of public procurement, harmonizing existing government policies and practices regulating, setting standard and developing the legal framework and professional capacity for public procurement in both the federal and state levels of our public service. It has therefore become very imperative that we return to the rule of engagement in all our public service activities hence the need for this paper.

THEORETICAL FRAMEWORK

This paper adopts the Utilitarian theory in reviewing the Principles and Nature of the Public Procurement Act in Nigeria. Jeremy Bentham (1748-1832) is recognized as the proponent of the Utilitarian theory which is a theory in normative ethics or the ethics that defines the morality of actions (ethical standards). Utilitarianism posits that “Something is moral or good when it produces the greatest amount of good for the greatest number of People” the best action is therefore that which maximizes utility for the benefit of all. Jeremy Bentham in his book “An Introduction to the Principles of Morals and Legislation” (1789) defined Utility as “The sum of all pleasures that results from an action, minus the suffering of anyone involved”. Utilitarianism depicts Consequentialism and in the notion of consequences, the Utilitarian sums it up as all of the good and bad produced by an act, whether arising after the act has been performed or during its performance. However, acts should be classified as morally right or wrong only if the consequences are of such significance that a person would wish to see the Agent compelled, not merely persuaded and exhorted, to act in the preferred manner or due process (Ebeziem & Amadi, 2015).

Therefore relating the theory to this study, the Public Procurement Act and its enforcing Council serves as a mechanism for ensuring accountability, honesty and probity in public expenditure particularly in procurement of public services, goods and works. Thus the provisions of the Act and the mandates and activities of the Council on Public Procurement are in tandem with the Utilitarian Theory because it seeks to address what is morally and socially right or wrong, remedy the wrong to make it relatively right, fair and justiciable based on stipulated standard to ensure that goods and services are procured with due attention to economy and efficiency in line with the rules of engagement or due process. In other words, adopting the Utilitarian theory in this paper is relevant in reviewing the essence of compliance by officials' and Procuring Entities with the provisions of the Public Procurement Act so as to ensure that the delivery of public services in Nigeria are exercised in accordance with Due Process and Due Diligence as a function of Good Governance aimed at actualizing the National Developmental Objectives of the Nigerian polity.

CONSTITUENTS OF PROFICIENT PUBLIC PROCUREMENT

According to the 2007 Manual for Public Procurement, public procurement is the process by which governments buy inputs for vital public sector investment. These investments, both in physical infrastructure and in strengthened institutional and human capacities, lay foundation for national development. In procurement terms, those inputs are generally grouped into three categories:

- civil works: for example bridges and buildings, high ways and basic physical infrastructure.
- Goods: typically equipment, material and supplies, commodities, textbooks,

medical supplies and

- Service: expert advice and training as well as such things as building maintenance, computer programming etc.

Meanwhile the quality, timelessness and affordability of those procured inputs can largely determine whether the public investments will succeed or fail. So the beneficial impact and contribution of the input, particularly in the case of technical assistance service can exceed their direct cost. Yet procurement costs can be substantial, consuming scarce resources of rightly constrained government budget as the required funding often can be borrowed.

However, there are five basic concerns that govern procurement policies:

- To ensure that goods and services needed are procured with due attention to economy and efficiency.
- To ensure that public fund is used to buy only those goods and services needed for material development.
- To give all qualified bidders an equal opportunity to compete for contracts.
- To encourage the development of local contractors and manufacturers.
- To ensure that the procurement process is transparent.

The principle hallmarks of proficient public procurement are: Economy, Efficiency, Fairness, Reliability, Transparency, Accountability and Ethical Standard.

i. Economy: Procurement is a purchasing activity whose purpose is to give the purchaser best value for money. For complex purchases, value may imply more than just price. For example, since quality issues also used to be addressed, lowest initial price may not equate to lowest cost over the operating life of an item procured. However, the basic point is the same the ultimate purpose of sound procurement is to obtain maximum value for money.

ii. Efficiency: The best public procurement is simple and swift, producing positive results without protected delays. In addition, efficiency implies practicability especially in terms of compatibility with the administrative resources and professional capabilities of the purchasing entity and its procurement personnel.

iii. Fairness: Good procurement is impartial, consistent, and therefore reliable. It offers all interested contractors, suppliers and consultants a level playing field on which to compete and thereby directly expand the purchaser's option and opportunities.

iv. Transparency: Good procurement establishes and then maintains rules and procedures that are accessible and unambiguous. It is not only fair, but it is seen to be fair.

v. Accountability and Ethical Standard: Good procurement holds its practitioners responsible for enforcing and obeying the rules. It makes them subject to challenge and to sanction, if appropriate, for neglecting or bending those rules. Accountability is at once, a key inducement to individual and institutional probity, a key deterrent to collusion and corruption, a key prerequisite for procurement credibility.

A proficient procurement system is one that combines all the above elements. The desired impact is to inspire the confidence and willingness to compete of well-qualified vendors. This directly and concretely benefits the purchasing entity and its constituents, responsive contractors and suppliers and donor agencies providing project finance.

Conversely, a procurement system that fails to take-in the above elements stimulates hesitation to compete, submission of inflated tenders containing a risk premium or submission of deflated tenders followed by delayed or defective performance. Other direct results include: collusion in bribery by frustrated or unscrupulous vendors purchasing entities, bad value for those entities and their constituents and betrayal and abuse of the public trust for personal gain. In summary, good and proficient public procurement is not difficult to describe in principle or to distinguish from its antithesis in practice. But it does require varied professional and technical know-how to establish as well as discipline to administer. Like every other policies, the success of public procurement is the need to do effective monitoring and the political willingness to implement and enforce the associated sanctions in an event of noticeable defaults and fraudulent practices.

COUNCIL ON PUBLIC PROCUREMENT AND THEIR FUNCTIONS: THE STATE ARM

1. The Council shall consist of:
 - a. The Commissioner for Works and Transport;
 - b. The Commissioner for Finance and Economic Development;
 - c. The Attorney-General and Commissioner for Justice;
 - d. One or two other members as may be designated by the Governor.
2. Any of the above members of the Council may from time to time be designed as Chairman as the nature of procurement may demand.
3. The Executive Secretary of the Bureau shall serve as Secretary in the Council.
4. Notwithstanding the provisions of subsection (2), the Council may co-opt any person to attend its meeting. Such person so co-opted shall not have a vote or be considered in the determination of quorum.

FUNCTIONS OF THE COUNCIL

The Council shall:

- a. Consider, approve and amend the monetary and prior review thresholds for the implication of the provisions of the procuring entities;
- b. Consider and approve policies on public procurement;
- c. Receive and consider for approval, the audited accounts for the Bureau of Public Procurement;
- d. Give such other directives and perform such other functions as may be necessary to achieve the objectives of this law;
- e. Recommend the award of all jobs or contracts exceeding Twenty Million Naira to the Governor for approval;
- f. Have the power to discipline or refer for disciplinary measures any erring officer or staff brought to it by the Bureau, to the appropriate agency of State Government
- g. Submit annual report of its operations to the Governor before the end of first quarter of each succeeding year.

THE BUREAU OF PUBLIC PROCUREMENT: OBJECTIVES, FUNCTIONS AND POWERS

1. There is hereby established an agency to be known as the Bureau of public procurement.
2. The Bureau:
 - a. Shall be a body corporate with perpetual succession and a common seal;
 - b. May sue and be sued; and
 - c. May acquire, hold or dispose of any property, movable, or immovable for the purpose of carrying out its functions under this law.

The objectives of the Bureau are:

- a. The harmonization of existing government policies and practices on public procurement and ensuring probity, accountability and transparency in the procurement process;
- b. The establishment of pricing standards and benchmarks; ensuring the application of fair, competitive, transparent, value for money standards and practices for the procurement and disposal of public assets and services; and

- a. The attainment of transparency, competitiveness, cost effectiveness and professionalism in the public sector procurement system.

Comprising of its functions, the Bureau shall:

- a. Formulate the general policies and guidelines relating to public sector procurement for the approval of council.
- b. Publicize and explain the provisions of this law.
- c. Subject to threshold as may be set by the council, certify procurement prior to the award of contract.
- d. Supervise the implementation of established procurement policies.
- e. Monitor the prices of tendered items and keep a state database of standard prices.
- f. Publish the details of major contracts in the procurement journal.
- g. Publish paper and electronic editions of the procurement journal maintain an archival system for the procurement journal.
- h. Maintain a state database of the particulars and classification and categorization of contractors and service providers.
- i. Collate and maintain in an archival system, all state procurement plans and information.
- j. Undertake procurement research and surveys.
- k. Organize training and development programmes for procurement professionals.
- l. Periodically review the socio-economic effect of the policies on procurement and advise the council accordingly.
- m. Prepare and update standard bidding and contract documents.
- n. Prevent fraudulent and unfair procurement and where necessary apply administrative sanctions.
- o. Review the procurement and award of contract procedures of every entity to which this law applies.
- p. Perform procurement audits and submit such report to the House of Assembly bi-annually.
- q. Introduce, develop, update and maintain related database and technology.
- r. Establish a single internet portal that shall subject to Section 19(21) serve as a primary and definite source of all information on government procurement containing and displaying all public sector procurement information at all times and
- s. Co-ordinate relevant training to build institutional capacity.

The Bureau shall have the power to:

- a. Enforce the monetary and prior review threshold set by the council for the application of the provisions of this law by the procurement entities;
- b. Where a person exists:
 1. Cause to be inspected or reviewed any procurement transaction to ensure compliance with the provision of this law;
 2. Review and determine whether any procuring entity has violated any provision of the law.
- c. Debar any supplier, contractor, or service provider that contravenes any provision of this law and regulations made pursuant to this law;
- d. Maintain a state database of contractors and service providers and to the exclusion of all procuring entities prescribe classifications and categorization for the companies on the register;
- e. Maintain a list of firms and persons that have debarred from participating in public procurement activity and publish them in the procurement journal;
- f. Call for such information, documents, records and reports in respect of any aspect of any procurement proceeding where a bench, wrong doing, default, mismanagement and/or collusion has been alleged, reported or proved against a procurement entity or service providers;
- g. Recommend to the council, where there are persistent or serious breaches of this law or regulations or guidelines made under this law:
 - The suspension of officers concerned with the procurement disposal proceeding in issue
 - The replacement of the Head of any of the members of the procuring or disposal unit of any entity or the chairperson of the Tenders Board as the case may be
 - The discipline of the Accounting Officer of any procuring entity
 - The temporary transfer of the procuring and disposal function of a procuring and disposal entity to a third party procurement agency or consultant or
 - Any other sanction that the Bureau may consider appropriate.
- h. The call for the production of books of accounts, plans, documents, and examine persons or parties in connection with any procurement proceedings
- i. To act upon complaints in accordance with the procedures set out in this law
- j. The nullification of the whole or any part of any procurement proceeding or award which is in contravention of this law
- k. Such other things as are necessary for the efficient performance of its

function under this law.

1. The Bureau shall serve as the secretariat for the council.
2. The Bureau shall, subject to the approval of the council, have power to:
 - a. Enter into contract or partnership with any company, firm or person which in its opinion will facilitate the discharge of its functions.
 - b. Request for and obtain from any procurement entity information including reports, memoranda and audited accounts, and other information relevant to its function under this law.

THE EXECUTIVE SECRETARY AND STAFF OF THE BUREAU

1. The Executive Secretary shall be:
 - a. The Chief Executive and Accounting Officer of the Bureau and shall be appointed by the Governor
 - b. Responsible for the execution of the policy and day to day administration of the affairs of the Bureau and
 - c. A person who possess the relevant and adequate professional qualification and shall have been so qualified for a period of not less than 10 years.
2. The Executive Secretary shall hold office:
 - a. For a term of 4 years in the first instance and may be re-appointed for a further term of 4 years and no more and
 - b. On such terms and conditions as may be specified in his letter of appointment.
3. Without prejudice to the provisions of this law, the Executive Secretary may be removed from office at the instance of the Governor on the basis of gross misconduct or financial impropriety, fraud or manifest incompetence.

PRINCIPAL OFFICERS OF THE BUREAU

1. The council shall appoint the principal officers for the Bureau after a selection process in consultation with the office of the Head of Service.
2. The principal officers appointed under subsection (1) shall each have the requisite qualification and experience required for the effective performance of the functions of their respective Departments and the Bureau as specified under the law.
3. The council shall have power to modify the operational structure of the Bureau as may be necessary to enhance the Bureau's duties and functions under the law.

FUNDAMENTAL PRINCIPLES AND APPLICATION OF PROCUREMENT

1. Subject to any exemption allowed by this law, all public procurement shall be conducted:

- a. Subject to the prior review thresholds as may from time to time be set by the Bureau pursuant to paragraph (a) of section 9(1).
 - b. By open competitive bidding
 - c. In a manner which is transparent, timely and equitable for ensuring accountability and conformity with this law and regulations driving therefore
 - d. With the aim of achieving value for money and fitness for purpose
 - e. In a manner which promotes competition, economy and efficiency and
 - f. In accordance with the procedures and guidelines laid down in this law and as may be specified by the Bureau from time to time, or in a manner that guarantees the overriding interest of the state.
2. Where the Bureau has set prior review thresholds in the procurement regulations, no funds shall be disbursed from the treasury or revenue account or bank account of any procuring entity for any procurement falling above the set thresholds unless as may be approved by the approving authority.
 3. A supplier, contractor, service provider may be a natural person, a legal person or a combination of the two. Suppliers, contractors or service providers acting jointly or in jointly and severally liable for all obligations and /or responsibility arising from this law and the non-performance or improper performance of any contract awarded pursuant to this law.
 4. All bidders in addition to requirements contained in any solicitation documents shall:
 - a. Possess the necessary
 - Professional and technical qualifications to carry out particular procurement
 - Financial capability
 - Equipment and other relevant infrastructure.
 - b. Shall have adequate personnel to perform the obligations of the procurement contracts
 - c. Possess the legal capacity to enter into the procurement contracts
 - d. Not be in receivership, the subject of any form of insolvency or bankruptcy proceedings or the subject of any form of winding up petition or proceedings
 - e. Have fulfilled all its obligations to pay taxes, pensions and social security contributions not have any Director who has been convicted in any country for any criminal offence relating to fraud or financial impropriety or criminal misrepresentation or falsification of facts relating to any matter.
 5. The procuring entity may require a bidder to provide documentary evidence or other information it considers necessary as proof that the bidder is qualified in accordance with this law and the solicitation documents and for this purpose any such requirement shall apply to all bidders.

6. Whenever it is established by a procuring entity or the Bureau that any or a combination of the situations set out exist, a bidder may have its bid or tender excluded from any particular proceedings if:
 - a. There is verifiable evidence that any supplier, contractor or consultant has given or promised a gift of money or any tangible item, or has promised, offered or given employment or any other benefit, item or service that can be quantified in monetary terms to a current or former employee of a procuring entity or the Bureau, in an attempt to influence any action, or decision making or any procurement activity.
 - b. A supplier, contractor, or consultant during the last three years prior to the commencement of the procurement proceedings in issue, failed to perform or to provide due care in performance of any public procurement.
 - c. The bidder is in receivership or is the subject of any type of insolvency proceedings or if being a private company under the Companies Allied Matters Act, is controlled by a person or persons who are subject to any bankruptcy proceedings or who have been declared bankrupt and/or have made any compromises with their creditors within two calendar years prior to the initiation of the procurement proceedings.
 - d. The bidder is in arrears regarding payment of due taxes, charges, pensions or social insurance contribution, unless such bidders have obtained a lawful permit with respect to allowance, deference of such outstanding payment thereof in installments;
 - e. The bidder has been validly sentenced for a crime committed in connection with a procurement proceeding or any other crime committed to gain financial profit
 - f. The bidder has in its management or is in any position owned by any person that has been validly sentenced for a crime committed in connection with a procurement proceeding, or other crime committed to gain financial profit; and
 - g. The bidder fails to submit a statement regarding its dominating or subsidiary relationships with respect to other parties to the proceedings and persons acting on behalf of the procuring entity participating in same proceeding or who remains in subordinate relationship with other participants to the proceedings.
7. In such cases the procuring entity shall inform the Bureau and person referred to in subsection (9)(a)-(g) in writing, that the bid or tender in question has been excluded and the grounds for the public procurement proceeding in question.
8. All communication and documents issued by the procuring entities and the Bureau shall be in English Language.
9. All communication regarding any matter deriving from this law or proceedings or public procurement shall be in writing or such other forms as may be stipulated by the Bureau

10. Every procurement entity shall maintain file records of all proceedings made within each financial year and the procurement records shall be maintained for a period of five years from the date of award.
11. Copies of all procurement records shall be transmitted to the Bureau not later than 3 months after the end of the financial year and shall show:
 - a. Information identifying the procuring entity and the contractors
 - b. The date of the contract award
 - c. The value of the contract and
 - d. The detailed records of procurement proceedings.
12. The criteria stipulated as the basis upon which suppliers or contractors would be evaluated shall not be changed in the course of any procurement proceedings.
13. The burden of proving fulfillment of the requirement for participation in any procurement proceedings shall lie on the supplier or contractor
14. A contractor shall be awarded to the best evaluated responsive bid from the bidders substantially responsive to the bid solicitation or as otherwise provided for in this law
15. Pursuant to subsection (14), the Bureau may direct either that the procurement proceedings be entirely cancelled or that the procuring entity conduct a re-tender
16. The Accounting Officer of a procuring entity and any Officer to whom responsibility is delegated are responsible and accountable for any actions taken or omitted to be taken either in compliance with or in contravention to this law.
17. The Accounting Officer of procuring entity has the responsibility to ensure that the provisions of this law and the regulations laid down by the Bureau are complied with, and concurrent approval by any Tenders Board shall not absolve the Accounting Officer from accountability of this law or the regulations laid down hereunder.
18. Procurement and disposal decision of a procuring entity shall be taken in strict adherence to the provisions of this law and any regulations as may from time to time be laid down by the Bureau.
19. Persons who have been engaged in preparing for the procurement or part of the proceedings thereof may neither bid for the procurement in question or any part thereof either as main contractor or sub-contractor nor may they cooperate in any manner with bidders in the course of preparing their tenders.
20. A procuring entity shall not request or stipulate that a bidder should engage a particular sub-contractor as a requirement for participating in any procurement proceedings
21. All procurement contracts shall contain provisions for arbitral

proceedings as the primary forms of dispute resolution

22. The values in procurement documents shall be stated in Nigerian currency and where stated in a foreign currency shall be converted to Nigerian currency using the exchange rate of the Central Bank of Nigeria valid on the day of opening a tender of bid
23. All procurement contracts shall contain warranties for durability of goods, exercise of requisite skills in service provision and use of genuine materials and inputs in execution.

PROCUREMENT METHODS

1. Except as provided by this law, all procurement of goods and works by all procuring entities shall be conducted by open competitive bidding.
2. Any reference to open competitive bidding in this law means the process by which a procuring entity, based on previously defined criteria, carries out public procurement by offering to every interested bidder equal simultaneous information and opportunity to offer the goods and works needed.
3. The winning bid shall be that which has been responsive to the bid with regards to work specification standard.
4. Invitations to bid may be either by way of State competitive bidding or international competitive bidding and the Bureau shall from time to time set the monetary thresholds for which procurements shall fall under either system.
5. Every invitation to an open competitive bid shall:
 - a. In the case of goods and works under international competitive bidding, the invitation for bids shall be advertised in at least two national newspapers not less than four weeks before the deadline for submission of the bids for the good and works;
 - b. In the case of goods and works valued under State competitive bidding the invitation for bids shall be advertised on the notice board of the procuring entity, not less than one week before the deadline for submission of the bids for the goods and works.

A lot more are the provisions of this State Act but taking into cognizance the scope of this paper, we therefore enjoin all concerned and/or the prospective entities in the procurement process to please avail themselves of this quintessential document as a guide if we must succeed in this reform policy.

CONCLUSION AND RECOMMENDATIONS

Policy reforms are indeed welcome development especially in developing countries since they are instruments for socio-economic change, behavior modification in Public Service, attitudinal change as well as repositioning institutional capacities for service delivery as it is presently hoped in the Public Procurement process in Nigeria. In the review of the Procurement Act of 2009 and even the National Procurement Manual of 2007, we can see that a lot of responsibilities await the Council and the Bureau which therefore demands that membership of these Institutional Agencies should be men and women of impeccable characters, above board in their official relations, men of integrity, experienced and qualified Public Servants of no mean repute, if our aspiration and goals as enshrined in this document under review must be achieved.

On the part of the State governments, there must be political will to enforce sanctions as well as punish defaulters who may contravene the provisions of this lofty Act, as there must not be any sacred cow in the due process of actual implementation. The usual scheming that perpetuates Nigerian factor should be consciously dealt with and that our standard as enunciated therein be indeed, global benchmark without which our public goods and services will return back to status quo.

In conclusion therefore, the observation of the most celebrated American Professor of Business Administration about American Government in business policy regulations and reforms; comes to mind viz:

Over the years, many efforts have been made to improve the process of government regulation of business. Some of the changes required legislative enactment; others were carried out by executive-branch authority. Most of the proposals required governmental decision makers to use economic analysis in considering revision in regulatory programme. Mandating the performance of benefit cost analysis before rules can be promulgated was the most ambitious reform that had been made to date (Murray Weidenbaum, 1988).

It follows therefore from the foregoing that, it is not the number of reforms nor the clamor to initiate a change that matter, but the avowed determination of all concerned, to allow the letters and spirit of the law of any reform to guide both the practitioners and the enforcers. Everybody involved in the business of government and in the delivering of public service in Nigeria must shun impunity, reckless abandonment of all the rules of engagement; follow due process and due diligence in the performance of services. Until we see our public position as a utilitarian trust in our care for the benefit of all, change of attitude cannot be seen as an imperative.

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