



THE PRESIDENCY

Office of the Executive Secretary

BORDER COMMUNITIES DEVELOPMENT AGENCY

Plot 2449, Limpopo Street, Maitama, Abuja.

RE- HOW AGENCY HEADED BY BUHARI'S IN-LAW IS VIOLATING NIGERIA'S PROCUREMENT LAW

Our attention has been drawn to a publication by an online media organization, on Friday, December 14, 2018 pointing out alleged violations of relevant provisions of the Public Procurement Act by BCDA. Ordinarily we would not have bothered about the publication if not for the wrong impressions it would create in the minds of the reading public and the attempt to drag the name of the Executive Secretary and Management of the Border Communities Development Agency [BCDA] in the mud.

In putting the records straight, we have considered the stakeholders [Border Communities], the day to day administration of BCDA, the Federal Government, as well as the Agency's various contractors who may be concerned about the baseless and ruinous story. The Agency wishes to state the following:

1. The report stated that "In short listing the firms, procurement officials at BCDA overlooked tax clearance certificate, one of the top two requirements any interested firm must present to meet the basic requirement of contract award." This is not true. At no time did the Agency overlook the Tax Clearance requirement in the procurement process as alleged by the online report. For the avoidance of doubt, every firm shortlisted submitted a valid tax clearance certificate and this is verifiable. In addition, we wish to inform the public that all Tax Clearance Certificates submitted are forwarded to the FIRS for authentication.

2. Our requirement is that firms bidding for contracts must have a minimum of three-years (2015,2016,2017) cumulative turnover of ₦50 million. This is contrary to the Online erroneous report that the contractors were asked to present N50 million annual turnover in taxes [which will mean ₦150 million in 3 years]. However, not meeting the cumulative average turnover of ₦50million over a three-year period does not disqualify a company for further considerations as each requirement is assigned a weighted score and cumulative score of each contractor determines their prequalification or otherwise.

3. It is not true that Estivus Nigeria Limited submitted their tax clearance after the bidding process had closed, neither did it submit a tax clearance obtained on August 16, 2018. Again, contrary to the report, the procurement process does not require tax clearance for 2018. Accordingly, the firm submitted the tax clearance for 2015, 2016 and 2017.

4. The allegation that the Executive Secretary said he did not have any scruples altering the procurement process to accommodate and support SMEs was taken out of context. Truth is that the Executive Secretary only observed and made reference to Executive Order 5, signed by Mr. President stating that "A Nigerian company or firm shall not be disqualified from an award of contract by MDA's on the basis of the year of incorporation, but rather on the basis of qualification, competence and experience of the management in the execution of similar contracts". The Executive Secretary assumed office after the procurement process commenced and so far, he has not found cause to alter the process.

5. We need to reassure the public here that as at today, contrary to the impression created by the reporter, the procurement tender evaluation process is not conclusive until contracts are awarded. And as of today, no contract has been awarded as the procurement tender evaluation process is still ongoing. Therefore, the issue of violating the Procurement Act 2007, does not arise.

6. It is clear that for all intents and purposes, the publication is meant to put undue pressure on the procurement process, derail it and if possible, influence the outcome of the procurement process and tarnish the hard-earned reputation of the Agency. It should be noted that there are provisions for any firm dissatisfied with the process to seek redress as enshrined in Section 54 of the Procurement Act 2007.

The Border Communities Development Agency is a Federal Government interventionist Agency saddled with the task of providing social and infrastructural amenities to international border communities in 21 states of the Federation, including 105 Local Government Areas. It is a responsibility we have carried out strictly, guided by the provisions of the BCDA Establishment Act. Our activities have given a sense of belonging to those living in border communities and boosted their confidence in the present administration. We remain committed to the discharge of our mandate and will not be distracted by ill motivated and spurious allegations against our Agency. We do not intend to join issues with any media entity again over these issues as the appropriate channels and organs are available for anybody to report if he or she believes any law is being violated.

Signed

Atarhe R. Akpohwaye – Abuh
Head, Public Affairs & Protocol