

CIRCULAR

Ref. No. SGF50/S.52/II/469

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

13th January, 2014

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/Chief Executives of Parastatals, Agencies and
Government-Owned Companies.

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

It has been observed from the series of Procurement Audits and the recent Project Monitoring and Inspection exercises carried out by the Bureau of Public Procurement (BPP) that Ministries, Departments and Agencies (MDAs) have not been complying with the relevant clauses of the Public Procurement Regulations for Goods, Works and Services. It should be noted that the Public Procurement Act, 2007 mandated all procuring entities to use the appropriate Standard Bidding Documents developed by the Bureau of Public Procurement and the Conditions of Contract contained therein. The non observance of this requirement has exposed the Government to unnecessary risks during project implementation.

2. For the avoidance of doubt, 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*".

3. Similarly, Clauses 72 and 73 of the Public Procurement Regulations for Consultancy Services states that "*Procuring Entities shall adapt the Standard Contracts for consulting*

services provided by BPP which was attached to the appropriate Standard Requests for Proposal" and "The draft contract for each assignment shall be included in the Standard Requests for Proposals (RFP) as an annexure".

4. In light of the foregoing, all procuring entities are henceforth directed to:

- (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.

5. Furthermore, I am to reiterate that 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 emphasized in my Circular No. SGF 50/S.52/II/455 of 19th September, 2013.

6. Please ensure strict compliance with the contents of this circular.



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Secretary to the Government of the Federation.