

**DEBARMENT PROCEDURE UNDER THE PUBLIC PROCUREMENT
ACT, 2007 PART II SECTION 6(1)(E)**

BACKGROUND:

The Bureau is mandated by Section 6(1)(e) of the Public Procurement Act, 2007 to debar any supplier, contractor or service provider that contravenes any provision of the Act and the regulations made pursuant to the Act.

In compliance with this mandate, the Bureau has in due consultation with all stakeholders and exercise of its functions gone further to highlight the **TWELVE(12) STEPS DEBARMENT PROCEDURE** for ease of reference by all Suppliers/Contractors/Service Providers/Ministries, Departments & Agencies(MDAs) doing business with Nigeria.

❖ THE TWELVE (12) STEPS

The Bureau shall commence the process of Debarment of Supplier, Contractor or Service provider:

- a. If it has cause during its reviews to believe that a Supplier, Contractor or Service provider has contravened any provision of the Public Procurement Act, 2007 and regulation made pursuant to the Act.
- b. When a Procuring Entity following adequate investigation by a five member constituted panel submits a debarment recommendation approved by its Accounting Officer with convincing evidence.

OR

- c. Where it is proven that the Accounting Officer withholds recommendation of the investigation panel, the Bureau will act on a submitted copy duly endorsed by all members of the panel submitted by the Director of Procurement.

1. The Bureau shall acknowledge receipt of all proposals for debarment within fourteen (14) days of receipt to the Procuring Entity that reported the matter.
2. The Bureau shall within twenty-one (21) days analyse the information received including any further information/document(s) it may require from the Procuring Entity that submitted the debarment proposal.
3. Once ground for debarment is established, then a notice of intention to debar is issued to the supplier, contractor or service provider in question. Such notice should be issued within fourteen (14) days following the conclusion of analysis/investigation. The notice must state the grounds for the intended debarment, the reasons thereof, the intended period of debarment as well as the terms attached to the debarment, including prohibition from furnishing any advice or rendering intermediary services to Federal Government Procuring Entities by such firm.
4. The supplier, contractor or service provider to be debarred is issued with the notice in order to afford her a reasonable opportunity to respond thereto.
5. The respondent is granted a period of fourteen days (14 days) from the date of the notice, within which to respond.
6. A notice of intention to debar is dispatched by courier fax or electronically to the address of the supplier, contractor or service provider proposed for debarment. The supplier, contractor or service provider may submit, in writing or through a counsel, information in opposition to the proposed debarment, including any additional specific information that raises a genuine dispute over the material facts and any mitigating circumstances.
7. Upon receipt of a response the Bureau considers such response within fourteen (14) days and makes recommendation to the Sanctions Board for consideration.
8. In cases where no response is received, the Bureau will only make recommendation to the Sanctions Board if satisfied that proof of delivery of service exists. However, if the dispatched notice is returned or there is no proof of delivery, then the Notice of Intention to Debar will be published on at least two (2) national newspapers, the Bureau of Public Procurement's website, the Tenders Journal and Notice Board not less than fourteen (14) days. The notice must state the grounds for the intended debarment, the reasons thereof, the intended period of debarment as well as the terms attached to the debarment, including

prohibition from furnishing any advice or rendering intermediary services to Federal Government Procuring Entities by such firm.

9. Where response is received, the Bureau will take it into consideration and makes recommendation to the Sanctions Board within fourteen (14) days. However where no response is received, the respondent will be considered to have been fully served and the Bureau will proceed based on the material facts available and makes recommendation to the Sanctions Board.
10. The Sanctions Board shall within twenty one (21) days make final decision and advise the BPP to implement

Membership of the Sanctions Board shall consist of:

- Attorney General of the Federation (Chairman)
- Representative of Professional Regulatory Body (for the concerned subject matter)
- Representative of credible organised private sector
- Representative of Civil Society Organisation
- Director-General of BPP (Secretary)

10. The Bureau will then issue a notice of debarment where the decision of the Sanctions Board is to debar. Such notice will be issued within seven (7) calendar days from the date of receipt of the Sanctions Board decision. The notice must refer to the notice of intention to debar, state the grounds for the debarment, the reasons thereof (a description of the reasons for the debarment in sufficient detail), the period of debarment (which shall not be less than five (5) calendar years as stipulated in section 58(6)(a) of the PPA, 2007) as well as the effective commencing date.
11. Where debarment is not imposed by the Sanctions Board, the Bureau shall within seven (7) calendar days from the date of receipt of the Sanctions Board decision notify the supplier, contractor or service provider and lifts the suspension placed on its participation in Federal Government Tenders.
12. The name of the debarred supplier, contractor or service provider is then entered into the database of the Bureau and published on the Bureau's website for public viewing.
13. The supplier, contractor or service provider may appeal to the Federal High Court within 30 days after the receipt of the notice of debarment if not satisfied with the decision to debar.