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**KWARA STATE PUBLIC PROCUREMENT AGENCY BILL**  
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A BILL

FOR

A LAW TO ESTABLISH THE KWARA STATE PUBLIC PROCUREMENT AGENCY AND FOR  
CONNECTED PURPOSES

BE IT ENACTED by the House of Assembly of Kwara State of Nigeria and by the authority of same as follows –

( )

[Commencement]

**1. Establishment of the Kwara State Public Procurement Agency**

(1) There is established the Kwara State Public Procurement Agency (referred to in this Law as "the Agency").

(2) The Agency shall-

- (a) be a body corporate with perpetual succession and a common seal;
- (b) have power to sue and be sued in its corporate capacity; and
- (c) be capable of acquiring, holding or disposing of any property, movable or immovable for the purpose of carrying out its functions under this Law.

**2. Establishment of the Kwara State Public Procurement Governing Board**

(1) There is established the Kwara State Public Procurement Agency Governing Board (referred to in this Law as - the Board)

(2) The affairs of the Agency shall be administered by the Governing Board.

(3) The Board shall consist of—

- (a) the Commissioner for finance who shall be the Chairman;
- (b) the Commissioner for Planning and Economic Development who shall be the Vice Chairman;
- (c) the Attorney-General and Commissioner for Justice and one other member of the State Executive Council;
- (d) three (3) members from the public, including a member of a Civil Society Organisation, who shall be of unquestionable character and shall serve on the Board on a part-time basis subject to the confirmation of the House; and
- (e) the General Manager of the Agency.

**3. Powers of the Board**

The powers of the Board are to-

- (a) consider, set, amend and review prior benchmark for the application of the provisions of this Law by procuring entities;
- (b) consider and approve policies on Public Procurement;
- (c) make recommendations in respect of any Procurement guidelines or regulations to be made pursuant to the provisions of this Law;
- (d) approve the employment of the Directors of the Agency;
- (e) receive and consider for approval, the audited accounts of the Agency; and
- (f) give such other directives and or perform such other functions not being inconsistent with the provisions of this Law, as may be necessary to achieve the objectives of this Law.

#### **4. Tenure of Office**

The members of the Board shall be appointed by the Governor and shall hold Office for a period of three (3) years and may be re-appointed for one further term. The members of the State Executive Council shall hold their membership of the Board by virtue of being members of the State Executive Council.

#### **5. Cessation of Office**

- (1) A member shall be removed from office if he has-
  - (a) by reason of infirmity of the mind or body become incapable of discharging his duties;
  - (b) been convicted of an offence which involves moral turpitude;
  - (c) been involved in any act considered to be inimical to the interest of the Agency or the State.

(2) Notwithstanding the provisions of section 4 above, the Governor may remove any member of the Board if he is satisfied that it is in the public interest to do so.

#### **6. Remuneration and Allowances**

Members of the Board shall be paid such remunerations and allowances as may be approved by the Governor.

#### **7. Meetings of the Board**

- (1) The Board shall in each year hold a general meeting as its annual meeting, in addition to any other meetings in that year, and it shall specify the meeting as such.
- (2) The Annual General Meeting shall be held within six (6) months after the close of each financial year and it shall be open to the public who shall be given adequate notice of the meeting and salient points from the annual report.
- (3) The Board shall ordinarily meet for dispatch of business at such times and places as the Chairman may appoint, but not less than three (3) times in any financial year.
- (4) The Chairman shall preside at all meetings of the Board when he is present, and when he is not present any other member of the Board may be appointed by the members present at the meeting to preside.
- (5) Where not less than five members of the Board request the Chairman, by notice in writing signed by them, to convene an extraordinary meeting of the Board for the purposes specified in the notice, the Chairman shall, upon receipt of such notice, convene an extraordinary meeting of the Board for those purposes at the earliest convenient date.
- (6) The first ordinary meeting of the Board shall be summoned by the Governor, who may give such directions as he thinks fit in respect of the procedures to be followed at the meeting.

#### **8. Quorum**

The quorum at any meeting of the Board shall be five (5) members including the Chairman.

#### **9. Voting**

- (1) All questions at a meeting of the Board shall be determined by a majority vote of members of the Board present and voting, being members who under this paragraph are entitled to vote at such meeting.
- (2) At any meeting of the Board, each member other than the General Manager shall have a deliberative vote, and if there is equality of votes, the Chairman of the

