

Open Contracting Disclosure Guideline

1. Introduction

The Public Procurement Act **2012** (PPA) establishes the Bureau of Public Procurement (BPP) as the regulatory authority responsible for the monitoring and oversight of public procurement, harmonizing the existing Government policies and practices by regulating, setting standards and developing the legal Guideline and professional capacity for public procurement in Taraba [1]. The PPA requires the BPP as part of its functions to establish a single internet portal that shall serve as a primary and definitive source of all information on government procurement containing and displaying all public sector procurement information at all times [2].

The Freedom of Information Act, 2011 (FoIA) provides for public access to public records and information. The FoIA provides that a public institution shall cause to be published “materials containing information relating to any grant or contract made by or between the institution and another public institution or private organization”[3]. Section 4 of the FoIA provides that a public institution shall ensure that information disclosed is widely disseminated and made available to the public through various means including print, electronic and online sources [4].

Additionally, Commitment to the SFTAS Program Taraba State will ensure full implementation of Open Contracting and adoption of Open Contracting Data Standard in the public sector. In line with the global principles of Open Contracting, the Taraba State Government is required to ensure the timely, current, and routine publication of enough information about the formation, award, execution, performance, and completion of public contracts to enable the public, including media and civil society, to understand and monitor as a safeguard against inefficient, ineffective, or corrupt use of public resources.

BPP recognizes that opening up public procurement through increased disclosure of procurement information to all stakeholders will ensure improved transparency and competition, prevent corruption, and enhance Civil Society Organisation (CSOs) and citizen participation, towards achieving increased accountability for effective monitoring and oversight. BPP also recognizes that disclosure of public procurement information through Taraba Open Contracting Portal (**TOCOPO**) is fundamental to delivering on its function as stipulated in Section 7(r) of the Public Procurement Act, 2012 which states that the BPP shall establish a single internet portal that shall serve as a primary and definitive source of all information on government procurement containing and displaying all public sector procurement information at all times. Therefore, the BPP has developed this Guideline for disclosure for public procurement processes, contracts and project, so as to ensure significant information is made available to the public. This Guideline sets out the disclosure template and timelines for disclosure at pre as well as post procurement stages.

The objective of this Open Contracting Disclosure Guideline is to provide guidance to enable systematic and organized disclosure of information at different stages of the public procurement process and to bring existing guidelines up to date with extant laws. The Guideline and associated standardized template presented here hold out the promise of raising the standard of transparency and accountability around public procurement. Since disclosure is an evolving area, the Guideline remains a work in progress. It will be revisited and revised every 3 years, if and as required.

2. Application

This Open Contracting Disclosure Guideline will apply to all public procurements to which the PPA applies and scope of application of PPA as stipulated in Section 17 of PPA.

3. Specific disclosure

Specific disclosures will consist of the elements included in sub-sections (a) to (h) below, and will follow the template provided in Annex 1. Confidential information as provided under Section 4 below will be redacted before publication.

- a. Planning stage information
- b. Tender stage information
- c. Award stage information
- d. Contract stage information

e. Implementation stage information

Summary of specific disclosures and timelines

S/n Document/Information Contents Producer Approver for public disclosure Time of Disclosure

A Planning

1 **Budget** * **Budget** Description

***Budget** Value

***Budget** Code

PE PE/BPP 30 days after approval by Governor

2 Procurement Plans Details of procurement plans

PE BPP

1st quarter

3 Procurement Method

*Proposed Procurement Method

*Justification-PE PE/BPP

4 Scope of

Work/Services

Brief of Terms of Reference/scope of work/services/specifications-PE PE/BPP

5 Proposed Opening dates for prequalification and tender

*Proposed Prequalification Opening Date

*Shortlist Publishing Date

*Proposed Tendering Period

*Proposed Bid Opening Date

B Tender

1 EOI Date published PE PE/BPP 1 to 5 working days

2 Short List of shortlisted firms PE PE/BPP 2 weeks after approval

3 Prequalification period -PE PE/BPP

4 Prequalified bidders

List of prequalified companies-PE PE/BPP

5 Procurement Method Procurement Method and justification

6 Bid Invitation Date issued- PE PE/BPP

7 Bid Opening Date -PE PE/BPP

8 Summary of

Evaluation Report

*Number of bidders

*Price submitted by all bidders

*The recommended bidder

*Justification for recommendation

C Award

1 Tender Boards Consideration

Date of TB consideration - PE PE/BPP

2 BPP Prior-Review Date of issuance of

Certificate of 'No Objection' - PE PE/BPP

3 FEC Approval *Date of FEC Approval - PE PE/BPP

4 Tenders Board

Approval

Date of TB approval- PE PE/BPP

5 Details of Award

*Value

*Name(s) of contractor(s)

*Completion period - PE PE/BPP 2 to 4 weeks after issuance of award

D Contract Agreement

1 Contract Title Contract description- PE PE/BPP

1 to 2 weeks

2 Date Contract signed *Date contract was signed-PE PE/BPP

3 Contract period *Agreed contract period- PE PE/BPP

4 Contract Status *Status of the contract per time-PE PE/BPP

Quarterly

E Implementation

1 Payments Payment details to date- PE PE/BPP

Quarterly

2 Project Location Address of the project -PE PE/BPP 2 weeks after award

3 Progress updates Status of the project- PE PE/BPP

4 Amendments Amendment to project such as Variations-PE PE/BPP 1 week after variation approval

5 Final Cost Final project cost PE PE/BPP 2 weeks after completion certification

6 Completion Report Completion Report- PE PE/BPP

4. Confidential information

Section 15 of the FOIA 2011, provides for the exemption of confidential information from public disclosure. It defines confidential information to include trade secrets and commercial or financial information obtained from a person or business, which are proprietary or privileged, the disclosure of which would, or would be likely to, prejudice the commercial interests of any person, trade secrets, commercially sensitive intellectual property rights and know-how of either of a third party.

(a) For the purposes of this Guideline, the following elements will be considered as confidential.

However, these elements will be reviewed every 2-3 years for any modifications:

(i) Proposals/Bids submitted by bidders

(ii) Intellectual property

(iii) The base case financial model by bidders

(iv) Bid evaluation reports

(v) Trade secrets

5. Method of Disclosure

All information and documents will be published on a web-based platform, Taraba Open Contracting Portal [5] (**TOCOPO**) owned by the BPP, and any other form of communication and dissemination prescribed by the BPP[6]. The **TOCOPO** shall be the primary and definitive source of publication on all Procuring Entities' websites (either through provision of linkages or integration) and other form of communication and dissemination [7].

6. Responsibilities for Disclosure

(a) The duty for information generation and uploading on the web-based platform will be shared by the BPP and the Procuring Entity.

(b) Information will be uploaded by the Procuring Entity and BPP after redacting confidential information.

(c) The Procuring Entity will upload all information and documents in the web-based platform **TOCOPO** so as to leave at least 7 full working days within the given timelines for the BPP to validate and approved the information for public disclosure. The project implementation information and any other information as required by the BPP will be provided by the Procuring Entity from time to time.

7. Validation of information prior to disclosure

The BPP shall in consultation with the Procuring Entity (private party (ies) and observers if necessary), verify the accuracy of the information to be disclosed before such disclosures are made using the feedback mechanism on **TOCOPO** portal and other means possible.

a) All information shall be validated by the Director Database Department of the BPP before publication on the **TOCOPO**.

b) All contracts shall be checked to ensure exclusion of confidential information prior to disclosure.

Annex 1: Disclosure format

1. Planning

Project Title

Budget Code

Budget Description

Budget Year

Budget Amount

Procurement Method

Procurement Category

Prequalification Advert Date

Prequalification Opening Date

Shortlist Publishing Date

2. Tender

Tendering Period Opening Date

Contract Award Date

Tender Title

Tender Status

Method Description

Actual Procurement

Method

Procurement Method

Rationale

Tender Selection

Method

Tendering Period

Opening Date

Number of Tenderers

3. Award

Award Title

Award Status

Award Date

Award to Lowest

Price?

Justification for

Award

4. Contract

Contract Title

Contract Status

Date Contract

Signed

Contract Period

5 Implementation

Project Status

Completion as at

Date Amount Paid as at

Date

Final Cost

Any Contract variation?

Total Revised

Contract Amount

[1] See the Long title and Summary of the Content of the Public Procurement Act, **2012** (PPA)

[2] See Section 7(r) of the Public Procurement Act, **2012**

[3] See Section 2 of FOIA See Section 2, 3, 4 Freedom of Information Act, 2011

[4] See Section 2, 3, 4 Freedom of Information Act, 2011

[5] See Section 7(r) of the PPA

[6] See Section 21(j) of the PPA

[7] See Section 7(r) of the PPA