

BPP/S.1/CID/22/Vol.I/068

January 31, 2022

The Vice Chancellor,
Bayero University, Kano
PMB 3011, Kano,
Kano State.

**RE: REQUEST FOR CERTIFICATE OF "NO OBJECTION" TO ADOPT
SELECTIVE TENDERING AND DIRECT PROCUREMENT METHOD FOR
SOME PROJECTS UNDER THE AFRICA CENTRE OF EXCELLENCE ON
PUBLIC HEALTH AND POLICY**

This is to refer to the Bayero University Kano's (BUK) letter Ref. No. VC/V/001 dated December 13, 2021, which requested the Bureau to grant Due Process "No Objection" to the University to adopt Selective Tendering Method for the Proposed Procurement and Installation of Solar Back-up, Supply of 100KVA Generator and 30-seater Bus for ACEPHAP, Bayero University, Kano.

2. In the letter under reference, the BUK indicated the following:

- (a). The Africa Centre of Excellence on Public Health and Policy (ACEPHAP), a Centre under Bayero University, Kano, recently received an allocation of ₦341,651,667.07 from the World Bank via the National Universities Commission (NUC). The Centre wishes to commit part of the amount towards the following Projects listed in three (3) lots.
- (b). The Bureau may wish to note that the default method of procurement in the University has been open competitive bidding, which has become difficult and nearly impossible now because of the COVID-19 pandemic which is transmitted through person-to-person contact. Thus, there is need to avoid gathering of people as per COVID -19 protocol which is unavoidable under the open competitive bidding Tendering Method in line with the provision of Section 40 (I) (b-c) of the Public Procurement Act (PPA) 2007 for the execution of the project.
- (c). As a result, the University writes to request the Bureau of Public Procurement (BPP) to issue the University a "Certificate of 'No Objection' to adopt Selective Tendering' for Lots 1 & 2, while to adopt Direct Procurement Method for Lot 3. We were careful to select only Companies with competence and capacity to execute the projects for your consideration, please.

**Lot I: Proposed Procurement and Installation of Solar Back-up to
ACEPHAP, Bayero University, Kano**

Messrs Al-Atfal General Enterprises Nigeria Limited

Messrs ATY & K Integrated Services Limited
Messrs Phenomenal Business Ventures Limited

Lot II: Proposed Supply of 100KVA Generator for ACEPHAP, Bayero University, Kano

Messrs Mahadi Services & Resources
Messrs MNM Construction & Engineering Services
Messrs Giant Bridge Nigeria Limited

Lot III: Proposed Procurement of 30-seater Bus for ACEPHAP, Bayero University, Kano

Messrs R T Briscoe (Nigeria) Plc

(d). It is our hope and prayer that you will approve our request, please.

3. The Bureau wishes to draw the attention of the BUK to the Federal Government Policy and Strategy of engaging only Original Equipment Manufacturers (OEM)/Representatives for the Supply of equipment/items and some of the basic principles which govern Special and Restricted Methods of Procurement as stipulated under Section 40 of the Public Procurement Act, 2007 due to urgency which is not the result of dilatory conduct on the part of the procuring entity as follows:-

(a).Section 40 (1): Subject to the approval by the Bureau, a procuring entity may for reasons of economy and efficiency engage in procurement by means of restricted tendering if:

- a. the goods, works or services are available only from a limited number of suppliers or contractors;*
- b. the time and cost required to examine and evaluate a large number of tenders is disproportionate to the value of the goods, works or services to be procured; or*
- c. the procedure is used as an exception rather than norm."*

Under the Federal Government Policy and Strategy of engaging only OEM/Representatives, MDAs are expected to procure equipment/items from only OEM/Representatives that will provide the requisite guarantees and after sales maintenance services for the operation of the equipment/items.

4. Further findings and observations following the Bureau's review of the submission of the BUK are as follows:

(a). The BUK intends to adopt Selective Tendering Method for the Proposed Procurement and Installation of Solar Back-up, Supply of 100KVA Generator and 30-seater Bus for ACEPHAP, Bayero University, Kano. Therefore, the BUK shortlisted three (3) companies each for lots 1 & 2 and one (1) company for lot 3 to participate in the procurement processes.

(b). The BUK grounded the request on the need to avoid social gathering due to the COVID-19 Pandemic ravaging the world.

(c). As evidence of funding, the BUK forwarded for Due Process Review a copy of the Africa Centres of Excellence World Banks allocation with the total sum of ₦341,651,667.07 for the projects.

5. The Bureau in recognizing the present condition in the country due to the COVID-19 pandemic which has limited the number of persons expected to congregate is inclined to agree that the adoption of Special and Restricted Method of Procurement can be considered in line with Section 40(1)c of the PPA, 2007.

6. The Bureau therefore reviewed the company profile of the firms forwarded to ascertain whether the companies have fulfilled all the responsive requirements in line with Section 16(6) of the Public Procurement Act, 2007, registration in the Bureau's Database and Federal Government Policy and Strategy on engaging OEM/their representatives. The outcomes are as shown in the Table below:

L/N	Projects	FIRMS	CAC	TCC	PEN	ITF	NSITF	IRR	S. JOB.	OEM	REMARK
1	Proposed Procurement and Installation of Solar Back-up to ACEPHAP, Bayero University, Kano	Messrs Al-Atfal General Enterprises Nigeria Limited	Y	Y	Y	Y	Y	Y	Y	N/A	Responsive
		Messrs ATY & K Integrated Services Limited	Y	Y	Y	Y	Y	Y	Y	N/A	Responsive
		Messrs Phenomenal Business Ventures Limited	Y	Y	Y	Y	Y	Y	Y	Y	N/A
2	Proposed Supply of 100KVA Generator for ACEPHAP, Bayero University, Kano	Messrs Mahadi Services & Resources	Y	Y	Y	Y	Y	Y	Y	Y	Responsive
		Messrs MNM Construction & Engineering Services	Y	Y	Y	Y	Y	Y	Y	Y	Responsive
		Messrs Giant Bridge Nigeria Limited	Y	Y	Y	Y	Y	Y	Y	Y	Responsive
3	Proposed Procurement of 30-seater Bus for ACEPHAP, Bayero University, Kano	Messrs R T Briscoe (Nigeria) Plc	Y	Y	Y	Y	Y	Y	Y	Y	Responsive

7. The BUK shortlisted only one (1) firm for Lot 3 (procurement of 30-seater Bus), this will not engender the level of competition envisaged in this procurement process. The BUK ought to have shortlisted all the OEM/their representative that assemble similar Buses with similar specification in Nigeria to bid for the vehicle. This is to enshrine competition in the process. The BUK should be properly guided in subsequent procurement and therefore shortlist additional four (4) authorized local Vehicles Assemblers/Manufacturers or their authorised representatives from the approved list provided by NADDC below that are up to date in payments of their taxes and other social security contributions as stipulated in Section 16(6) of the Public Procurement Act, 2007 and Section 127 of the Public Procurement Regulation for Goods and Works which requires the use of specifications based on relevant characteristics, performances, capabilities and qualities for the supply of the vehicle.

Details of Approved Local Vehicle Manufacturers

S/N	Company Name	Office Address	Installed Capacity	Product	Brand
1	PAN Nig.Ltd	PAN Drive,Kakuri Industrial Estate,Kaduna.	25,000	Cars and buses	Peugeot
2	Innoson Vehicle Manufacturing Co. Ltd.	95, Owerri Road, Umudim, Nnewi, Anambra State	10,000	Pickups, buses, SUVs, and Three wheel Vehicles	IVM

S/N	Company Name	Office Address	Installed Capacity	Product	Brand
3	Dana Motors Ltd.	Dana House, 116 Apapa Oshodi Express Isolo, Lagos	2,700	Cars, SUV, Pickup Buses and Trucks.	KIA and Dongfeng
4	Koncept Autocentre Nig Ltd	Plot 122-132, Afprint Premises, Oshodi-Apapa Expressway Isolo Lagos	600		Isuzu and Chevrolet
5	Iron Products Industries Ltd. (IPI)	78, Onilewura street, off Segun Iretin Street, Ikotun, Lagos.	4000	Light, Medium and Heavy duty Trucks	0
6	Nigeria Sino Trucks Limited	78, Onilewura street, off segun Iretin street, Ikotun, Lagos.	500	Trucks	Sino Trucks
7	SCOA Nigeria Limited	157, Apapa/Oshodi Expressway, Isolo, Lagos.	1,200	Trucks and buses	MAN
8	Coscharis Motors Assembly Ltd.	CG-Eko at Old Eko Engineering Building beside Lagos Taxes Office off Oba Akinjobi Road Ikeja Lagos	4000	SUV, Cars and Pick-up	Ford
9	Perfection Motors Co. Limited	No.3 Ladipo Oluwole Avenue, Ikeja Industrial Estate, Lagos.	700	Trucks	FAW
10	Aston Motors Limited	Plot 4, Block E, Amuwo Odofin, Badagry Expressway, Orile Lagos	1,500	Trucks	Aston and Dayun
11	Stallion Nissan Motors Nigeria Ltd	Km 17, Badagary Highway Ojo	16,000	Passengers Cars	Nissan, Infinity, and Datsun
12	Stallion Motors Ltd	Km 17, Badagary Highway Ojo	6000	Trucks, Mini Buses, SUVs	Volkswagen
13	Hyundai Motors Nig. Ltd.	Km 17, Badagary Highway Ojo	12,000	Cars, buses, passengers/commercial vehicles	Hyundai
14	VON Automobile Nigeria Ltd	Km 17, Badagary Highway Ojo	39,000	Pick-up, Buses and Trucks	Ashok Leyland
15	zahav Automotive Co.Nig. Ltd	14/16 Segun Irefin Street Ikotun	6000	Stallion Pick-ups and vans cars and SUVs	JINBEI, Foton, BIAC, Changan
16	Proforce Ltd.	1, Akaka Road Ode Remo Lagos-Ibadan Expressway after Ogire Trailer Park Ogun State	420	Armoured SUVs, Patrol Boats, Cash Transit vans APC, Armoured Range, Military van	Proforce
17	Honda Automobile Western Africa Limited	Km 6, Ota Idariko Expressway Ogun State	1000	Passenger cars & SUVs	Honda
18	Leyland Busan Motors Ltd.	Km 8, Iwo Road Ibadan.	4000	Buses and Trucks	Leyland
19	Transguinea Ltd./ Leventis Motors	Off Oyo Road Moniya Ibadan (Near Bascon Nig. Ltd.)	5000	Trucks and buses	Foton and Eichel
20	De-Damak Nigeria Limited	Plot A, Olubadan Estate, off new Ife Road Ibadan	2,400	Light Trucks and Haice Mini-Buses	T-Kings & BAW
21	Transit Support Services Ltd.	Plot 6, Emene, Industrial Layout, Emene, Enugu.	3000	Heavy duty, medium and light Trucks	Shacman
22	National Trucks Manufacturers Ltd	Km 11, Zaria Road, Kano	5000	Trucks, Pick-ups buses, SUVs, agricultural tractors	Sino trucks, Foton, GWM, DF, Kinglong
23	Elizade Nig. Ltd	Segun Irefin Street, Ikotun Egbe Lagos	20,000	JAC Motors Commercial and Passengers Vehicles	JAC
24	Dangote Sinotruck West Africa Limited	Plot 3, Oba Akran Avenue, Ikeja, Lagos	2,500	Sinotruck	
25	Kewalrams Chawrai Nig Ltd	Plot 122-132, Afprint Premises, Oshodi-Apapa Expressway Isolo Lagos	500	Passengers cars, SUVs, Mini-buses, Pick-ups, Light, Medium and Heavy Duty Trucks	Foton and JMC
26	Tata Africa Service (Nig.) Limited	78, Onilewura street, off Segun Iretin Street, Ikotun Egbe, Lagos.	200	cars, buses, heavy and light trucks	Tata
27	CIG Motors Ltd	Km 15, Ikorodu Road, Ojota Lagos	5000	Cars and SUVs	GAC
28	Kojo Motors Limited	Nbobi-Ekwulobi Road, Igbo Ukwu, Anambara State.	2000	Buses	Yutong

S/N	Company Name	Office Address	Installed Capacity	Product	Brand
29	Globe Motors Nigeria Ltd	Prime Real Estate, Lekki-Ibeju Lagos	6000	Mini buses, SUV and cars	Higer and Hyundai
30	Lanre Shittu Motors (Nig) Limited	15, Alhaji Tokan Street, Alaka Estate, Surulere, Lagos	4000	Cars, SUVs, Mini Buses and Trucks	JAC, Dandong Huanghai and Leopard Brands
31	Toyota Nigeria Limited	Segun Irefin Street, Ikotun Egbe Lagos	20,000	Corolla, Yaris Cars, Hilux, Hiace and Dyna	Toyota Nigeria Limited

8. In view of the foregoing, Due Process "No Objection" **cannot be** granted to the Bayero University Kano to adopt Selective Tendering Method for the award of contract for the Procurement and Installation of Solar Back-up, Supply of 100KVA Generator and 30-seater Bus for ACEPHAP, Bayero University, Kano in favour of the following firms:

L/N	Projects	FIRMS
1	Proposed Procurement and Installation of Solar Back-up to ACEPHAP, Bayero University, Kano	Messrs Al-Atfal General Enterprises Nigeria Limited
		Messrs ATY & K Integrated Services Limited
		Messrs Phenomenal Business Ventures Limited
2	Proposed Supply of 100KVA Generator for ACEPHAP, Bayero University, Kano	Messrs Mahadi Services & Resources
		Messrs MNM Construction & Engineering Services
		Messrs Giant Bridge Nigeria Limited
3	Proposed Procurement of 30-seater Bus for ACEPHAP, Bayero University, Kano	Messrs R T Briscoe (Nigeria) Plc

9. However, Due Process "No Objection" **can be** granted to the Bayero University Kano to adopt Selective Tendering Method for the award of contract for the Procurement and Installation of Solar Back-up, Supply of 100KVA Generator and 30-seater Bus for ACEPHAP, Bayero University, Kano in favour of the following firms:

L/N	Projects	FIRMS
1	Proposed Procurement and Installation of Solar Back-up to ACEPHAP, Bayero University, Kano	Messrs Al-Atfal General Enterprises Nigeria Limited
		Messrs ATY & K Integrated Services Limited
		Messrs Phenomenal Business Ventures Limited
		Add another sets of two (2) unrelated responsive firms
2	Proposed Supply of 100KVA Generator for ACEPHAP, Bayero University, Kano	Messrs Mahadi Services & Resources
		Messrs MNM Construction & Engineering Services
		Messrs Giant Bridge Nigeria Limited
		Add another sets of two (2) unrelated responsive firms
3	Proposed Procurement of 30-seater Bus for ACEPHAP, Bayero University, Kano	Messrs R T Briscoe (Nigeria) Plc Add another sets of four (4) unrelated responsive vehicle assemblers in the NADDC approved list

10. The BUK should therefore:

- issue the relevant Standard Bidding Document for goods to the responsive firms in order to submit their financial bids based on the same Specifications in order to enhance Fairness, Transparency and Accountability.
- Be guided by the approval Revised Threshold stipulated in SGF's Circular Ref. No. PROC/OSGF/BPP/709/85 dated 19TH January, 2022 in approving the project.
- Ensure that there is valid approved current source of funding for the projects.

(d). Conduct Due Diligence/Post Qualification in line with the resolution of the Federal Executive Council's (FEC) meeting held on May 17, 2017 and SGF's Circular Ref. No. SGF.50/5.52/III/652 dated October 11, 2017 on the recommended companies before award of the contracts. The Due Diligence Report should include but not limited to:

- i. Names of the Directors of the Company;
- ii. Professional and technical qualifications of personnel required to carry out the procurement;
- iii. Financial capability;
- iv. Equipment and other relevant infrastructure;
- v. Verification of adequate personnel to perform the obligations of the procurement contract;
- vi. Possesses the legal capacity to enter into contract with the Federal Government;
- vii. Not in receivership, subject of any form of insolvency or bankruptcy proceedings or the subject of any form of winding up petition or proceedings;
- viii. Have fulfilled all the obligation with regards to payments of taxes, pensions and social security contributions;
- ix. Not have any Director who has been convicted in any Country for criminal offences relating to fraud or financial impropriety or criminal misrepresentation or falsification of facts relating to any matter.

(e). The BUK should note that in the implementation of these accelerated procurements for the Goods, all the processes and deliverables are properly kept for future procurement audit as stipulated in Sections 16(12) and 5(p) of the Public Procurement Act, 2007.

11. Please, accept the assurances of my highest consideration and esteem.

M.A. →
Mamman Ahmadu, FNIQS
Director-General

Di Proc
This is for your attention
and appropriate action
9/12/22



BAYERO UNIVERSITY, KANO

OFFICE OF THE REGISTRAR

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VICE-CHANCELLOR: Professor Sagir Adamu Abbas FMAN, Ph.D (ABU); MED; BSc (BUK)

REGISTRAR: Jamil Ahmad Salim, BA, PGDPPA, MBCL (BUK)

BUK/R/Com.154

14th March, 2022

Messrs Phenomenal Business Ventures Ltd,
No. 58, Yahaya Madaki Way,
Kofar Kaura,
Katsina.

Dear Sir,

Letter of Award of Contract for the Procurement and Installation of Solar Back-Up to ACEPHAP, (Lot 1)

The University Tenders Board at its 145th meeting held on Monday, 14th March, 2022 upon consideration of your quotation and its subsequent acceptance, approved your company to undertake the **S Procurement and Installation of Solar Back-Up to ACEPHAP, (Lot 1)** at the cost of **N18,828,625.00K (Eighteen Million, Eight Hundred and Twenty-Eight Thousand, Six Hundred and Twenty-Five Naira only)**. VATs inclusive. The duration of the contract is 6 weeks.

Please take note of the following vital information:

- i. The contract will be governed strictly by the conditions of similar contracts in the Federal Republic of Nigeria.
- ii. The date for the formal signing of the contract shall be communicated to you soon.
- iii. You should indicate your acceptance of this offer as soon as you receive the letter of award.

Yours faithfully,

Jamil Ahmad Salim
REGISTRAR

Cc: Vice Chancellor
Bursar – Pls charge Africa Centre of Excellence on Public Health and Policy (ACEPHAP) Projects
Director, PPU
Director, Procurement Unit
Director, ACEPHAP
Deputy Director, Internal Auditor



BAYERO UNIVERSITY, KANO

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REGISTRAR: Jamil Ahmad Salim, BA, PGDPPA, MBCL (BUK)

BUK/R/Com.154

14th March, 2022

Messrs Giant Bridge Nigeria Ltd,
D9, Civic Centre Road,
Kano.

Dear Sir,

Letter of Award of Contract for the Supply and Installation of 100KVA Generator for ACEPHAP (Lot 2)

The University Tenders Board at its 145th meeting held on Monday, 14th March, 2022 upon consideration of your quotation and its subsequent acceptance, approved your company to undertake the **Supply and Installation of 100KVA Generator for ACEPHAP (Lot 2)** at the cost of **₦13,699,918.52K (Thirteen Million, Six Hundred and Ninety-Nine Thousand, Nine Hundred and Eighteen Naira Fifty-Two Kobo only)**. VATs inclusive. The duration of the contract is 4 weeks.

Please take note of the following vital information:

- i. The contract will be governed strictly by the conditions of similar contracts in the Federal Republic of Nigeria.
- ii. The date for the formal signing of the contract shall be communicated to you soon.
- iii. You should indicate your acceptance of this offer as soon as you receive the letter of award.

Yours faithfully,

Jamil Ahmad Salim
REGISTRAR

Cc: Vice Chancellor
Bursar – Pls charge Africa Centre of Excellence on Public Health and Policy (ACEPHAP) Projects
Director, PPU
✓ Director, Procurement Unit
Director, ACEPHAP
Deputy Director, Internal Auditor



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REGISTRAR: Jamil Ahmad Salim, BA, PGDPPA, MBCL (BUK)

BUK/R/Com.154

14th March, 2022

Messrs R. T. Briscoe Nigeria Plc,
Plot 502, Independence Road,
Bompai,
Kano.

Dear Sir,

Letter of Award of Contract for the Procurement of 30-Seater Bus for ACEPHAP (Lot 3)

The University Tenders Board at its 145th meeting held on Monday, 14th March, 2022 upon consideration of your quotation and its subsequent acceptance, approved your company to undertake the **Procurement of 30-Seater Bus for ACEPHAP (Lot 3)** at the cost of **N63,253,000.00K (Sixty-Three Million, Two Hundred and Fifty-Three Thousand Naira only)**. VATs inclusive. The duration of the contract is 3 weeks.

Please take note of the following vital information:

- i. The contract will be governed strictly by the conditions of similar contracts in the Federal Republic of Nigeria.
- ii. The date for the formal signing of the contract shall be communicated to you soon.
- iii. You should indicate your acceptance of this offer as soon as you receive the letter of award.

Yours faithfully,

Jamil Ahmad Salim
REGISTRAR

Cc: Vice Chancellor
Bursar – Pls charge Africa Centre of Excellence on Public Health and Policy (ACEPHAP) Projects
Director, PPU
Director, Procurement Unit
Director, ACEPHAP
Deputy Director, Internal Auditor