

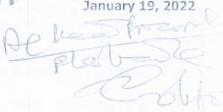


THE PRESIDENCY

11, Suleiman Barau Grescent,
Presidential Ville,
Abula

BPP/S.1/CID/22/Vol.I/028

The Vice Chancellor, University of Port Harcourt, Ease-West Road Choba, P.M.B. 5323, Rivers State.



RE: REQUEST FOR ADOPTION OF SELECTIVE TENDERING FOR THE CONSTRUCTION OF THE MAIN BUILDING OF THE PROPOSED PUBLIC HEALTH & TOXICOLOGICAL RESEARCH CENTRE [PUTOR] AND PROCUREMENTS FROM THE UNIVERSITY'S WORLD BANK SPONSORED AFRICA CENTRE OF EXCELLENCE PROJECT

This is to refer to the University of Port Harcourt's letter with Ref. No. UPH/VC/01/G, dated November 15, 2021 but received at the Bureau December 07, 2021 which requested the Bureau to grant Due Process "No Objection" to the University to adopt Selective Tendering Method for the under listed projects under the University's World Bank Sponsored Africa Centre of Excellence Project.

Table 1: University Request List of Projects

S/NO	DESCRIPTION OF PROJECTS
1	Construction of the Proposed Public Health & Toxicological Research Centre
2	Construction of the Proposed Animal House for Public Health & Toxicological Research Centre
3	Procurement of Vehicles [Toyota Corolla & Toyota Hiace]
4	Procurement of One Unit of 100 KVA Generator
5	Frocurement of Computers [Laptops and Desktops
6	Procurement of Electronics (Televisions)

- 2. In the letter under reference, the University indicated the following:
 - a. The Africa Center of Excellence (ACE) Project was instituted in 2013 by the Governments of Nigeria, Ghana, Benin Republic, Togo, Burkina Faso, Cameroun and Senegal with support from the World Bank, to promote regional specialization amongst participating universities in the West and Central Africa sub-region within disciplines that address particular common regional challenges. It also aims at strengthening the capacities of these universities to enable them deliver high quality training and applied research.
 - b. To this end, the Africa Centre of Excellence in PUBLIC HEALTH AND TOXICOLOGICAL RESEARCH [ACE PUTOR] domiciled at the University of Port Harcourt, Rivers State is responsible to build capacity within West Africa's tertiary educational system for implementing high quality training and applied research for PUTOR.

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- The temporary building complex allocated to the Centre by the University is presently grossly inadequate to house the growing activities of the project and thus, the need to construct a new building to accommodate the increasing number of students' intake and research work. The construction of the project buildings which form part of the PUTOR building project would alleviate the shortages currently affecting the growth and objectives of the establishment of the Centre and would boost excellence in PUTOR and also the Life Animal House for Research.
- d. Considering the essence of time in these procurements in which if advertised could cause delay and the fund could be taken back by the sponsor (World Bank) due to lack of performance by the Centre, the University wishes to adopt the selective tendering method to engage competent vendors to execute these projects.
- e. Furthermore, giving the fact that the project is result based, the World Bank may decline further funding of projects if the Centre is not meeting the Disbursement Linked indicators (DLI) for which the project was conceived. Therefore, it has become imperative to adopt the Selective Tendering Procedure for the Uuniversity to meet the DLI and in line with the provision of Section 40 (b & C) of the Public Procurement Act 2007. The Bureau is also informed to note that the Centre is adopting this method as an exception rather than the norm.
- f. The Project will be funded from World Bank Support Fund. (Attached is the evidence of funding)
- g. It is imperative that a competent firm with cognate experience in the construction of academic research building is engaged to deliver in terms of quality and timing while also offering competitive price so as to obtain value for money. The University has identified some companies that have previous business with Federal Government of Nigeria and the World Bank which provides the advantage of having adequate knowledge of the assignment and has proven speedy completion of the projects while ensuring quality. The companies that meet up with the requirement of the provisions of section 16 (6) (c) of the PPA, 2007 that can do business with Federal Government of Nigeria to effectively carry out the implementation of these projects are detailed below.

C/N	PROJECT TITLE	COMPANY NAME
1.	Construction of the Proposed Public Health & Toxicological Research Centre [PUTOR].	Stainless & Cousin West Africa Limited Vebbs Ventures Limited Fydels Synergy Integrated Services Coastline Engineering Limited

				DEN	ITF	BPP	FIN.	EXP.	TEC,	PLANT	REMARKS
S/N NAME OF COMPANY	CAC	TCC	NSI TF	COM	111	IRR.			CAP/PER SON.	& EQUIP	

| 1. | STAINLESS & COUSIN
WEST AFRICA LIMITED | YES | RESPONSIVE |
|----|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------------|
| 2. | Vebbs Ventures Limited | YES | RESPONSIVE |
| 3. | FYDELS SYNERGY INTEGRATED SERVICES | YES | RESPONSIVE |
| 4. | Coastline Engineering
Limited | YES | RESPONSIVE |

S/N	LOT 2. PROJECT TITLE	COMPANY NAME
1.	Construction of the Proposed Animal House for Public Health & Toxicological Research Centre	Delhope Construction Services Ltd. Solita Engineering and Construction Limited. Majority Construction Limited. Ecoo Energy and Development Techniques Ltd.

S/N	NAME OF COMPANY	CAC	TCC	NSITF	PENC OM	ITF	BPP IRR.	FIN. CAP.	EXP. [SIMIL AR JOB]	TEC, CAP/ PERS ON.	PLANT & EQUIP.	REMARKS
1.	Delhope Construction Services Ltd	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	RESPONSIVE
2.	Solita Engineering and Construction Limited	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	RESPONSIVE
3.	Majority Construction Limited	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	RESPONSIVE
4.	Ecoo Energy and Development Techniques Ltd.	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	RESPONSIVE

LOT 3: PROCUREMENT OF VEHICLES [TOYOTA COROLLA & TOYOTA HIACE]

S/N	PROJECT TITLE	COMPANY NAME
1.	Procurement of Vehicles	1. Globe Motors Holdings Nig, Ltd
	[Toyota Corolla & Toyota	2. Elizade Nigeria Limited
	Hiacel	3. Kojo Motors Limited
	riidcej	4. CFAO Motors

S/N	NAME OF COMPANY	CAC	TCC	NSIT F	PEN COM	ITF	BPP IRR.	OEM/ LOR	EXP.	REMARKS
1.	Globe Motors Holdings Nig, Ltd	YES	YES	YES	YES	YES	YES	YES	YES	RESPONSIVE
2.	Elizade Nigeria Limited	YES	YES	YES	YES	YES	YES	YES	YES	RESPONSIVE
3.	Kojo Motors Limited	YES	YES	YES	YES	YES	YES	YES	YES	RESPONSIVE
4.	CFAO Motors	YES	YES	YES	YES	YES	YES	YES	YES	RESPONSIVE

S/N	PROJECT TITLE	COMPANY NAME
1.	Procurement of One Unit of	1.Chisolita Nigeria Ltd
	100 KVA Generator	2.Jonkech Services Ltd
	200 KV// OCHOLATOI	3. Jocaro Nigeria Limited
		4.EJK Power Systems Nia, Ltd

S/N	NAME OF COMPANY	CAC	TCC	NSIT F	PEN COM	ITF	BPP IRR.	OEM /LOR	EXP.	REMARKS
1.	Chisolita Nigeria Ltd	YES	YES	YES	YES	YES	YES	YES	YES	RESPONSIVE
2.	Jonkech Services Ltd	YES	YES	YES	YES	YES	YES	YES	YES	RESPONSIVE
3.	Jocaro Nigeria Limited	YES	YES	YES	YES	YES	YES	YES	YES	RESPONSIVE
4.	EJK Power Systems Nig. Ltd	YES	YES	YES	YES	YES	YES	YES	YES	RESPONSIVE

LOT 5. PROCUREMEN	T OF COMPUTERS [LAPTOP	S AND DESKTODST

S/N	PROJECT TITLE	COMPANY NAME

stems Nig.

S/ N	NAME OF COMPANY	CA C	TC C	NSIT F	PEN	ITF	BPP IRR.	OEM/ LOR	EXP	REMARKS
1.	Screen View Computers Limited	YES	YES	YES	YES	YES	YES	YES	YES	RESPONSIVE
2.	Proloj Ltd	YES	YES	YES	YES	YES	YES	YES	YES	RESPONSIVE
3.	EJK Power Systems Nig. Ltd	YES	YES	YES	YES	YES	YES	YES	YES	RESPONSIVE
4.	DLD Tech Solutions Limited	YES	YES	YES	YES	YES	YES	YES	VEC	DECDONCTVE

LOT 6: PROCUREMENT OF ELECTRONICS [TELEVISIONS]

S/N	PROJECT TITLE	COMPANY NAME
1.	Procurement of Electronics [Desktops and Televisions]	I. Ikhammer Global Services Ltd Proloj Ltd Fydels Synergy Integrated Services Screen View Computers Limited

S/ N	NAME OF COMPANY	CAC	TCC	NSITF	PENCO M	ITF	BPP IRR.	OEM/ LOR	EXP.	REMARKS
1.	Ikhammer Global Services Ltd	YES	YES	YES	YES	YES	YES	YES	YES	RESPONSIVE
2.	Proloj Ltd	YES	YES	YES	YES	YES	YES	YES	YES	RESPONSIVE
3.	FYDELS SYNERGY INTEGRATED SERVICES	YES	YES	YES	YES	YES	YES	YES	YES	RESPONSIVE
4.	SCREEN VIEW COMPUTERS LIMITED	YES	YES	YES	YES	YES	YES	YES	YES	RESPONSIVE

- 3. The Bureau has carefully reviewed the request of the University and noted as follows:
 - a. The University intends to adopt Restricted/Selective Tendering Procedure in order to execute the listed projects in Table 1 above under World Bank Support Fund by inviting twenty four (24) companies listed in paragraph 2(g) above to participate in the procurement processes.
 - b. The University was allocated funds from World Bank Support Fund under the Africa Center of Excellence for Development Impact Project in order to carry out the said project in the University.
 - c. The University cited the difficulty in embarking on Open Competitive bidding at the moment due the essence of time which could cause delay and the fund could be taken back by the World Bank due to lack of performance at the Centre as grounds for the request to adopt Restricted/Selective Tendering Method.
 - d. The University stated that the World Bank might decline funding if the University fails to meet the Disbursement Link Indicators (DLI) from which the project was conceived. This serve as a basis to support the adoption of Selective Tendering Method of Procurement.
- 4. The attention of the University is drawn to the Federal Government's Policy and Strategy of engaging Original Equipment Manufacturers/Representatives and

some of the basic principles which govern Special and Restricted Methods of Procurement as stipulated under Section 40(2) of the 2007 Public Procurement Act, due to urgency which is not the result of dilatory conduct on the part of the procuring entity as follows:

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."

- 5. Under the Federal Government's policy and strategy of engaging only OEMs, the Ministries, Departments and Agencies (MDAs) are requested to procure only from OEMs/Accredited Representatives that will provide the requisite guarantees and after-sales maintenance service for the operation of the equipment. The strategy is to ensure the quality of the supplied equipment as well as their warranties/guarantees for specified period.
- 6. However, the essence of time being cited by the University as the reason to adopt Restricted Tendering Method cannot be supported by the provisions of Section 40 of the PPA, 2007. Considering the current global situation in Nigeria most especially the COVID -19 Pandemic which has prevented social gatherings and created a major challenge in going for default means of procurement and couple with the fact that World Bank might decline funding if the University fails to meet the Disbursement Link Indicators (DLI) that led the University to appeal for the use of this procedure as an exception rather than a norm, the request can be considered in line with the provision of Section 40(1)(c) of the Public Procurement Act, 2007.
- 7. The Bureau has therefore, reviewed the profiles of the short-listed companies to determine whether they have met the mandatory/responsive criteria in line with Section 16(6) of the Public Procurement Act (PPA), 2007 and their registration on the National Database of Federal Contractors, Consultants and Service Providers in line with the provisions of Section 6(1)(f) of PPA. The table below shows the outcome of the Bureau's independent review of the profiles of the Companies:

Tables 7: Evaluation Result as carried out by the Bureau

S/N	COMPANY	CAC	TCC	PEN	ITF	NSITE	BPP	EXP	Plant & Equip	TECH.	REMARKS
1.	Stainless& Cousin West Africa Limited	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Responsive
2.	Vebbs Ventures Limited	Yes	Yes	No	Yes	Yes	Yes	Yes	No	Yes	Not

3.	Fydels Synergy Integrated Services		Ye	S	Yes	Yes	Y	es '	Yes	Yes	T	Yes	Y	es	Yes	Respons
4.	Coastline Engineering Limited		Ye		Yes	Yes	Y	'es	Yes	Yes	-	Yoc		es	Yes	ricopons
Lot 1	: Construction of the Proposed Pu	blic	Heal	h & T	oxico	logical	Re	COORD	h Com	Aug [[LITC	D1		62	res	Responsi
_ot 2	: Construction of the Proposed Ani	imal	Hous	se for	Publi	Healt	h &	Toxic	cologi	cal R	esea	rch Ce	entre			
S/N	COMPANY		CAC		cc	PEN		TF	NSIT F	BPI		EXP	Т	ech	Plant Equi	
1.	Delhope Construction Services Ltd.		Yes	Ye	s)	'es	Ye	es	Yes	Yes	,	/es	Ye	s ap	Yes	Responsi
2.	Solita Engineering and Constructi Limited.	ion	Yes	Ye		es	Ye	S	Yes	Yes	,	'es	Yes	S	Yes	Responsi
3.	Majority Construction Limited.		Yes	Ye	s Y	es	Ye	S	Yes	Yes	1	es	Yes	5	Yes	Responsi
4.	Ecoo Energy and Development Techniques Ltd		Yes	Ye	s Y	es	Ye	s	Yes Yes				Yes	3	No	Not Responsive
ot 3	: Procurement of Vehicles [Toy	ota (Coro	lla &	Toyo	ta Hia	ce]									
S/N	COMPANY		CAC		TCC	PE	-	ITI		NSIT	F	ВРР	E	XP	OEM	REMARK
1.	Globe Motors Holdings Nig, Ltd		Yes	Y	'es	Yes	-	Yes Y		Yes		Yes	Yes	es Yes		Responsiv
2.	Elizade Nigeria Limited		Yes		lot	Not					Vot		Yes		Yes	Not
3.	Kojo Motors Limited		Yes		ighted es	Yes				Sighted 'es		Yes	Yes		Yes	Responsiv
4.	CFAO Motors		Yes Yes		Yes	Yes			Yes		Yes			Yes	Responsive	
ot 4:	Procurement of One Unit of 100 KV	/A G	ener	ator								100	103		165	Responsive
S/N	COMPANY			CAC	TCC	PE	N	ITF	NC	SITE	BI	n I	EVE	1		
1.	Chisolita Nigeria Ltd			Yes	Yes	Yes		Yes	Yes		Yes		EXP	Yes	EM	REMARKS Responsive
2.	Jonkech Services Ltd			Yes	Yes	Yes		Yes	Yes		Yes		Yes	Yes		Responsive
3.	Jocaro Nigeria Limited			No	Yes	Yes		Yes	Yes		Yes			No		Not Responsive
4.	EJK Power Systems Nig. Ltd			Yes	Yes	Yes	Yes		es Yes		Yes		Yes	Yes		Responsive
ot 5:	Procurement of Computers [La	ptop	s ar	nd De	sktor	os]										
S/N	COMPANY	CAC	T	cc	PEN	ITF	,	ISITE	BPF		XP	NITE			-	
1.	Screen View Computers Limited	Yes	Ye		Yes	Yes		es	Yes	-	es	Yes		Resno	onsive	MARKS
2.		Yes	Ye	S	Yes	Yes	Y	es	Yes	Y	es	Yes	_		onsive	
3.	EJK Power Systems Nig. Ltd	Yes	Ye	s	Yes	Yes	Y	es	Yes	Y	es	No			espons	
4.	DLD Tech Solutions Limited	Yes	Ye	S	Yes	Yes	Y	es	Yes	Y	es	Yes			onsive	
ot 6:P	rocurement of Electronics [Des	ktop	s an	d Te	levisi	ons]				(0)			-			
S/N	COMPANY		CA		TCC	PEN	Τ,	TF	NSITE		PP					
1.	Ikhammer Global Services Ltd		Yes			Yes	Y		Yes		es	Yes		REMAR Responsive		ARKS
2.	Proloj Ltd		Yes		Yes	Yes	Ye	es	Yes	Y	es	Yes	i	The control	compa vo lo fore b	ny appeared ts and has een trimmed
-	Fydels Synergy Integrated Services		Yes		Yes	Yes	Ye	ne l	Yes	V	es	Yes		o Lo	nsive	
3.	i yuels syrietgy integrated Services	- 1					1	0	162	1 1.4				Kespe	INSIVE	

8. From the review in Table 7 above, only nineteen (19) out of the twenty four (24) Companies selected for the Restricted Tendering Methods met the minimum eligibility criteria in line with Section 16(6)d of the PPA, 2007 and the Federal Government's Policy and Strategy of engaging only OEMs/Representatives. Therefore, the qualified companies can proceed to the financial stage.

Yes

Yes

Yes

Yes

Responsive

Yes

Yes

Screen View Computers Limited

- 9. The Bureau observed that Messrs Proloj Ltd were shortlisted for more than one (1) Lot specifically Lots (5 & 6). This does not encourage competition among the firms and ensure value for money for the Federal Government. This act is contrary to the provisions of Section 16(1)(f) of the PPA, 2007. Consequently, given the company's experience it is only allowed for Lot 1. The remaining companies in Lot 5 are however adequate in number to ensure competition.
- 10. The Bureau also observed that the University inserted a brand name (Toyota corolla and Toyota Hiace) which negates the provisions of Section 40(2)(a) of the PPA, 2007 as this would disenfranchise all other local manufacturers of similar vehicles. The attention of the University is drawn to note that Section 127 of the Public Procurement Regulation for Goods and Works discourages the use of brand names, catalogue number and products of a specific manufacturer and only allow the use of specifications based on relevant characteristics, performances, capabilities and qualities; therefore, the University should be properly guided in its future procurement.
- 11. In view of the above, Due Process "No Objection" **CANNOT** be granted to the University of Port Harcourt to adopt Restricted/Selective Tendering Method for the under listed projects under the University's World Bank Sponsored Africa Centre of Excellence Project in favour of the selected bidders as shown in Table 11 below:

Table 11: University's Request

S/N	PROJECTS	COMPANIES					
1.	Construction of the Proposed Public Health & Toxicological Research Centre [PUTOR].	Stainless& Cousin West Africa Limited Vebbs Ventures Limited Fydels Synergy Integrated Services 4. Coastline Engineering Limited					
2.	Construction of the Proposed Animal House for Public Health & Toxicological Research Centre	Delhope Construction Services Ltd. Solita Engineering and Construction Limited Majority Construction Limited 4. Ecoo Energy and Development Tecniques Ltd					
3.	Procurement of Vehicles [Toyota Corolla & Toyota Hiace]	Globe Motors Holdings Nigeria Limited Elizade Nigeria Limited Kojo Motors Limited 4. CFAO Motors					
4.	Procurement of One Unit of 100 KVA Generator	Chisolita Nigeria Ltd Jonkech Services Ltd Jocaro Nigeria Limited 4. EJK Power Systems Nig. Ltd					
5.	Procurement of Computers [Laptops and Desktops)	Screen View Computers Limited Proloj Ltd Proloj Ltd					
6.	Procurement of Electronics and Televisions	Ikhammer Global Services Ltd Proloj Ltd Fydels Synergy Integrated Services 4. Screen View Computers Limited					

12. However, Due Process "No Objection" **CAN** be granted to the University of Port Harcourt to adopt Restricted/Selective Tendering Method for the approved projects under the University's World Bank Sponsored Africa Centre of Excellence Project in favour of the **responsive** bidders as shown in Table 12 below:

S/N	le 12: Bureau's Approval PROJECTS	
1.	Construction of the Proposed Public Health & Toxicological Research Centre [PUTOR].	Fydels Synergy Integrated C
2.	Construction of the Proposed Animal House for Public Health & Toxicological Research Centre	Invite additional one (1) unrelated responsive bidde Delhope Construction Services Ltd Solita Engineering and Construction Limited Majority Construction Limited
3.	Procure ment of Vehicles [Toyota Corolla & Toyota Hiace	bidder Globe Motors Holdings Nigeria Limited Kojo Motors Limited CFAO Motors CFAO Motors
4.	Procurement of One Unit of 100 KVA Generator	Invite additional one (1) unrelated responsive Chisolita Nigeria Ltd Jonkech Services Ltd EJK Power Systems Nig. Ltd
	Procurement of Computers (Laptops and Desktops)	bidder Screen View Computers Limited Proloj Ltd DLD Tech Solutions (1) unrelated responsive
	Procurement of Electronics and > Televisions >	Invite additional one (1) unrelated responsive bidder Ikhammer Global Services Ltd Fydels Synergy Integrated Services Screen View Computers Limited Invite additional one (1) unrelated responsive bidder

13. The University of Port Harcourt should therefore:

- (a). Invite additional one (1) unrelated responsive bidders for each Lots 1,2,3,4,5 and 6 respectively, to compete for the said Lots, and ensure that they possess the requisite technical and financial capacities in line with Section 16(6) of the Public Procurement Act, 2007 and are eligible to do business with Government. However, the University should take full responsibility for the compliance of the additional companies to the provisions of Section 16(6) of the Public Procurement Act, 2007.
- (b). Issue the relevant Standard Bidding Documents to all the responsive firms in order to submit their financial bids based on the same Specifications/scope of goods and works for the proposed projects, for which they will be reviewed in order to enhance Fairness, Transparency
- (c). Ensure that only financial competitiveness would be considered as basis for the determination of the winning bids in the award of contracts for the goods and works projects.
- (d). Ensure that no bidder is allowed to bid for more than one (1) lot.
- (e). Keep and maintain proper records of the procurement documents for Procurement Audit that will be carried out in the nearest future.

- (f). 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 Reportshould 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. Possess of 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.
- 14. The University should retrieve all the documents submitted for this review.
- 15. The University should be guided by the approval Threshold stipulated in the SGF's Circular with Ref. No. SGF/OP/I/S.3/VIII/57 dated 11th March, 2009 and the revised Circular with Ref. No. SGF/OP/I/S.3/XI/849 dated 14th January, 2016 in approving the projects.
- 16. The University should also ensure that all the procurements listed above are uploaded on the Nigeria Open Contracting Portal (NOCOPO) from planning to project implementation.
- 17. Please accept the assurances of my highest consideration and esteem.

Mcs -

MammanAhmadu, FNIQS

Director-General