

BPP/S.1/SP/22/Vol.I/042

January 24, 2022

The Vice Chancellor,
National Open University of Nigeria (NOUN),
University Village, Plot 91, Jabi Cadastral Zone,
Nnamdi Azikiwe Expressway, Jabi, Abuja.

RE: REQUEST FOR "NO OBJECTION" TO USE RESTRICTED TENDERING METHOD

This is to refer to the National Open University of Nigeria (NOUN), Abuja's letter with Ref. No: REF/NOUN/VC/DOP/459 dated December 13, 2021, which requested the Bureau to grant Due Process "No Objection" to adopt Selective Tendering Method of Procurement for the Procurement of Consultant for the Construction of ACETEL Building.

2. It will be recalled that the NOUN had earlier vide letter with Ref. No REF/NOUN/VC/DOP/459 dated July 14, 2021 requested the Bureau to grant Due Process "No Objection" to adopt Selective Tendering Method of Procurement for the execution of thirteen (13) Projects.

3. Following the outcome of the Bureau's earlier review of the NOUN's request of July 14, 2021, the Bureau vide letter with Ref. No. BPP/S.1/SP/21/Vol.IV/680 dated September 13, 2021 stated that Due Process "No Objection" **can only be granted** to the National Open University of Nigeria (NOUN), to adopt Selective Tendering Method of Procurement for the underlisted Projects in favour of the respective companies **when** the University forwards evidence of funding:

Table 3: Conditional Approval by BPP

LOT	Projects	List of Companies	Remarks
Lot 1	Construction of ACETEL Building at NOUN HQ, Jabi, Abuja	Am'synergy Nig. Ltd In-situ Holmes Ltd Hikam Engineering & Consultancy Ltd Konstrad Nig. Ltd	The Companies should proceed to the financial stage
LOT 2	Supply and Installation of Virtual Reality Laboratory Equipment	Natview Technology Ltd Softcom Ltd	Invite minimum of two (2) additional responsive Companies.
LOT 3	Procurement and Installation of Wide Area Network (WAN)	Technical Profiles not forwarded	The NOUN should invite Messrs Galaxy Backbone who has exclusive right on provision of Internet in Nigeria.
LOT 4	Upgrading of Library Facilities & Additional Database	Aparimatos Sekeem Nig Ltd Havilah Merchants Nig. Ltd	Invite minimum of two (2) additional responsive Companies.
LOT 5	Supply & Installation of alternative Power Source (Uninterrupted Power Supply) Solar	Global Atlic Ltd Mubarak Real Solid Ltd	Invite minimum of two (2) additional responsive Companies.

	Energy with Inverter & 200kva sound proof generator		
Lot 6	Supply & Installation of Artificial Intelligence Laboratory Equipment	Xtreme Energy Ltd Atomic Diamond Ltd Rahza Software Ltd	Invite minimum of one (1) additional responsive Company
Lot 7	Supply & Installation of Basic Computer Laboratory Equipment	Pure Access IT Ltd U & I Business Solution Ltd.	Invite minimum of two (2) additional responsive Companies
Lot 8	Supply & Installation of Management Information system (MIS) Equipment	Aliph Technologies Ltd Pure Access IT Ltd	Invite minimum of two (2) additional responsive Companies.
Lot 9	Supply & Installation of Cyber Security Equipment	Diamond FCY Ltd Assiamarz Nig. Ltd Codraz Ltd	Invite minimum of one (1) additional responsive Company
Lot 10	Supply & Installation of Multi-media Teaching & Recording Laboratory Equipment	Jatplus Global Venture Ltd	Invite minimum of three (3) additional responsive Companies.
Lot 11	Supply & Installation of Tele/Video Conference Meeting/Learning software facilities	4 Digits Engineering & Consulting Ltd Henric Sowers Ltd	Invite minimum of two(2) additional responsive Companies
Lot 12	Consultants		The NOUN should clearly specify the nature of the consultancy and revert to the Bureau
Lot 13	Environmental and Social Management Plan (ESMP)	Geo-Kooy Environmental Services Famzon Nigeria Ltd	Invite minimum of two (2) additional responsive Companies.

4. Furthermore, the Bureau requested the University to redefine the Lot 12 by specifying the nature of the Consultancy and revert to the Bureau with the Technical Profiles of the shortlisted Companies to enable it take an informed decision.

5. In response to the Bureau's letter dated September 13, 2021, the NOUN has now vide letter dated December 13, 2021 redefined the Lot 12 as "procurement of Consultant for the Construction of ACETEL Building" and forwarded profiles of six (6) Companies for the Bureau's consideration. In the letter under reference, the University stated as reproduced below

a) I write to express our sincere appreciation for your timely consent to our request for adoption of selective tendering procurement method via your response letter with Ref No BPP/S.1/SP/21/Vol.IV/680 dated September 13, 2021.

b) We notice that in paragraph 13 (c) of the said letter, the University was mandated to redefine Lot 12 (Consultants) by specifying the nature of the Consultancy and revert to the Bureau with the technical profiles of the shortlisted Companies to enable it take an informed decision.

c) In view of the above mandate, we forward the profile of the shortlisted Companies to participate in procurement of Consultancy services for the Construction of ACETEL Building as detailed below;

S/N	PROPOSED PROJECT	SHORTLISTED CONTRACTORS
Lot 12	Procurement of Consultant for the construction of ACETEL Building	I. Onoba Associates II. Urbancrubs Ltd III. Arctuals Concepts Ltd IV. Daahir Consults V. Noble Count Services Ltd

d) The University also forward the attached appendix I,II & III as evidence of funding as demanded in paragraph13 (a) of the said letter from the Bureau and Press Release on the selection of 44 Centres of Excellence in West and Central Africa by the Association of African Universities as appendix IV

e) However, as earlier explained by the University in the first letter to the Bureau, the fund disbursement for the project by the World Bank is based on result oriented assessment hence, additional fund are still expecting for the project.

6. Consequently, the Bureau carried out independent review of the profiles of the Companies forwarded by the University in order to ascertain their responsiveness to the mandatory requirements in line with the provisions of Section 16(6) of the Public Procurement Act, 2007. The outcome of the technical evaluation revealed that only two (2) Companies are responsive as shown in Table 6 below:

Table 6: Bureau's Evaluation in respect of Procurement of Consultant for the construction of ACETEL Building at NOUN HQ Jabi, Abuja

S/N	COMPANY	CAC	TCC	PENCOM	ITF	NSITF	BPP IRR	Experience	Company Reg with Professional Body	REMARKS
1	Onoba Associates	Yes	No	No	No	No	No	No	No	Not Responsive
2	Urbancribs Ltd	Yes	Yes	Yes	Yes	Yes	Yes	Yes	ARCON	Responsive
3	Arctuals Concepts Ltd	Yes	No	No	No	No	No	No	ARCON	Not Responsive
4	Daahir Consults	Yes	No	No	No	No	No	No	ARCON	Not Responsive
5	Noble Count Services Ltd	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Not Responsive
6	Sami & Samad Consult Ltd	Yes	Yes	Yes	Yes	Yes	Yes	Yes	NIQS	Responsive

7. The University forwarded a copy of the World Bank's letter dated October 15, 2021, which notified the Honourable Minister of Finance, Budget and National Planning on the disbursement of the sum of USD612,407.92 to the Africa Centre of Excellence on Technology Enhanced Learning (ACETEL) at the National Open University. This serves as evidence of funding in line with the provision of Section 16(1) of PPA, 2007.

8. In view of the foregoing, Due Process "No Objection" cannot be granted to the National Open University of Nigeria (NOUN) to adopt Selective Tendering Method of Procurement for the procurement of Consultant for the construction of ACETEL Building in favour of the underlisted companies:

Table 10: Request by the University

SN	LOT	LIST OF COMPANIES
a.	Lot 12	Procurement of Consultant for the construction of ACETEL Building
		Onoba Associates
		Urbancribs Ltd
		Arctuals Concepts Ltd
		Daahir Consults
		Noble Count Services Ltd
		Sami & Samad Consult Ltd

9. However, in line with the provision of Section 40(1)(c) of PPA, 2007, Due Process "No Objection" **can be granted** to the National Open University of Nigeria (NOUN) to adopt Selective Tendering Method of Procurement for the procurement of Consultant for the construction of ACETEL Building in favour of the underlisted companies:

Table 9: Approval by BPP

SN	LOT		LIST OF COMPANIES	BPP's Remarks
b.	Lot 12	Procurement of Consultant for the construction of ACETEL Building	Urbancribs Ltd Sami & Samad Consult Ltd	Invite minimum of three(3) unrelated responsive bidders (Consultant)

10. The "No Objection" in paragraph 9 above is on the conditions that the NOUN will :

- a) Invite minimum of three (3) additional unrelated Companies and ensure that only firms that possess the requisite technical and financial capacities in line with Section 16(6) of PPA, 2007 and are eligible to do business with Government shall be short-listed to participate in these procurement proceedings and that the University shall take full responsibility for their responsiveness and the evaluation;
- b) the selected firms shall amongst other meet all the following mandatory/eligibility requirements:
 - i. Corporate Affairs Commission (CAC) Registration Certificate;
 - ii. Tax Clearance Certificate (TCC) expiring December 2021;
 - iii. Industrial Training Fund (ITF) Clearance Certificate expiring December 2021;
 - iv. Pension Commission (PENCOM) Clearance Certificate expiring December 2021;
 - v. NSITF Certificate of compliance expiring December 2021;
 - vi. Valid Interim Registration Report (IRR) expiring December 2021;
 - vii. Evidence of registration of the firm with relevant Professional Regulatory body where applicable;
 - viii. Evidence that the firm possess adequate professional Staff where applicable;
 - ix. Relevant/Cognate Experience on similar projects;
 - x. Evidence of being OEM or OEM Representative where applicable;
 - xi. Amongst other requirements that may be included by the University, in line with Section 16(6) of the PPA, 2007.
- c) issue relevant Standard Bidding Documents to all the responsive firms (bidders) in line with the SGF's Circular Ref. No: SGF50/S.52/II/469 dated January 13, 2017; and ensure that only financial competitiveness would be used to decide the least responsive evaluated bidder, in line with Section

41(5) of the Public Procurement Act, 2007, so that Government will have value for money;

- d) Ensure that there is approved funding for each Lot before awarding the Contracts;
- e) Conduct Due diligence in line with the resolution of the Federal Executive Council's (FEC) meeting held on May 17, 2017 and SGF's Circular with Ref. No. SGF.50/5.52/III/652 dated October 11, 2017 on the recommended firms before award of the Contracts;
- f) Take responsibility for the outcome of the technical and financial evaluation.
- g) Seek necessary approval from appropriate approving authority before award of Contract in line with SGF's Circular Ref. No: SGF/OP/I/S.3/XI/849 dated January 14, 2016 on approval threshold;
- h) Note that in the implementation of these accelerated procurements for services Goods and works, 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. The Bureau observed that the University did not upload its 2020 Procurement Records and 2021 Procurement Plans on Nigeria Open Contracting Portal (NOCOPO). The University should therefore upload its 2020 Procurement Records and 2021 Procurement Plans to the Bureau using the Nigeria Open Contracting Portal (NOCOPO) accessible on the Bureau's website (nocopo.bpp.gov.ng). This is in line with SGF's Circular with Ref. No.: PROC/BPP/045/II dated 6 March, 2020.

12. Please accept the assurances of my highest consideration and regards.


Mamman Ahmadu, FNIQS
Director-General