

PUBLIC PROCUREMENT ACT, 2007

DEBARMENT PROCEDURE GUIDELINES, 2025

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In exercise of the powers conferred on it by sections 5(a) and 6(e) and (m) of the Public Procurement Act, 2007 and all other powers enabling it in that behalf, the Bureau of Public Procurement make the following Guidelines-

[] Commencement

1. Objectives

These Guidelines is to -

- (a) promote integrity, transparency and accountability in public procurement; and
- (b) protect public funds and ensure value for money.

2. Grounds for debarment

(1) A contractor, consultant or service provider may be debarred where-

- (a) there is evidence that such a contractor, consultant or service provider has-
 - (i) given or promised a gift of money or any tangible item, or
 - (ii) promised, offered or given employment or any other benefit, that can be quantified in monetary terms,

to a current or former employee of a procuring entity or the Bureau, in an attempt to influence any action or decision making of any procurement activity; or

- (b) such a contractor, consultant or service provider-
 - (i) is convicted for fraud or any other offence in connection with obtaining, attempting to obtain or performing a public contract or subcontract,
 - (ii) violates the terms of a government contract or subcontract such as willful failure to perform in accordance with the terms of a contract, a history of failure to perform or of unsatisfactory performance of a contract, or
 - (iii) engages in falsification of document.

(2) A contractor debarred by a multilateral organisation may be considered for debarment by the government.

3. Implication of debarment

(1) The following provisions shall apply to a contractor, consultant or service provider who is debarred-

- (a) MDAs shall not solicit offers from, award contracts to, or consent to subcontracts with such a contractor, consultant or service provider; and
 - (b) such a contractor, consultant or service provider shall not conduct business with the government as an agent or representative of any other contractor, consultant or service provider.
- (2) Notwithstanding the debarment of a contractor, consultant or service provider, any government agency may except for other good reasons, continue any contract or subcontract in existence at the time the contractor, consultant or service provider is debarred.
- (3) The debarment action shall apply to partners in a joint venture agreement.

4. Establishment and composition of a Debarment Committee

- (1) There is established for the Bureau a Debarment Committee.
- (2) The Debarment Committee shall consist of-
- (a) the Director-General of the Bureau as the Chairman;
 - (b) a retired judge of the Federal High Court;
 - (c) the Director of Compliance Department of the Bureau;
 - (d) one other director of the Bureau nominated by the Director-General of the Bureau;
 - (e) the Legal Adviser of the Bureau;
 - (f) one representative of the Federal Ministry of Justice;
 - (g) one representative of the Office of the Accountant General of the Federation;
 - (h) one representative of the Association of Professional Bodies of Nigeria;
 - (i) one procurement specialist from the private sector appointed by the Bureau;
 - (j) one representative of the CSO involved in procurement; and
 - (k) the Head of Legal Unit of the Bureau who shall serve as the Secretary.

5. Debarment procedure

- (1) The Bureau shall commence the process of the debarment of a contractor, consultant or service provider where-
- (a) the Bureau has cause during its review, surveillance or audit to believe that such contractor, consultant or service provider has contravened any provision of the Public Procurement Act, 2007 or regulations made pursuant to the Act; or
 - (b) a procuring entity, following adequate findings, submits a debarment recommendation based on evidence approved by its Accounting Officer.
- (2) The Bureau shall acknowledge receipt of the request for debarment within seven working days.
- (3) The Bureau shall, through the Secretary of the Debarment Committee, review the information received within 10 working days of receipt of the request for debarment.
- (4) The Bureau shall proceed with the request for debarment, if a case that may lead to debarment is established.

- (5) The Bureau shall issue a notice of debarment -
 - (a) within five working days, following the decision that a case has been established, to the contractor, consultant or service provider in question; and
 - (b) which shall state the specific allegations and grounds for the debarment.
- (6) The contractor, consultant or service provider shall have a period of 10 working days, from the date of receipt of the notice, to respond.
- (7) Upon a request from the contractor, consultant or service provider, the Bureau may, grant a reasonable extension of time, not exceeding five working days to respond.
- (8) The notice of debarment proceedings shall be dispatched-
 - (a) physically to the registered office of the contractor, consultant or service provider; or
 - (b) electronically through the registered e-mail address of the contractor, consultant or service provider proposed for debarment.
- (9) The notice shall state the-
 - (a) grounds for the debarment;
 - (b) implication of the debarment; and
 - (c) period of the debarment.
- (10) Where the dispatched notice is returned undelivered, the Notice of Intention to Debar shall be published in two National Newspapers, the Tenders Journal and the Bureau's Website for a period of not less than 10 working days.
- (11) Where no response is received within 10 working days after publication, the respondent shall be considered to have been fully served and the Debarment Committee shall proceed based on the material facts available and arrive at a decision.
- (12) The contractor, consultant or service provider may either personally or through its counsel submit written response, to the debarment notice including any additional information in support of his defence.
- (13) The written response required in subparagraph (12) of this paragraph shall be accompanied by a verifying affidavit attesting that the information provided is truthful, after exercising due diligence in reviewing the matter.
- (14) Upon receipt of a response, the Debarment Committee shall consider such response within 15 working days and arrive at a decision on the merit of the case.
- (15) In a case where no response is received from the contractor, consultant or service provider, the Debarment Committee shall make a decision.
- (16) The Debarment Committee shall reach a final decision in writing within 15 working days from the receipt of the response and make recommendation to the Bureau for implementation.

- (17) The Debarment Committee may reach a decision imposing a debarment for a period of not less than three years and not exceeding five years.
- (18) A majority of the members of the Debarment Committee shall form a quorum provided that notice of meeting is given to all members at least three working days prior to the meeting and the decisions of the Debarment Committee shall be reached by a simple majority.
- (19) The Bureau shall issue a notice of debarment where the decision of the Debarment Committee is to debar and such a notice shall be issued within five working days from the date of receipt of the decision of the Debarment Committee.
- (20) The notice of debarment shall state the decision to debar, grounds for the debarment, period of debarment and the implications of the debarment.
- (21) The name of the debarred contractor, consultant or service provider shall be entered into the database of the Bureau and published on the Bureau's website, Federal Tenders Journal and any other platform.
- (22) The Bureau shall monitor compliance with the debarment.
- (23) The debarred contractor, consultant or service provider may after the expiration of the period of debarment, apply to the Bureau for reinstatement with evidence of reform.

6. Interpretation

In these Guidelines debarment means an action which excludes a contractor from government contracting and government approved subcontracting for a period of time.

7. Citation

These Guidelines may be cited as the Debarment Procedure Guidelines, 2025.

Issued at Abuja thisday of.....2025

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