



FEDERAL MINISTRY OF JUSTICE

REQUEST FOR SUBMISSION OF PROPOSALS AND BID DOCUMENTS BY CIVIL SOCIETY ORGANIZATIONS FOR THE MONITORING OF THE IMPLEMENTATION OF THE TRIPARTITE AGREEMENT ON THE SHARING, TRANSFER, DISPOSITION, REPATRIATION AND MANAGEMENT OF CERTAIN FORFEITED ASSETS (“The Agreement”)

The Federal Republic of Nigeria (FRN), United States of America and the Bailiwick of Jersey (hereinafter the Parties) signed the Asset Agreement on 3rd February in order to enable a transparent and efficient repatriation for the benefit of the people of Nigeria. The Agreement sets out the basis and mechanisms for the transfer of the forfeited assets. A copy of the agreement can be downloaded from <https://www.justice.gov.ng/index.php/asset-recovery-documents>

The Forfeited assets shall be used exclusively for the purpose of the financing the projects set out in Article 6 of the Agreement and further described in Schedule 1 (the Projects), the payment of fees of the Monitoring Civil Society Organization (CSOs) and the independent designated auditor. The projects are defined as: (a) the Lagos to Ibadan Expressway; (b) the Abuja to Kano Road; and (c) the Second Niger Bridge;

The implementing Agency for the agreement for the FRN is the Nigeria Sovereign Investment Authority (NSIA – <https://nsia.com.ng/>)

The NSIA was established by the *Nigeria Sovereign Investment Authority (Establishment etc.) Act 2011* as an independent investment institution governed by a board of directors and operating under transparency guidelines and a Corporate Governance Framework that is aligned with the Santiago Principles (a voluntary set of principles and practices developed by the International Working Group of Sovereign Wealth Funds).

Pursuant to the Agreement, the Government of the Federal Republic of Nigeria has agreed to engage a Monitoring Civil Society Organisation (s) (‘the Monitoring CSO (s)’) to provide ongoing monitoring of the implementation of the Projects.

This Request for Proposals/bid is an invitation for CSOs with the relevant skills, competencies and experience to submit their proposals and bid documents showing how they meet the criteria set out in this document, and in the Agreement.

A. Skills and Experience of the Monitoring CSO

The Monitoring CSO is required to have skills and experience in the following areas:

- (a) Substantial Infrastructure Projects
- (b) Civil Engineering
- (c) Anti-corruption Compliance
- (d) Anti-Human Trafficking compliance
- (e) Auditing
- (f) Procurement

B. Primary Tasks and Responsibilities

The CSO will be required to perform the following tasks:

Specifically, the engagement of the Monitoring CSO (s) shall be for the design and implementation of a robust and transparent monitoring program that shall include:

- (a) receiving the documents referred to in Article 8 (9) of the Agreement;
- (b) conducting relevant site visits (including unannounced site visits);
- (c) compiling and publishing regular reports. Such reports shall be at least quarterly (‘the CSO Reports’) and shall be provided to the Competent and Implementing Authorities of the Parties; and

- (d) compiling and publishing a final report ('the CSO Final Report') within three (3) months of the NSIA Final Report. Such report shall be provided to the Competent and Implementing Authorities of the Parties.

C. Specific Assignment

1. This engagement shall be on an annual basis and renewable each year until the Recovered Assets have been spent and the Monitoring CSO (s)'s responsibilities have been completed.
2. The Monitoring CSO (s) shall be part of the Project Monitoring Team and shall have the following additional responsibilities as set forth below:
 - (a) The primary focus of the Monitoring CSO (s) shall be on compliance with applicable anti-corruption laws and regulations, international anti-corruption standards, and the Agreement, including its Schedules. In particular, the Monitoring CSO (s) shall focus attention on compliance with the obligations in Article 3 ('Scope') and Article 16 ('Anti-corruption') in the Agreement. However, the Monitoring CSO (s) shall also provide monitoring with respect to any other criminal activity such as human trafficking, in addition to compliance with applicable laws and regulations, especially those protecting vulnerable members of society.
 - (b) The Monitoring CSO (s) shall design and implement a robust and transparent Monitoring Programme that shall include:
 - (a) Receiving the documents referred to in paragraph 8 of Schedule 7 (having regard to the disclosure provisions in Article 10 of the Agreement);**
 - (b) Conducting regular site visits;
 - (c) Compiling and publishing regular reports. Such reports shall be at least quarterly and shall be provided to the Competent and Implementing Authorities of the Parties to the Agreement; and
 - (d) Compiling and publishing a final report within 3 months of the NSIA Final Report (as defined in the Agreement). Such report shall be provided to the Competent and Implementing Authorities of the Parties to the Agreement.

D. Key Objectives

- (c) The key objectives of the Monitoring CSO (s) shall be:
 - (a) Providing robust monitoring of the Projects to ensure that corruption, other crime, Ineligible Expenditures, as defined in Article 1 of the Agreement, or misuse of the Forfeited Assets is prevented;
 - (b) Providing mechanisms whereby any act of corruption, other criminality, Ineligible Expenditures, or misuse of the Forfeited Assets is immediately discovered and reported in accordance with the terms of the Agreement and applicable laws, and recommending any appropriate remedial action;
 - (c) Monitoring the obligations in the Agreement to ensure that they are complied with;
 - (d) Ensuring that the monitoring of the Projects is transparent and accessible to the Parties and to the public;
 - (e) Maintaining adequate communication with the public with regard to the administration of the Forfeited Assets and maintaining public confidence in the administration of the Forfeited Assets.

E. Collection of Request for Proposals (RfPs)

Interested CSOs are to collect the Request for Proposals from the office of the Asset Recovery Unit, 2nd Floor, Federal Ministry of Justice, Plot 71B Shehu Shagari Way, Plot 71B Shehu Shagari Way, Central Area Abuja, Federal Capital Territory (FCT), Nigeria.

F. Submission of RfPs:

The Procurement panel shall select the Monitoring CSO in accordance with Nigerian laws, public procurement procedures, guidelines and in accordance with Article 9 of the Agreement. **The proposals should be submitted not later than 12:00 noon on Monday, 20th April, 2020.**

G. Address for submission of Proposals:

The Proposal/Bid documents should be submitted in six (6) envelopes to
The Procurement Panel,
c/o Asset Recovery Unit,
2nd Floor, Federal Ministry of Justice,
Plot 71B Shehu Shagari Way
Central Area Abuja, Federal Capital Territory (FCT), Nigeria.
OR

By email to: asset.project@justice.gov.ng

Inquiries regarding the submission of proposals should also be sent to asset.project@justice.gov.ng

Relevant Documents can be downloaded from: <https://www.justice.gov.ng/index.php/asset-recovery-documents>.

H. Opening of RfPs

Only the Technical Proposals shall be opened immediately after the deadline for submission at **12:00 noon on Monday, 20th April, 2020** at the address stated in **paragraph "G"** above in the presence of bidders, their representatives, observers and the public.

I. GENERAL INFORMATION

- i. Bids must be in English Language and signed by an official authorised by the bidder;
- ii. Bids submitted after the deadline for submission would be returned un-opened;
- iii. All costs will be borne by the bidders;
- iv. Only pre-qualified bidders at technical evaluation will be invited at a later date for financial proposals opening, while the financial proposals of un-successful bidders will be returned un-opened;
- v. The Federal Ministry of Justice is not bound to pre-qualify any bidder and reserves the right to annul the Procurement process at any time without incurring any liabilities in accordance with Section 28 of the Public Procurement Act 2007.

Signed

**Solicitor General of the Federation and Permanent Secretary
Federal Ministry of Justice**