

A BILL

FOR

AN ACT TO ESTABLISH THE NIGERIAN CONTENT IN PROGRAMMES, CONTRACTS, SCIENCE, ENGINEERING, TECHNOLOGY AND INNOVATION (NOPCESTI) AND IT'S COUNCIL FOR PLANNING AND EXECUTION OF PROJECTS, PROMOTION OF NIGERIAN CONTENT IN PROGRAMMES, CONTRACTS, SCIENCE, ENGINEERING, TECHNOLOGY, INNOVATION AND MONITORING, EVALUATING AND OVERSIGHT: AND FOR RELATED MATTERS

Sponsored by Hon. ZakariyaTijjani Zannah

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

1 PART I - ESTABLISHMENT OF THE NATIONAL COUNCIL FOR MONITORING
2 AND EVALUATION OF NIGERIAN CONTENT IN PROGRAMMES,
3 CONTRACTS, SCIENCE, ENGINEERING, TECHNOLOGY
4 AND INNOVATION (NOPCESTI)

5 1. There is established the National Council for Monitoring,
6 Evaluation and Implementation of the Nigerian Content in Programmes,
7 Contracts, Science, Engineering, Technology and Innovation (NOPCESTI)
8 (in this Act referred to as 'the Council').

Establishment of the National Council for Monitoring

9 2.-(1) The Council shall consist of the-
10 (a) President of the Federal Republic of Nigeria as the Chairman of
11 the Council;

Composition of the Council

12 (b) Secretary to the Government of the Federation;

13 (c) Minister charged with the responsibility of-

14 (i) Science, Technology and Innovation,

15 (ii) Finance, Budget and National Planning,

16 (iii) Industry, Trade and Investment,

17 (iv) Education,

18 (v) Defence,

- 1 (vi) Interior,
2 (vii) Aviation;
3 (viii) Transportation,
4 (ix) Labour and Employment,
5 (x) Petroleum Resources,
6 (xi) Mines and Steel Development,
7 (xii) Water Resources,
8 (xiii) Women Affairs,
9 (xiv) Youth and Sports Development,
10 (xv) Power,
11 (xvi) Health,
12 (xvii) Agriculture and Rural Development,
13 (xviii) Communications and Digital Economy,
14 (xix) Information and Culture,
15 (xx) Works and Housing,
16 (d) The Attorney-General of The Federation and Minister of Justice;
17 (e) Head of the Civil Service of the Federation;
18 (f) National Security Adviser;
19 (g) the Chairman, Nigerian Governor's Forum;
20 (h) the National President of the Association of Local Governments
21 of Nigeria (ALGON);
22 (i) the National President of Nigerian Association of Chambers of
23 Commerce, Industry, Mines and Agriculture (NACCIMA);
24 (j) the national President of Manufacturers Association of Nigeria
25 (MAN); and
26 (k) the Executive Secretary of the Nigerian Content in Programmes,
27 Contracts, Science, Engineering, Technology and Innovation (NOPCESTI)
28 shall be the Secretary of the Council.
29 (2) Notwithstanding the provisions of subsection (1) the Council may
30 co-opt any person to attend its meeting but the person so co-opted shall not

1 count towards a quorum.

2 (3) The members of the Council not mentioned in section 1 shall be
3 appointed by the President on recommendation of the Minister of Science,
4 Technology and Innovation.

5 3.-(1) The President shall be the Chairman of the Council during
6 his term of office as the President of the Federal Republic of Nigeria.

Tenure of office
of the Chairman
and other members
of the Council

7 (2) Notwithstanding the provision of subsection (1), the President
8 may appoint or delegate the Vice President to act on his behalf as Chairman
9 of the Council.

10 (3) Members of the Council shall hold office during the term of
11 their respective offices.

12 4. The aims and objectives of the Council are to-

Aims and objectives
of the Council

13 (a) promote of technology development as a policy of Nigeria;

14 (b) ensure that the objects of the Agency are achieved;

15 (c) entrench science, technology and innovation towards achieving
16 the nation's development goals across all sectors of the economy,
17 particularly in the Science, Technology and Innovation Strategy (STISA)
18 2024, STISA 2063, SDG 2030, and Vision 20; 2020, or as may be further
19 planned in the future;

20 (d) propagate the vital role of science, technology and innovation
21 in national economic development, particularly in the area of promoting
22 made in Nigeria goods and services;

23 (e) collaborate with relevant Ministries, Departments, Agencies
24 (MDAs) and organisations, to promote the application of science,
25 technology and innovation in all sectors of the Nigerian economy;

26 (f) encourage and increase the quantum of value created in
27 Nigerian economy through increased Nigerian content in public
28 procurement;

29 (g) compliment and strengthen the Federal Ministry of Science,
30 Technology, and Innovation under the Economic Recovery and Growth

Functions of
Council

- 1 Plan (2017-2020), to promote the "Made in Nigeria Goods Campaign";
- 2 (h) promote of knowledge economy;
- 3 (i) promote domestic and foreign investments through diversification
- 4 of the economy, creation of employment and the stimulation of national
- 5 economy through science, technology and innovation; and
- 6 (j) develop home grown capability and capacity to maintain, re-
- 7 design, re-produce, domesticate and duplicate any infrastructure that is built in
- 8 Nigeria for self-reliance and development.
- 9 **5.** The Council shall-
- 10 (a) ensure that procuring entities give preference to Nigerian
- 11 companies and firms in the award of contracts, in line with the Public
- 12 Procurement Act or as amended;
- 13 (b) ensure that where indigenous expertise is lacking procuring
- 14 entity shall only give preference to foreign companies or firms with
- 15 demonstrable and verifiable plan for indigenous capacity development, prior
- 16 to the award of such contracts;
- 17 (c) ensure ministries, departments and agencies engage indigenous
- 18 professionals in the planning, design and execution of national security
- 19 projects, and consideration shall only be given to a foreign professional, where
- 20 it is certified by the appropriate authority that such expertise is not available in
- 21 Nigeria;
- 22 (d) ensure that Nigerian companies or firms duly registered in
- 23 accordance with the laws of Nigeria, with current practicing license, shall lead
- 24 in any consultancy service involving joint venture relationships and
- 25 agreements, relating to law, engineering, ICT, architecture, procurement,
- 26 quantity surveying;
- 27 (e) prescribe that ministries, departments and agencies shall ensure
- 28 that where any contract is awarded on account of not finding a suitable
- 29 Nigerian, that Nigerian counterpart staff are engaged from the conception stage
- 30 to the end of the project;

1 (f) prescribe that ministries, departments and agencies adopt local
2 technology to replace foreign ones, where they meet set standards;

3 (g) collaborate with Federal Ministry of Interior to discourage
4 issuing visa to foreign workers whose skills are readily available in Nigeria;

5 (h) ensure that margin of preference under Executive Order No 5
6 for national competitive bidding and in the evaluation of tenders by
7 indigenous suppliers of goods manufactured locally over foreign goods is
8 complied with;

9 (i) ensure that foreign companies or firms are not engaged in
10 contracts for works, goods and services in the country in violation of the
11 standard international best practice and any existing legislation in Nigeria;

12 (j) review from time to time and approve the minimum Nigerian
13 content in any project to be executed in Nigeria and ensure compliance;

14 (k) ensure continuous growth of Nigerians in all aspects of the
15 economy by ensuring measurable growth planning and execution of
16 projects, promotion of Nigerian content in contracts, science, engineering
17 and technology;

18 (l) ensure that all regulatory authorities, persons, MDAs,
19 organizations and development partners consider Nigerian professionals,
20 manufactures as very important component for planning and execution of
21 projects, promotion of Nigerian content in contracts, science, engineering
22 and technology;

23 (m) approve regulations with respect to minimum standards,
24 facilities and technologies for training in Nigeria;

25 (n) approve processes in MDAs in consultation with relevant
26 regulatory agencies to facilitate reporting; and

27 (o) to approve guidelines, measurement and required definitions to
28 measure local content in all sectors of the economy.

29 **6.-(1)** The Council shall-

30 (a) approve policies formulated by NOPCESTI for effective

Powers of
Council

1 planning and implementation of the provisions of this Act ;
2 (b) consider and ratify the annual budget of the Agency;
3 (c) Sanction any person or organisation who violates the provisions of
4 this Act in line with relevant laws and prevailing regulations; and
5 (d) carry out or exercise any other powers that may be necessary for
6 the attainment of the objects of this Act .

7 (2) The provisions set out in the First Schedule to this Act shall have
8 effect with respect to the proceedings of the Council and other matters
9 mentioned in it.

Remuneration
of members of the
Council

10 7. The allowances payable to members of the Council shall be in
11 accordance with such rates as may be approved by the Federal Government
12 from time to time.

Removal from
office of members
of the Council

13 8.-(1) A person shall cease to be a member of the Council if he dies, or
14 becomes bankrupt or is convicted of a felony or any offence involving
15 dishonesty or fraud.

16 (2) If it appears to the Council that the Executive Secretary or any
17 other member of the Council other than ex-officio member should be removed
18 from office on grounds of misconduct or inability to perform the functions of
19 his office, the Council shall make a recommendation to the President.

20 (3) Where the President, after making such inquiries as he considers
21 necessary approves the recommendation, the Secretary to the Government of
22 the Federation shall, in writing declare the office of the Executive Secretary or
23 such member vacant-

24 (a) in the case of a professional, if his Professional certificate is
25 suspended outside his own request by an order of a competent court; or

26 (b) where he resigns on his own in writing through a letter to the
27 President.

28 (4) The President may appoint a replacement when there is vacancy in
29 the Council.

30 (5) Notwithstanding subsection (2), the President may remove any

1 member of the Council if he is satisfied that it is in the best interest of the
2 public to do so.

3 PART II - ESTABLISHMENT OF THE NIGERIAN CONTENT IN
4 PROGRAMMES, CONTRACTS, SCIENCE, ENGINEERING, TECHNOLOGY
5 AND INNOVATION (NOPCESTI)

6 9.-(1) There is established an Agency known as "Nigerian Content Establishment
7 in Programmes, Contracts, Science, Engineering, Technology and of Content in
8 Innovation (NOPCESTI) (in this Act referred to as "the Agency"). Programmes,
Engineering, Technology and
Innovation

9 (2) The Agency shall be a technology development Agency and
10 Secretariat of the Council for the implementation, administration,
11 facilitation, monitoring, and evaluating of the provisions of this Act and the
12 Regulations made by the Council in relation to any provision of the Act .

13 (3) The Agency-

14 (a) shall be a body corporate with perpetual succession and a
15 common seal;

16 (b) may sue and be sued in its corporate name; and

17 (c) may acquire, hold or dispose of any property, movable or
18 immovable for the purpose of carrying out any of its functions under this
19 Act.

20 10.-(1) The Agency shall monitor and ensure that-

21 (a) procuring entities in Nigeria give preference to Nigerian Functions of the
22 companies, firms and domestic companies in the award of contracts, in line Agency
23 with the Public Procurement Act;

24 (b) where expertise is lacking, procuring entity shall only give
25 preference to foreign companies or firms with demonstrable and verifiable
26 plan for indigenous capacity development, prior to the award of such
27 contracts;

28 (c) MDAs engage indigenous professionals in the planning, design
29 and execution of national security projects and consideration shall only be
30 given to a foreign professional, where it is certified by the appropriate

1 authority that such expertise is not available in Nigeria;

2 (d) Nigerian companies or firms registered in accordance with the
3 laws of Nigeria and with current practicing license, lead in any consultancy
4 service involving joint venture relationships and agreements, relating to law,
5 engineering, ICT, architecture, procurement, quantity surveying, and, to be
6 awarded by MDAs;

7 (e) before the award of any contract by MDAs, Nigerian counterpart
8 staff are engaged from the conception stage to the end of the project;

9 (f) MDAs shall adopt local technology to replace foreign ones, where
10 they meet set standards;

11 (g) the Ministry of Interior and other visa issuing authorities desist
12 from giving visa to foreign workers, whose skills are readily available in
13 Nigeria;

14 (h) margin of preference is introduced in national competitive
15 bidding, in the evaluation of tenders, from indigenous suppliers of goods
16 manufactured locally over foreign goods in line with Provisions of this Act ;

17 (i) foreign companies or firms shall not be engaged in contracts for
18 works, goods and services in Nigeria in violation of the international best
19 practices, Chapter 3 of the Companies and Allied Matters Act, the Council for
20 Regulation of Engineering Act, (Engineers registration etc.), the Chartered
21 Institute of Purchasing and Supply Management Act, the Public Procurement
22 Act, and other relevant laws and Regulations on acquisition of technology and
23 conduct of public procurement in Nigeria;

24 (j) MDAs comply with the requirement that professional practice in
25 Nigeria is registered with the appropriate regulatory body in Nigeria;

26 (k) MDAs comply with agreements involving any joint venture and
27 public private partnership (PPP) between a foreign firm and a Nigerian firm,
28 for technology acquisition or otherwise, shall be registered with the National
29 Office for Technology Acquisition and Promotion in accordance with Act,
30 before such contracts are signed by the MDA;

1 (l) foreign professional certificates are domesticated with the
2 relevant statutory professional bodies before being considered for any
3 contract award, employment in Nigeria;

4 (m) documents issued by MDAs for the solicitation of offers, bids,
5 or quotations for the supply or provision of goods, works and services shall
6 expressly indicate the preference to be granted to domestic manufacturers,
7 contractors and suppliers, and service providers in order to establish the
8 eligibility of a bid for such preference;

9 (n) solicitation documents shall obligate bidders or potential
10 manufacturers, suppliers, contractors and consultants to provide a verifiable
11 statement on the local content of goods or services to be provided;

12 (o) local manufacturers shall meet set standards of relevant
13 regulatory bodies and agencies before presenting the goods for procurement
14 under the national competitive bidding or any other type of public
15 procurement process;

16 (p) suppliers and contractors under national competitive bidding
17 process shall disclose local material (processed or unprocessed), where
18 available and needed for the execution of the project;

19 (q) consultancy contracts awarded to foreign companies,
20 engineering drawings, necessary calculations, design, are made available to
21 their corresponding Nigerian partners, including arrangements with Small
22 and Medium Enterprises (SMEs) as partners towards local production of
23 needed materials; and

24 (r) designs for all contracts, programmes, and projects, shall be
25 signed in English language.

26 (2) The MDAs shall-

27 (a) take steps to encourage indigenous professionals in diaspora to
28 return home and use their expertise to develop Nigeria; and

29 (b) promote mutually beneficial public private partnership by
30 encouraging direct collaboration in production and manufacturing ventures

1 of products, such as fittings, spare parts, domestic wares and etc., between
2 foreign manufacturers and indigenous engineering facilities and those to be
3 brought in by investors at reasonable cost to the MDAs.

4 (3) The Federal Ministry of Science, Technology and Innovation
5 shall-

6 (a) establish Technology centers of excellence in FCT and the six
7 geopolitical zones of Nigeria (Technology and Innovation Centres) for the
8 promotion of technology utilization, strengthening of technology management
9 capability and information system; Presentation of results and inventions for
10 analysis and possible patenting, Publicizing: and

11 (b) collaborate with relevant MDAs to promote research and
12 development in all sectors of the economy, including ICT, in line with the
13 existing NITDA Act.

14 (4) The National Information and Technology Development Agency
15 (NITDA) shall review the status of ICT in all MDAs from time to time.

16 (5) The Federal Ministry of Education shall encourage the inclusion
17 of public procurement process in the secondary school curriculum.

18 (6) The Federal Government is encouraged to provide intervention
19 funds to improve existing training programmes in Nigerian Universities,
20 Polytechnics, Technical Schools and Trade Centres and establish new
21 programmes and Centers of excellence to cope with the demands of emerging
22 technologies.

23 (7) MDAs shall ensure that the standards of control and regulation for
24 infrastructural development in the country are maintained.

25 (8) MDAs shall work with the organised private sector, in
26 consultation with other relevant government agencies both at the Federal and
27 State levels to achieve sustainable personnel development, training of Nigerian
28 professionals, contractors, technocrats and contractors.

29 (9) The Ministry of Defence shall make effective use of the Army
30 Engineering Corps (AEC) and other professionals in the security agencies to

1 execute projects in line with the Public Procurement Act.

2 (10) The Federal Ministry of Industry, Trade and Investment in
3 collaboration with the Federal Ministry of Science, Technology and
4 Innovation shall promote the acquisition of bulk product manufacturing
5 licenses from foreign manufacturers and Inventors for the use of locally
6 trained medium and large-scale manufacturers.

7 (11) A Nigerian company or firm is not to be disqualified from an
8 award of contracts by MDAs on the basis of the year of incorporation, but
9 rather, on the basis of qualification, competence and experience in the
10 management and the execution of such contracts.

11 (12) The National Office for Technology Acquisition and
12 Promotion (NOTAP) shall develop, maintain and regularly update a
13 database of Nigerians with expertise in Science, Engineering, Technology
14 and other fields of expertise.

15 (13) The Ministry of Interior shall-

16 (a) take into consideration the manpower data base of NOTAP,
17 Federal Ministry of Science, Technology and Innovation, Federal Ministries
18 of Power, Works and Housing, Nigerian Academy of Science, Nigerian
19 Academy of Engineering, Nigerian Content Development and Monitoring
20 Board, Ministry of Petroleum Resources, etc., in determining the
21 availability of local skilled manpower in science, technology and
22 innovation for the grant of expatriate quota;

23 (b) grant expatriate quota for projects, contracts and programmes
24 in line with the provisions of the Immigration Act and other relevant laws
25 and where qualifications and competency of Nigerian Nationals are not
26 available or cannot be ascertained, that the issuance of quota to foreigners is
27 contingent on training such number of persons as may be required for the
28 execution of the contract or project; and

29 (c) where necessary, create a special immigration classification to
30 encourage foreign expatriates, particularly from African countries, with

1 skills that are not available in Nigeria, to reside and work in Nigeria for the
2 purpose of sharing knowledge with Nigerians.

3 (14) The Agency shall ensure that MDAs comply with the
4 requirement that-

5 (a) companies or firms executing projects in MDAs using local
6 materials shall comply with approved standard and quality set by the
7 appropriate regulatory agency in Nigeria;

8 (b) MDAs are engaging the services of small and medium scale
9 industries in accordance with the Public Procurement Act, for the local
10 production of construction materials, such as burnt clay bricks, roofing sheets,
11 timber products and sanitary wares, for the construction and infrastructural
12 development of projects in Nigeria, shall comply with approved standard and
13 quality;

14 (c) ensure MDAs encourage indigenous small and medium scale
15 producers of building and infrastructural development materials with
16 incentives, including single digit interest on loans;

17 (d) ensure multi-year contracts under the national and international
18 competitive bidding, restricted bidding or any other type of procurement
19 process involving high volumes of consumables, equipment such as printers,
20 photocopiers, air conditioners, fridges, ink cartridges, within a maximum
21 period of five years of the contracts, shall establish a local manufacturing
22 facility in the country to continue the supply.

23 (e) Ensure that the Standard Organization of Nigeria (SON) shall
24 collaborate with relevant MDAs standardize and certify SMEs raw materials,
25 products, processes and personnel, in accordance with best practices and any
26 certificate for such certification issued shall be included in the solicitation
27 documents; and

28 (f) Research work and value addition for indigenous agricultural
29 products shall take place in Nigeria and the agricultural products shall not be
30 exported unless they are processed and approved by the relevant authority.

1 (15) The Federal Ministry of Finance and Federal Inland Revenue
2 Services shall follow up-

3 (a) on existing machine tools companies, including foundries,
4 machine shops, forge shops and indigenous artisans with a view to being
5 granted tax incentives to boost production of their products; and

6 (b) on Micro, Small and Medium Enterprises (MSMEs) and
7 foreign firms for the utilization of local raw materials, where authenticated
8 by the Raw Materials Research and Development Council (RMRDC) to
9 enable the implementation of tax rebate.

10 (16) MDAs shall use Nigerian codes and standards to domesticate
11 relevant international standards as may be applicable for construction and
12 infrastructural development.

13 (17) MDAs shall implement projects, programmes and contracts
14 with science, engineering and technology components in line with Nigerian
15 Codes and Standards and where other codes and standards exist, they shall
16 be mutually agreed upon by both parties.

17 (18) The Bureau of Public Procurement (BPP) shall periodically
18 develop new public procurement threshold that shall guarantee acquisition
19 of technology in contracts, programmes and projects relating to works,
20 goods and services within and outside the oil sector, with inputs from the
21 Federal Ministry of Science, Technology and Innovation , Office of the
22 Secretary to the Government of the Federation, Federal Ministry of
23 Industries, Trade and Investment, Office of the Head of the Civil Service of
24 the Federation, Ministry of Petroleum Resources , Ministry of Power,
25 Federal Ministry of Works and Housing and Ministry of Justice for approval
26 of the National Council on Public Procurement as it relates to-

27 (a) works, to consider national competitive bidding with respect to
28 projects valued at N5,000,000,000.00 (Five Billion Naira) and below,
29 where the competence and expertise are available locally or as amended
30 from time to time by the Council;

1 (b) supply of goods, to consider national competitive bidding for
2 supply of goods valued at N1,000,000,000.00 (One Billion Naira) and below,
3 where the competence and expertise are available locally or as amended from
4 time to time by the Council;

5 (c) non-consultancy services, to consider national competitive
6 bidding for non-consultancy services valued at N1,000,000,000.00 (One
7 Billion Naira) and below, where the competence and expertise are available
8 locally or as amended from time to time by the Council; and

9 (d) consultancy services, to promote projects designs for contracts,
10 whether by a foreign consultancy firm domiciled in Nigeria or a Nigerian firm,
11 valued at N1,000,000,000.00 (One Billion Naira) and below or as amended
12 from time to time by the Council shall be reserved for national competitive
13 request for proposals, where the competence and expertise are available
14 locally.

15 (19) The Agency shall carry out administrative investigation into all
16 complaints against any person, MDAs or private organization with respect to
17 non-compliance with the provisions of this Act, as it relates to planning and
18 execution of projects, programmes and contracts with science, engineering
19 technology and Innovation components and make prompt report to the
20 Council through the Minister of Science, Technology and Innovation.

21 (20) The Agency shall monitor and ensure that MDAs-

22 (a) comply with the provisions of this Act in all their respective
23 programmes, projects and contracts with science, engineering, technology and
24 Innovation components funded from the Consolidated Revenue Fund of the
25 Federal Government of Nigeria or in contracts where the Federal government
26 is contributing up to 35% of the total cost of the project or contract from any
27 other public Account including the Federation account and make prompt
28 reports of the performance of MDAs to the Council;

29 (b) develop and implement strategies for private sector participation
30 in accordance with the planning and execution of projects, programmes and

1 contracts with science, engineering and Technology components, in line
2 with Executive Order 5 and other extant rules and laws;

3 (c) collaborate with NGOs and professional bodies in areas that are
4 relevant towards planning and execution of projects, programmes and
5 contracts with science, engineering, technology and Innovation
6 components as it relates to Provisions of this Act and other extant rules and
7 laws;

8 (d) establish information network in line with extant rules and laws
9 to promote exchange of information in order to facilitate communication
10 and transmission of data with respect to implementation of Provisions of
11 this Act;

12 (e) develop and monitor strategies in collaboration with Federal
13 and State Institutions, to utilize the capacity of Nigerian professionals,
14 manufacturers and contractors in the exploitation and management of our
15 natural resources (substances occurring naturally in the earth and having a
16 constituent and distinctive set of physical properties like color, hardness and
17 crystalline structure, whose composition can be expressed by a chemical
18 formulae) in line with Provisions of this Act;

19 (f) develop strategies in liaison with Federal and State institutions,
20 to monitor and promote capacity building of Nigerian professionals,
21 manufacturers and contractors to reduce the export of feed stock or
22 unprocessed material from Nigeria and improve on their local utilisation for
23 production of goods;

24 (g) develop strategies for effective private sector participation in
25 planning and execution of projects, programmes and contracts with science,
26 engineering and technology components in line with Provisions of this Act
27 and other extant rules and laws;

28 (h) develop strategies to ensure there is increase in the quantum or
29 composite value added to or created in the Nigerian economy by a
30 systematic development of capabilities through deliberate utilization of

1 Nigerian human, material resources and services in the execution of Nigerian
2 Projects, Programmes and Contracts with Science, Engineering Technology
3 and Innovation components in line with Provisions of this Act ;

4 (i) develop strategies for the acceleration of technology acquisition
5 and utilization for rapid and sustainable growth and development of the nation
6 as well as home grown capability and capacity to maintain, re-design, re-
7 produce, domesticate and duplicate any infrastructure that is built in Nigeria
8 for self-reliance and development in line with Provisions of this Act ;

9 (j) develop strategies to improve on the role of inventors and
10 proprietors of promising technologies in Nigeria in furtherance of product
11 perfection and commercialization in line with Provisions of this Act ;

12 (k) conduct sensitization seminars and workshops for the promotion
13 of Nigerian local adaptation in the development of goods and services with
14 Science, Engineering, Technology and Innovation components; and

15 (l) carry out such other activities as are necessary for the success and
16 implementation of the Provisions of this Act.

17 (m) set up any committee or Board that may be necessary to discharge
18 the function assigned to the Council under Provisions of Executive Order No.5
19 and this Act ;

20 (n) collaborate with the private sector or MDAs to conduct
21 workshops, Seminars, conferences etc. to promote the implementation of
22 Provisions of Executive Order No. 5 and this Act ; and

23 (o) monitor the development of Local Professionals and
24 Manufactures in the country with respect to Provisions of Executive Order No.
25 5 and this Act .

Executive Secretary
of the Agency

26 **11.**-(1) There shall be for the Agency, an Executive Secretary who
27 shall be appointed by the President, on the recommendation of the Minister of
28 Science, Technology and Innovation who shall be the Chief Executive and
29 Accounting Officer of the Agency.

30 (2) The Executive Secretary shall-

1 (a) be paid such emolument as may be specified in his letter of
2 appointment in line with prevailing regulations;

3 (b) be responsible for the execution of the policy and day to day
4 administration of the affairs of the Agency;

5 (c) be a person who possesses a minimum qualification of a
6 university degree in either science, technology, engineering and other
7 relevant disciplines or its equivalent with minimum of 15 years post
8 qualification experience and shall be a Fellow of his professional body; and

9 (d) hold office for a term of four years in the first instance and may
10 be re-appointed for a further term of four years and no more on such terms
11 and conditions as may be specified in his letter of appointment.

12 (3) Without prejudice to the provisions of this Act, the Executive
13 Secretary of the Agency may be removed from office at the instance of the
14 President for gross misconduct or financial impropriety, fraud, and
15 manifested incompetence proven by the Council.

16 12.-(1)The Agency shall have the following principal officers that
17 is-

Principal Officers
of the Agency

18 (a) the Executive Secretary;

19 (b) Director of-

20 (i) Engineering Services,

21 (ii) Science and Technology Services,

22 (iii) Legal Services,

23 (iv) Human Resource Management and Administration,

24 (v) Procurement Services, and

25 (vi) Finance and Accounts;

26 (vii) Information Communications Technology(ICT);

27 (viii) Sector Specialist Directorate on two-year renewable
28 contracts to be Engaged/Appointed by NOPCEST I; and

29 (c) such other Directors as may be determined by Council all of
30 whom shall be appointed by the Council with the Approval of the President.

1 (2) The Council shall appoint the principal officers for the Agency,
2 who shall each have the requisite qualification and experience required for the
3 effective performance of the functions of their respective Departments and be
4 registered with the appropriate professional bodies as specified under this Act.

5 (3) The Council shall have power to modify the operational structure
6 of the Agency as may be necessary to enhance the Agency's duties and
7 functions under this Act.

8 (4) The Council may appoint such officers and other employees as
9 may, from time to time, be deemed necessary for the purposes of the Agency

10 (5) Subject to the Pension Reform Act, the terms and conditions of
11 service (including remuneration, allowances, benefits and pensions) of
12 officers and employees of the Agency shall be as determined by the Council.

13 (6) Without prejudice to the generality of sub-section of this Section,
14 the Council shall have power to appoint either on transfer or on secondment
15 from any public service in the Federation, such number of employees as may,
16 be required to assist the Agency in the discharge of any of its functions under
17 the Act and persons so employed, shall be remunerated (including allowances)
18 as the Council may consider appropriate.

Other Members
of Staff

19 **13.** -(1) The management of NOPCESTI shall appoint or second well
20 qualified and experienced persons as Deputy Directors and Assistant Directors
21 or below to assist the Directors in charge of Departments'

22 (2) The shall appoint for the Agency, such other members of staff as it
23 may consider necessary for the performance of the function set out in the Act .

Remuneration
of employees
of the Agency

24 **14.** The salaries and benefits of all members of staff of the Agency
25 shall be in accordance with the conditions of service of the Agency as may be
26 approved by the President on the recommendation of the Council.

Staff regulations

27 **15.** The Council may make staff regulations and adopt staff
28 conditions of service which conforms with the Civil Service of the Federation
29 and which may provide for-

30 (a) the remuneration and tenure of the members of staff of the Agency;

1 (b) appointment, promotion, fringe benefits and productivity
2 incentives of the members of staff of the agency; and

3 (c) appeals of members of staff against dismissal or other
4 disciplinary measures.

5 16.-(1) The Agency shall have a head office in Abuja which shall
6 have the- Structure of the
Agency

7 (a) Directorates of-

8 (i) Engineering Services,

9 (ii) Legal Services,

10 (iii) Science and Technology Services,

11 (iv) Finance and Accounts, and

12 (v) Procurement Services,

13 (vi) Director Information Communications Technology (ICT)

14 headed by a Director registered by the appropriate/statutory regulatory
15 body;

16 (b) Director of Human Resource Management and Administration
17 headed by a Director who shall be a registered member of Nigerian Institute
18 of Management (Chartered) or Institute of Personnel Management of
19 Nigeria; and

20 (c) such other Directors as may be required for proper performance
21 of the functions of the Agency as approved by the Council and headed by
22 Director registered by the appropriate regulatory body.

23 (2) There shall be for each MDA, a Project Coordinator (in this Act
24 referred to as "the Project Coordinator"), who shall be the desk officer for
25 the day-to-day compilation of all the information required by the Executive
26 Secretary for analysis from their respective MDAs or organisations.

27 (3) The information to be provided by the Project Coordinator shall
28 include reports and data to indicate amongst others, jobs created within the
29 quarter in their respective organisations, as well as the savings or economic
30 developments that occurred as a result of implementation of Provisions of

1 this Act .(4) The Project Coordinators in MDAs, shall be persons with a
2 minimum qualification of a University degree in either science, technology,
3 engineering or other relevant disciplines with minimum of 10 years post-
4 qualification experience and registered as members of their professional
5 bodies.

Establishment
of Technical
Consultative
Committee

6 **17.**-(1) The Agency may establish Technical Consultative Committee
7 under the chairmanship of the Executive Secretary.

8 (2) The Technical Consultative Committee shall meet quarterly
9 virtually or physically or as necessary to consider technical issues arising from
10 the implementation of the Provisions of this Act and other related matters.

11 (3) The Consultative Committee shall assist the Agency to achieve the
12 objectives of Provisions of this Act.

13 (4) Technical Consultative Committee shall include MDAs as well as
14 professional bodies, NGOs, regulatory bodies, trade unions, manufacture's
15 association of Nigeria, shipping and logistics bodies/professionals etc.

16 (5) The Technical Consultative committee shall be a subset of the
17 Project Coordinators Forum and serve as a platform for sharing and analyzing
18 information and for collaboration with the Agency in respect to complaints,
19 upcoming projects and policy proposals.

Establishment
of Compliant
Board

20 **18.**-(1) The Agency shall set up a Compliant Board to review any
21 matter or complaint or appeal from individuals and organisations related to
22 violation of the Provisions of this Act and make reports to the Council.

23 (2) Where such reviews involve the conduct of procurement
24 proceedings by a procuring entity or the conclusion or operation of a
25 procurement contract to prevent or detect administrative contravention of the
26 Provisions of this Act ,shall submit a report to the Bureau of Public
27 Procurement for appropriate action.

28 (3) Where a criminal offence is committed, shall submit a report
29 through the Minister of Science Technology and Innovation to the Council and
30 the Council shall direct on the action to be taken.

1 (4) Upon receipt of a complaint involving public procurement,
2 shall promptly carry out investigation and notify the Bureau of Public
3 Procurement through "a Certificate of Objection" and state details of the
4 objection in line with Public Procurement Act.

5 (5) Where the issue does not relate to public procurement, shall
6 promptly notify the Appropriate Authority through "a Certificate of
7 Objection", stating details of the objection to enable the organization
8 remedy the situation.

9 **19.**-(1) The Agency shall establish Technology and Innovation
10 Centres in FCT and the six geo-political zones in the Country in
11 Collaboration with Federal Ministry of Science, Technology and Innovation
12 and the Raw Materials Research and Development Council.

Establishment of
Technology and
Innovation Centers

13 (2) The Centers shall undertake the-

14 (a) promotion of Nigeria's drive towards productivity and global
15 competitiveness in their respective zones by mobilising all stakeholders
16 within the science, technology and innovation (STI) eco-system including
17 key players (academic, research and development institutions, organised
18 private sector (OPS) and MDAs and the general public in their respective
19 zones to meet regularly as a technology and innovation hub for utilisation,
20 strengthening of technology management capability and information
21 systems;

22 (b) promotion of competitiveness strategy in raw materials and
23 product development using competitiveness advocacy, Institutional
24 arrangement and other strategic tool taking cognizance of the peculiarities
25 of the respective zones;

26 (c) promotion of research and development activities in tertiary
27 institution and activities of government policy and regulatory frameworks
28 of MDAs for business and industrial activities in the zone;

29 (d) promotion of technology acquisition, Publicizing and
30 exhibition of research and development breakthroughs or findings for

1 commercialization; innovations on existing indigenous technologies, agro and
2 mineral raw materials endowment of the states within the zones in
3 collaboration with NOTAP;

4 (e) encourage States and LGAs in the zone to host activities of
5 production and utilisation of research and development breakthroughs that
6 impact on the quantity and quality of products and services in a competitive
7 manner;

8 (f) work with all stakeholders within the science, technology and
9 Innovation (STI) eco-system including key players (academic, research and
10 development institutions, organized private sector (OPS) and MDAs and
11 general public to promote innovation and enterprise development as well as
12 favourable environment to encourage growth and sustainable technological
13 development of startups; and

14 (g) sensitization of critical stake holders to imbibe the culture of
15 conformity to quality and standardization in products development and service
16 delivery.

Pension

17 **20.**-(1) The Service in the employment of the Agency shall be an
18 approved service under the Pension Reform Act.

19 (2) Notwithstanding the provisions of subsection (1), nothing in this
20 Act can prevent the appointment of a person to any office on terms which
21 preclude the grant of pension and gratuity in respect of that office.

Removal and
discipline of
management staff

22 **21.** The Executive Secretary of the Agency and the Directors of the
23 Agency may be removed from office by the Council with the approval of the
24 President

25 **PART III - FINANCIAL PROVISIONS**

Funds of the
Agency

26 **22.**-(1) There is established under the Provisions of this Act,
27 Monitoring and Evaluation; and Local Content Intervention Fund (in this Act
28 referred to as "the Fund") for the purpose of funding, implementing and
29 intervening in the activities of the Council and the Agency in MDAs and
30 Private Sector.

1 (2) The sum of 1% of every contract awarded to any contractor,
2 consultant, service provider, subcontractor or any entity involved in
3 transaction, project, activity, programme in the country except for the
4 upstream and downstream sector of the Nigerian oil and gas shall be
5 deducted at source and paid into the Fund.

6 (3) The Fund shall be managed by the Council and employed to
7 implement programmes, activities, projects directed towards increasing
8 Commercialization of results and inventions, global competitiveness
9 ranking of Nigeria, productively and implementation of the Provisions of
10 this Act.

11 (4) There shall be paid and credited to the Fund-

12 (a) budgetary allocations of the Federal Government and
13 subventions;

14 (b) contributions from organised private sector;

15 (c) fees charged for services rendered by the Agency;

16 (d) all sums accruing by way of gifts, endowments, bequeath or
17 other voluntary contributions;

18 (e) interest and savings accruing from investments and savings;

19 and

20 (f) loans that may be obtained with the approval of the Council and
21 the President;

22 (g) such monies as may be held by the SITOPEO-5 on its ceasing to
23 exist as provided in this Act.

24 **23.** The Council shall, from time to time, apply the funds at its
25 disposal to-

Expenditure of
the Agency t

26 (a) publicize and promote the activities of the Council;

27 (b) pay allowances, expenses and other benefits of members of the
28 Council, technical committees and such other committees of the Council;

29 (c) pay the remuneration of the Executive Secretary and other
30 overhead allowances, benefits and other administrative costs incurred by

1 the Council and, such expenses as may, from time to time, be necessary for
2 effective implementation of this Act and Executive Order No 5;

3 (d) undertake such activities as are connected with all or any of the
4 functions of the Council under this Act;

5 (e) cost of establishing and maintenance of Head Office at Federal
6 Capital Territory;

7 (f) cost of establishing and maintenance of Technology and
8 Innovation Centers; and

9 (g) training of members of staff of the Agency.

Annual estimates 10 **24.** The Agency shall submit to the Council not later than 30th June
11 each year, its programmes of work and estimates of its income and expenditure
12 for the following year.

Accounts and
audit 13 **25.** The Agency shall keep proper accounts of the Agency and proper
14 records in relation to those accounts.

Annual report 15 **26.**-(1)The Agency shall, not later than 30th September of every year,
16 prepare and submit to the Council an annual performance report indicating
17 activities and performance of MDAs and sectors of the economy with respect
18 to compliance with sections of the Provisions of this Act during the previous
19 year.

20 (2)The report shall include a summary of all contracts and
21 subcontracts etc. exceeding N5,000,000,000.00 (Five Billion Naira) for works
22 and N1,000,000,000.00 (One Billion Naira) for supply of goods, consultancy
23 and non-consultancy services or as may be modified by Council , the location
24 of work and the estimates of Nigerian content and the involvement of Nigerian
25 professionals, manufactures etc. in the respective projects, contracts,
26 programmes in terms of employment achievement, participation in the
27 contract planning, execution and monitoring. It will also be including
28 comparison of the use of locally manufactured materials as against the foreign
29 materials.

1	PART IV - MISCELLANEOUS PROVISIONS	
2	27. For the purpose of providing office and premises necessary for	Offices and Premises
3	the performance of its functions, the Agency may subject to Land Use Act-	
4	(a) purchase or take on lease any interest in Land, building or	
5	property;	
6	(b) build, equip and maintain offices and premises; and	
7	(c) sell or lease out any land, office or premises held by it, which is	
8	no longer required for the performance of its functions under the Act .	
9	28. -(1) The Council may borrow by way of overdraft or otherwise	Power to borrow
10	such sums as it may require for the performance of its functions under this	
11	Act.	
12	(2) The Executive Secretary shall not, without the approval of the	
13	Council, borrow money which exceeds, at any time, the limit set by the	
14	Council.	
15	(3) Notwithstanding subsection (1) of this section, where the sum	
16	to be borrowed is in foreign currency, shall not borrow the sum without the	
17	approval of the Council in writing.	
18	29. -(1) The Council may accept gifts of land, money or other	Power to accept gifts
19	property on such terms and conditions, if any, as may be specified by the	
20	person or organisation making the gift.	
21	(2) The Council shall not accept any gift if, the conditions attached	
22	by the person or organization donating the gift are inconsistent with the	
23	objects of the Council under this Act or the interest of the country.	
24	30. The President may give to the Council; directives of a general	Power to give directives
25	character relating to the policies and functions of the Council and the	
26	Council shall comply with such directives.	
27	31. -(1) Subject to the provisions of this Act , no suit shall be	Legal proceedings
28	commenced against the Agency before the expiration of 30 days after	
29	written notice of an intention to commence the suit shall have been served	
30	upon the Agency by the intending plaintiff or his agent.	

1 (2) The notice shall clearly and explicitly state:
2 (a) the cause of action;
3 (b) the particulars of the claim; and
4 (c) the name and address of legal practitioner of the intending
5 plaintiff; and
6 (d) the relief being sought.

7 (3) A member of the Agency or the Executive Secretary or any officer
8 or employee of the Agency shall be indemnified out of the assets of the Agency
9 against any liability incurred by him in defending any proceeding, whether
10 civil or criminal, if the proceeding is brought against him in his capacity as a
11 member, Executive Secretary, officer or other employee of the Agency.

12 (4) The Executive Secretary of the Agency, its officers, employees
13 or agents shall not personally be subject to any action, claim or demand by, or
14 liable to any person in respect of anything done or omitted to be done in
15 exercise of any functions or power conferred by this Act upon the Agency, its
16 Executive Secretary, officers, employees or agents.

17 (5) A notice, summons or other documents required or authorized to
18 be served upon the Agency under the provisions of this Act or any other law or
19 enactment may be served by delivering it to the Executive Secretary or by
20 sending it by registered post and addresses to the Executive Secretary at the
21 principal office of the Agency.

Transitional
Provisions

22 **32.-** (1) As from the commencement of this Act-

23 (a) all assets and liabilities held or incurred immediately before the
24 Commencement date, by or on behalf the Strategy Implementation Task Office
25 for Presidential Executive Order 5 (SITOPPEO-5) shall vest in
26 the(NOPCESTI)and be held by it for the purpose of the (NOPCESTI);

27 (b) the SITOPPEO-5 shall cease to exist; and

28 (c) subject to subsection (2) of this section below, any act, matter or
29 thing made or done by the SITOPPEO -5 shall be deemed to have been done by
30 the NOPCESTI.

1 (2) The provisions of Second Schedule to this Act shall have effect
2 with respect to the matters arising from their transfer by this section to the
3 NOPCESTI. of the properties of the SITOPEO-5 and with respect to other
4 matters mentioned in that Schedule.

5 33. The Council may make regulations for the purposes of carrying
6 out or giving effect to the Executive Order No 5 and Provisions of this Act.

Power to make
regulations

7 34. The penalty for violation of the Provisions of this Act shall be
8 as stipulated by the Constitution of the Federal Republic of Nigeria, 1999,
9 Public Service Rules and relevant laws governing public procurement,
10 professional practice and activities of Government in Nigeria.

Penalty for violations
of Provisions of
this Act

11 35. In this Act-

Interpretation

12 "Foreign firm" means a company incorporated outside Nigeria;

13 "Nigerian company" means a company formed and registered in Nigeria in
14 accordance with the provisions of Companies and Allied Matters Act,
15 2020 or as amended, with not less than 51% equity shares by Nigerians.
16 (Local Content Act. 2010);

17 "domestic firm" means a business or professional organisation:

18 (a) incorporated or otherwise organised in Nigeria;

19 (b) having its principal place of business located in Nigeria;

20 (c) having at least 51% of its equity held by nationals of Nigeria;

21 (d) not having its assets controlled by foreign national or
22 organisation incorporated or organised outside Nigeria; and

23 (e) with more than 50% of persons who will perform services under
24 the contract whether employed directly or by a subcontractor being
25 nationals of Nigeria.

26 "joint venture" means an association where firms or persons are jointly and
27 severally liable for the entire contract and shall designate one party to act as a
28 leader with authority to bind the joint venture and to sign contract with the
29 procurement entity;

30 "margin of preference" means extra mark up on price allowed a domestic

1 contractor or supplier under the international competitive bidding, which is not
2 disadvantageous to the bid in terms of price;

3 "subcontractor" means natural person, a legal person or combination of the two
4 to whom any part of the goods or works to be executed is contracted out to by
5 the supplier or contractor;

6 "national competitive bidding" means solicitation of bids from domestic
7 contractors and suppliers duly registered or incorporated under CAMA; and

8 "international competitive bidding" means the solicitation of bids from both
9 domestic and foreign contractors and suppliers;

Citation

10 **36.** This Bill may be cited as the Nigerian Content in Programmes,
11 Contracts, Science, Engineering, Technology and Innovation (Establishment)
12 Bill, 2024.

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FIRST SCHEDULE

Section 6 (2)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Proceedings of the Council

1.-(1) Subject to this Act and section 27 of the Interpretation Act, the Council may make standing order regulating its proceedings or those of any of its committees.

(2) The quorum of the Council shall be the Chairman or the person presiding at the meeting, Executive Secretary or one Director and one-third of other members of the Council. The quorum of any Committee of the Agency shall be as determined by the Council.

2.-(1) The Council shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by notice given to him by not less than four other members, he shall summon a meeting of the Council to be held within 14 days from the date on which the notice is given.

(2) At any meeting of the Council, the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their members to preside at the meeting.

Committees

3.-(1) The Council may appoint one or more committees to carry out, on behalf of the Council such functions as the Council may determine.

(2) A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Council and a person shall hold office on the committee in accordance with the terms of his appointment.

(3) A decision of a committee of the Council shall be of no effect until it is confirmed by the Council.

Miscellaneous

4.-(1) The fixing of the seal of the Agency shall be authenticated by the signatures of the Chairman or any other member of the Council generally

1 or specifically authorised by the Council to act for that purpose and the
2 Executive Secretary.

3 (2) A document purporting to be a document duly executed under the
4 seal of the Agency shall be received in evidence and shall, unless and until the
5 contrary is proved, be presumed to be so executed.

6 5. The validity of any proceedings of the Council of a committee shall
7 not be adversely affected by-

8 (a) a vacancy in the membership of the Council or committee;

9 (b) a defect in the appointment of a member of the Council or
10 committee; or

11 (c) reason that a person not entitled to do so took part in the
12 proceedings of the Council or committee.

13 SECOND SCHEDULE

14 *Section 32(2)*

15 TRANSITIONAL PROVISIONS AS TO PROPERTIES, E TC.

16 *Transfer of Properties*

17 1(1) Every agreement to which the SITOPEO-5 was a part
18 immediately before the commencement of this Act, whether it is in writing or
19 not and whether or not is of such nature that the rights, liabilities and
20 obligations there-under could be assigned by the SITOPEO-5, shall, unless the
21 terms or subject matter make it impossible that it should have effect or been
22 modified in the manner provided by this sub-paragraph have effect from the
23 appointed day so far as it relates to property transferred by this Act to the
24 NOPCESTI. as if-

25 (a) the NOPCESTI. had been a party to the agreement;

26 (b) for any reference (however worded and whether express or
27 implied) to be SITOPEO-5, there were substituted as respects anything failing
28 to be done on or after the commencement of this Act, a reference to the
29 NOPCESTI.; and

30 (c) for any reference (however worded and whether express or

1 implies) to a member or members of the Council of the SITOPEO-5 there
2 were substituted, as respects anything failing to be done on or after the
3 commencement of this Act a reference to a member or members of the
4 Council under this Act.

5 (2) Other documents which refer, whether specifically or
6 generally, to the SITOPEO-5 shall be constructed in accordance with sub-
7 paragraph (1) of this paragraph so far as applicable.

8 (3) Without prejudice to the generality to the foregoing provisions
9 of this Schedule, where, by the operation of section 32 of this Act, any right,
10 liability or obligation shall vest in the NOPCESTI and all other persons
11 shall, as from the commencement of this Act, have the same rights as to the
12 taking or resisting of legal proceedings or the making or resisting of
13 applications to any authority for ascertaining, perfecting or enforcing that
14 right, liability or obligation of the NOPCESTI.

15 (4) Any legal proceeding or application to any authority pending
16 on the commencement of this Act or against the SITOPEO-5 may be
17 continued on or after that day or against the NOPCESTI.

18 (5) On the commencement of this Act, any person holding any paid
19 appointment in the SITOPEO-5 shall hold corresponding appointment in
20 the NOPCESTI in-line with this Act as to conditions, tenure and otherwise,
21 but shall not be entitled to receive remuneration both from the SITOPEO-5
22 in respect of the same period of service.

23 (6) If the law in force at the place where any property transferred by
24 this Act is situated provides for the registration or transfer of property of the
25 kind question (whether by reference to instrument of transfer or otherwise),
26 the law shall, so far as it provided for alteration of a register (but not for
27 avoidance to transfer the payment of fees or any other matter) apply with the
28 necessary modifications to the transfer of the property and the NOPCESTI
29 shall transfer to the officer of the registration authority and the officer shall
30 register the transfer accordingly.

EXPLANATORY MEMORANDUM

The Bill seeks to establish the Nigerian Content In Programmes, Contracts, Science, Engineering, Technology and Innovation (NOPCESTI) and its Council to cater for robust implementation of Presidential Executive order No 5 for planning and execution of projects, promotion of Nigerian content in programmes, contracts, science, engineering, technology, innovation as well as Presidential monitoring, evaluating and oversight of Projects in Nigeria.