Funso Doherty
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Friday, April 19, 2024

Mr. Lateef Fagbemi, SAN
The Attorney General of the Federation
and Minister of Justice,
Plot 71B Shehu Shagari Way,
Maitama
Abuja,

Dear Sir,

OPEN LETTER - RE: VIOLATION OF PUBLIC PROCUREMENT ACT IN THE AWARD OF N1.06 TRILLION CONTRACT FOR CONSTRUCTION OF LAGOS- CALABAR COASTAL ROAD BY FMW ON BEHALF OF THE FGN.

You may be aware of the recent award by the FGN of the Lagos-Calabar Coastal Road Contract to Hi-Tech Construction Limited, a Chagoury Group Company.

The Federal Minister of Works, David Umahi, has confirmed that this 700 km road contract that spans 9 states of the Federation was awarded on a single-source basis, without competitive tendering. The Minister has further disclosed that the total cost of the road is expected to exceed N15 trillion. The first 47 km of the road has been approved at N1.06 trillion and work has commenced.

As you know, the Public Procurement Act entrenches competitive bidding as a fundamental principle. It is true that Part VII of the Act allows for special and restricted methods of procurement in certain cases. However, single-source procurement, which is a special and extreme form of restricted procurement, is only permitted in emergencies outlined in Sections 42 and 43 of Part VII of the Act. Those Sections are reproduced as an attachment to this letter, for ease of reference.

It is clear that none of the lawful grounds for single-source procurement that are provided for in the PPA, validly apply to this contract award for the coastal road. Accordingly, I hereby call on you, in fulfillment of the obligations entrusted to you as the Chief Law Officer of the Federation and a trustee of the public interest to:

1. Call the FMW and BPP to order, advise the FGN to halt the project before it proceeds any further and subject it to due process including competitive bidding as required by the law.
2. Enforce the provisions of the law, by prosecuting any offences of non-compliance that have already been committed in the award of this contract.

May I add, sir, that given the facts and circumstances of this matter, and given its national significance and the sheer quantum of Federal resources involved, it is turning out to be a litmus test of your own commitment and that of your office and this administration generally, to:

1. Uphold the rule of law
2. Stand with the people and protect the public interest over narrow and powerful vested interests

We are hopeful that the trust reposed in you and your office will be found to be well-placed.

Yours faithfully,

Funso Doherty