



## **EXECUTIVE ORDER**

**No. 15 of 2023**

### **ENHANCING PUBLIC PRIVATE PARTNERSHIPS FOR PUBLIC INFRASTRUCTURE AND ASSETS IN KOGI STATE**

**WHEREAS** the Government of Kogi State recognizes the need for sustainable development of public infrastructure and public assets to enhance economic growth and improve the quality of life for its citizens.

**WHEREAS** the Kogi State Investment Promotion and Public-Private Partnership Agency Law (KOSIPPPA) 2022 provides the legal framework for promoting, facilitating, and implementing public-private partnerships (PPPs) in Kogi State.

**WHEREAS** clear guidelines, frameworks, and regulatory oversight are needed to ensure the effective implementation, management, and monitoring of PPP projects in Kogi State.

**NOW, THEREFORE, I, Yahaya Adoza Bello, Governor of Kogi State,** by the authority vested in me under Section 5(2) Constitution of the Federal Republic of Nigeria 1999(as amended) and the Kogi State Investment Promotion Agency Law 2022, and all other enabling Laws and powers in that regard, do hereby order as follows:

#### **Section 1: Authority of Kogi State Investment Promotion Agency (KOSIPPPA)**

1.1. The Kogi State Investment Promotion and Public-Private Partnership Agency Law (KOSIPPPA) 2022 is hereby conferred with the authority to initiate, manage, and oversee all forms and types of Public-Private Partnerships (PPP) for the development of public infrastructure and public assets within Kogi State.

1.2. KOSIPPPA shall act as the principal agency for the identification, negotiation, execution, and management of PPP projects in the State.

## **Section 2: Development of PPP Manuals and Guidelines**

2.1. KOSIPPPA is hereby directed to develop, provide, and issue comprehensive PPP Manuals and Guidelines to ensure the effective implementation and management of PPP projects.

2.2. These manuals and guidelines cover all aspects of PPP project cycles, including project identification, feasibility studies, procurement, contract management, and project monitoring.

## **Section 3: Fiscal Commitment and Contingent Liability Framework**

3.1. KOSIPPPA shall establish a Fiscal Commitment and Contingent Liability Framework to manage the financial implications and potential risks associated with PPP projects.

3.2. This framework shall include measures to assess and mitigate fiscal risks, including but not limited to financial guarantees, subsidies, and contingent liabilities.

## **Section 4: PPP Disclosure Framework**

4.1. KOSIPPPA shall implement a PPP Disclosure Framework to ensure transparency and accountability in procuring and implementing PPP projects.

4.2. The framework shall include provisions for publishing project information, contracts, and performance data to the public.

4.3.. KOSIPPPA is mandated to develop and enforce appropriate Governance Frameworks and other necessary regulations to guide the procurement and implementation of PPP projects in Kogi State.

## **Section 5: Climate, Social, and Environmental Impact Assessments**

5.1. All PPP projects initiated under this Executive Order shall undergo Climate Screening, Social and Environmental Impact Assessments as part of the preliminary project assessment.

6.2. These assessments shall determine the project's impact on the climate, environment, and community, as well as its social acceptability and public benefits.

## **Section 7: Government Support to KOSIPPPA**

7.1. The government shall provide financial support to KOSIPPPA through the annual or supplementary budgets for the purpose of executing for the successful execution of PPP projects.

7.2. Such support may include, but is not limited to, financial assistance, technical expertise, and policy support.

## **Section 8: Procedure for Removal of Non-Ex-Officio Members**

### **8.1. Grounds for Removal:**

- Non-ex-officio members of PPP project committees or boards may be removed from their positions based on any of the following grounds:
- Gross misconduct or violation of the code of ethics applicable to the position.
- Inability to perform the duties of the position due to physical or mental incapacity.
- Conviction of a criminal offense that brings disrepute to the committee or board.
- Persistent failure to attend meetings or participate in the activities of the committee or board without valid reason.
- Conflict of interest that significantly affects the member's ability to perform their duties impartially.
- Any other reason deemed sufficient by the appointing authority, provided it is not arbitrary or capricious.

### **8.2 Initiation of Removal Process:**

The removal process may be initiated by any of the following:

- A motion presented by a member of the committee or board, supported by at least two-thirds of the other members.
- A written complaint submitted to the Chairperson of the committee or board, detailing the reasons for the proposed removal.
- A directive from the Governor or other appointing authority.

### **8.3 Investigation and Hearing:**

Upon the initiation of the removal process:

- The Chairman of the committee or board shall appoint an independent panel to investigate the allegations against the member.
- The panel shall provide the member with a written notice of the allegations and an opportunity to respond in writing.

- The panel shall conduct a hearing, allowing the members to present their case, call witnesses, and provide evidence.
- After the hearing, the panel shall submit a report with recommendations to the committee or board.

#### **8.4. Decision on Removal:**

- The committee or board shall convene a special meeting to consider the panel's report and recommendations.
- A decision to remove the member shall require a vote by at least two-thirds of the remaining members of the committee or board.
- The decision shall be communicated to the members in writing, stating the reasons for removal and the effective date of the removal.

#### **8.3.4 Appeal Process:**

- The removed member may appeal the decision within 14 days of receiving the removal notice.
- The appeal shall be submitted in writing to the Governor or other appointing authority, detailing the grounds for the appeal.
- The Governor or appointing authority shall review the appeal, considering all relevant facts, and issue a final decision within 30 days.
- The decision of the Governor or appointing authority shall be final and binding.

#### **8.3.5 Vacancy and Replacement:**

- Upon removal, the position shall be declared vacant, and a replacement shall be appointed under the established procedures for filling vacancies on the committee or board.
- The replacement shall serve the remainder of the removed member's term.

### **Section 9: Establishment of the Kogi State Project Facilitation Fund Steering Committee**

#### **Establishment and Composition**

There is hereby established a body to be known as the **Project Facilitation Fund Steering Committee** ("the Steering Committee"), which shall be responsible for the strategic guidance, oversight, and coordination of the implementation of the Project Facilitation Fund (PFF) to enhance investment readiness and public-private partnership (PPP) initiatives in the State.

**9.1.** The Steering Committee shall be composed of the following members:

- The Executive Governor- *Chairperson*
- The Commissioner for Finance – *Vice Chairperson*
- The Commissioner for Budget and Planning – *Member*
- The Commissioner for Justice – *Member*
- The Commissioner for Business, Innovation, and Technology – *Member*
- The Director General, State Investment Promotion Agency – *Member*
- The Director General, Public Private Partnership Office – *Member*
- The State Accountant General – *Member*
- The State Auditor General – *Member*
- One representative from the Organized Private Sector – *Member*
- One representative from Civil Society – *Member*

**9.1.1 Functions of the Steering Committee**

The Steering Committee shall:

- a. Provide high-level oversight and strategic direction for the implementation and effective utilization of the Project Facilitation Fund.
- b. Approve the annual work plan and budget for activities under the Fund in line with the State's investment and development priorities.
- d. Review, approve, and monitor disbursements under the Fund to ensure transparency, value for money, and impact.
- e. Oversee fiduciary and procurement compliance of all PFF-financed activities under the State Public Procurement Law and development partner guidelines.
- f. Serve as the approving authority for Project Implementation Manuals, Standard Operating Procedures, and Implementation Frameworks.
- h. Facilitate coordination across MDAs, the private sector, and

development partners to optimize PFF results.

i. Review quarterly progress reports and audit findings and recommend corrective actions where necessary.

j. Promote sustainability of the PFF through institutional capacity building and integration into the State's Medium-Term Expenditure Framework (MTEF).

All actions and procedures under this Executive Order are made under the Kogi State Investment Promotion and Public-Private Partnership Agency Law (KOSIPPPA) 2022.

KOSIPPPA is hereby directed to take all necessary steps to implement this Executive Order effectively and efficiently.

This Executive Order shall take effect immediately upon its signing.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of Plateau State to be affixed.

The Executive Order shall take effect immediately.

**DATED THIS 19<sup>TH</sup> DAY OF DECEMBER 2023**



**ALH. YAHAYA BELLO** CON, GSSRS, NEAPS  
GOVERNOR OF KOGI STATE

