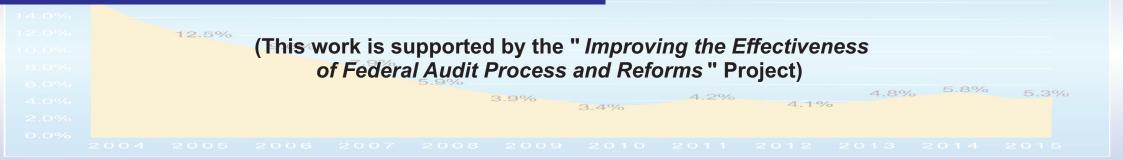
KEY ISSUES FROM THE 2014-2017 FEDERAL AUDIT REPORTS





ABOUT CENTRE FOR SOCIAL JUSTICE (CSJ - RC:737676)

Centre for Social Justice (CSJ) is a Nigerian Knowledge institution established to introduce professionalism in civil society work and to use cutting-edge services to enhance and deepen economic, social and political change.

Vision: A Nigeria where social justice informs public decision-making and guarantees respect of human rights and fundamental freedoms for all.

Mission: To be a principal catalyst in mainstreaming social justice in public life through policy engagement and interventions that bring about economic, political and social reforms, rights enhancement and sustainable livelihoods.

This Report is produced by CSJ under the Project - Improving the Effectiveness of Federal Audit Processes and Reforms.

The project has three core objectives:

- To advocate for the enactment of the Federal Audit Service Commission Bill into law.
- To support the office of the Auditor-General for the Federation, the Public Accounts Committees of the National Assembly (PACs) and Ministries. Departments and Agencies of Government (MDAs) in the improvement of audit practice.
- To build the capacity of Civil Society Organizations and the media to demand and monitor compliance of MDAs with the extant audit regime.

Programmes: The programmes of CSJ focus on public finance management; political finance reforms, environment and energy reforms rights enhancement, gender and inclusivity.



Centre for Social Justice Limited By Guarantee

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Key Issues from the 2014-2017 Federal Audit Reports

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The contents of this publication are taken from the 2014-2017 Annual Reports of the Auditor General for the Federation and then put into infographics.

Acronyms

ASCON Administrative Staff College of Nigeria

Bn Billion

BPE Bureau of Public Enterprises
BPP Bureau of Public Procurement

DPR Department of Petroleum Resources

EFCC Economic and Financial Crimes Commission

FCTA Federal Capital Territory Administration

FG Federal Government

FIRS Federal Inland Revenue Service

FMC Federal Medical Centre

FMPWH Federal Ministry of Power, Works and Housing

FR Financial Regulations

FUPRE Federal University of Petroleum Resources

FUTA Federal University of Technology, Akure FUTO Federal University of Technology Owerri

GIFMIS Government Integrated Financial Management Information System

HQ Headquarter

ICPC Independent Corrupt Practices and Other Related Offences Commission

JAMB Joint Admissions and Matriculation Board

MDAs Ministries, Departments and Agencies of Government

Mn Millions

Acronyms

NAFDAC National Agency for Food and Drug Administration and Control

NAPTIN National Power Training Institute of Nigeria

NASS National Assembly

NASENI National Agency for Science and Engineering Infrastructure

NDLEA National Drug Law Enforcement Agency

NECO National Examinations Council

NEITI Nigeria Extractive Industries Transparency Initiative NIMASA Nigerian Maritime Administration and Safety Agency

NIMC National Identity Management Commission

NHIS National Health Insurance Scheme

NNPC Nigerian National Petroleum Corporation

NPA Nigeria Ports Authority

NSCDC Nigeria Security and Civil Defence Corps
PTDF Petroleum Technology Development Fund

SEC Securities and Exchange Commission

SMEDAN Small and Medium Enterprises Development Agency

SUBEB State Universal Basic Education Board TRCN Teachers Registration Council of Nigeria

UN United Nations

This publication compiles the key issues in the 2014-2017 Audit Reports of the Auditor General for the Federation. The objective is to improve the federal audit practice by putting these issues in the front burner of public discourse. The contents have been arranged according to classifications under various headings for ease of comprehension. There are recommendations at the end of each classification. The recommendations have been adapted from laws and policies (the Constitution of the Federal Republic of Nigeria 1999 as amended, Financial Regulations, Treasury Circulars, etc.) and the recommendations contained in the federal audit reports for the years in focus.

The report documents the withholding of funds due to the Federation Account by key agencies, the failure to remit due sums to the Consolidated Revenue Fund, irregularities in payment and expenditure as well as in contract awards, store items not taken on store charge and unretired loans and advances. It is a continuation of the norm of impaired accountability.

The office of the Auditor-General for the Federation needs a supportive institutional environment in which audit issues can be taken seriously and identified flagrant abuses remedied. In this direction, the collaboration of the Public Accounts Committee of the legislature (PAC), anti-corruption agencies, the media, non-governmental organizations and other aspects of civil society, collectively dubbed "Pillars of Integrity" is imperative. The Auditor-General will be effective to the extent that these vital pillars collaborate to promote accountability and transparency in governance and public finance management.

The anti-corruption agencies include the Economic and Financial Crimes Commission (EFCC), the Independent Corrupt Practices and other Related Offences Commission (ICPC), the Bureau of Public Procurement (BPP), set up under the Public Procurement Act of 2007 and the Code of Conduct Bureau (CCB) and Code of Conduct Tribunal (CCT) established by the Constitution.

The expectation is that the work of the Auditor-General would trigger action from the anti-corruption agencies particularly the EFCC and the ICPC. Persons who have been found by audit reports to have mismanaged, diverted, misappropriated or stolen federal funds against the provisions of the Financial Regulations made under the Finance (Management and Control) Act of 1958, the Criminal and Penal Codes should be prosecuted by the EFCC or ICPC. The BPP can also take action relating to sanctions under the Public Procurement Act for offences disclosed from audit reports. The same can be expected from the Code of Conduct Bureau and Code of Conduct Tribunal because many violations of the Financial Regulations documented in the audits present conflict of interest, bribery and abuse of office scenarios. Nigerians expect the anti-corruption agencies to give account of actions taken in furtherance of audit reports because in the past, it appeared that the Auditor-General's office and the anti-corruption agencies worked in parallel lines.

The media is constitutionally (S.22 of the 1999 Constitution) charged to uphold the responsibility and accountability of government to the people. Thus, the radio, television, newspapers, magazines and other media are partners in progress with the office of the Auditor-General by helping to disseminate audit reports, follow-up on audit findings to let the public know whether corrective action has been taken and generally to let the public know of public office holders who are violating extant legal and financial provisions. A strong collaboration between the Auditor-General and the media may serve as deterrence to financial "felonies and misdemeanours", even if it is for the purpose "of naming and shaming" violators.

In conclusion, there is the need for strong collaboration among the "pillars of integrity". Nigerians cannot afford this culture of silence in the face of the pillaging of the treasury and deliberate infringements on the tenets of accountability and transparency.

FEDERATION ACCOUNT

(A) Unauthorised Deductions from Federation Account (2014-2017)

N5.786 Trillion

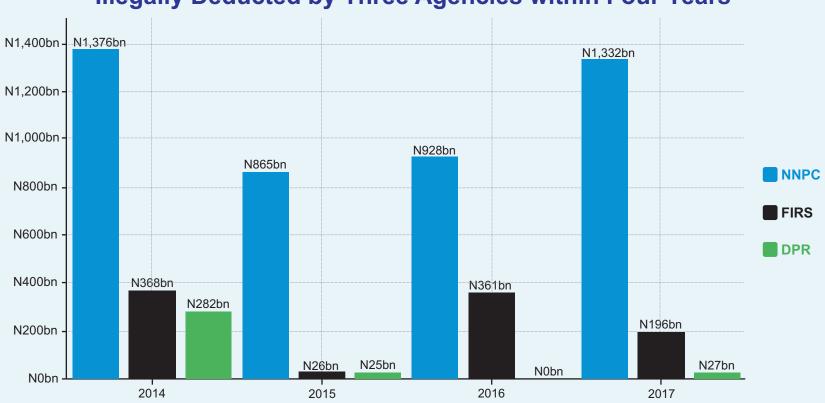
Illegally Deducted Sums by Key FG Revenue Generating Agencies in 4 Years



(B) Unauthorised Deductions from Federation Account (2014-2017)

N5.786 Trillion

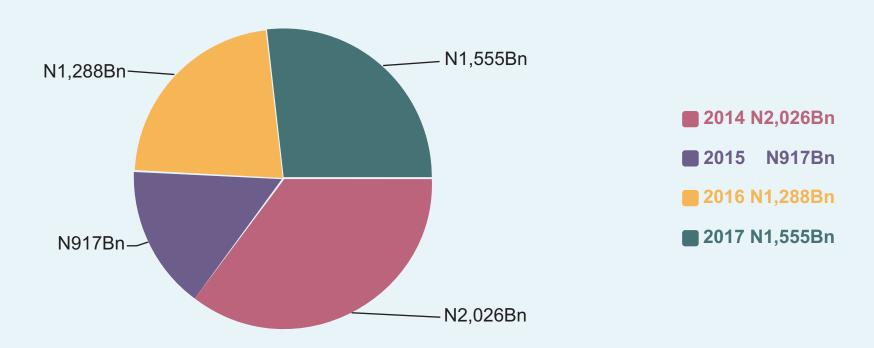
Illegally Deducted by Three Agencies within Four Years



(C) Unauthorised Deductions from Federation Account (2014-2017)

N5.786 Trillion

Illegally Deducted by NNPC, DPR & FIRS between 2014 & 2017



Recommendations

The Accountant-General of the Federation and the Minister of Finance are required to ensure that all deductions made at source contrary to Section 162 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) are stopped. The section provides that:

"The Federation shall maintain a special account to be called the "Federation Account" into which shall be paid all revenues collected by the Government of the Federation, except the proceeds of the personal income tax of the personnel of the armed forces of the Federation, the Nigeria Police Force, the ministry or department of government charged with responsibility for Foreign Affairs and the residents of the Federal Capital Territory, Abuja"

Recommendations

Beyond the Accountant-General, the President by virtue of his broad powers under S.5 of the 1999 Constitution should give clear orders that all due sums should be paid into the Federation Account. This recommendation is also based on the fact that the key agency responsible for the bulk of the deductions - the Nigeria National Petroleum Corporation (NNPC) is directly under his supervision as the Minister of Petroleum.

Furthermore, the unauthorised deductions make a strong case for the expeditious enactment of the governance and administrative reforms proposed in the Petroleum Industry Bill to enable the NNPC or its equivalent to operate like a commercial firm.

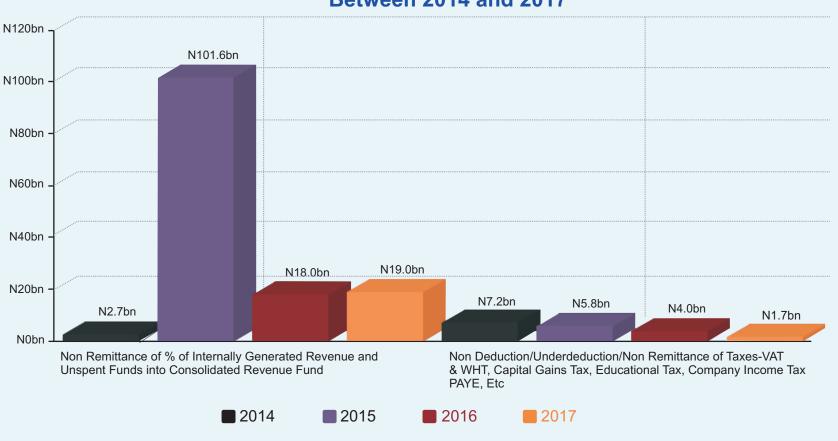
The states who are shortchanged by these unauthorised deductions should challenge the practice at the Supreme Court.

FAILURE IN REVENUE GENERATION AND REMITTANCES BY MINISTRIES, DEPARTMENTS & AGENCIES (MDAs)

Failure in Revenue Generation and Remittances by MDAs

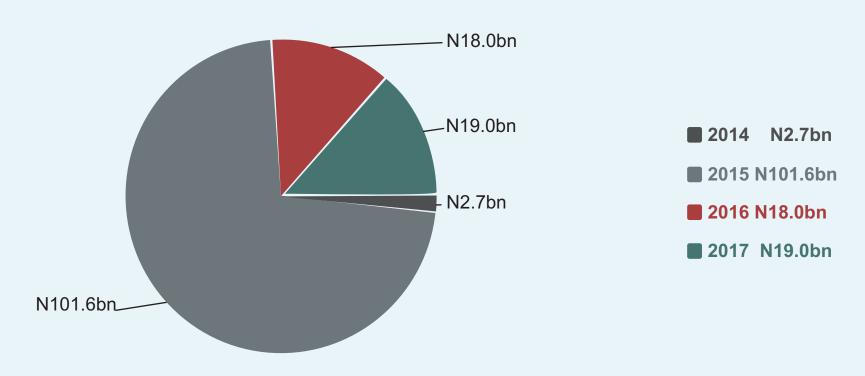
N160 Billion

Between 2014 and 2017



(A) Non-Remittance of % of Internally Generated Revenue/Unspent Fund into Consolidated Revenue Fund

N141.3 Billion Between 2014 and 2017



(B) Non-Remittance of % of Internally Generated Revenue/Unspent Fund into Consolidated Revenue Fund N141.3 billion Between 2014 and 2017

Some Key Agencies Involved

2014

Nigerian Embassy, Washington DC-

N578mn

Nigerian Prison HQ Abuja-N243mn Federal University, Oye Ekiti-N276mn Petroleum Equalization

Fund-N948mn

2015

Embassy of Nigeria, Berlin,

Germany-N2.5bm

NAFDAC-N1.87bn

NHIS-N3.71bn

PTDF-N4.04bn

NPA-N67.6bn

Nigerian Bulk Electricity

Trading-N6.5bn

Federal Housing Authority-

N421mn

University of Lagos

N1.00bn

2016

NAFDAC-N1.77bn

NHIS-N15.2bn

Federal University

Otuoke-N133mn

Petroleum Equalization

Fund(Mgt) Board-

N100mn

Ahmadu Bello

University Teaching

Hospital-N15mn

2017

University of Abuja-

N603mn

NECO-N6.5bn

BPE-N7.5mn

FUTO, Owerri-

N748mn

TRCN-355mn

NAPTIN-N206mn

SEC-N2.29bn

FMC Abeokuta-

N155mn

Recommendations

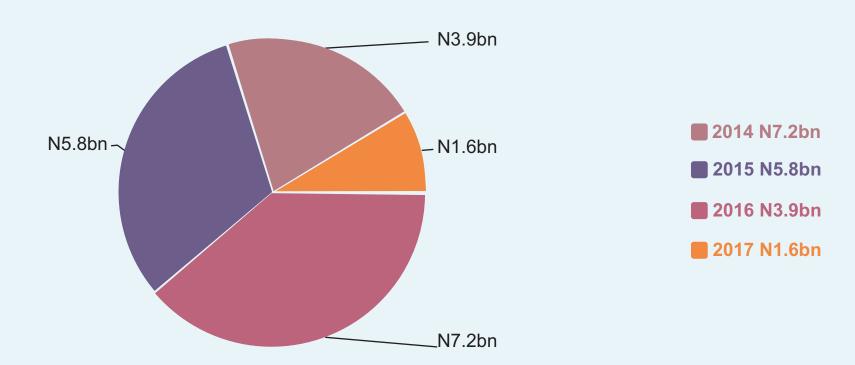
The Minister of Finance should devise a proper strategy to improve the oversight of revenue generating agencies. A timely reconciliation of all revenues accruing to the Consolidated Revenue Fund (CRF) should be done immediately, to ensure that funds meant for Government are remitted as and when due. The Accounting Officer is under obligation by Financial Regulation (FR) 112 (L) to ensure that any revenues collected are not spent, but promptly remitted to the appropriate authorities. Adequate sanctions including prosecution and removal from office should be implemented against the heads of agencies failing to remit appropriately and in a timely manner. The Attorney General of the Federation, Economic and Financial Crimes Commission (EFCC) and Independent Corrupt Practices and Other Related Offences Commission (ICPC) should embark on the prosecution and recovery of the remittances.

The President should give directives to the Accountant-General of the Federation for the creation of sub-accounts in the Treasury Single Account for the domicile of all IGR of relevant agencies and automatically deduct the requisite 25% (as required by Finance Circular Ref No: BO/RVE/12235/259/VII/201 dated 11th November 2011) on a quarterly basis without recourse to the agencies or waiting for the end of year to calculate the due amount. However, in the event of a dispute, reconciliations will be done on a monthly or quarterly basis.

(A) Non-Deduction/Underdeduction/Nonremittance of Taxes-VAT & WHT, Capital Gains Tax, Educational Tax, Company Income Tax, PAYE.

N_{18.5} Billion

Between 2014 and 2017



(B) Non-Deduction/Under deduction / Non Remittance of Taxes-VAT & WHT, Capital Gains Tax, Educational Tax, Company Income Tax, PAYE Etc.

N18.5bn Between 2014 and 2017

Some Key Agencies Involved

2014

NPF, Plateau Command-N2015mn Nigerian Prison Service, HQ-N2.03bn Nigerian Railway Corporation-N3.09bn Petroleum Equalization Fund-N578mn

2015

Ministry of Niger Delta
Affairs-N1.7bn
NSCDC-N526mn
Nigerian Prisons Service
HQ-N2.08bn
Ministry of Police AffairsN142mn

2016

NAFDAC-N387mn
University of Jos N327mn
Federal Ministry of Power
Works & Housing-N673mn
NSCDC-N1.22bn
NASS(Senate)-N118mn
NASS(House of Reps)N821mn

2017

Kaduna PolytechnicN438mn
University of UyoN635mn
National Centre for
Women
DevelopmentN135mn
Nigerian Railway
CorporationN122mn

Recommendations

For non-deduction and under-deduction of taxes, the Accounting Officer of the agencies involved should be compelled to collect the due sums through directives from the President, Secretary to the Government of the Federation or Head of Service as the case may be. FR 234 states:

- "(i) It is mandatory for Accounting Officers to ensure full compliance with Value Added Tax (VAT) and Withholding Tax (WT) due on supply and service contract and actual remittance of same".
- "(ii) Any loss of government revenue through direct payment of VAT and WHT to contractor or failure to provide for VAT and WHT due and remitting same to the Federal Inland Revenue Service by any ministry/extra ministerial department shall be recovered from the statutory allocation of the defaulting ministry/extra ministerial office and other arms of government".
- "(iii) Accounting Officers/Sub Accounting Officers who fails to provide for and remit VAT and WHT due on vatabale supplies and services shall be sanctioned under the applicable VAT Act No.102 of 1993 which may include fines and or imprisonment".

Recommendations

The sanction for failure to collect and account for government revenue is provided in Financial Regulation 3112:

- "(I) A public officer who fails to respond to the Auditor General's query satisfactorily within 21 days for failure to collect government revenue shall be surcharged and be transferred to another schedule.
- (ii) Where an officer fails to give satisfactory reply to an audit query within 7 days for his failure to account for government revenue, such officer shall be surcharged for the full amount involved and such officer handed over to either the Economic and Financial Crimes Commission (EFCC) or Independent Corrupt Practices and Other Related Offences Commission (ICPC)."

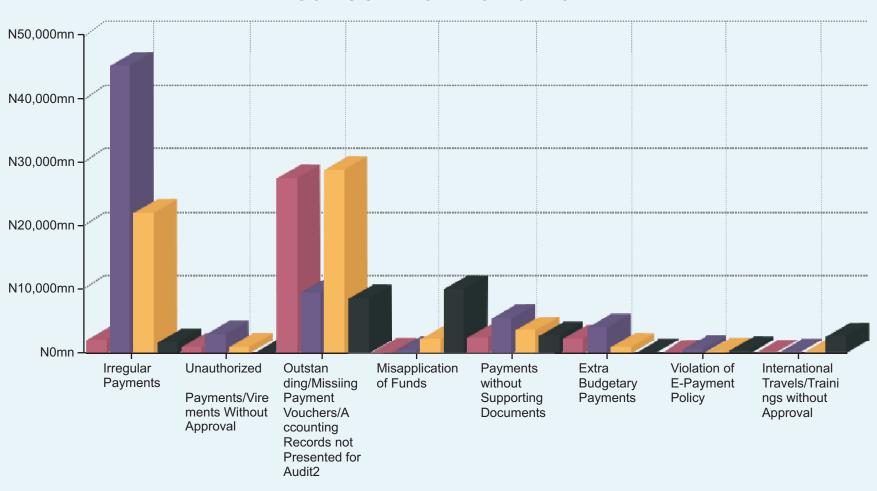
For non-remittance, adequate sanctions including prosecution and removal from office should be implemented against the Accounting Officers/Sub Accounting Officers of agencies failing to remit appropriately and in a timely manner. The Attorney General of the Federation, EFCC and ICPC should embark on the prosecution and recovery of the remittances.

IRREGULARITIES IN PAYMENT/EXPENDITURE

Irregularities in Payments/Expenditure

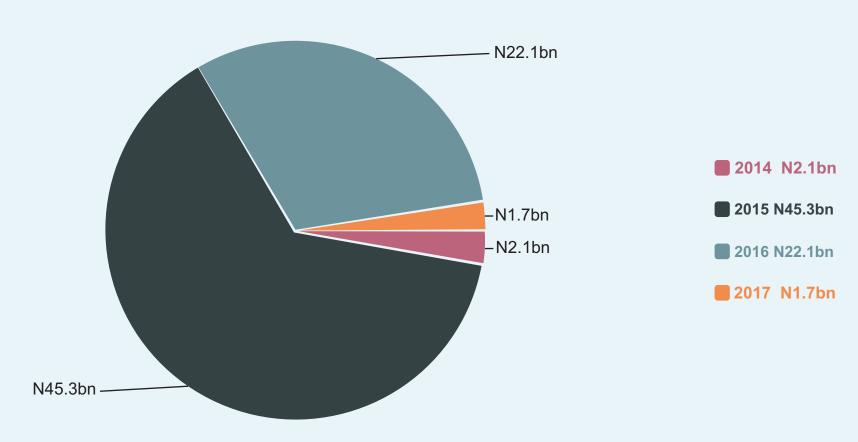
N370.55 Billion

Between 2014 and 2017



(A) Irregular Payments

N71.2 Billion Between 2014 and 2017



(B) Irregular Payments

N71.2bn Between 2014 and 2017

Some Key Federal Agencies Involved

2014

Nigerian Permanent Mission to the UN-N165mn NSCDC - N108mn NASS(Legislative

Aides)-N936mn
Federal Ministry of
Industry, Trade and
Investment-N346mn
University of Nigeria
Nsukka-N115mn

2015

Federal Ministry of Women

Affairs -N112mn

National Population

Commission-N127mn

Ministry of Defence-

N553mn

Pension Transitional

Arrangement Directorate-

N3.6bn

NIMC-N1.6bn

NIMASA -N14.9bn

Federal Ministry of Youths

and Sports-N299mn

PTDF -N22.3bn

NAFDAC- N800mn

2016

NHIS - N112mn

Federal University

Otuoke - N237mn

Federal University of

Technology, Minna-

N199mn

Budget Office of the

Federation - N19.09bn

Ministry of Finance-

N128mn

Federal University of

Technology, Owerri-

N1.79bn

2017

Federal University of

Petroleum Resources

Effurun-N350mn

University of Abuja-

N166m

University of Ilorin-

N5.13bn

National Examinations

Council-N298mn

Recommendations

Financial Regulations 417 states that:

"Expenditure shall strictly be classified in accordance with the estimates and votes must be applied only to the purpose for which the money is provided. Expenditure incorrectly charged to a vote shall be disallowed".

Similarly, Financial Regulation 2906(i) states that for contracts to be seen as validly executed: "All contracts or tenders falling within the limits of the threshold prescribed by the Bureau for Public Procurements, except as exempted under the Act, shall attract a "Certificate of 'No objection' to award Contract for such to be seen as validly executed. The Bureau-shall issue this certificate only when it is satisfied that all necessary pre-requisites have been complied with."

Irregular payments for unauthorised overseas medical expenses without approval from Head of Service of the Federation violates the requirements of Public Service Rules (PSR) 070206 (a) which states that:

"Approval for journeys outside Nigeria for medical treatment will only be granted by the Head of the Civil Service of the Federation. The Federal Ministry of Health should be informed of such approvals accordingly. This will be confined to, based on the recommendation of the approved Health Care Provider, serious cases where a patient's life is in danger or where the examination is necessary for diagnosis of difficult cases or to ensure that a patient is fully recovered and able to undertake the duties of his office. Where the officer is treated as an out-patient, he will be entitled to estacode allowance at the appropriate rate".

Recommendations

Irregular payments in unauthorised allowances to staff contravenes Circular Ref. No SWC/S/04/S.167/216 of 12th February, 2004, which states that all self-funded federal Parastatals and Agencies which wish to monetize their fringe benefits, should always submit the proposal package to the National Salaries, Income and Wages Commission for necessary evaluation and approval before implementation.

Money paid out without evidence of authorization from the appropriate authority, proper documentation or evidence of proper contracting should be recovered by the Accounting Officer and paid back to Treasury. Otherwise, the Accounting Officer/public officer should be removed from his schedule in accordance with FR 3106 which states:

"A public officer who makes an irregular payment from public funds, shall be given 21 days notice to offer an explanation. Where no satisfactory explanation is given, the amount involved shall be recovered from the officer and such officer shall be removed from the schedule".

Also, FR 3111 states that:

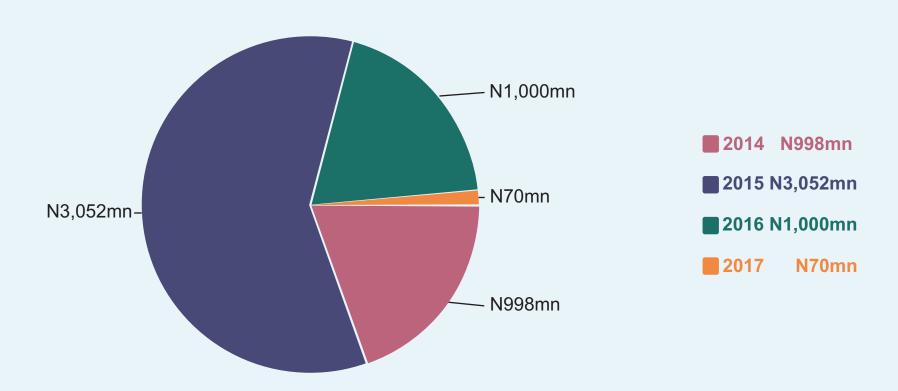
"A public officer who receives a query involving an overpayment of public funds in respect of salaries and allowances to staff, shall be given 21 days within which to reply to the query and refund the amount overpaid. He shall also be disciplined in accordance with the Public Service Rules and if need be, the matter should be referred to the police for prosecution".

If the transactions leading up to this reveals a crime, prosecution by relevant agencies should follow.

(A) Unauthorised Payments/Virement without Approval

N5.120 Billion

Sums of Money by Year (between 2014 and 2017)



(B) Unauthorised Payments/Virement without Approval

Some Key Federal Agencies Involved

2014

Federal Ministry of

Agriculture-N230mn

Federal Ministry of

Science and Technology-

N103mn

Nigerian Embassy in the

Hague-N145mn

Federal Ministry of

Trade Industry and

Investment-N123mn

Petroleum Training

Institute Effurun-

N100mn

2015

Ministry of Aviation-

N147mn

Nigerian Embassy,

Berlin Germany-

N248mn

NHIS-N1.57bn

NAFDAC-N653mn

2016

NEITI-N155mn

National Orthopaedic Hospital

Enugu-N115mn

FMC Owerri-N346mn

Federal University, Otuoke-

N231mn

2017

University of Uyo-

N38mn

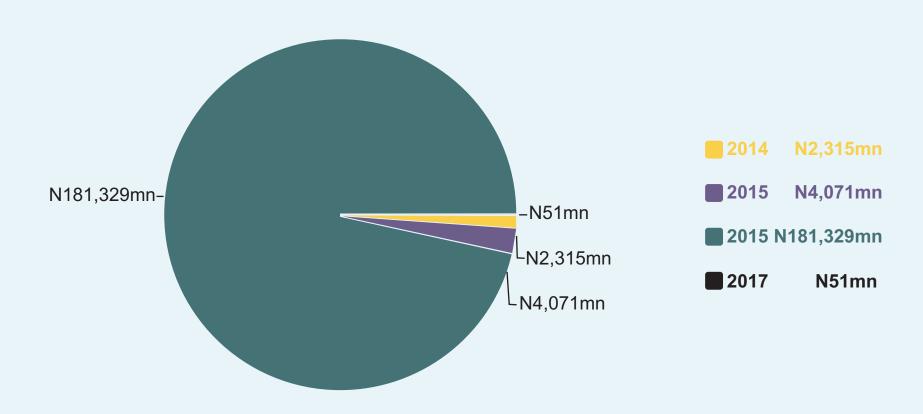
Federal University

Lokoja-N16mn

(A) Extra Budgetary Payments

N187.768 Billion

Between 2014 and 2017



(B) Extra Budgetary Payments

Some of the Key Agencies Involved

2014

Nigerian Permanent Mission to the UN-

N784mn

University of
Portharcourt Teaching
Hospital-N334mn
National Judicial
Council-N618mn
National Hospital

Abuja-N552mn

2015

NHIS-N1.7bn

Ministry of Aviation- N174mn
Federal Ministry of Power,
Works and Housing-N1.26bn
Publoic Servive Institute of
Nigeria-N85mn
NIMASA-N247mn
National Hospital AbujaN522mn

2016

Budget Office of the Federation-N180bn Consular Office, Frankfurt Germany-

N164mn

Nigerian High Commission London-N584m

NDLEA-257mn

2017

University of Uyo-N30mn FUTA, Akure-N7mn

Spending without appropriation violates S.81 of the Constitution which demands that executive estimates are sent to the legislature which approves and gives authority for expenditure while the head of the executive assents to the budget bill. S.27 (1) of the Fiscal Responsibility Act (FRA) states that:

"The sums appropriated for a specific purpose shall be used solely for the purpose specified in the Appropriation Act".

Virtually, all Federal Appropriation Acts provide a clause such as:

"All amounts appropriated under this Act shall be released from the Consolidated Revenue Fund of the Federation and applied only for the purpose specified in the First Schedule to this Act"

Also, Financial Regulation 417 requires that expenditures are made strictly in line with budget. It states:

"Expenditure shall be strictly classified in accordance with the estimate. And votes must be applied only for the purpose for which the money is provided. Expenditure incorrectly charged to a vote shall be disallowed".

S.22 (5) of the Corrupt Practices and Other Related Offences Act provides as follows:

"Any public officer who transfers or spends any sum allocated for a particular project, or service, on another project or service, shall be guilty of an offence under this Act and on conviction be liable to one year imprisonment or a fine of fifty thousand naira".

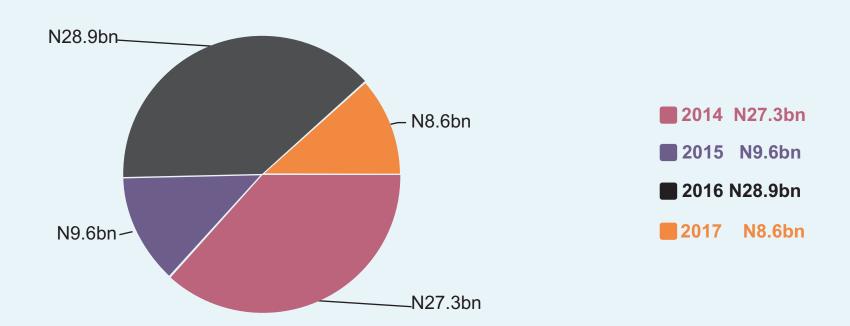
Furthermore, virements can only be undertaken in accordance with a procedure known to law. S.27 (2) of the Fiscal Responsibility Act states the procedure as follows:

"Without prejudice to subsection (1) of this section, the Minister may in exceptional circumstances and in the overall public interest, recommend for the approval of the National Assembly virements from subheads under heads of account, without exceeding the amount appropriated to such head of account".

On the basis of the foregoing legal provisions, any expenditure without appropriation or virement without legislative approval is illegal, null and void. It should be recovered from the approving officers or Accounting Officer.

(A) Outstanding Payment Vouchers/Missing Payment Vouchers/Accounting Records not Presented for Audit

N74.4 Billion



(B) Outstanding Payment Vouchers/Missing Payment Vouchers/Accounting Records not Presented for Audit

Some of the Key Federal Agencies Involved

2014

Federal Ministry of Communication Technology-N222mn Federal Ministry of Power-N243mn Federal Ministry of Culture and Tourism-N103mn Ministry of Niger Delta Affairs-N322mn NSCDC-N197mn Federal High Court-N1.3mn Nass (Management) N19.1bn Federal Polytechnic Ekowe-N462mn **Ecological Funds Office-**N4.3bn

2015

Ministry of Petroleum Resources-N536mn **National Population** Commission-N219mn Ministry of Police Affairs-N815mn NASS (Management)-N115mn Federal Ministry Youths and **Sports(National Sports** Commission)-N497mn NYSC-N115mn NHIS-N161mn Federal Ministry of Health-N6.0bn NAFDAC-N223mn Federal Polytechnic Ekowe-N158mn Federal University of Technology,

Akure-N177mn

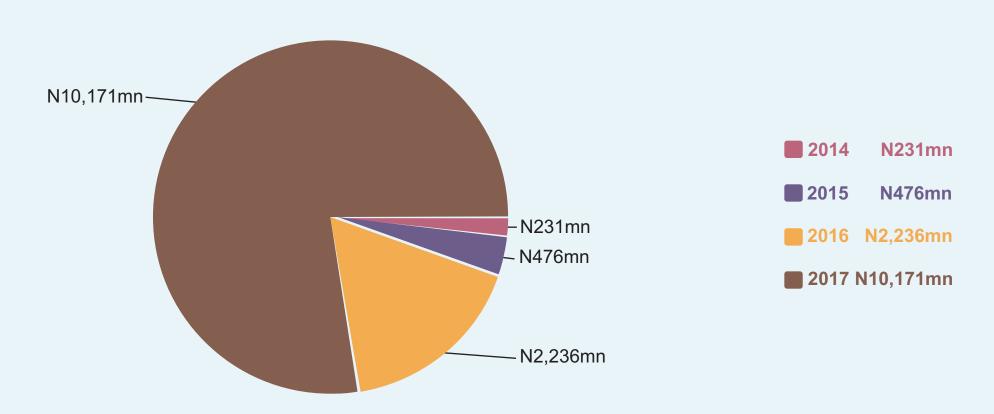
2016

National Orthopaedic Hospital Enugu-N134mn Federal University Otuoke-N334mn **Budget Office of the** Federation-N4.9bn **Embassy of Nigeria in** Berlin Germany-N391mn **National Population** Commission-N450mn PTAD-N17.4bn Ministry of Interior-N1.3bn NASS (Management) N116mn NASS(Senate)-N109mn FUTO, Owerri-N2.9bn

2017

FUTA, Akure-N237mn FUTO, Owerri-N188mn Plateau UBFB N1.6bn University of Oyo N161mn Ministry of Foreign Affairs-N4.3bn Ministry of Foreign Affairs-N118mn **Industrial Arbitration** Panel-N147mn Office of the Head of Civil Service-N301mn NASS (Management)-N673mn Ministry of Water Resources-N339mn

(A) Misapplication of Funds N13.114 Billion



(B) Misapplication of Funds

Some of the Key Agencies Involved

2014

Federal University of Petroleum Resources Effurun-N97mn FCTA Fadama Office-N35mn NASS (Senate)-N38mn

2015

Federal Polytechnic Kebbi-N116mn Modibbo Adama University of Technology, Yola-N124mn Nigeria Bulk Electricity Trading-N48mn

NASS (Senate)-N186mn

2016

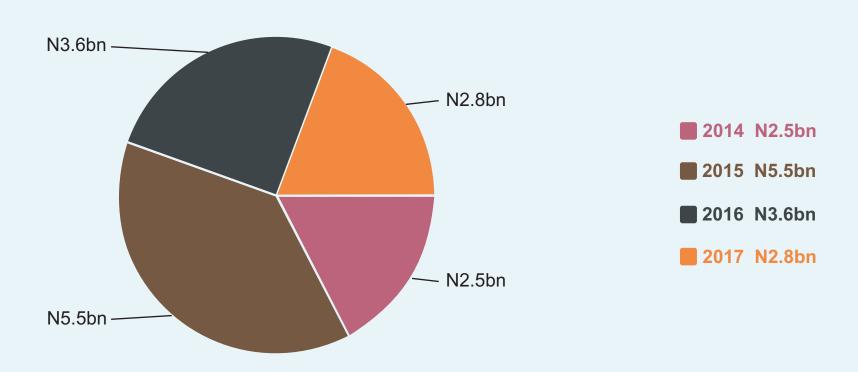
Bank of Agriculture-N49mn Ahmadu Bello University Teaching Hospital-N53mn Nigerian Embassy Berlin, Germany-N1.7bn University of Portharcourt-N289mn

2017

Federal University of Petroleum Resources, Effurun-N267mn Kaduna Polytechnic-N463mn University of Abuja-N105mn FUTO, Owerri-N244mn **Federal University** Lokoja-N707mn Federal University of Petroleum Resources-N830mn NHIS-N7.1bn

(A) Payments Made without Supporting Documents

N14.4 Billion



(B) Payments Made without Supporting Documents

Key Agencies Involved

2014

Ministry of Police
Affairs-N740mn
Ministry of DefenceN518mn
Federal Polytechnic
Ekowe-N189mn
Nigerian Railway
CorporationN226mn
National Judicial
Council-N344mn

2015

Abuja Technology Village
Free Zone CompanyN317mn
NIMC-N472mn
Nigerian Electricity
Liability Management
Company-N1.25bn
Nigerian Ports AuthorityN1.49bn
Ministry of Petroleum
Resources-N864mn
NHIS-N517mn

2016

Bank of AgricultureN264mn
National Primary
Healthcare
Development AgencyN807mn
Ahmadu Bellio
University Teaching
Hospital-N379mn
NAFDAC-N323MN
Ministry of Finance
N234mn
NSCDC-N653mn
NASS (Management)N417mn

2017

University of Abuja-N104mn FUTO, Owerri-N1.05bn National Oil Palm Research Institute, BeninCity-N210mn **Federal Capital** Territory Administration-N393mn NAPTIN-N182mn Advanced Manufacturing **Technology** Programme-N126mn

The sanctions contained in FR 3106 should be invoked.

"A public officer who makes an irregular payment from public funds, shall be given 21 days notice to offer an explanation. Where no satisfactory explanation is given, the amount involved shall be recovered from the officer and such officer shall be removed from the schedule".

Failure to produce payment vouchers supported by relevant documentation for audit despite repeated demands violates FR 110:

"By virtue of the responsibilities and functions of the Accountant General and Auditor General or their representatives shall, at all reasonable times, have free access to books of accounts, files, safes, security documents and other records and information relating to the accounts of federal ministries/extra ministerial offices and other arms of government or units. They shall also be entitled to require and receive from members of the Public Service such information, reports and explanations as they may deem necessary for the proper performance of their functions".

Also, FR 601 provides:

"All payment entries in the cash book/accounts shall be vouched for on one of the prescribed treasury forms. Vouchers shall be made out in favour of the person or persons to whom themoney is actually due. Under no circumstance shall a cheque be raised or cash paid for service for which a voucher has not been raised".

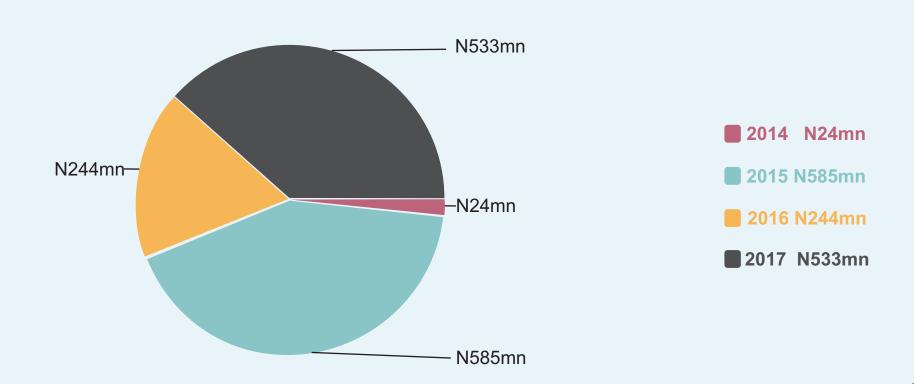
Furthermore, FR 603 (i) requires that:

"All vouchers shall contain full particulars of each service, such as dates, numbers, quantities, distances, and rates, as to enable them to be checked without reference to any other documents and be supported by relevant documents such as local purchase order, invoice, special letters of authority, time sheets, etc."

Therefore, not providing outstanding payment vouchers or cases of missing payment vouchers and accounting records not presented for audit are offences that should be sanctioned under extant FR. The Accounting Officer should recover and pay back the due sums to the Treasury. The Attorney General of the Federation or EFCC or ICPC should consider prosecuting the officers involved for offences disclosed by their action and to recover the funds paid without supporting documentation.

(A) Violation of E-Payment Policy

N1.386 Billion



(B) Violation of E-Payment Policy

Some of the Key Agencies Involved

2014

Nigerian Immigration Service-N16mn FCT Scholarship Board-N5mn NEITI-N3mn

2015

Nigerian Institute for Legislative Studies-N246mn NAFDAC-N44mn PTDF-N25mn CUSTOMS-94mn

2016

National Orientation
Agency-N129mn
Ministry of DefenceN44mn
Cooperative
Information Network,,
COPINE, Ile IfeN26mn

2017

Nigerian Institute for Legislative Studies-N67mn Military Pension Board-N81mn Plateau UBEB-N70mn FUTO, Owerri-N45mn Federal University of Petroleum Resources-FUPRE-N40mn

The Federal Government Circular Ref. No. TRY/A8/B8/2008 dated 22nd October, 2008, provides that money should be paid to individual beneficiaries through their private bank accounts. The E-payment policy requires direct transfers of money without withdrawal of cash or payment through other members or staff accounts. When this is violated and money is paid in circumstances that do not show that the ultimate beneficiaries got the money, the Accounting Officer and other officers involved should be made to return the money to Treasury.

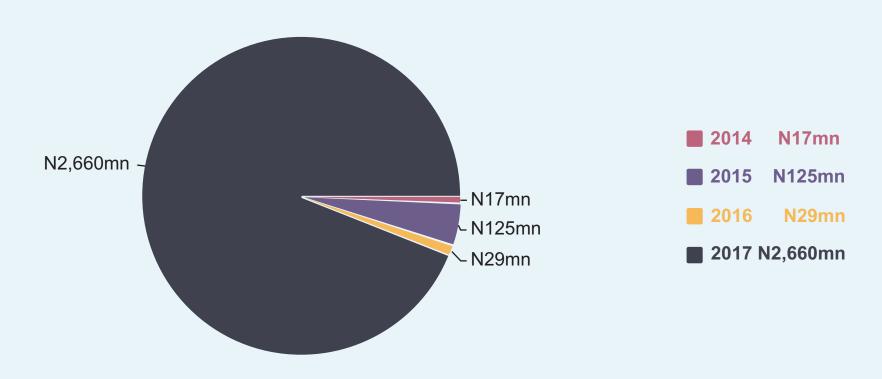
FR 3127 and 3128 provide sanctions for making payments using cheque or cash without exemption.

"Any organization that makes payment by cheque or cash without having been exempted from the epayment policy shall have its budget allocation suspended"

"Any officer who makes payment by cheque or cash without relying on exemption from e-payment for his or her organization shall be deemed to have committed a gross misconduct and shall be disciplined accordingly".

(A) International Travels/Tainings without Approval

N2.831 Billion



(B) International Travels/Training without Approval

Some of the Key Agencies Involved

2014

National Judicial Institute-N12mn Federal University of Petroleum Resources Effurun-N3mn

2015

Nigerian Bulk
Electricity TradingN95mn
Nigerian Export
Promotion CouncilN26mn

2016

Educational
Research and
Development
Council-N16mn
Ministry of InteriorN6mn

2017

Federal University of Technology, Akure-N168mn Corporate Affairs Commission-N2.19bn NHIS-N172mn

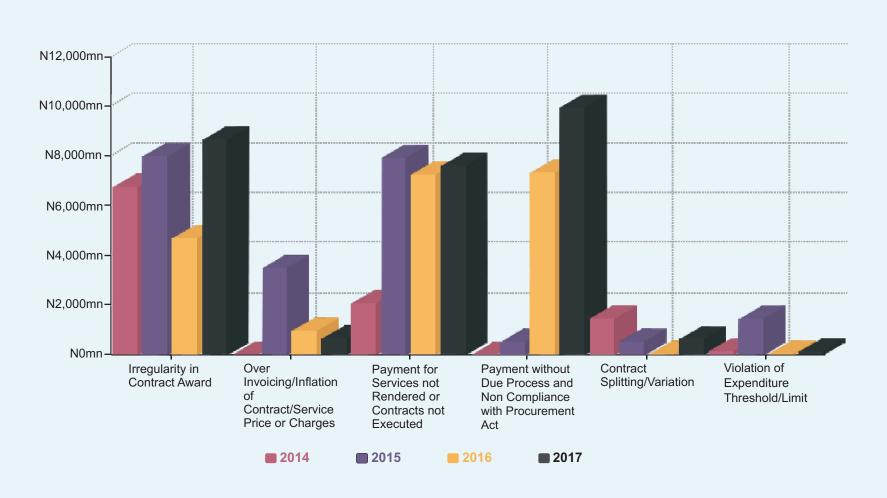
The Federal Government of Nigeria, through Circular Ref: HCSF/CSO/HRM/Pol.1402/1 on Restriction of Foreign Trainings and International Travels by Public Servants, dated 22nd January, 2015, and effective 1st January, 2015, placed embargo on International Conference, Seminars, Workshops, Study Tours, Training, Presentation of Papers, Negotiating/ signing MoU abroad at Government expense, except they are fully funded by the sponsoring/inviting organizations.

Where such travel is essential/strategic and to be funded by Government, it must be justified with the evidence of the source of funding to be approved by Head of Civil Service of the Federation (HCSF).

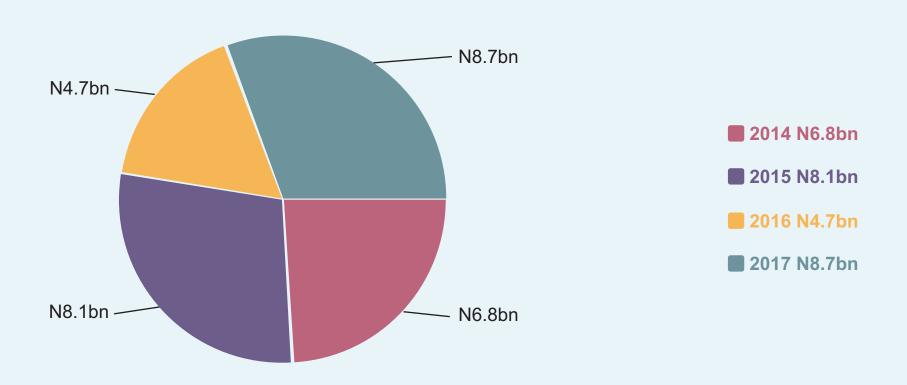
Money spent on international travels/training without approval should be recovered by the Accounting Officer and paid back to Treasury.

IRREGULARITIES IN CONTRACT AWARD, EXECUTION AND PAYMENT

Irregularities in Contract Award, Execution and Payment N81.162 Billion



(A) Irregularity in Contract Award N28.3 Billion



(B) Irregularity in Contract Award

Some of the Key Agencies Involved

2014

Nigeria Railway Corporation-

N5.6bn

Nigerian Ports Authority-

N780mn

University of Nigeria Nsukka-N213mn

2015

Public Service Institute of Nigeria-N1.01bn Public Complaints

Commission-N100mn

Pension Transitional

Arrangement

Directorate-N2.02bn

Ministry of Police

Affairs-N644mn

Nigeria Immigration

Service-N3.9bn

Customary Court of

Appeal Abuja-N120mn

NIMASA-N133.6mn

2016

Cross River Basin

Development

Authority-N617mn

Bank of Agriculture

Kaduna-N266mn

National Directorate

of Employment-

N1.43bn

Ministry of Health-

N325mn

Federal University,

Otuoke-N1.5bn

FCT Education

Resource Centre-

N141mn

FUTO, Owerri

N133mn

2017

Ebonyi SUBEB-N569mn

Federal College of

Education(Technical)Umunze-

N117mn

NECO-N6.16bn

Federal University Birnin

Kebbi-N509mn

Federal University of Petroleum

Resources, Effurun-N1bn

The Minister of Finance should direct the activation of the Procurement Module of GIMFIS for use across MDAs. This should be properly followed up to ensure compliance especially through non-release of funds except for certified procurements. The Minister should also give directives to enable the GIMFIS Audit Module and give access to all federal auditors for proper monitoring of procurement activities.

The Bureau of Public Procurement (BPP) should fully activate its functions and ensure that MDAs follow the process of obtaining certificates of "No Objection" in appropriate cases as well perform procurement audits. BPP should also consider meting out the administrative sanctions stipulated in S.6 of the Public Procurement Act 2007.

The sanctions include suspension of the officers concerned with the procurement proceeding; the discipline of the Accounting Officer of the procuring entity and the temporary transfer of the procurement functions of the MDA to a third party procuring entity or consultant.

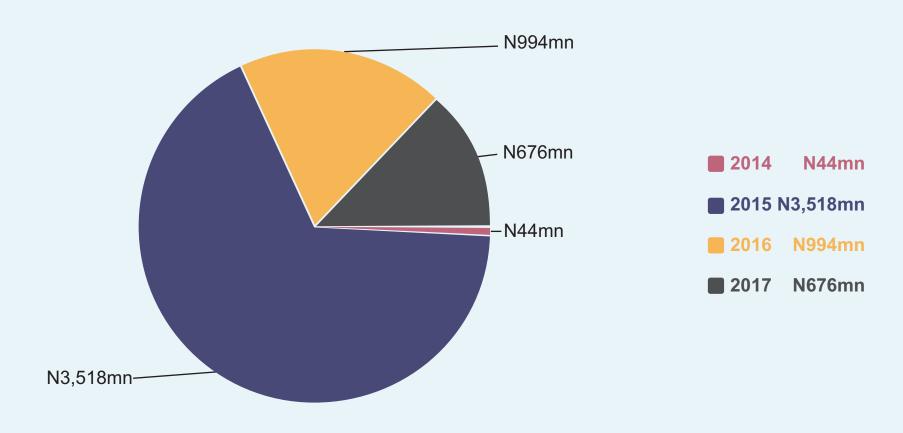
FR 3117 provides as follows:

- "(i) Any Accounting Officer or public officer who is involved in the irregular award of contract i.e. contract award not in compliance with the normal tenders procedures as laid out by the Bureau of Public Procurement in these regulations or any other law shall be requested to offer an explanation in writing within 21 days to a query issued on this irregularity. Failure to give a satisfactory explanation shall lead to the demotion in rank of such officer and his immediate transfer to another schedule.
- (ii) Where the award is by a Tenders Board, all members of the Board shall be sanctioned individually and collectively as in sub-section (i) above"

The rules and procedures are clear but what is missing is the political will to implement same.

(A) Over Invoicing/Inflation of Contract/Service Price or Charges

N5.232 Billion Between 2014 and 2017



(B) Over Invoicing/Inflation of Contract/Service Price or Charges

The Agencies Involved

2014

Ministry of Interior-N44mn

2015

NIMC-N30mn

Nigeria Ports

Authority-N3.4bn

Nigeria Bulk

Electricity

Trading-35mn

2016

NHIS-N990mn

National Root Crop

Research Institute

Umudike-N4mn

2017

University of Abuja-N409mn

Federal University Dutse-

N59mn

Ecological Funds Office-

N₃0mn

Federal University of

Petroleum Resources Effurun-

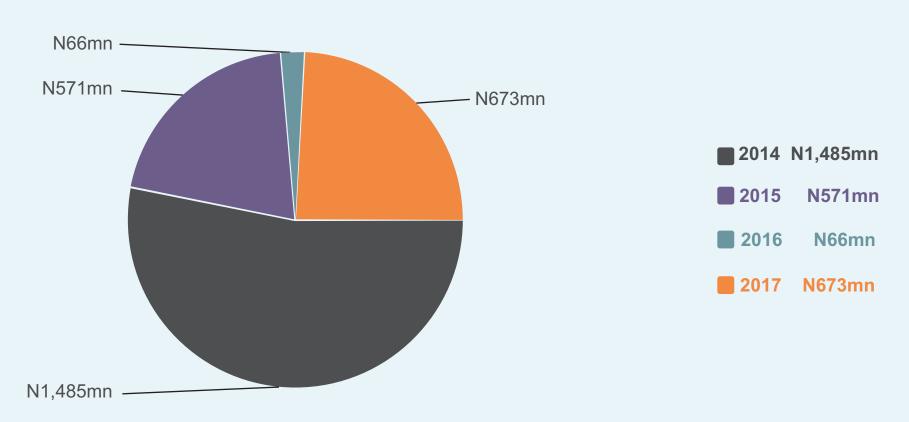
N154mn

Federal University of

Technology Akure - N23.5mn

(A) Contract Splitting/Contract Variation

N2.795 Billion



(B) Contract Splitting/Contract Variation

The Key Agencies Involved

2014

Ministry of Niger Delta

Affairs-N144mn

University of Nigeria

Nsukka-N1bn

Federal Polytechnic

Ekowe-N185mn

National Hospital

Abuja-N91mn

2015

Ministry of Petroleum

Resources-N128mn

National Hospital

Abuja-N91mn

NAFDAC-N70mn

JAMB-N247mn

Ministry of Defence

HQTRS - N16.1mn

Public Service

Institute- N17.9mn

2016

National Orientation

Agency-N13mn

Bank Of Agriculture

Kaduna-N27mn

Federal University

Otuoke-N26mn

2017

University of Abuja-

N50mn

NECO-N136mn

Federal University

Birnin Kebbi-

N261.9mn

National Judicial

Council- N224mn

FR 3102 provides:

- "(I) Any public officer who is alleged to be involved in the inflation of contract shall be allowed 5 days within which to respond to audit query addressed to him. Where the query involves an Accounting Officer, he shall be reported to Mr. President. In the case of any other officer, he shall be surcharged appropriately and removed from duty schedule, dismissed and prosecuted.
- (ii) Where the inflation of the contract involves the Tenders Board, all the members that approved the inflated contract shall be severally and collectively sanctioned"

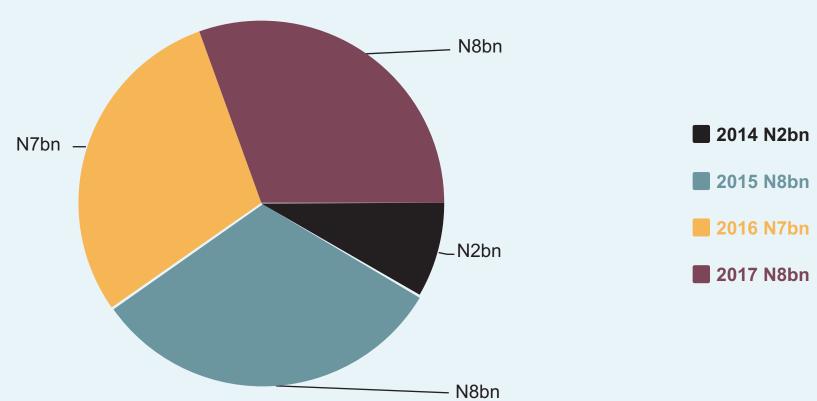
FR 3116 is on Contract Splitting:

"Any public officer who is involved in splitting of contracts to circumvent tenders procedure shall be given 21 days notice within which to offer explanations to a formal query issued. Failure to give satisfactory explanation, any loss arising thereof may be recovered from or surcharged against the defaulting officer".

Over invoicing, inflation of price and contract splitting are offences under S.58 of the PPA and the Attorney-General of the Federation has the statutory mandate to institute criminal proceedings against the persons responsible for this. Beyond conviction for the crime and a term of imprisonment for the offender, the Attorney-General of the Federation should also take steps for the recovery of the inflated sums of money under S.342 of the of Administration of Criminal Justice Act, 2015.

(A) Payment for Services not Rendered and Contracts not Executed

N25 Billion



(B) Payment for Services not Rendered and Contracts not Executed

Key Agencies Involved

2014

Federal Ministry of

Works-N195mn

University of Nigeria

Nsukka-N182.9mn

Ecological Funds

Office-N1.12bn

Hadejia Jama'Are River

Basin Development

Authority-N314mn

National Judicial

Council- N42.8mn

2015

FMPWH-N1.278bn

NIMC-N102mn

NIMASA-N3.99bn

Niger Delta Basin

Development

Authority-N165mn

2016

Federal University

Otuoke-N514mn

FMPWH-N4.54bn

Ogun-Osun River Basin

Development Authority-

N1.70bn

Lower Niger River Basin

Development Authority-

N240mn

2017

NECO-N7.249bn

Military Pension

Board-N95mn

NAPTIN-N67mn

FR 708 states that:

"On no account should payment be made for services not yet performed or for goods not yet supplied."

Also, FR 3104 (iii) states that:

"A public officer who fraudulently pays money to a contractor for a job not executed shall be required to refund in full the amount wrongly paid and shall be removed from that schedule and the matter referred to the Economic and Financial Crimes Commission for prosecution".

Furthermore FR 3109 states:

"An Accounting Officer or Sub Accounting Officer who pays for the acquisition of asset(s) with public funds but fails to collect the asset(s) from the contractor/supplier shall be given 21 days to recover the assets(s) from the contractor/supplier, failing which the officer shall be transferred to another schedule. The contractor/supplier shall be blacklisted and reported to the Economic and Financial Crimes Commission for prosecution. If collusion is however established, the officer(s) involved shall be removed from that schedule and made to face disciplinary action".

The Accounting Officer should recover and pay back the due sums to the Treasury. The Attorney General of the Federation or EFCC or ICPC should embark on the prosecution of the officers to ensure that they serve time in jail as well as recover the funds paid for services not rendered - S.342 of the of Administration of Criminal Justice Act, 2015.

(A) Payment without Due Process and Noncompliance with Procurement Act

N17.95 Billion Between 2014 and 2017



(B) Payments without Due Process and Non Compliance with Procurement Act

Some of the Key Agencies Involved

2014

National Judicial Institute-N21mn

2015

Ministry of Petroleum Resources-N177mn Federal Ministry of Youths and Sports-N109mn National Hospital

National Hospital Igbobi Lagos-N101mn NAFDAC-N114mn

2016

National Primary
Healthcare
Development
Authority-N4.98bn
Cross River Basin
Development AgencyN1.0bn
Federal University
OtuokeN1.05bn
FMPWH-N95mn

NDLEA-N90mn

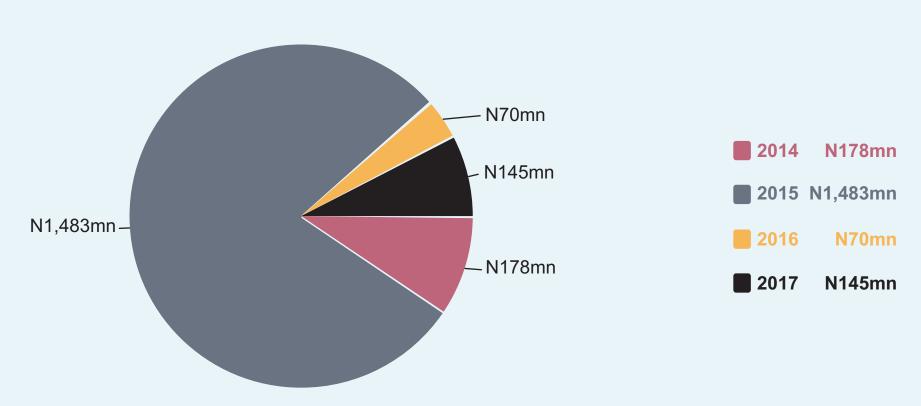
2017

NPA-N7.52bn
University of AbujaN229mn
University of IlorinN78mn
University of IbadanN83mn
Imo SUBEB-N482mn
NHIS-N876mn
NASENI-N128mn

Payments without due process and non-compliance with the PPA constitute offences under S.58 of the PPA. The Attorney General of the Federation or the EFCC should prosecute the persons responsible for this violation.

(A) Violation of Expenditure Threshold/Limit

N1.876 Billion



(B) Violation of Expenditure Threshold/Limit

Key Agencies Involved

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University of Ibadan-N178mn

2015

NAFDAC- N1.47bn FUTA- N3mn

University of Jos-

N10mn

2016

University of Ilorin-

N63mn

Federal Fire Service-

N6mn

2017

University of Abuja-

N132mn

Federal University

Dutse-N12mn

(A) Cash Advances above Stipulated Approval Limit/Use of Cash Advances to Circumvent Procurement

N4.77 Billion



(B) Cash Advances above Stipulated Approval Limit/Use of Cash Advances to Circumvent Procurement

Some of the Key Agencies Involved

2	1			4
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Federal High Court-

N90mn

Federal Ministry of

Power-N87mn

Federal Ministry of

Women Affairs-N75mn

Federal University of

Petroleum Resources-

N67mn

Federal University Oye

Ekiti-N50mn

2015

Federal Ministry of

Defence-N80.9mn

NIMC-N417mn

NAFDAC-N53mn

FMPWH-43mn

2016

NHIS-N2bn

FCT Satellite Town

Development

Department-

N142mn

Ministry of Finance-

N18mn

2017

University of Abuja-

N52mn

FUTO, Owerri-N70mn

Ministry of Foreign

Affairs-N245mn

FCTA-N362mn

NHIS-N66mn

Violations of Approval Threshold contrary to provisions of extant Federal Circular on the Approved Revised Thresholds for Service-Wide Application by the Bureau of Public Procurement (BPP) attracts sanctions as stated in FR 3126 (which restates the punishment parts of S.58 of the PPA) and 3117 (on sanctions for irregular award of contract). The two Frs should be invoked on the Management and Tenders Board of the defaulting agency. It is also an offence to be prosecuted by the Attorney General of the Federation and punished under S.58 of the Public Procurement Act.

Granting of cash advances above the approved limit for local procurement of stores and services may deny government due taxes such as Value Added Tax and Withholding Tax. This is contrary to Federal Treasury Circulars Nos. TRY/A2/2009/OAGF/CAD/028 dated 24th March 2009 and TRY/A4 & B4/2014/OAGF/CAD/ADM/C.085/116 dated July 16th, 2014 which states that:

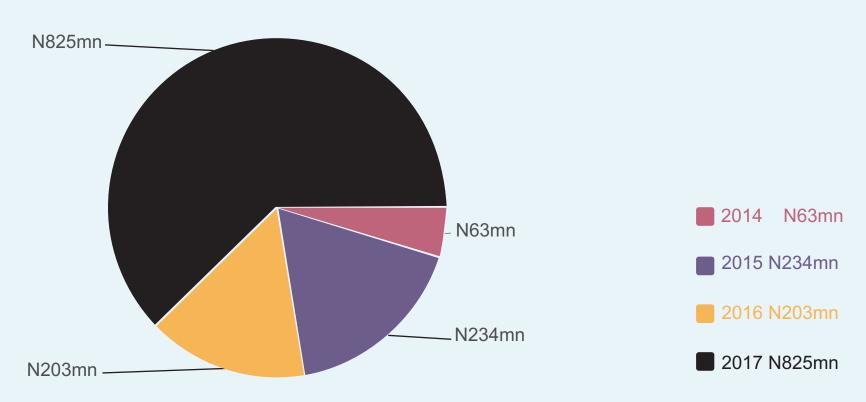
"All Accounting Officers and Officers controlling expenditure are to ensure that all local procurement of stores and services costing above ₹200,000.00 (Two hundred thousand) are made only through local purchase order (LPO) or job order (award of contracts), except as provided by the Public Procurement Act 2007".

The responsible approving officers should be made to pay over to the treasury the calculated tax on the transaction.

STORE ITEMS NOT TAKEN ON STORE CHARGE

(A) Store Items not Taken on Ledger Charge

N1.325 Billion



(B) Store Items not Taken on Ledger Charge

Some of the Key Agencies Involved

2014

Petroleum Training
Institute -N22mn
Cocoa Research
Institute of NigeriaN33mn

2015

NAFDAC-N48mn
Ministry of
Information and
Culture-N24mn
Public Complaints
Commission-N15mn
Nigeria CustomsN45mn

2016

Federal University of
Technology OwerriN97mn
University of
Portharcourt-N51mn
Ministry of Labour
and EmploymentN14mn

2017

University of Abuja-N351mn University of Ibadan-N211mn Federal University of Technology, Owerri-N63mn

FR 2402 (I) states:

"On all payment vouchers for the purchase of stores, except as provided in subsection (ii) of this regulation, the storekeeper must certify that the stores have been received and taken on charge in the stores ledger, quoting the stores receipt voucher number and attaching the original copy of the store receipt voucher to the original LPO"

Furthermore, FR 2413(I) provides:

"A requisition shall not be accepted and passed to the storekeeper until it has been examined by the responsible officer, to ensure that it is signed by the authorised requisitioning officer, the correct rate of charge is quoted, the quantity required is not excessive, and the voucher is otherwise correct. The Director Administration and Supplies shall furnish specimen signatures of authorized requisitioning officers to the stores issuing units".

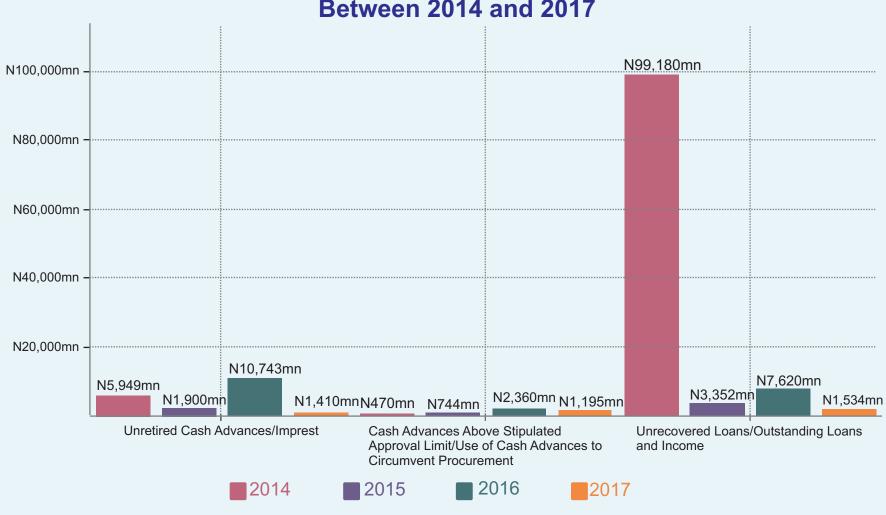
The Asset Management Module of GIMFIS should be implemented across MDAs as a matter of urgency to enhance optimal control and accountability of government's current and non-current assets. Accounting Officers should be requested to prepare and maintain complete and accurate assets record.

Essentially, if the "store items not taken on ledger charge" reveals the commission of a crime, prosecution by the Attorney General of the Federation, EFCC or ICPC should follow.

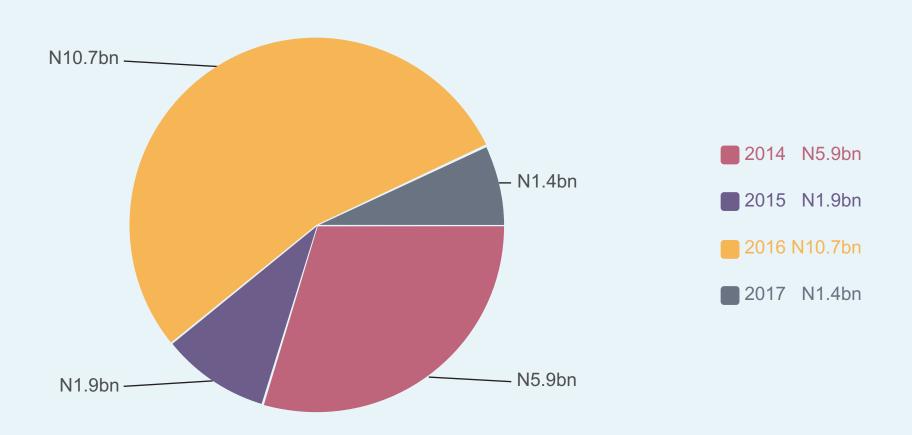
UNRETIRED LOANS AND ADVANCES

Unretired Loans and Advances

N136.457 Billion



Unretired Cash Advances/Imprest N20 Billion



Unretired Loans and Advances

Some of the Key Agencies Involved

2014

Federal Ministry of Agriculture-N191mn Ministry of Aviation-N510mn

Industrial Arbitration

Panel-N173mn

Minsitry of Women

Affairs-N113mn

Ministry of Health-

N1.6bn

NASS (Management)-

N1.1bn

NASS (Senate)-

N521mn

NASS (House of

Reps)-N1.2bn

2015

Ministry of Aviation-N129mn

FMPWH-N373mn

NASS (Management) -

N158mn

NASS (House of

Reps)- 499mn

SMEDAN-N299mn

2016

National Orientation

Agency-N2bn

Ministry of Health-N460mn

National Primary

Healthcare Development

Agncy-N5.9bn

National Library-N111mn

FMPWH-N320mn

Ministry of Information and

Culture-N218mn

NASS (General Services)-

N126mn

NASS (Senate)-N747mn

NASS (House of Reps)-

N254mn

2017

FUTO Owerri-N299mn

Plateau SUBEB-N120mn

Federal University Lokoja

N100mn

National Commission for

Colleges of Education-

N141mn

Administrative Staff

College of Nigeria,

ASCON-N189mn

National Film and Video

Censors Board-N108mn

FR 1011 (i) states that:

"All standing imprests must be retired on or before the 31st of December of the financial year which they are issued while special imprests must be retired immediately the reasons for which they were granted cease to exist. Retirement will be effected by the production of vouchers and/or cash for the full amount of the imprest".

Appropriate sanctions as stated in FR 3118 (reproduced below) should be meted to the Head of Finance and Accounts or Head of Accounts.

"The Head of Finance and Accounts or Head of Accounts who fails to recover personal advances from staff shall be requested within 21 days to offer written explanations to a query addressed to him on this irregularity. All losses suffered by government as a result of negligence shall be recovered from or surcharged against the defaulting officer if he/she is a public officer and such officer would be charged for gross misconduct under the Public Service Rules".

FR 3124 states:

"A public officer who fails to respond to a query issued to him within 21 days for non-retirement of advances or imprests shall be surcharged and the total amount involved recovered".

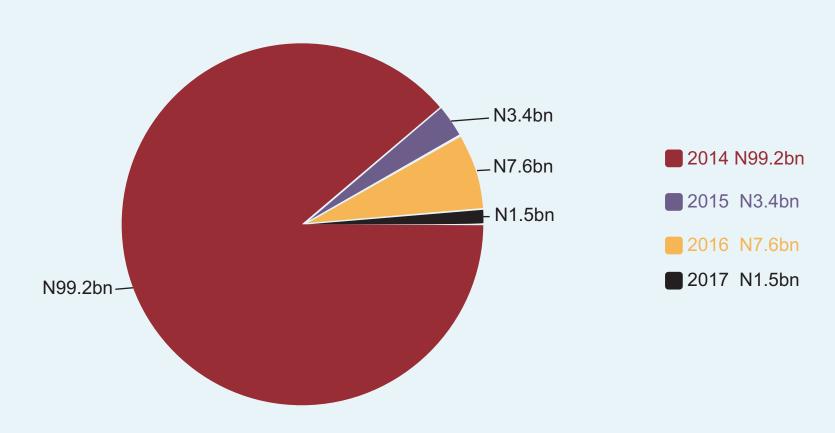
The Accounting Officer who has the mandate of safeguarding public funds and ensuring the regularity and propriety of expenditure should be held accountable for all unretired cash advances and imprest. The Accounting Officer should be sanctioned if there is no evidence of targeted and concrete steps taken to ensure the cash advances and imprest are retired. FR 1420 is clear on the duties of the accounting officer when it states:

"It is the responsibility of all Accounting Officers to ensure that all advances granted to officers are fully recovered".

The primary offender and Head of Accounts should be made to retire the cash advance or imprest and sanctioned in accordance with the FRs.

(A) Unrecovered Loans/Outstanding Loans and Income

N111.68 Billion



(B) Unrecovered Loans/Outstanding Loans and Income

Key Agencies Involved

2014

Federal University,
Oye Ekiti-N15mn
Petroleum
Equalization FundN78bn
Nigeria Ports
Authority - N20mn

2015

Federal Government
Staff Housing Loans
Board-N156mn
Nigerian Electricity
Liability Management
Company-N400mn
NHIS-N2.72bn
Ministry of Niger Delta
Affairs-N61mn

2016

Bank of AgricultureN3.2bn
Nigerian Meteorological
Agency-N1.4bn
NTA-N2.9bn
Federal Teaching
Hospital GombeN54mn

2017

National Commission for Colleges of Education-N33mn Securities and Exchange Commission-N1.4bn Nigerian Prison Service-N16mn

Accounting Officers should be held accountable for all outstanding unrecovered loans. They should be sanctioned if there is no evidence of targeted and concrete steps taken to recover the loans. The primary offenders should be sanctioned in accordance with the Financial Regulations. Legal proceedings should also be considered as a means of recovering the loan.