

# ELITES NETWORK FOR SUSTAINABLE DEVELOPMENT



**(ENetSuD)**

**CAC/IT/NO 109900**

**Motto: Unity for Progress**

Website: [www.enetsud.org](http://www.enetsud.org)

Email: [info@enetsud.org](mailto:info@enetsud.org)

Phone: +2348067509458

Our Ref: ENetSuD/FOI/ZIP/01/5

Date: 25<sup>th</sup> July, 2018.

The ED/CEO,  
Forestry Research Institute of Nigeria,  
P.M.B. 5054, Jericho,  
Ibadan,  
Oyo State.

Dear Sir,

## REQUEST FOR INFORMATION ON THE 2017 ZONAL INTERVENTION PROJECTS EXECUTION STATUS

The above named registered and Kwara-based Civil Society Organization was established with the primary aim of promoting good governance and ensuring transparency. In consonance with the dictates of the **Freedom of Information (FOI) Act 2011** that provide for free public access to public records and information to the extent consistent with the public interest among others; we hereby request a clear and true official information on the following 2017 Zonal Intervention Projects (ZIPs) as nominated by our Federal constituency representatives.

1. Production of forest utilization products facilities for Patigi LGA of Kwara state
2. Biological control of degraded Offa-Ojoku-Afon road in Kwara South Senatorial District, Kwara state
3. Biological control of degraded small roads in various locations of Kwara South Senatorial District, Kwara state
4. Biological control of Afon-Okesho-Ojoku-Ikotun road in Asa and Oyun LGAs, Kwara state

*Original copy collected by me.*  
*[Signature]* 21/8/18

We are requesting you to provide us with the following information about the projects listed above:

1. The amount budgeted for each project in the approved 2017 ZIP
2. The actual amount released for each project to your Agency for execution
3. The detailed information of the contractors that you awarded the projects to
4. The exact location of each project
5. The current status of each project as per its location

We shall be waiting to hear from you within the time frame provided under the FOI Act.

Please be assured of our highest regards always.

**Gidado Muhammad-Bashir**

Director of Investigation and Public Petition

Cc:

**Senator Abubakar Bukola Saraki (Kwara Central Senatorial District)**

**Senator Mohammed Sha'aba Lafiagi (Kwara North Senatorial District)**

**Senator Rafiu Ibrahim (Kwara South Senatorial District)**

**Hon. Razak Atunwa (Ilorin West/Asa Federal Constituency)**

**Hon. Aliyu Ahman-Pategi Bahago (Patigi/Edu/Moro Federal Constituency)**

**Hon. Olarinoye Olayonu (Ifelodun/Offa/Oyun Federal Constituency)**

**Hon. Olufunke Adedoyin (Ekiti/Irepodun/Isin/Oke-Ero Federal Constituency)**

**The Attorney General (Kwara state)**

**Consumer Protection Council**

**Independent Corrupt Practices and Other Related Offences Commission**

**Servicom**

**Public Complaint Commission**



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Our Ref: ENetSuD/FOI/ZIP/01/5

Date: 18<sup>th</sup> October, 2018.

The ED/CEO,  
Forestry Research Institute of Nigeria,  
P.M.B. 5054, Jericho,  
Ibadan,  
Oyo State.

Dear Sir,

**RE: REQUEST FOR INFORMATION ON THE 2017 ZONAL INTERVENTION PROJECTS  
EXECUTION STATUS**

You may wish to recall our letter on the above subject matter with ref no **ENetSuD/FOI/ZIP/01/5** dated 25<sup>th</sup> July, 2018 and received by your office on 7<sup>th</sup> August, 2018. We requested for information on the following 2017 Zonal Intervention Projects (ZIPs) as nominated by our Federal constituency representatives:

1. Production of forest utilization products facilities for Patigi LGA of Kwara state
2. Biological control of degraded Offa-Ojoku-Afon road in Kwara South Senatorial District, Kwara state
3. Biological control of degraded small roads in various locations of Kwara South Senatorial District, Kwara state
4. Biological control of Afon-Okesho-Ojoku-Ikotun road in Asa and Oyun LGAs, Kwara state

Unfortunately, we have not received your response after 72 days of submission in your office, which is in violation of the Freedom of Information Act 2017 that mandates you to provide us with the requested information within 7 days period.

*Original copy collected by me. 15/10/18*

We are reminding you to provide us with the following information about the projects listed above:

1. The amount budgeted for each project in the approved 2017 ZIP
2. The actual amount released for each project to your Institute for execution
3. The details of all your lawful deductions from the money received by your Institute for each project
4. The exact amount you released to each contractor
5. The technical details of each stage of funds that you released to each contractor
6. The Bill of Engineering Measurement and Evaluation (BEME) of each project
7. The detailed information of the contractor that you awarded each project to
8. The exact location of each project
9. The current status of each project

Kindly respond to our request within another 7 days of receipt of this letter, failure of which we shall not hesitate to take all the necessary legal actions.

Please be assured of our highest regards always.

**Gidado Muhammad-Bashir**  
Director of Investigation and Public Petition





# ELITES NETWORK FOR SUSTAINABLE DEVELOPMENT



**(ENetSud)**

**CAC/IT/NO 109900**

**(Motto: Unity for Progress)**

Website: [www.enetsud.org](http://www.enetsud.org)

Email: [info@enetsud.org](mailto:info@enetsud.org)

Phone: +2348067509458

Our Ref: ENetSud/FOI/ZIP/01/34

Date: 17<sup>th</sup> December, 2018.

The ED/CEO,  
Forestry Research Institute of Nigeria,  
P.M.B. 5054, Jericho,  
Ibadan,  
Oyo State.

Dear Sir,

**RE: REQUEST FOR INFORMATION ON THE 2017 ZONAL INTERVENTION PROJECTS  
EXECUTION STATUS**

## **PRE-ACTION NOTICE**

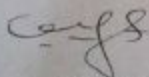
You may wish to recall our letters referenced ENetSud/FOI/ZIP/01/5, which you received on 7<sup>th</sup> August, 2018 and 15<sup>th</sup> November, 2018 but have not responded to.

We wish to inform you that your failure to respond has left us with no option than to write you this pre-action notice.

TAKE NOTICE that you have 30 days within which you could provide us with answers to our requests in the **last letter referenced ENetSud/FOI/ZIP/01/5**, dated 18<sup>th</sup> October, 2018 and received by you on 15<sup>th</sup> November, 2018, failure of which we shall not hesitate to approach law court for redress.

Thank you for your anticipated cooperation.

Yours faithfully,

  
**Lukman Raji Esq.,**  
Director of Legal Services

*Original collected*  
*O. Agunji*  
*17/12/18*



**FORESTRY RESEARCH INSTITUTE OF NIGERIA**  
**FEDERAL MINISTRY OF ENVIRONMENT**  
FOREST HILL, JERICO, P. M. B. 5004,  
IBADAN, NIGERIA.

☎: 02-2414441, 2414073 Fax: 02-2410515  
E-mail: edfrin@yahoo.com Website: www.frin.gov.ng

Date 21<sup>st</sup> November, 2018

Ref. No FR/CG.500/S.2/II/364

Founder, BOT Chairman and Coordinator  
Elites Network For Sustainable Development  
Pepsi Building, Mejindadi Street  
Oja-Iya-Ita-Amodu Road  
Taiwo Area, Ilorin  
Kwara State

**ATTENTION: Director of Investigation and Public Petition**

**RE: REQUEST FOR INFORMATION ON THE 2017 ZONAL INTERVENTION  
PROJECTS EXECUTION STATUS**

I am directed to acknowledge receipt of your letter dated 18<sup>th</sup> October, 2018 with reference No ENetSuD/FOI/ZIP/01/5, which was delivered to the Institute on 15<sup>th</sup> November, 2018.

I am further directed to inform you that the appropriate records had been assessed and the requisite information sought has been collated and outlined in a tabular form in a document attached to this letter for your information.

Please accept the esteemed regards of the Director General, Forestry Research Institute of Nigeria.

Thank you

**Mrs. T. I. Aiyedun**

**General Services and Procurement Department**  
**For: DIRECTOR GENERAL**

# FORESTRY RESEARCH INSTITUTE OF NIGERIA

FOREST HILL, JERICHO, P.M.B. 5054 IBADAN, NIGERIA

## STATUS REPORT OF 2017 CONSTITUENCY PROJECTS IN KWARA STATE

S/ N	PROJECT TITLE	PROJECT LOCATION	CONTACTOR	APPROPRIATION	CONTRACT SUM	PROJECT DURATION	TOTAL PAYMENT MADE	% COMPLETION
1.	Production of Forest Utilization Products Facilities for Patigi LGA of Kwara State	Patigi	Optional Concept Limited	₦ 80,000,000.00	₦ 79,989,000.00	8 Weeks	₦ 57,337,297.50	71.68%
2.	Biological Control of Degraded Offa-Ojoku-Afon Road in Kwara South Senatorial District, Kwara State	Offa-Ojoku-Afon Road (Igbawewe Road)	Ajoro International Investment Nigeria Limited	₦ 180,000,000.00	₦ 164,855,250.00	10 Weeks	₦ 118,335,571.88	71.78%
3.	Biological Control of Degraded Small Roads in Various Locations of Kwara South Senatorial District, Kwara State	Ikotun-Afon	Besta Project Ltd	₦ 70,000,000.00	₦ 69,993,262.50	10 Weeks	₦ 49,654,127.35	70.94%
4.	Biological Control of Afon-Okesho-Ojoku-Ikotun Road in Asa And Oyun LGAs, Kwara State	Afon-Okesho-Ojoku-Ikotun (Igbawewe to Ojoku Road)	Waterfall Prime Trust Ltd	₦ 220,000,000.00	₦ 219,991,800.00	12 Weeks	₦ 156,041,612.50	70.93%

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Phone: +2348067509458

**Our Ref: ENetSuD/FOI/ZIP/01/38**

**Date: 18<sup>th</sup> December, 2018.**

**The Director General,  
Forestry Research Institute of Nigeria,  
P.M.B. 5054, Jericho,  
Ibadan,  
Oyo State.**

**Dear Sir,**

**RE: REQUEST FOR INFORMATION ON THE 2017 ZONAL INTERVENTION PROJECTS  
EXECUTION STATUS**

Your response dated 21<sup>st</sup> November, 2018 and referenced FR/CG.500/S.2/II/364 on the above subject matter was received by us on 17<sup>th</sup> December, 2018. We salute you for providing us with some financial details of the following projects under consideration:

1. Production of forest utilization products facilities for Patigi LGA of Kwara state
2. Biological control of degraded Offa-Ojoku-Afon road in Kwara South Senatorial District, Kwara state
3. Biological control of degraded small roads in various locations of Kwara South Senatorial District, Kwara
4. Biological control of Afon-Okesho-Ojoku-Ikotun road in Asa and Oyun LGAs, Kwara state

However, it is worthy of note that some important information requested in our previous letter dated 18<sup>th</sup> October, 2018 and referenced ENetSuD/FOI/ZIP/01/5 were not provided in your response. Therefore, we are requesting you to further provide us with the following missing information:

1. The exact amount you released to each contractor
2. The technical details of each stage of funds that you released to each contractor
3. The Bill of Engineering Measurement and Evaluation (BEME) of each project
4. The exact location(s) of the projects numbered '1' and '3' in the list under the first paragraph above

While awaiting your response via our email ([info@enetsud.org](mailto:info@enetsud.org)) within the 7 days period stipulated under the Freedom of Information (FOI) Act 2011, please be assured of our esteem regards.

**For: Gidado Muhammad-Bashir**  
Director of Investigation and Public Petition





# FORESTRY RESEARCH INSTITUTE OF NIGERIA

**FEDERAL MINISTRY OF ENVIRONMENT**

**FOREST HILL, JERICHO, P. M. B. 5054,**

**IBADAN, NIGERIA.**

**☎: 02-2414441, 2414073 Fax: 02-2410515**

**E-mail: edfrin@yahoo.com Website: www.frin.gov.ng**

Ref. No FR/CG.500/S.2/II/374

Date 15<sup>th</sup> January, 2019

Founder, BOT Chairman and Coordinator  
Elites Network For Sustainable Development (ENetSuD)  
Pepsi Building, Mejindadi Street  
Oja-Iya-Ita-Amodu Road  
Taiwo Area, Ilorin  
Kwara State

**ATTENTION: Director of Investigation and Public Petition**

**RE: REQUEST FOR INFORMATION ON THE 2017 ZONAL INTERVENTION PROJECTS EXECUTION STATUS**

Your request for access on the above subject matter was received by our office on 8<sup>th</sup> January, 2019.

We have perused our records in relation to your request for information made under the Freedom of Information Act, 2011.

You requested information about the 2017 zonal intervention projects in Kwara State and the information was duly provided in the attachment to our letter of 21<sup>st</sup> November, 2018 with ref No FR/CG.500/S.2/II/364 (for ease of reference, the document has been attached again and marked annexure A).

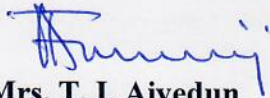
It is the policy of the Institute to facilitate access to public records in accordance to the laws of the Federal Republic of Nigeria and also to protect public records and information to the extent consistent with the public interest where applicable.

Hence, I am attaching an "index of Information" (marked annexure B) relating to your request on the above captioned subject. It includes a general description of each of the information you requested and indicates whether access is being granted or denied. It also indicates the information which has already been provided to you where applicable. Where access is either granted in part or denied, the

“Section(s) Applied” column indicates which section of the Act is being used to exempt all or part of that record. If an exemption is being applied, refer to the “Comments/Explanations” column. I have also attached a part of the Freedom of Information Act, to explain why some information has not been provided (see annexure C).

Please accept the esteemed regards of the Director General, Forestry Research Institute of Nigeria.

Thank you



**Mrs. T. I. Aiyedun**

**General Services and Procurement Department**

**For: DIRECTOR GENERAL**

**FORESTRY RESEARCH INSTITUTE OF NIGERIA**



**FORESTRY RESEARCH INSTITUTE OF NIGERIA**  
**FOREST HILL, JERICHO, P.M.B. 5054 IBADAN, NIGERIA**

**STATUS REPORT OF 2017 CONSTITUENCY PROJECTS IN KWARA STATE**

S/ N	PROJECT TITLE	PROJECT LOCATION	CONTACTOR	APPROPRIATION	CONTRACT SUM	PROJECT DURATION	TOTAL PAYMENT MADE	% COMPLETION
1.	Production of Forest Utilization Products Facilities for Patigi LGA of Kwara State	Patigi	Optional Concept Limited	₦ 80,000,000.00	₦ 79,989,000.00	8 Weeks	₦ 57,337,297.50	71.68%
2.	Biological Control of Degraded Offa-Ojoku-Afon Road in Kwara South Senatorial District, Kwara State	Offa-Ojoku-Afon Road (Igbawewe Road)	Ajoro International Investment Nigeria Limited	₦ 180,000,000.00	₦ 164,855,250.00	10 Weeks	₦ 118,335,571.88	71.78%
3.	Biological Control of Degraded Small Roads in Various Locations of Kwara South Senatorial District, Kwara State	Ikotun-Afon	Besta Project Ltd	₦ 70,000,000.00	₦ 69,993,262.50	10 Weeks	₦ 49,654,127.35	70.94%
4.	Biological Control of Afon-Okesho-Ojoku-Ikotun Road in Asa And Oyun LGAs, Kwara State	Afon-Okesho-Ojoku-Ikotun (Igbawewe to Ojoku Road)	Waterfall Prime Trust Ltd	₦ 220,000,000.00	₦ 219,991,800.00	12 Weeks	₦ 156,041,612.50	70.93%

# ANNEXURE B

S/N	INFORMATION REQUESTED	STATUS OF REQUEST (INFORMATION EARLIER PROVIDED/ YET TO BE PROVIDED)	RELEASE YES OR NO	SECTIONS APPLIED	COMMENTS/ EXPLANATIONS
1.	Amount released to contractor	<b>Information already provided,</b> inclusive of the identity of the contractor and the amount budgeted for each of the approved projects. <b>See Annexure A columns 4, 5 and 8</b>	Y		The “total payment made” refers to the gross payment made to the contractor.
2.	The technical details of each stage of funds released		N	15 (1) (a) & (b)	Funds were released based on the physical inspection of the project which is still ongoing at the stated locations
3.	The Bill of Engineering Measurement and Evaluation (BEME) of each project		N	15 (1) (a) & (b)	
4.	The exact location (s) of the projects 1 and 3 in the letter under reference	<b>Information already provided.</b> See Annexure A column 3	Y		Project 1 – Patigi Project 3 – Ikotun to Ojoku to Afon





## Freedom of Information Act 2011




Laws of the Federation of Nigeria

### Arrangement of Sections

- |   |   |   |
|---|---|---|
| 1. Rights of access to records.   | 2. Information about public institution.                      | 3. Request for access to records                                |
| 4. Time for granting or refusing application  | 5. Transfer of application                                    | 6. Extension of time limit for granting or refusing application |
| 7. Where access is refused.   | 8. Fees.  | 9. Record keeping and maintenance of records                    |
| 10. Destruction or falsification of records   | 11. Exemption of international affairs and defence.           | 12. Exemption of law enforcement and investigation.             |
| 13. Training of officials on the right to information and on the effective implementation of this Act | 14. Exemption of personal information.                        | ✓ 15. Exemption of third party information.                     |
| 16. Exemption of personal or other privileges conferred by law.                                       | 17. Exemption of course or research material.                 | 18. Severability.   |
| 19. Denial by a public institution to disclose records.   | 20. Judicial review.  | 21. Hearing in a summary way.                                   |
| 22. Access to information by the Court.   | 23. Court to take precautions against disclosing information. | 24. Burden of proof.  |
| 25. Order to disclose information.  | 26. Exempted materials.                                       | 27. Protection of public officers.                              |
| 28. Documents under classification.   | 29. Submission of reports.                                    | 30. Complimentary procedures.                                   |
| 31. Interpretation.   | 32. Citation.   |   |



- (2) A public institution shall disclose any information that contains personal information if -
- (a) the individual to whom it relates consents to the disclosure; or
  - (b) the information is publicly available
- (3) Where disclosure of any information referred to in this section would be in the public interest, and if the public interest in the disclosure of such information clearly outweighs the protection of the privacy of the individual to whom such information relates, the public institution to whom request for disclosure is made shall disclose such information subject to Section 14 (2) of this Act.

-  15. (1) A public institution shall deny an application for information that contains-
-  (a) trade secrets and commercial or financial information obtained from a person or business where such trade secrets or information are proprietary, privileged or confidential, or where disclosure of such trade secrets or information may cause harm to the interests of the third party provided that nothing contained in this subsection shall be construed as preventing a person or business from consenting to disclosure;
  -  (b) information the disclosure of which could reasonably be expected to interfere with the contractual or other negotiations of a third party; and
  - (c) proposal and bids for any contract, grants, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person.
- (2) A public institution shall, notwithstanding subsection (1), deny disclosure of a part of a record if that part contains the result or product of environmental testing carried out by or on behalf of a public institution.
- (3) Where the public institution discloses information, or a part thereof, that contains the results of a product or environmental testing, the institution shall at the same time as the information or part thereof is disclosed provide the applicant with a written explanation of the methods used in conducting the test.
- (4) A public institution shall disclose any information described in subsection (1) of this section if that disclosure would be in the public interest as it relates to public health, public safety or protection of the environment and, if the public interest in the disclosure clearly outweighs in importance any financial loss or gain to, or prejudice to the competitive position of or interference with contractual or other negotiation of a third party.
16. A public institution may deny an application for information that is subject to the following privileges -
- (a) legal practitioner-client privilege
  - (b) health workers- client privilege;
  - (c) journalism confidently privilege;
  - (d) any other professional privileges confidently by an Act
17. A public institution may deny an application for information which contains course or research materials prepared by faculty members.
18. Notwithstanding any other provision of this Act, where an application is made to a public institution for information which is exempted from disclosure by virtue of this Act, the institution shall disclose any part of the information that virtue does not contain such exempted information.
19. (1) A public institution may deny an application for information that contains information pertaining to -
- (a) test questions, scoring keys and other examination data used to administer an academic examination or determine the qualifications of an application for a license or employment;
  - (b) architects' and engineers' plans for buildings not constructed in whole or in part with public funds and for buildings constructed with public funds, to the extent that disclosure would compromise security; and



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Phone: +2348067509458

**Our Ref: ENetSuD/FOI/ZIP/01/39**

**Date: 21<sup>st</sup> January, 2019.**

The Director General,  
Forestry Research Institute of Nigeria,  
P.M.B. 5054, Jericho,  
Ibadan,  
Oyo State.

Dear Sir,

**RE: REQUEST FOR INFORMATION ON THE 2017 ZONAL INTERVENTION PROJECTS  
EXECUTION STATUS**

Your response dated 15<sup>th</sup> January, 2019 and referenced FR/CG.500/S.2/II/374 on the above subject matter was received by us on 17<sup>th</sup> January, 2019.

We will like to further state as follow:

1. The exact location of the “Production of Forest Utilization Products Facilities for Patigi LGA of Kwara State” is not yet known to us. Kindly note that Patigi LGA is large. Therefore, we need you to specify where exactly in Patigi this project can be sighted, as it is difficult for our Directorate of Investigation and Public Petition to verify the project execution.
2. Our physical visit to **Offa-Ojoku-Afon road** shows that:
  - a) the road was constructed between General Hospital, Offa to Federal Polytechnic Offa gate
  - b) there was no road construction between Federal Polytechnic Offa gate to Igbawewe
  - c) the road construction started again from Igbawewe and did not even reach Ojoku
  - d) there was a very short construction within Ojoku town
  - e) there was no road construction from Ojoku to Afon

3. In addition to paragraph “2”, we are aware of a fresh appropriation of another Eighty Million Naira (N80,000,000) for the same **Offa-Ojoku-Afon road** in the 2018 Zonal Intervention Project, which was captured as a project to be executed again by your Institute.
4. Apart from Offa-Ojoku-Afon road mentioned above, our physical visit to **Ikotun-Ojoku-Afon road** shows that NO CONSTRUCTION has been done on this road despite the release of Forty-Nine Million, Six Hundred and Fifty-Four Thousand, One Hundred and Twenty-Seven Naira (N49,654,127.35), which is contrary to the 70.94% completion that you reported.
5. Our physical visit to **Afon-Okesho-Ojoku-Ikotun road** shows that NO CONSTRUCTION has been done on this road despite the release of One Hundred and Fifty-Six Million, Forty-One Thousand Six Hundred and Twelve Naira (N156,041,612.5), which is contrary to the 70.93% completion that you reported. This road seems to have the same nomenclature and description as that mentioned in paragraph “4” above.

**TAKE NOTICE that:**

- i. Your decision to deny us access to the Technical Details, Bill of Engineering Measurement and Evaluation (BEME), and certificate of Valuation (CV) of the projects under consideration is not envisaged and supported by section 15 subsections 1a and 1b that you relied on. All the required information is neither trade secrets nor supposed to be confidential, and their disclosure cannot cause any harm to the interest of the third party. The disclosure of the above-mentioned information cannot also reasonably interfere with the contractual or other negotiations of the third party.
- ii. You may wish to note that Section 12 Subsection 1 Paragraph a(v) of FOI Act has further overridden section 15 that you relied on. It states that “a public institution may deny an application for any information which constitutes an invasion of personal privacy under section 15 of this Act, *except, where the interest of the public would be better served by having such record being made available, this exception to disclosure shall not apply.*”



- iii. Section 12 subsection 2 of the Freedom of Information Act 2011 that states *“notwithstanding anything contained in this section, an application for information shall not be denied where the public interest in disclosing the information outweighs whatever injury that disclosure would cause”*
- iv. Section 18 of FOI Act 2011 states that *“notwithstanding any other provision of this Act, where an application is made to a public institution for information which is exempted from disclosure by virtue of this Act, the institution shall disclose any part of the information that virtue does not contain such exempted information.*

In conclusion, we are relying on the above-mentioned sections and other relevant sections of FOI Act 2011 to demand for the following information:

1. The technical details of each stage of funds that you released to each contractor
2. The Bill of Engineering Measurement and Evaluation (BEME) of each project
3. The Certificate of Valuation (CV) that you raised to pay the contractor for each project
4. The exact place(s) within Patigi LGA of Kwara State where we can verify the Production of Forest Utilization Products Facilities for Patigi LGA.

While awaiting your response via our email ([info@enetsud.org](mailto:info@enetsud.org)) within the 7 days period stipulated under the Freedom of Information (FOI) Act 2011, please be assured of our esteem regards.



**For: Lukman Raji Esq.,**  
Director of Legal Services