

PROJECT FACILITATION FUND EXECUTIVE ORDER

For NIGER STATE

ON THE ESTABLISHMENT OF THE NIGER STATE PROJECT FACILITATION FUND FOR PUBLIC-PRIVATE PARTNERSHIP PROJECTS

WHEREAS the Niger State Government is committed to accelerating infrastructure development and service delivery through Public-Private Partnerships (PPPs).

AND WHEREAS, there is a need to establish a dedicated funding mechanism to support the preparation, development, and implementation of viable PPP projects in the State.

AND WHEREAS, the establishment of a Project Facilitation Fund is necessary to provide financial support for project preparation activities, viability gap funding, and contingent liability management.

AND WHEREAS, international best practices demonstrate the importance of dedicated PPP financing mechanisms.

AND WHEREAS, it is in the public interest to ensure sustainable financing for PPP project development to deliver quality infrastructure and services to the people of Niger State.

NOW THEREFORE, by virtue of the powers vested in me as Governor of Niger State under Section 5(2) of the Constitution of the Federal Republic of Nigeria 1999 (as amended). I, **Mohammed Umar Bago**, Governor of Niger State, hereby make the following Executive Order:

PART I: PRELIMINARY PROVISIONS

1. TITLE AND COMMENCEMENT

This Executive Order may be cited as the **Niger State Project Facilitation Fund Executive Order, 2025** and shall come into force on the date of its signing.

2. INTERPRETATION

In this Executive Order, unless the context otherwise requires:

"Act" means the Niger State Public-Private Partnership (PPP) Law or any successor legislation thereto.

"Contracting Authority" means any Ministry, Department, Agency, or Local Government Council authorized to enter into PPP agreements.

"Estimated Capital Investment" means the sum of the estimated costs assigned to each project at the time of approval of the project for entry into the pipeline.

"Fund" or **"PFF"** means the Niger State Project Facilitation Fund established under this Order.

"Pipeline" means the approved list of PPP projects scheduled for development in a specified fiscal year.

"PPP" or **"Public-Private Partnership"** means a contractual arrangement between a public entity and a private party for the provision of public infrastructure or services.

"Project Development Costs" includes feasibility studies, transaction advisory services, legal fees, environmental and social impact assessments, and other preparatory expenses.

"State Executive Council" means the Executive Council of Niger State.

"Total Pipeline" means the aggregate estimated capital investment of all approved PPP projects for the financial year under consideration.

"Viability Gap Funding" means capital or financial support provided to economically viable but financially unviable projects to enhance bankability.

PART II: ESTABLISHMENT AND GOVERNANCE OF THE FUND

3. ESTABLISHMENT OF THE PROJECT FACILITATION FUND

1. There is hereby established a fund to be known as the **Niger State Project Facilitation Fund**.
2. The Fund shall be a special-purpose fund dedicated exclusively to supporting PPP project preparation, development, and implementation.
3. The Fund shall be managed by Niger State Public-Private Partnership Unit under the supervision of Niger state Executive Council (SEC).

4. LEGAL STATUS

1. The Fund shall operate as a **state-issued legal and administrative instrument** for the formal establishment, management, and operation of PPP financing mechanisms.
2. This Executive Order serves as the official document that:
 - Records and mandates the formal establishment of the Project Facilitation Fund.
 - Secures the associated rights and obligations of all stakeholders.
 - Provides legal authority for fund operations and disbursements.

5. GOVERNANCE STRUCTURE

1. The Fund shall be governed by a **Project Facilitation Fund Committee** comprising:
 - a) Commissioner for Finance (Chairman)
 - b) Commissioner for Economic Planning and Budget
 - c) Head of Niger State PPP Unit
 - d) Attorney-General or representative
 - e) Accountant-General or representative
 - f) Representative of the State Debt Management Office
 - g) Two other members appointed by the Governor
2. The Committee shall be responsible for:
 - a) Overseeing fund management and disbursement
 - b) Approving funding applications
 - c) Monitoring fund utilization and performance
 - d) Ensuring compliance with this Order

6. FUND SECRETARIAT

1. A Secretariat shall be established within Niger State Public-Private Partnership Unit to administer the Fund.
2. The Secretariat shall be headed by a Fund Manager appointed by the Governor.
3. The Secretariat's functions shall include:
 - Processing funding applications
 - Maintaining fund records and accounts
 - Preparing periodic reports
 - Ensuring transparent fund operations

PART III: INITIAL CAPITALIZATION AND MINIMUM FUNDING REQUIREMENT

7. INITIAL CAPITALIZATION

4. **11. (1)** The Fund shall be initially capitalized with a minimum amount representing 3% (three per cent) of the Total Pipeline for the financial year under consideration.
5. **12. (2)** For the purposes of this Order, "**Total Pipeline**" means the aggregate estimated capital investment of all PPP projects approved and scheduled for development during any given financial year.
6. **13. (3)** Only funding for projects slated to be developed in the current financial year shall be counted toward the 3% minimum requirement, and not the entire multi-year pipeline.

8. CALCULATION OF MINIMUM FUNDING

14. **(1)** The minimum funding shall be calculated using the formula:

Minimum Fund Size = 3% × Total Pipeline

Where Total Pipeline is the aggregate estimated capital investment of all PPP projects approved and scheduled for development during the financial year under consideration.

- (2) Illustrative example:

- Where the Total Pipeline for a financial year equals ₦50 billion
- The Minimum PFF funding shall be: 3% × ₦50 billion = ₦1.5 billion

- (3) The Estimated Capital Investment for each project shall be determined at the time of approval for entry into the pipeline and shall include all anticipated capital costs.

9. DEMONSTRATION OF FUNDING INTENTION

15. (1) The State shall demonstrate its commitment to providing funds covering a minimum of 3% of the estimated capital investments of the Total Pipeline for each financial year.
- (2) Such commitment may be evidenced through any of the following:
- a) Budget appropriation in the State's annual or supplementary budget.
 - b) Treasury warrant or cash backing.
 - c) Letter of commitment from the Honourable Commissioner for Finance.
 - d) Dedicated revenue allocation from identified sources.
 - e) Any other verifiable financial commitment instrument approved by the State Executive Council.
- (3) The funding commitment shall be documented within 30 days and publicly disclosed within 40 days of the commencement of this Order.

PART IV: SOURCES OF REVENUE

10. FUND REVENUE SOURCES

The Fund shall be financed from the following sources:

16. (1) **Budgetary Allocation:** Annual appropriations from the State Government budget;
- (2) **Internally Generated Revenue (IGR):** A dedicated percentage of specified IGR streams;
- (3) **Grants and Donations:** Financial support from development partners, multilateral institutions, and donor agencies;
- (4) **Success Fees:** Fees paid by project companies upon successful project financial close;
- (5) **Levies or Tariffs:** Where applicable, specified levies imposed on project revenues;
- (6) **Recoverable Advances:** Refunds from Contracting Authorities for certain categories of funding;
- (7) **Investment Returns:** Returns from prudent investment of fund balances;
- (8) **Federal Government Support:** Allocations, grants, or matching funds from federal agencies;
- (9) **Private Sector Contributions:** Voluntary contributions or cost-sharing arrangements;
- (10) **Other Sources:** Any other lawful source as may be approved by the State Executive Council.

PART V: SUPPORT WINDOWS

11. ESTABLISHMENT OF SUPPORT WINDOWS

The Fund shall operate through the following **four (4) support windows**:

- **WINDOW 1: PROJECT PREPARATION SUPPORT**
- **WINDOW 2: SUPPORT TO PPP DIRECTORATE/UNIT**
- **WINDOW 3: VIABILITY GAP FUNDING (VGF)**
- **WINDOW 4: CONTINGENT LIABILITY SUPPORT**

12. WINDOW 1 – PROJECT PREPARATION SUPPORT

(1) Objective

To provide financial support to Contracting Authorities during the preparation and development stage of PPP projects.

(2) Eligible Activities

Funds from this window may be applied to meet the costs of:

a) Land Acquisition and Compensation

- Land acquisition costs
- Compensation for affected persons
- Resettlement expenses
- Environmental remediation

b) Consultancy Services

- Feasibility studies
- Pre-feasibility assessments
- Market sounding studies
- Technical studies (engineering, environmental, social)

c) Transaction Advisory Services

- Procurement process management
- Project structuring and financial modeling
- Tender documentation preparation
- Due diligence support
- Legal advisory services

d) **Tender Process Costs**

- Project advertisements and marketing
- Communication and stakeholder engagement
- Tender documentation production
- Bid evaluation support

e) **Other Approved Preparation Activities**

- Any other project preparation activities approved by the PFF Committee

(3) Recoverability Provisions

a) **Land Acquisition Costs** (Fully Recoverable)

- All support provided for land acquisition, compensation, resettlement, and environmental remediation shall be **recoverable**.
- Contracting Authorities shall refund such amounts to the Fund within the **immediate next budgeting cycle** following disbursement.

b) **Transaction Advisory Costs** (Conditionally Recoverable)

- Support for transaction advisory and tender process costs (items c and d above) may be recoverable based on:
- Guidelines issued by the PFF Committee
- Terms of the Funding Agreement between the Contracting Authority and the Fund
- Success fee arrangements with preferred bidders

c) **Consultancy Costs** (Generally Non-Recoverable)

- Support for feasibility studies and technical consultancy (item b) shall generally be non-recoverable unless otherwise specified in the Funding Agreement.

13. WINDOW 2 – SUPPORT TO PPP DIRECTORATE/UNIT

(1) Objective

To provide dedicated funding for the operational and capacity building needs of the State PPP Unit/Directorate to enable it to fulfill its mandate effectively.

(2) Eligible Activities

Funds from this window may be applied to:

a) **Consultancy Services**

- Technical advisory support
- Specialized expertise engagement
- Legal and financial advisory

b) **Capacity Building**

- Staff training and development
- Workshops and seminars
- Study tours and knowledge exchange
- Certification programs

c) **Infrastructure and Equipment**

- Office equipment and furniture
- IT systems and software
- Communication infrastructure

d) **Research and Development**

- PPP market research
- Policy development studies
- Sectoral assessments
- Best practice documentation

e) **Knowledge Management**

- Development of knowledge management systems
- Documentation and archiving
- Database development and maintenance
- Publications and communications materials

f) **Operational Costs**

- Recurrent operational expenses for the Fund Secretariat
- Maintenance costs for PPP Unit operations
- Administrative support services

(3) Recoverability

Support under this window shall be **non-recoverable** and shall be treated as investment in institutional capacity development.

14. WINDOW 3 – VIABILITY GAP FUNDING (VGF)

(1) Objective

To provide financial support to economically viable but financially unviable PPP projects to enhance their bankability and attract private sector investment.

(2) Definition of Viability Gap

Viability Gap Funding refers to financial assistance provided to infrastructure projects that:

- Are economically viable (generate positive net present value to society)
- Fall short of being financially viable (insufficient returns to attract private investment)
- Require limited government support to achieve financial viability

(3) Forms of Support

Support under this window may be made by way of:

- a) **Capital Grants:** One-time or phased grants during project construction
- b) **Recoverable Advances:** Loans or advances to Contracting Authorities
- c) **Equity Participation:** Direct or indirect equity investment in project companies
- d) **Loan Facilities:** Concessional loans with favorable terms
- e) **Other Financial Instruments:** Any other instrument deemed appropriate and approved by the PFF Committee

(4) Eligible Projects

This window shall only be available to support:

- a) **Project capital costs:** Construction and development expenses
- b) **Recoverable land acquisition costs:** Land-related expenses critical to project viability

(5) VGF Limitations

Projects requiring **more than 50% (fifty percent)** Viability Gap Funding shall **not be eligible** for support under this window.

(6) Recoverability Terms

The recoverability of VGF shall be determined on a case-by-case basis as specified in:

- The project agreement
- The Funding Agreement with the Contracting Authority
- Guidelines issued by the PFF Committee

15. WINDOW 4 – CONTINGENT LIABILITY SUPPORT

(1) Objective

To provide a liquid source to meet short-term liquidity gaps arising from contingent liabilities under PPP project agreements.

(2) Definition of Contingent Liability

Contingent liability means a potential financial obligation that may arise from:

- Government guarantees under PPP agreements
- Demand risk undertakings
- Minimum revenue guarantees
- Foreign exchange risk sharing
- Political force majeure events
- Other contingent obligations specified in project agreements

(3) Eligibility Criteria

This window shall only be available to support projects where the contingent liability:

- a) Cannot be handled by the State Treasury under alternative frameworks
- b) Cannot be handled under the State Government Contingency Fund
- c) Does not arise from a contracted obligation for which budgetary allocation has been made to the Contracting Authority
- d) Materializes from a State Government default which is not recoverable from the Contracting Authority

(4) Contracting Authority Defaults

(a) Contingent liabilities arising from Contracting Authority defaults shall remain the **primary responsibility of the Contracting Authority** to settle.

(b) As a last resort, in exceptional circumstances, a Contracting Authority may apply to the Fund for a **recoverable advance** to settle such liabilities.

(c) Such recoverable advances shall be refunded to the Fund in the **immediate subsequent budget cycle**.

(5) Reporting Requirements

Contracting Authorities shall, in conjunction with Niger State Ministry of Finance, submit **annually** to the Fund Manager:

- a) Estimates of contingent liabilities arising from their eligible projects
- b) Assessment of potential short-term liquidity gaps
- c) Risk mitigation measures in place
- d) Updates on materialization of contingent events

(6) Recoverability

(a) Where payments are made to meet materialized contingent liabilities upon the request of a Contracting Authority, the Contracting Authority shall refund the monies paid in its **immediate subsequent budget cycle**, unless otherwise determined by the PFF Committee.

(b) Contingent liabilities that are neither the responsibility of the Contracting Authority nor the private party, and which arise from force majeure or government actions, may be settled from the Fund without obligation of refund, subject to guidelines issued by the PFF Committee.

PART VI: ELIGIBILITY CRITERIA

16. GENERAL ELIGIBILITY REQUIREMENTS

All applications for Fund support must demonstrate:

- (1) **Project Approval:** The project has been approved for inclusion in the State PPP pipeline
- (2) **Compliance:** Adherence to all applicable laws, regulations, and guidelines
- (3) **Value for Money:** Evidence that the PPP approach offers superior value compared to traditional procurement
- (4) **Fiscal Sustainability:** Confirmation that fiscal commitments are affordable and sustainable
- (5) **Priority Alignment:** Consistency with State development priorities and sector strategies

17. SPECIFIC ELIGIBILITY CRITERIA BY WINDOW

(A) PROJECT PREPARATION SUPPORT WINDOW

Contracting Authorities seeking support under this window must demonstrate:

For Feasibility Study Support:

- Evidence that the project has been included in the approved PPP project list
- Confirmation that the Contracting Authority has engaged or intends to engage an approved transaction advisor
- Project proposal approval letter from the Niger State Public-Private Partnership Steering Committee, acting on the recommendation of the Niger State PPP Unit

For Land Acquisition and Associated Matters:

- Approved feasibility study demonstrating land acquisition requirements
- Detailed compensation and resettlement plan
- Environmental and social impact assessment where applicable
- Feasibility study approval letter

For Tender Process Support:

- Approved feasibility study
- Confirmation of engagement or intended engagement of approved transaction advisor
- Approval to proceed to tender stage
- Completed Value for Money assessment

(B) VIABILITY GAP FUNDING WINDOW

To be eligible for support under this window, projects must demonstrate:

- (1) **Approved Feasibility Study:** Comprehensive feasibility study approved by PPP Steering Committee, on recommendation of the PPP Unit
- (2) **Approved Risk Assessment:** Project and financial risk assessment report approved by Debt Management Office (DMO)
- (3) **User Fee/Tariff Structure:** PPP project agreement structured such that the private sector's compensation relies on user fees or tariffs
- (4) **Private Sector Control:** The private company holds and controls at least 51% of the subscribed and paid-up equity in the Special Purpose Vehicle
- (5) **Competitive Selection:** The private party was selected through an open competitive bidding process
- (6) **Private Financing:** The private party is responsible for financing construction, maintenance, and operation of the project
- (7) **VGF Limit:** The project requires not more than 50% VGF of total project cost

(8) **Contingent Liability Assessment:** Contingent liability requirements estimated and approved by the DMO at feasibility study stage and re-confirmed prior to contract execution

(Variation Clause)

If there is a variation to the project agreement affecting the project's financial risk and contingent liability profile, the approval of the Niger State Debt Management Office and the PPP Steering committee, with SEC confirmation where material shall be sought and obtained prior to variation to maintain eligibility.

(C) CONTINGENT LIABILITY WINDOW

To be eligible for support under this window, Contracting Authorities must demonstrate:

- (1) **Annual Submission:** Preparation and submission, in conjunction with Niger State Debt Management Office, of **annual estimates** of contingent liabilities for their projects
- (2) **Remittance Requirement:** Remittance of a specified percentage of estimated contingent liability funding requirements as prescribed by guidelines
- (3) **Approved Funding Requirement:** Evidence of approval of the project's Contingent Liability Funding Requirement (approval letter from relevant authority)
- (4) **Prior Notification:** Evidence that the contingent liability was notified to the Fund:
 - Upon execution of the project agreement, or
 - As a consequence of variation to the project agreement during implementation
- (5) **Materialization Evidence:** Clear demonstration that the contingent liability has materialized with supporting documentation

18. EXCLUSIONS FROM FUND SUPPORT

The Fund shall **NOT** be used to support:

- (1) **Unsolicited/Private Initiated Proposals (PIIPs)** for Viability Gap Funding

Note: PIIPs may access other windows subject to meeting eligibility criteria

- (2) **Pre-existing Projects:** Projects procured before the commencement of this Order or relevant PPP legislation
- (3) **Non-viable Projects:** Projects assessed as economically unviable
- (4) **Non-compliant Projects:** Projects that do not comply with State PPP laws, regulations, or guidelines
- (5) **Recurrent Operational Costs:** Ongoing operational expenses of completed projects (except Window 2)
- (6) **Debt Service:** Loan repayments or debt servicing obligations

(7) **Penalties and Damages:** Fines, penalties, or contractual damages arising from government breach

(8) **Political or Vanity Projects:** Projects lacking clear economic or social justification

PART VII: APPLICATION AND APPROVAL PROCESS

19. APPLICATION REQUIREMENTS

17. (1) All applications for Fund support shall be made in the **prescribed form** available from the Fund Secretariat.

(2) Applications must be accompanied by:

- Completed application form
- Project information memorandum
- Relevant evidentiary documents as specified in Section 17
- Contracting Authority resolution or approval
- Budget provision evidence (where applicable)
- Any other documents specified by the PFF Committee

20. APPLICATION PROCESS BY WINDOW

WINDOW 1: Project Preparation Support

- Submit prescribed application form
- Attach project proposal approval letter
- Provide evidence of transaction advisor engagement (or intention)
- Include approved feasibility study (for land acquisition/tender support)
- Submit detailed cost estimates

WINDOW 2: PPP Directorate Support

- Submit prescribed application form
- Attach approved annual budget estimates of PPP Unit
- Provide activity implementation plan
- Include procurement plan (where applicable)

WINDOW 3: Viability Gap Funding

- Submit prescribed application form
- Attach signed PPP project agreement
- Provide approved VGF requirement documentation
- Include financial model demonstrating viability gap
- Submit preferred bidder selection documentation
- Provide evidence of private sector equity commitment

WINDOW 4: Contingent Liability Support

- Submit prescribed application form
- Attach approved contingent liability funding requirement
- Provide evidence of Fund notification (original project agreement or variation)
- Include clear evidence that liability has materialized
- Submit supporting documentation (demand notices, arbitration awards, etc.)

21. REVIEW AND APPROVAL PROCESS

18. (1) Initial Review (5 working days)

- Fund Secretariat conducts completeness check
- Requests additional information if necessary
- Acknowledges receipt and provides timeline

(2) Technical Evaluation (15 working days)

- Detailed assessment of eligibility criteria
- Financial analysis and due diligence
- Risk assessment
- Preparation of evaluation report

(3) Committee Consideration (Next scheduled meeting)

- Presentation of evaluation report
- Committee deliberation
- Decision on approval, rejection, or conditional approval
- Specification of terms and conditions

(4) Notification (3 working days after Committee decision)

- Written notification to applicant
- Specification of approved amount and conditions
- Outline of next steps

(5) Funding Agreement (10 working days after approval)

- Negotiation and execution of Funding Agreement
- Specification of disbursement schedule
- Definition of monitoring and reporting requirements
- Agreement on recoverability terms (where applicable)

22. PRIORITIZATION CRITERIA

Where multiple applications compete for limited resources, the Fund shall apply the following prioritization criteria:

- (1) **First Come, First Served:** Priority based on date of complete application submission
- (2) **Co-funding Capacity:** Extent to which the Contracting Authority can co-fund the requested support
- (3) **Economic Impact:** Potential economic benefits and job creation
- (4) **Value for Money:** Demonstrated value for money and efficiency gains
- (5) **Equitable Distribution:** Balanced distribution of support across sectors and regions of the State
- (6) **VGF Quantum:** Impact of VGF quantum on continued availability of Fund resources for other projects
- (7) **Track Record:** Contracting Authority's history of:
 - Compliance with PPP laws and regulations
 - Effective use of prior Fund support
 - Timely refund of recoverable advances
19. (8) **Strategic Priority:** Alignment with State's strategic development priorities
20. (9) **Readiness:** Level of project preparedness and likelihood of timely implementation
21. (10) **Social Impact:** Contribution to social development and poverty reduction

PART VIII: DISBURSEMENT AND UTILIZATION

23. DISBURSEMENT PROCEDURES

22. (1) Disbursements from the Fund shall be made only after:

- Approval by the PFF Committee
- Execution of Funding Agreement
- Satisfaction of any conditions precedent
- Verification of utilization of prior tranches (for phased disbursements)

(2) Disbursements shall be made in accordance with the approved disbursement schedule and subject to:

- Availability of funds
- Progress milestones achievement
- Submission of required documentation
- Compliance with Funding Agreement terms

(3) The Fund Manager shall ensure proper authorization and documentation of all disbursements.

24. UTILIZATION AND MONITORING

(1) All funds disbursed shall be used **strictly for the approved purpose** as specified in the Funding Agreement.

(2) Contracting Authorities shall:

- Maintain separate accounting for Fund resources
- Submit quarterly utilization reports
- Provide access to Fund auditors
- Report immediately any material deviations

(3) The Fund Secretariat shall conduct:

- Regular monitoring of fund utilization
- Site visits and physical verification (where applicable)
- Financial audits
- Performance assessments

25. REFUND OF RECOVERABLE ADVANCES

(1) Contracting Authorities shall refund recoverable advances as specified in the Funding Agreement.

(2) Refunds shall be remitted to the Fund account within the stipulated timelines.

(3) Failure to refund within the specified period may result in:

- Deduction from the Contracting Authority's budget allocation
- Suspension from accessing future Fund support
- Interest charges as may be prescribed
- Other sanctions as determined by the PFF Committee

PART IX: ACCOUNTABILITY AND REPORTING

26. ACCOUNTING AND RECORD KEEPING

(1) Records on the Fund's revenue and expenditure shall be kept and maintained in accordance with:

- Applicable financial regulations
- Generally accepted accounting principles
- International public sector accounting standards

(2) The Fund shall maintain:

- Proper books of account
- Asset registers
- Application and approval registers
- Disbursement records
- Refund and recovery records

27. AUDIT REQUIREMENTS

(1) The Fund shall be subject to **annual audit** by:

- The State Auditor-General
- Any other auditor as may be appointed by the Governor

(2) Audit reports shall be:

- Submitted to the Governor within 90 days of fiscal year end
- Presented to the State Executive Council
- Made available to the State House of Assembly
- Published on the State government website

(3) Special audits may be conducted at any time as directed by the Governor or State Executive Council.

28. REPORTING REQUIREMENTS

(1) **Quarterly Reports:** The Fund Manager shall submit quarterly reports to the PFF Committee covering:

- Applications received and processed
- Approvals and disbursements made
- Fund balance and revenue received
- Refunds and recoveries

- Outstanding obligations
 - Challenges and recommendations
- (2) **Annual Reports:** Comprehensive annual reports shall be prepared and submitted to:
- The Governor
 - State Executive Council
 - State House of Assembly
 - Made publicly available
- (3) **Ad-hoc Reports:** Special reports shall be prepared as may be requested by the Governor or State Executive Council.

29. TRANSPARENCY AND DISCLOSURE

(1) The Fund shall operate with utmost transparency and shall:

- Publish application guidelines and procedures
- Disclose approved applications and amounts (subject to confidentiality provisions)
- Make annual reports publicly available
- Maintain an accessible project database

(2) Information that may be exempted from disclosure includes:

- Commercially sensitive information
- Proprietary technical information
- Information subject to confidentiality agreements
- Personal data protected by law

PART X: MISCELLANEOUS PROVISIONS

30. INVESTMENT OF FUND BALANCES

(1) Unutilized Fund balances may be prudently invested in:

- Government securities
- Fixed deposits with licensed banks
- Other low-risk instruments approved by the PFF Committee

(2) Investment returns shall accrue to the Fund and be used for Fund purposes.

31. SANCTIONS FOR MISUSE

(1) Any person who:

- Provides false information in Fund applications
- Misuses Fund resources

- Diverts funds from approved purposes
- Fails to refund recoverable advances

Shall be subject to:

- Immediate suspension from Fund access
- Recovery of disbursed amounts
- Referral to appropriate law enforcement agencies
- Any other sanctions prescribed by law

32. AMENDMENT OF THE ORDER

(1) This Executive Order may be amended by the Governor through a supplementary Executive Order.

(2) Guidelines and operational procedures may be issued, amended, or revoked by the PFF Committee to give effect to this Order.

33. REGULATIONS AND GUIDELINES

The PFF Committee may issue regulations and guidelines on:

- Application procedures and forms
- Eligibility assessment criteria
- Disbursement procedures
- Monitoring and evaluation frameworks
- Refund and recovery mechanisms
- Any other matter necessary for Fund operation

34. SAVINGS PROVISION

Nothing in this Order shall affect:

- Existing rights and obligations under prior commitments
- Ongoing projects approved before the commencement of this Order
- The application of other relevant laws and regulations

35. SUPREMACY OF THE ORDER

In case of conflict between this Order and any other administrative directive regarding PPP financing, this Order shall prevail.

36. EFFECTIVE DATE

This Executive Order shall take effect from 12th June 2025 being the date of its signing by the Governor.

PART XI: INITIAL IMPLEMENTATION SCHEDULE

37. IMMEDIATE ACTIONS (Within 30 Days)

(1) Fund Capitalization

- Transfer of initial 3% funding to dedicated Fund account
- Opening of Fund bank account
- Documentation of funding commitment

(2) Establishment of Fund Structures

- Appointment of PFF Committee members
- Designation of Fund Manager
- Establishment of Fund Secretariat

(3) Documentation

- Development of application forms and guidelines
- Preparation of Funding Agreement templates
- Creation of monitoring and reporting templates

38. SHORT-TERM ACTIONS (Within 90 Days)

(1) Operationalization

- Commencement of application processing
- Launch of Fund website/information portal
- Stakeholder sensitization workshops

23. (2) Systems Development

- Establishment of accounting systems
- Development of monitoring and evaluation framework
- Creation of project database

24. (3) Initial Disbursements

- Processing of priority applications
- First disbursements to eligible projects

39. MEDIUM-TERM ACTIONS (Within 180 Days)

(1) Review and Adjustment

- Mid-year review of Fund operations
- Adjustment of procedures based on lessons learned
- Stakeholder feedback incorporation

(2) Reporting

- First quarterly report
- Assessment of funding adequacy
- Recommendations for additional capitalization if needed

PART XII: IMPLEMENTATION RESPONSIBILITIES

40. MINISTRY OF FINANCE

- Overall oversight of Fund operations
- Ensuring timely capitalization
- Budget allocation and releases
- Coordination with Treasury

41. NIGER STATE PUBLIC-PRIVATE PARTNERSHIP UNIT

- Day-to-day Fund management
- Processing applications
- Monitoring and reporting
- Technical advisory support

42. CONTRACTING AUTHORITIES

- Compliance with eligibility requirements
- Proper utilization of disbursed funds
- Timely reporting
- Refund of recoverable advances

43. STATE ATTORNEY-GENERAL

- Legal advice on Fund operations
- Review of Funding Agreements
- Enforcement of recovery actions
- Legislative support where needed

GIVEN under my hand and seal this **12th day of June, 2025**



MOHAMMED UMAR BAGO
Executive Governor,
NIGER STATE