



ONDO STATE

**DEVELOPMENT AND
INVESTMENT PROMOTION AGENCY LAW
(ONDIPA)
2017.**

Long Title

**A LAW TO ESTABLISH THE ONDO STATE DEVELOPMENT AND
INVESTMENT PROMOTION AGENCY AND TO PROVIDE A
REGULATORY FRAMEWORK AND CONDUSIVE ENVIROMENT
FOR INVESTMENT DEVELOPMENT, PROMOTION AND
FACILITATION IN THE STATE AND OTHER MATTERS
CONNECTED THERETO.**

PART I

Preliminary

Citation.

1. This Law may be cited as the Ondo State Development and Investment Promotion Agency Law, (ONDIPA) 2017.

Interpretation

2. In this Law, unless the context otherwise requires:
"Agency" or "ONDIPA" means the Ondo State Development and Investment Promotion Agency established under Section 3 of this Law;
"Board" means the Board of ONDIPA;
"Chairman" means the Chairman of the Board of ONDIPA;
"Committee" means the Committee established by the Board save for the Inter Ministerial Committee;
"Chief Executive Officer" means the Chief Executive Officer of ONDIPA;
"Federal Government" means the Federal Government of Nigeria
"Government" means the Government of Ondo State;
"Governor" means the Governor of Ondo State;
"Member" shall include the Vice Chairman; and
"State" means Ondo State of Nigeria.

PART II

Establishment

3. (1) There is hereby established for the State a body to be known as the Ondo State Investment and Development Promotion Agency (in this Law referred to as "ONDIPA").

- (2) ONDIPA shall be a body corporate with perpetual succession and a common Seal and with power to sue and be sued in its corporate name and to acquire property whether movable or immovable for the purpose of its functions under this Law.
- (3) ONDIPA shall have a head office which shall be based in Ondo State.
- (4) ONDIPA may set up such number of offices in other states of the Federal Republic of Nigeria or outside the shores of the Federal Republic of Nigeria as may be required, with such number of staff needed to run the operations of the office.
- (5) Such offices shall not operate without the necessary approvals obtained from the Board of ONDIPA.

Objective of
ONDIPA

4. The purpose of ONDIPA is to initiate, promote, facilitate, coordinate and create a conducive environment for investments in the State through Greenfield, Brownfield, Public Private Partnerships, privatization, commercialization of State owned assets and concessions, provided that nothing in this law shall be interpreted to affect any existing obligations of Government or any community without adequate compensation to the affected valid title in any land or property in the state.

Functions of
ONDIPA

5. The functions of ONDIPA shall be to:
 - (1) Advise and assist the government in creating an attractive and competitive climate for business that will lead to robust economic activities in the State;
 - (2) Monitor the implementation, execution and delivery of projects as contained in agreements between the Government and respective investors;

- (3) Enter into and participate as an agent of the Government in any such business, project, transaction negotiations or financial arrangement which the Government desires to enter into or participate in its direct capacity as a State and not through any other statutory corporation;
- (4) Act as trustee, hold and dispose of any such property in trust for and on behalf of the Government; however subject to the provisions of the Land Use Act in relation to Land Matters
- (5) Advise and conduct risk or benefit assessment that will assist the Government in decision making and the implementation of all projects and programmes pursuant to the State Investment Promotion Strategy;
- (6) ONDIPA may grant a margin of preference in the evaluation of Expression of Interest when comparing from domestic bidders with those from foreign bidders or when comparing Expression of Interest from domestic suppliers offering services locally with those from foreign suppliers
- (7) Assist the State in building capacity for investment project identification, evaluation, planning, execution and management;
- (8) Source on behalf of the Government, finance for investment from multilateral and bilateral development partners as well as private investors, both domestic and foreign through public private partnerships and other financial arrangements, and where appropriate, act as lead negotiator in transactions with private investors that ensure the needs of the State and those of its citizens are well represented;
- (9) Advise and assist in the establishment of a

framework for monitoring and evaluating the progress of the State's strategic economic investment programmes and projects for effective implementation;

- (10) Foster sustainable economic growth and create job opportunities for the residents of the State.
- (11) Establish a framework for identifying and proactively engaging the Federal Government and its agencies in the investment promotion drive of the State;
- (12) Publish and periodically revise data and information on the investment status of the State in order to assist prospective investors to evaluate the State's potential as a lucrative investment destination;
- (13) Convey, assign, surrender and yield up, accept the surrender of, charge, mortgage, demise, reassign, transfer or otherwise dispose of, or deal with any movable or immovable property vested in ONDIPA;
- (14) Articulate, clear growth and development strategies for providing needed support and appropriate incentives to grow the local private sector and enlarge the economic base of the State in line with the priorities of the State;
- (15) Based on the State's resources focused on the approved ONDIPA strategy, identify and document available land for agricultural, housing, mining, industrial and other uses so that it can be speedily made available to qualified investors in a manner that protects the rights of all stakeholders (land owners, occupiers, communities) and provides opportunities for optimal land use for investment and job creation;
- (16) Advise and assist the government in developing and maintaining a comprehensive and reliable database on investment opportunities for

effective planning especially in areas where the State has demonstrable comparative and competitive advantages;

- (17) Develop a database of reputable prospective and potential investors both in Nigeria and abroad with a view to reaching out to them when opportunities arise;
- (18) Plan well-researched investment promotion activities including tours and road shows aimed at promoting specific investment projects in areas when the State has demonstrable comparative and competitive advantages;
- (19) Act as the State's lead negotiator for all Public Private Partnership models including Build Operate-Transfer, Concession, Privatization Transactions etc. even where they are identified and/or project managed by other Ministries, Departments and Agencies;
- (20) Act as a one-stop resource and coordination centre for all investment related activities;
- (21) Take over existing state projects structures and outfits which fall within its mandate; and even where they are identified and/or project managed by other Ministries, Departments and Agencies;
- (22) Perform such other functions as the Governor may from time to time direct or as may be deemed necessary to achieve its primary purpose under this Law.

Powers of
ONDIPA

6. ONDIPA shall have powers to:

- (1) conclude arrangements with any person for the effective implementation of any programme or project and to enter into such other contracts as it may deem necessary to facilitate its functions under this Law;

- (2) procure, within its budgetary limit, any property or service it may require for the effective discharge of its functions under this Law and to dispose of any such property or terminate any such service;
- (3) request the Head of any Ministry, Department or Agency of the Government to furnish it with any document, explanation or other information it may require for the due execution of its functions under this Law;
- (4) accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person or organization making the gift;
- (5) not accept any gift if the conditions attached by the person or organization offering the gift are inconsistent with the objectives and functions of ONDIPA under this Law;
- (6) regulate its own proceedings;
- (7) insure its property against all forms of risk; and
- (8) do such other things as are reasonably incidental, supplemental or conducive to its functions under this Law.

*Establishment of
the Board*

7. (1) ONDIPA shall have a Board and the Board may consist of the following members:

- i. A Chairman who shall be the Governor of the State;
- ii. A Vice Chairman shall be appointed by the Governor from the private sector who shall be the Chief Executive Officer of ONDIPA and shall be a reputable person with sound knowledge and experience in business and conversant with the Nigeria investment environment.;
- iii. Two Commissioners of the state with

portfolios incidental to development and investment promotion in the state;

- iv. Four (4) persons, two of whom shall be women, to be chosen from various professional backgrounds; and

*Tenure and
Remuneration of
the Board*

8. (1) A member of the Board shall hold office for a term of five (5) years and may be reappointed for a further term of five (5) years. Except for the Chairman/Governor whose tenure ends at the expiration of his Gubernatorial term.

(2) Members of the Board shall be paid such remunerations and allowances as may be approved by the Chairman in accordance with extant guidelines in this regard.

*Functions of the
Board*

9. The functions of the Board shall be to:

- (1) Promote policies and transparent procedures that enable the Government to work with potential investors and business partners to develop the natural resource base and assets of the State;
- (2) Develop appropriate institutional and regulatory framework for investment promotion and facilitation in the State;
- (3) Articulate clear growth strategies for providing needed support and appropriate incentives to grow the local private sector and enlarge the economic base of the State in line with the priorities of the State;
- (4) Develop and implement a comprehensive strategy and action plan to attract and facilitate new investments in the State; and
- (5) To do all things incidental to its functions as stipulated under this law and necessary to give

effect to the entire provisions of this law.

*Establishment
Committee*

10. In addition to such other committee that may be established by the Board for the purpose of performing its function under this law, there is hereby established a body to be known as the Establishment Committee;

(1) The Committee shall comprise the head of Department in ONDIPA and such number of persons as may be determined by the Board.

(2) The Committee shall be charged with the responsibility of making recommendations to the Board in respect of appointments, promotions and exercising disciplinary control over staff of ONDIPA (excluding the Senior Staff that may be seconded to ONDIPA).

*Annual Estimate
and Account*

11. The Board shall cause to be prepared, not later than 30th September in each year, an estimate of the expenditure and income of ONDIPA during the next succeeding year and when prepared, they shall be submitted to the Accountant- General of the State.

Annual Report

12. The Board shall not later than six (6) months immediately following the end of a year-

(1) Submit to the Governor a report on the activities and the administration of ONDIPA during the immediately preceding year and shall include in the report the audited accounts of ONDIPA and the auditor's report on the accounts;

(2) Present and publish the audited annual accounts, auditor's report on the account and reports on the activities of ONDIPA to the Annual Meeting comprising all Stakeholders, and on the State Government Website; and

(3) The Board shall prepare and submit to the Executive

Council not later than the 30th June in each year; a report in such form as may be directed on the activities of the board during the immediate preceding year and shall include in such report a copy of the audited accounts of the Board for that year and the Auditor- General's report thereon.

*Cessation of
Office*

13. The office of a member of the Board shall become vacant where:
- (1) The term of appointment has expired as provided by this Law;
 - (2) At the expiration of one month written notice of resignation has been given to the Governor;
 - (3) The Governor deems it just and equitable or in the overall interest of the Agency to terminate the appointment of any member in order to preserve the sanctity and integrity of the Board and/or its membership;
 - (4) The member ceases to hold any office or qualification by virtue of which he was appointed to serve on the Board.

*Powers of the
Chairman/Gover
nor*

14. (1) The Chairman/Governor may by an executive fiat provide that there shall be vested in ONDIPA, as from the appointed day or such other date as he may determine, any property, rights and liabilities of any other date as aforesaid, being property, rights and liabilities which in agreement or arrangement to which such statutory corporation has been a party only as an agent of the Government.
- (2) Save as provided in subsection 1, nothing in this law shall affect the holding or disposal by, or vesting in, any person or authority of any property by virtue of any other law, or of any arrangement made in that behalf for the time being by the Government.

- (3) The Chairman may give to ONDIPA directives of a general nature as are necessary to make ONDIPA comply with the general policies of Government.

PART III

Functions of the Vice Chairman

15. The Vice chairman shall be the Chief Executive Officer of ONDIPA and shall be responsible for running and implementation of the policies of ONDIPA

(1) The Vice Chairman shall perform the role and functions of the Chairman as may be delegated or assigned to him by the Chairman from time to time;

(2) The Vice Chairman shall pursuant to the objectives of ONDIPA also carry out the following functions;

- i. Prepare a time bound rolling strategy, an annual action plan and budget, based on the functions of ONDIPA for review and approval by the Board;
- ii. Monitor the progress of the strategy and prepare quarterly reports for the Board's review;
- iii. Develop a prioritized comprehensive reform strategy, which identifies roles and responsibilities for reform, time bound targeted action plans, outputs and supporting budgets for effective management and investment promotion;
- iv. Provide information and technical input to the Board for the purpose of defining appropriate policy directions and high-level reform priorities;
- v. Liaise with all Ministries, Departments and Agencies of Government for the purpose of continually collecting, compiling and collating information with

a view to developing an economic database and investment information repository for the State;

- vi. Prepare policy and strategy papers on key investment issues as may be directed by the Board;
- vii. Work with relevant government agencies to periodically review broad sector policies to ensure consistency with economic management and investment promotion initiatives in the State;
- viii. Provide support in the development of feasibility studies on investment projects in small and medium enterprise supported sectors;
- ix. Carry out activities aimed at building the institutional capacities of Ministries, Departments and Agencies of Government and other relevant stakeholders in the area of investment promotion;
- x. Coordinate the implementation of the various recommendations of the State Executive Council on investment issues;
- xi. Coordinate all activities of ONDIPA including the execution of its Work Plan and Annual Budget and ensure the maintenance of accurate accounting records;
- xii. Arrange for the payment of allowances of members of the Board and other related matters;
- xiii. Undertake any other tasks relating to investment promotion as may be directed by the Board or the Chairman; and

xiv. Generally perform all other duties affecting ONDIPA as may be assigned to him by the Chairman.

*Secretary/Legal
Adviser*

16. A Secretary/Legal adviser who shall be a legal practitioner of 10 years post qualification experience shall be appointed by the Board from a list of legal officers recommended by the Attorney General and Commissioner for Justice from the Ministry of Justice.

*Functions of the
Secretary/Legal
Adviser*

17. The Secretary/Legal adviser shall in accordance with the provisions of this law be responsible for the following matters:

- (1) Shall assist the Vice Chairman in the day to day running of ONDIPA and the administrative affairs of the board.
- (2) Arrange for meetings of the Board and its constituted committees;
- (3) Prepare the Agenda and minutes of such meetings;
- (4) Advise the Board on all legal matters and ensure compliance with the provisions of this law and other relevant laws and policies of government
- (5) Convey decisions of the Board to all relevant parties;
- (6) He shall keep the Seal and affix the Seal on all necessary documents;
- (7) He shall maintain the records of ONDIPA; and
- (8) The secretary shall be responsible to the Board and the Vice Chairman concerning his function in administration of the ONDIPA.

*Other staff of
ONDIPA*

18(1) ONDIPA may directly employ such number of Staff as it may deem necessary for the efficient discharge of its functions pursuant to this Law or may request for the posting of employees or request for the

secondment or transfer from the main stream Public service where such employees meets ONDIPA's professional and technical standards and capabilities.

- (2) ONDIPA shall have power to make, with the approval of the Board Staff's Regulations governing the conditions of service of the employees of ONDIPA and the tenure of office of the officers and employees of the Board after consultation with the State Civil Service Commission.

*Terminal Benefit
of the Staff*

19. ONDIPA shall determine terminal benefits of its staff and may determine the application of State contributory pension law in its conditions of service

Discipline

- 20 Subject to the provision of this law the Board shall have power to appoint and exercise disciplinary control over staff in a judicious manner.

*Ministerial
Steering
Committee*

21. (1) ONDIPA shall have an Inter-Ministerial Steering Committee which shall be chaired by the Governor.
- (2) The Inter-Ministerial Steering Committee shall be comprised of the relevant Commissioners of the State.
- (3) The duty of this Inter-Ministerial Steering Committee shall be to ensure the involvement and ownership by each Ministry of the State of anticipated and ongoing projects, as it pertains to the respective Ministry's core functions and responsibilities.
- (4) The Board shall pursuant to the provisions of this law appoint such other committee for the performance and implementation of the functions of ONDIPA, as it deems fit from time to time.

PART IV

Funding

- 22 (1) ONDIPA shall establish and maintain a fund that shall be applied towards the discharge of its functions under this Law.
- (2) There shall be paid and credited into the fund established pursuant to subsection (1) of this Section:
- a) All subventions and budgetary allocations from the State Government;
 - b) Gifts, loans, endowments, grants or aid from any Agency, institution, bilateral and multilateral organizations or any government, and entitlements from privatization proceeds;
 - c) Such monies as may be payable to ONDIPA for services rendered in the course of any matter incidental to the discharge of its functions under this Law; and
 - d) Monies raised in any other manner as permitted under this Law.

Audit of Account

- 23(1) ONDIPA shall keep accounts of its income and expenditure for each financial year and shall cause the accounts to be properly audited annually.
- (2) The Board shall appoint for ONDIPA a reputable external auditor from a list of approved Auditors provided by the Auditor-General of the State who shall audit the accounts of ONDIPA at the end of each financial year.
- (3) The Board is hereby empowered to determine the financial year of ONDIPA in accordance with the directives of the Accountant General of the State.

- (4) ONDIPA shall forward a report of the external audit to the office of the Auditor-General of the State not later than two weeks after the submission of the report by the External Auditor.

*Pre-action
Notice and
Immunity*

24.(1) Subject to the provisions of this Law, no suit shall be commenced against ONDIPA before the expiration of thirty (30) days after written notice of intention to commence such suit has been served upon ONDIPA by the intending claimant or his agent, and the notice shall clearly state:

- a) The cause of action;
- b) The particulars of claim;
- c) The name and place of abode of the intending claimant; and
- d) The relief sought.

(2) No member or staff of ONDIPA shall be sued in his personal capacity for any act done or omitted to be done in the lawful performance of his duties under this Law.

(3) Notwithstanding the provisions of subsection (2) of this section, every member of the Board, agent, auditor or employee for the time being of ONDIPA shall be indemnified out of the assets of ONDIPA against any liability incurred by him in defending any proceedings whether civil or criminal, if any such proceeding is brought against him in his capacity as such member, agent, auditor or employee as aforesaid.

*Restriction on
Execution
against
Properties of the*

25.(1) No execution or attachment or process in the nature thereof shall be levied or issued against any property occupied or held by or vested in ONDIPA without the consent of the State

Agency

Attorney-General first had and obtained.

(2) Any sum of money which may be awarded against ONDIPA by the judgment of any court of competent jurisdiction shall, subject to any directions given by the court except where notice of appeal has been given by ONDIPA in respect of the said judgment, be paid by ONDIPA from its funds or from such other funds as the government may provide for the intended purpose.

(1) Any immovable property occupied or held by or vested in ONDIPA shall not be liable to assessed or valued as hereditaments or tenements or otherwise for rating purposes under any law.

Transition, Repeals And Supplementals

Repeals

26(1) The Ministry of Finance Incorporated Law of 1985 (in this section referred to as “the repealed enactment”) is hereby repealed and the Board established thereunder is hereby dissolved.

{Cap. 99. Laws of Ondo State of Nigeria, 2006.}

(2) All assets, funds, resources and other movable or immovable properties, other than those specified in subsection (3) of this section, which immediately before the commencement of this Law were vested in any other person or body prior to this Law and established under the repealed enactment shall, by virtue of this Law and without any further assurance, be vested in ONDIPA established under this Law.

(3) All the business hitherto carried on by the Corporation established under the repealed enactment and all the assets, funds, resources

and other movable or immovable properties related thereto shall, by virtue of this Law and without further assurance, be vested in ONDIPA.

- (4) As from the commencement of this Law:
 - a) The rights, interests, obligations and liabilities of the Corporation established under the repealed enactment, under any contract or instrument or at law or in equity are hereby assigned to and vested in ONDIPA established under this Law, as the case may be, without any further assurance; and
 - b) A contract or instrument as is mentioned in paragraph (a) of this subsection shall be of the same force and effect against or in favour of ONDIPA established under this Law, and shall be enforceable as fully and effectively as if instead of the Corporation established under the repealed enactment, agency established under this Law, as the case may be, has been named therein or had been a party thereto.
- (5) A proceeding or cause of action pending or existing immediately before the commencement of this Law by or against the Corporation established under the repealed enactment in respect of any right, interest, obligation or liability of that Corporation may be continued or commenced, as the case may be, by or against ONDIPA under this Law.
- (6) A determination of a court of law, tribunal or other authority made in a proceeding or cause

of action referred to in subsection (5) of this section may be enforced by or against ONDIPA established under this Law to the same extent that the proceeding, cause of action or determination could have been continued, commenced or enforced by or against the Corporation established under the repealed enactment aforesaid if this Law had not been made.

Transition

27. In pursuit of the objective of this law the Governor may by an executive fiat consolidate, merge or subsume the following Departments of Government to be part of ONDIPA;

- a) Directorate of Public Private Partnership
- b) Free Trade Zone
- c) International Relations and Diaspora Unit

The Department/Unit of Government so merged, consolidated or subsumed shall be restructured appropriately and be administered under ONDIPA.

Part V

Miscellaneous

Service to be pensionable

28(1) Service in ONDIPA shall be approved service for the purpose of the Pensions Law and accordingly, officers and other persons employed by the Board shall be entitled to pensions, gratuities and other retirement benefits as are prescribed under the law subject to the approval of the Board.

- (2) For the purpose of the application of the provisions of the pensions Law, any power exercisable there under by a Commissioner or other authority of the Government of the State other than the power to make

regulations, is thereby vested in and shall be exercisable by the Board to the exclusion of any other person or authority.

Resignation

29.(1) Any member of the Board other than an ex-officio member may by a one Month notice to the Board resign his appointment.

Service of Documents

30. A notice, summons or other document required or authorized to be served on the Agency under the provisions of this Act or any enactment or law may be served by delivering it to the Vice Chairman or Secretary/Legal Adviser or by sending it by registered post, addressed to the Vice Chairman or Secretary/Legal Adviser at the principal office of the Agency.

Voting

31.(1) Every question which comes before the Board for decision shall be decided by a majority of the votes of the members present and voting

(2) The quorum of the Board shall be four members one of which shall be the Chairman or Vice Chairman and the quorum of any Committee of the Board shall be determined by the Board

(3) In the event of a stalemate on any vote relating to any matter, the Chairman shall have a casting vote.

(4) Where any Board member has any direct or indirect interest on any matter before the Board, the member shall declare his interest to the Board following which the member shall be excused from participating in discussions or voting on the particular matter under

consideration.

Co-opting

32. Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him as a member for such period as it thinks fit, but a person who is a member by virtue of this subparagraph shall not be entitled to vote at a meeting of the Board and shall not be reckoned, for the purpose of ascertaining the quorum.

Delegation of Functions

33. (1) The Board may appoint one or more Committees to carry on its behalf such its functions as the Board may determine from time to time.

(2) A committee appointed under this paragraph shall consist of such number of persons (not necessarily all members of the Board) as may be determined by the Board

(3) A decision of a committee of the Board shall be of no effect until it is confirmed by the Board

Meetings

34. (1) The Board shall meet at least once every quarter to review the progress of the various programmes and projects and to consider any special issue as may be directed by the Chairman.

(2) Where the Chairman is unable to attend any Board meeting, the Vice Chairman shall preside over the meeting.

Common Seal

35. (1) ONDIPA shall provide for itself a common seal.

(2) The fixing of the Seal of the Agency/Board shall be authenticated by the signature of the Chairman and Secretary/Legal Adviser.

(3) Any contract or instrument, which if made or executed by persons not being a body corporate, would not be required to be sealed, may be made or executed on behalf of the

Board by any person generally or specially authorized to do so by the Board.

- (4) Any document purporting to be a document duly executed under the seal of ONDIPA shall be received in evidence and shall be deemed to be properly executed unless the contrary is proved.

Confidentiality

- 36.(1) A member of the Board, the Vice Chairman, Officer or other employees of ONDIPA shall-
- i. Not for his personal gain, make use of any information which has come to his knowledge in the exercise of his powers or is obtained by him in the ordinary course of his duty under this Law.
 - ii. Treat as confidential any information which has come to his knowledge in the exercise of his powers or is obtained by him in the performance of his functions under this Law;
 - iii. c) Not disclose any information referred to under paragraph (ii) of this subsection except when required to do so by an Arbitration Board or the Court or in such other circumstances as may be prescribed by the Board from time to time.

The printed impression has been carefully compared by me with the Bill which has been passed by the Ondo State House of Assembly and found by me to be



Rt. Hon. Oleyelogun Bamidele David
Speaker, Ondo State House of Assembly



Mr Adeyelu Michael Bode
Clerk, Ondo State House of Assembly

Governor's Assent

I hereby signify my assent to the bill

Governor's Seal



Arakunrin Oluwarotimi Odunayo Akeredolu, SAN
Governor of Ondo State of Nigeria

Dated this 9th day of August 2017