

KOGI STATE GOVERNMENT

 **KOGI STATE ARREARS CLEARANCE FRAMEWORK**

 **2019**

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ABBREVIATIONS AND ACRONYMS

 OAGF Office of the Accountant General of the Federation

 APA Annual Performance Assessment

 DLI Disbursement Linked Indicator

 DLR Disbursement Linked Result

 DMO Debt Management Office

 FRA Fiscal Responsibility Act

 FRL Fiscal Responsibility Law

 IGR Internally Generated Revenue

 ISPO Irrevocable Standing Payment Order

 IVA Independent Verification Agent

 MDAs Ministries, Departments and Agencies

 PforR Program for Result

 SFTAS States Fiscal Transparency Accountability and Sustainability Program

 FGN Federal Government of Nigeria

 WB The World Bank

# SECTION 1. INTRODUCTION

* 1. **Coverage and Scope:**

# This document covers the policy guidelines and procedures for managing and settling the domestic expenditure arrears of Kogi State Government. The State’s arrears are financial obligations that have been incurred by Kogi State Government for which payment have not been made by the due date.

The framework is guided by the World Bank and the Federal Debt Management Office's (DMO) Template for the establishment of Domestic Arrears Clearance Committee (DAC), as well as established best practices in the settlement of State’s Domestic expenditure arrears.

The main categories of Kogi State's expenditure arrears are as follows: contractors’ arrears, pension and gratuity arrears and salary arrears.

The shorter terms: "domestic expenditure arrears", "domestic arrears", and "arrears" used variously in the document refer to Kogi State Government domestic expenditure arrears.

* 1. **Purpose of the Framework Document**

# This framework document is aimed at providing practical guidance in the identification, recording and management of domestic expenditure arrears in the State. This will assist the State to establish processes and systems to reduce her stock of domestic arrears.

* 1. **Users of the Framework Document**

# This framework is primarily meant for the government of Kogi State. Besides, the staff of MDAs such as Ministry of Finance and Economic Development, Office of the Accountant-General, Ministry of Budget and Economic Planning, Office of the State Auditor-General, Bureau of Public Procurement, Ministry of Works, Housing and Urban Development and other line M DAs, etc., who may be involved in debt management and settlement of arrears at one time or the other will find it useful.

The framework should be used in conjunction with other extant public finance laws and regulations, the accounting system and procedures manuals in the State.

* 1. Total Stock of Domestic Expenditure Arrears of Kogi State Government

# Table 1: Breakdown of Kogi State Domestic Expenditure Arrears (2015-2019)

|  |  |  |
| --- | --- | --- |
|  |  |  |
|  |  |
|  |  | **DOMESTIC EXPENDITURE ARREARS** | **2019 Financial Year** | **2018 Financial Year** | **2017 Financial Year** | **2016 Financial Year** | **2015 Financial Year** |
|  | **COA-CODE** |  | **=N=** | **=N=** | **=N=** | **=N=** | **=N=** |
|  | 41040105 | **CONTRACTUAL OBLIGATIONS** | 6,659,132,852.12 | 28,934,435,963.24 | 18,798,931,683.39 | 4,968,245,969.44 | 2,854,528,053.22 |
|  | 41040101 | **SALARY ARREARS & OTHER STAFF CLAIMS** | 7,331,262,998.89 | 16,340,838,225.51 | 10,813,271,705.88 | 14,926,274,292.55 | 12,776,385,122.45 |
|  | 41040102 | **PENSION & GRATUITY ARREARS** | 28,370,371,032.35 | 12,216,707,890.00 | 14,504,353,299.50 | 18,091,113,648.18 | 18,730,264,173.64 |
|  |  | **ANNUAL TOTAL** | **42,360,766,883.26** | **57,491,982,078.75** | **44,116,556,688.77** | **37,985,633,910.17** | **34,361,177,349.31** |
|  | **NOTE: After verification and revalidation exercise to determine the actual obligations on the Expenditure Arrears of Kogi State Government, we arrived at the Actual Values of ₦12,548,021,740.12 for Contractual Obligation, ₦28,870,371,032.25 for Pension and Gratuity and ₦10,311,263,556.20 for Salary Arrears and other staff Claims, out of which payment of ₦5,888,888,888.00 was made for Contractual Obligations, ₦500,000,000.00 for Pension and Gratuity and ₦2,980,000,557.31 for Salary and other staff claims respectively. Thereby, leaving a closing balance of ₦6,659,132,852.12 for Contractual Obligations, ₦28,370,371,032.25 for Pension and gratuity and ₦7,331,262,998.89 for Salary Arrears and Other Staff claims respectively as at 31st December 2019.** |
|  |  | **C:\Users\ELIJAH\Pictures\OFFICIAL\Capture 1.jpg** |  |  | **C:\Users\ELIJAH\Pictures\OFFICIAL\Signature.JPG** |
|  |  | **Asiwaju Asiru Idris** |  |  | **Alhaji Momoh Jibrin** |
|  |  | **Hon. Comm. of Finance** |  |  | **Accountant-General** |
|  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |

* 1. **Description of Kogi State’s Policy on Arrears:**

Kogi State Government shall adopt the following measures to clear her existing arrears and prevent accumulation of new one:

* + 1. The State shall empower her legal and regulatory framework on financial issues by strengthening legal and regulatory framework

 iv

 v.

Vi.

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viii.

The State shall ensure that its budget shall be a realistic plan for expenditures to enhance its credibility and the borrowing limit shall include a margin to handle the situation of revenue shortfalls;

The State shall ensure proper accounting and reporting through improve accounting and reporting system.

The State Government shall strengthen her commitment controls to effectively limit commitments to approved budget allocations and to availability of actual cash;

The State shall facilitate improved and integrated cash and debt

# management;

Establishment of Treasury Single Account (TSA) to reduce State’s

reliance on commercial banks loans;

Payment shall be centralized to the State Treasury to prevent arrears as a result of administrative hurdles;

Upgrading the government financial management information

systems.

SECTION 2. **PLANNED ACTIONS FOR SETTLEMENT OF KOGI STATE DOMESTIC EXPENDITURE ARREARS**

Kogi State Multi-Year Plan is the financial plan of the State for clearance of her stock of arrears based on the total fund available to the State in the fiscal year.

The State Government shall clear her arrears using funds from any of the following sources:

* The State’s Internally Generated Revenue;
* Grant from the Federal Government;
* Borrowing from the Commercial Banks
* Bonds

SECTION 3: **PRIORITIZATION CRITERIA FOR ARREAR CLEARANCE**

Until recently, there was no comprehensive effective sub-national arrears clearance strategy in Nigeria. To varying degrees, States have institutional mechanisms for prioritizing the payment of domestic expenditure arrears. The volume of the arrears of most States are usually too large to be cleared within a fiscal year.

Kogi State Government shall adopt any of the following criteria/approaches in deciding which of her domestic expenditure arrears to be paid.

## Prioritization Criteria/Approaches between Types of Arrears

**Approach 1:**

Allocation of available fund among the types of the arrears in proportion to their share of the total outstanding stock of arrears

**Approach 2:**

Allocation of available fund on a particular type of arrears.

## Prioritization Criteria/Approaches within Types of Arrears

S/N

**1**

**CRITERIA/**

**APPROACHES**

**CONTRACTORS**

Ongoing works first

Largest first

Smallest first

Oldest first

Subject to penalties first

 **RATIONALE**

Ensures ongoing works are completed

Largest injury (in terms of arrear value) is addressed first

Allows many individual arrears to be paid immediately and focuses funds on small firms that may be vulnerable to cash flow problems (assuming most small arrears are owed to small contractors)

Creditor who has been waiting longest is paid first

Paying arrears that bear penalties for late payment reduces cost to state

**REQUIRED DATA**

Status of project

Value of outstanding arrear

Value of outstanding arrear

Date missed payment was first due

Contract terms: whether provide for late penalties

2 **SALARIES**

Oldest first

Smallest first

Equal percent to all

Largest injury (in terms of delay) is addressed first

Allows many individual arrears to be paid immediately and focuses funds on lowest paid workers that may be vulnerable to cash flow problems

All staff receive something regardless of when salary payment was first missed or level of salary

Date missed payment was due

Value *of* outstanding arrear

Amount owed to each staff

1. **PENSIONS AND GRATUITIES**

Oldest first Largest in jury (in terms of delay) is addressed first

Equal percent All pensioners *rece*ive something rig, regardless of when they retired

Date missed

|payment was due

Amount owed to each pensioner

## SECTION 4: INSTITUTIONAL ARRANGEMENT

* 1. **Institutional arrangement for Implementation of the Framework**

Kogi State is a participant in the Federal Government of Nigeria (FGN) and World Bank multi-year (2018-2022) States Fiscal Transparency Accountability and Sustainability (SFTAS) Program to support Nigerian States to strengthen fiscal performance and sustainability. One of the disbursement- linked indicators under the Program (DLI #8) requires the state to establish a database of verified domestic arrears, establish an arrears clearance framework (ACF) setting out the procedures to clear the stock of arrears, and implement the ACF.

To this end, Kogi State Government has put in place a **Domestic Arrear Clearance Committee** as institutional arrangement charged with the overall arrears clearance process, including recording, verification, classification, reporting, prioritization and clearance of government domestic expenditure arrears in the State and to oversee the work of the State towards achieving the SFTAS DLI #8. The terms of reference guiding the work of the Committee are as follows.

* 1. **Objective and Responsibilities of the Committee**

 The Committee will support the Accountant-General in its responsibility for accurate

 recording, verification and reporting of domestic arrears balances across all types.

 The Duties of the Committee shall include, but not limited to the following:

1. Introduction of specific guidelines setting out the roles and responsibility

of individuals and institutions for the recording, verification of domestic

arrears on agreed recording templates,

1. The creation, maintenance and regular (monthly) update of an accurate

internal domestic expenditure arrears database and the publicly accessible

online version of the database,

1. Oversight of the overall recording, verification and reporting process for

 domestic expenditure arrears to ensure that they meet the requirements

for SFTAS DLIs #8 as described in the SFTAS verification protocols,

1. Ensure adequate classification of the arrears for prioritization purposes,
2. Develop the State’s Arrears Clearance Framework (ACF), including

policies on prioritization and clearance of arrears

1. Provide accurate monthly, quarterly and annually reports that present

the true position for verified domestic arrears and the progress made

in implementing the State’s ACF

1. Provide data/documentation to support the verification of SFTAS

DLI #8, including the State Arrears Recording, Verification and

Clearance Report.

## 4.2.1 Specific activities

Specific activities for the committee include but are not limited to the following:

* + - 1. Adoption and implementation of records management guidelines for domestic arrears.
			2. Adoption and implementation of verification guidelines for all types of

domestic arrears.

* + - 1. Establishment of a consolidated internal domestic arrears database.
			2. Establishment of a publicly-assessible online version of the database.
			3. Reporting of valid and verified domestic arrears to end-users.
			4. Development of the ACF.
			5. Produce the State Arrears Recording, Verification and Clearance Report.

## Supervision and Reporting Arrangements

The Committee will report directly to the State Governor through the Honourable Commissioner for Finance and Economic Development, keeping the appointed SFTAS focal persons informed.

## 4.4 Membership of the Committee

The membership of the Committee will be as follows;

 COMMISSIONER OF FINANCE  ***CHAIRMAN***

 STATE ACCOUNTANT-GENERAL ***ALTERNATIVE CHAIR***

 DIRECTOR CAD-AG’s OFFICE ***SECRETARY***

 DIRECTOR OF BUDGET (MIN. OF BUDGET) ***MEMBER***

 DIRECTOR TREASURY AG’s OFFICE ***MEMBER***

 DIRECTOR-GENERAL-(BPP) ***MEMBER***

 DIRECTOR-DMO (MOF) ***MEMBER***

 DIRECTOR AUDIT (OAuD-GEN) ***MEMBER***

 DIRECTOR PENSIONS – STATE PENSION ***MEMBER***

 ASSISTANT DIRECTOR BUDGET (Mo B) ***MEMBER***

 CHIEF ACCOUNTANT-AG’s OFFICE ***MEMBER***

 SFTAS FOCAL OFFICER (PforR) ***STATE FOCAL OFFICER*** (**PforR)**

 STATE AUDITOR-GENERAL *OBSERVER*

## Committee Secretariat

The Committee shall establish a Secretariat to support its work using existing Staff or Units within the Office of the Accountant General and State’s Debt Management Office.

## Powers and authorities of the Committee

The Committee shall have delegated authority to request any and every information it requires in order to carry out its functions from the MDAs.

The Committee will be able to incur expenditures, including the engagement of professional assistance in the course of executing its role. All expenditures must be incurred through the procurement systems of the selected institution.

 **4.7 TENURE OF THE COMMITTEE:**

 The Committee will operate in perpetuity and may be disbanded or reconstituted on the

 directive of the State Executive Governor.

 **Signed**

 ** **

##  Asiru Asiwaju Idris Momoh Jibrin

##  Hon. Commissioner of Finance State Accountant General