

Akwa Ibom State



STATE ARREARS RECORDING, VERIFICATION & CLEARANCE REPORT (SARVCR)



Prepared by:
**Debt Management Office,
Akwa Ibom State,
Nigeria.
September, 2021**

ACRONYMS AND DEFINITIONS

| | |
|-------|--|
| APA | Annual Performance Assessment |
| DLI | Disbursement-linked Indicator |
| DLR | Disbursement-linked Result |
| DMO | Debt Management Office – Nigeria |
| FAAC | Federation Account Allocation Committee |
| FGN | Federal Government of Nigeria |
| FMIS | Financial Management Information System |
| FRA | Fiscal Responsibility Act |
| FRL | Fiscal Responsibility Laws |
| FSP | Fiscal Sustainability Plan |
| FY | Fiscal Year for the Government, running 1 Jan to 31 Dec |
| GDP | Gross Domestic Product |
| HFD | Home Finance Department (Federal Ministry of Finance) |
| IGR | Internally Generated Revenues |
| IVA | Independent Verification Agent |
| MDA | Ministries, Departments and Agencies |
| MTEF | Medium-term Expenditure Framework |
| OAG | Office of the Accountant General |
| OAuG | Office of the Auditor General |
| PFM | Public Financial Management |
| PforR | Program for Results |
| SFTAS | The STATE’s Fiscal Transparency, Accountability and Sustainability Program for Results |
| SMOF | State Ministry of Finance |
| TA | Technical Assistance |
| TSA | Treasury Single Account |
| WB | World Bank |

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1 OVERVIEW OF THE SARVCR

This State Arrears Recording, Verification and Clearance Report (SARVCR) summarizes the activities and outputs of Akwa Ibom State in managing domestic expenditure arrears. It contains the following information among others;

- The total stock of domestic expenditure arrears at the end of each year as recorded in their internal domestic expenditure arrears database;
- The policies and actions taken to verify arrears, including the verification process triggered by individual contractors who submitted online queries to communicate the non-reporting of their claims to the State Ministry of Finance;
- The policies and actions taken to settle arrears in the past year, including explanations on their consistency with the state's arrears clearance framework;
- The policies and actions taken to prevent the occurrence of new arrears in the past year
- The establishment of a link to the electronic files showing evidence of the internal domestic expenditure arrears database; and also
- Setting up an electronic link to the online publicly-accessible domestic expenditure arrears database

1.1 Report Preparation and Responsibility:

This report is prepared by:

Director, **Debt Management Office**, with the following:

Phone number: **0703 344 1080**

Email address: enkay_2007@yahoo.com

1.2 Summary of Akwa Ibom State's Progress towards the achievement of the requirements of SFTAS DLI #8.

The progress made by Akwa Ibom State towards the achievement of each of the requirements of SFTAS DLI #8 highlighting successes and challenges has been summarized in the following table:

| | SFTAS Domestic Arrears DLI #8 CHECKLIST of Key Steps | Status | Successes | Challenges |
|---|---|---------------|------------------|-------------------|
| 1 | A domestic arrears committee established with clear ToRs and authority | <i>Done</i> | | |
| 2 | All domestic arrears should be recorded in an internal domestic arrears database that has updated data on the total stock (recommended on a monthly basis) | <i>Done</i> | | |
| 3 | An arrears verification process is in place and arrears categorized into valid, contested and rejected | <i>Yes</i> | | |
| 4 | A publicly-accessible arrears database online, including the following information: (1) total contractors' arrears, total pension and gratuity arrears, total salary arrears; and (2) a list of names of contractors with recognized arrears exceeding 20 million naira | <i>Yes</i> | | |
| 5 | The website supporting the online publicly-accessible arrears database shall contain an electronic link that permits contractors to query/verify their claim | <i>Done</i> | | |
| 6 | The State Arrears Clearance Framework is established and published online containing: 1) The planned actions to settle arrears; 2) An explicit prioritization of expenditure arrears to be settled | <i>Yes</i> | | |
| 7 | Clearance of arrears is implemented in accordance with the ACF | <i>Yes</i> | | |
| 8 | At least 5% decline in the stock of total domestic expenditure arrears at end of FY2021 compared to FY2020 (arrears which have been verified and valid across all categories) | | | |

1.3 Debt Stock Reporting

The next section shows the State Arrears Recording, Verification and Clearance Report (SARVCR) containing the debt stock report which indicates the balance at the end of the previous year, the additional debt or arrears incurred during the year and the actual arrears reduction made. It also indicates the balance of arrears in the major classification as at the end of September 2021


1.4 The State Arrears Recording and Verification and Clearance Report (SARVCR)

| NAME OF STATE: AKWA IBOM STATE | | | | | | | | | | | |
|---|---|--|-------------------------------------|---------------------------------------|--|-------------------------------------|--|---|--|--|---------|
| REPORTING YEAR: SEPTEMBER 30 th 2021 | | | | | | | | | | | |
| STATE DOMESTIC ARREARS STOCK REPORTING | | | | | | | | | | | |
| S/N | ARREARS TYPE | OUTSTANDING ARREARS AT DECEMBER 31, 2019 (STOCK) | NEW ARREARS INCURRED IN 2020 (FLOW) | ARREARS SETTLED (PAID) IN 2020 (FLOW) | OUTSTANDING ARREARS AT DECEMBER 31, 2020 (STOCK) | NEW ARREARS INCURRED IN 2021 (FLOW) | ARREARS SETTLED (PAID) IN 2021 (FLOW) AS at SEPTEMBER 30 th | OUTSTANDING ARREARS AT SEPTEMBER 30, 2021 (STOCK) | CHANGE IN ARREARS BETWEEN DECEMBER 31, 2020 AND SEPTEMBER 30, 2021 | % CHANGE IN ARREARS BETWEEN DECEMBER 31, 2020 AND SEPTEMBER 30, 2021 | REMARKS |
| | In Naira | (a) | (b) | (c) | (d) | (e) | (f) | (g) | (h) | (i) | (j) |
| 1 | CONTRACTORS' ARREARS | 68,351,235,510.12 | 26,523,405,686.81 | 30,098,398,523.94 | 64,776,242,672.99 | 10,118,934,032.72 | 24,758,813,801.07 | 50,136,362,904.64 | (14,639,879,768.35) | (22.60%) | |
| 2 | PENSION AND GRATUITY ARREARS | 26,207,426,810.73 | 4,433,793,189.76 | 1,658,609,720.79 | 28,982,610,279.70 | 5,220,725,788.50 | 1,341,688,349.81 | 32,861,647,718.39 | 3,879,037,438.69 | 13.38% | |
| 3 | SALARY ARREARS AND OTHER STAFF CLAIMS ARREARS | - | - | - | - | - | - | - | - | - | |
| 4 | OTHER ARREARS TYPE | - | - | - | - | - | - | - | - | - | |
| | TOTAL OF ALL ARREARS TYPES | 94,558,662,320.85 | 30,957,198,876.57 | 31,757,008,244.73 | 93,758,852,952.69 | 15,339,659,821.22 | 26,100,502,150.88 | 82,998,010,623.03 | (10,760,842,329.66) | (11.48%) | |


NOTES

- The arrears figures reported represent only those arrears which have been verified and recognized as valid i.e., a legal liability of the state government.
- The arrears figures reported should be consistent with the figures contained in the state internal domestic arrears database
- The arrears figures reported is in Naira and is the total amount of each type of arrears
- The report should contain figures for contractor arrears, pension and gratuity arrears, salary arrears and other staff claims, even if the value is zero. If the state has other types of arrears, they should also be included.
- Column (d) is expected to be equal to (a) + (b) - (c). Column (g) is expected to be equal to (d) + (e) - (f).

ALTERNATE "A" SIGNATURE MANDATE
Honourable Commissioner, Ministry of Finance

Signature: 
Name: DR LINUS NKAN Date: 30/09/2021

ALTERNATE "B" SIGNATURE MANDATE
Head, Debt Management Office

Signature: 
Name: MRS. ENOBONG OKPONGKPANG Date: 30/09/21

2 Policies and Actions Taken to Strengthen the Recording, Verification and Reporting of Arrears

2.1 Organizational/Institutional Arrangements Established to Manage Domestic Expenditure Arrears and Oversee the Implementation of the ACF

Akwa Ibom State Government has put in place a Domestic Arrear Clearance Committee as an 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.

The Arrears Clearance Committee oversees arrears liquidation to ensure the consistent application of the principles of the framework. The Committee ensures that payments are made in accordance with the agreed prioritization criteria. This committee receives reports from spending units, and prepare periodic (for example, quarterly) reports to the Ministry of Finance and the Governor's office on the performance of entities on payment of arrears.

The report highlights any non-reporting spending units and recommends remedial actions.

2.1.1 Objective and Responsibilities of the Arrangement

The Committee supports the Ministry of Finance in its responsibility for accurate recording, verification and reporting of domestic arrears balances across all types.

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

- i. Implement and from time to time review the State's Arrears Clearance Framework (ACF), including policies on prioritization and clearance of arrears
- ii. 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,
- iii. The creation, maintenance and regular (monthly) update of an accurate internal domestic expenditure arrears database and the publicly accessible online version of the database,
- iv. Oversight of the overall recording, verification and reporting process for domestic expenditure arrears.
- v. Ensure adequate classification of the arrears for prioritization purposes,

- vi. 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

The specific activities for the Committee include but are not limited to the following:

- i. Implement and do a periodic review of the ACF
- ii. Adoption and implementation of records management guidelines for domestic arrears.
- iii. Adoption and implementation of verification guidelines for all types of domestic arrears.
- iv. Establishment of a consolidated internal domestic arrears database.
- v. Establishment of a publicly-accessible online version of the database.
- vi. Reporting of valid and verified domestic arrears to end-users.
- vii. Produce the State Arrears Recording, Verification and Clearance Report.

2.1.2 Monitoring and Reporting of the Arrangement

The Committee reports directly to the State Governor through the Honourable Commissioner for Finance.

2.1.3 Membership of the Committee

The memberships of the Committee are as follows:

| S/N | TITLE | POSITION |
|------------|---|-----------------|
| i | Commissioner for Finance | Chairman |
| ii | Commissioner for Economic Development and Ibom Deep Seaport | Vice Chairman |
| iii | Attorney-General & Commissioner for Justice | Member |
| iv | State Auditor-General | Member |
| v | Permanent Secretary, Finance | Member |
| vi | Accountant-General | Member |
| vii | Permanent Secretary, Ministry of Local Government & Chieftaincy Affairs | Member |
| viii | Auditor-General, Local Government | Member |
| ix | Akwa Ibom State Public Procurement Board Executive Secretary | Member |
| x | SFTAS Focal Person | Member |
| xi | Head, Debt Management Office | Secretary |

Committee Secretariat

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

3 PLANNED ACTIONS TO REDUCE THE STOCK OF DOMESTIC EXPENDITURE ARREARS

3.1 Stocktaking and Recording

The State government undertakes a thorough Stocktaking of Arrears to understand the extent, composition and the age of the unpaid bills and prioritize their clearance.

The State government also develops a time table which is communicated for the stocktaking exercise, with a clear definition of the information requirements provided to all relevant stakeholders/institutions.

A cut-off date for inclusion of new arrears is established to encourage timely reporting and avoid the generation of fraudulent claims.

The government prepares a data base of all apparent claims and a regular reporting framework is instituted. The data base has enough information to allow for proper definition and classification of arrears into categories for proper evaluation.

Sanctions for non-reporting, fraudulent, and incomplete reporting of arrears is announced and enforced. Using the information produced from the database, a review of the types of arrears, the age of the debts, and the spending agencies generating the arrears are undertaken. This helps to identify the underlying causes and the specific corrective actions required to address them.

The review helps to assess whether the problem is restricted to past events, or whether the problem persists.

3.2 Verification:

After the collection of the data on outstanding stock of arrears, the data is verified to ensure that they are genuine claims to avoid payment of fraudulent claims. These activities are undertaken by the State Auditor-General's Office. All reports and relevant information are provided to the external auditor.

The data is verified to ensure that they are genuine claims to avoid payment of fraudulent claims.

The verification process involves the following steps:

Step1. Collection of unpaid invoices: The Chief Financial Officer of the entity has the initial responsibility for producing the necessary documentation.

Step2. Verification of claims - Arrears are subjected to tests to verify their existence, value, and age of the debt.

Step3. Categorization of claims: Based on this review of validity, each claim is categorized as **valid, contestable, or rejected.**

Step4. Appeals from claimants: Holders of contestable claims may be invited to provide further documentation to support their claims or have their claims referred for adjudication.

Step5. Rejection of invalid claims: The government formally notifies rejected claimants and states the basis for the rejection. It is essential that government retain full records of decisions made to defend future legal actions by claimants.

Arrears are verified using the following guidelines:

- The legal validity of the payable
- Evidence that the goods were delivered and services were duly received
- Invoices and supporting documentation are checked

Arrears of Entitlement are computed by the line Ministry or Agency and provided to the Ministry of Finance.

3.3 Classification of Arrears

To allow for appropriate categorization, the following data shall be captured for each outstanding claim:

- **Age of Debts:** The database captures the original due date on each invoice, and arrears classified according to how long they have been overdue:
- **Debtor:** The database captures the government entity incurring the liability, classified by institutional group (The State government, Local government, MDAs, extra-budgetary fund, or State-Owned enterprise).
- **Creditor:** The database captures the creditor's name classified by type:
 - Employees,
 - Private individuals,
 - Private businesses,
 - Financial institutions,
 - Local government,
 - Extra-budgetary funds, or
 - State-Owned enterprise.
- **Economic category:** The data base classifies arrears into economic categories, such as compensation of employees, acquisition of goods and services, transfers, acquisition of nonfinancial assets, and acquisition of financial assets.

- **Currency:** The database captures the currency in which the obligation was originally denominated
- **The age of the payable is checked** by reference to the invoice and other supporting documentation. A confirmation from the supplier is obtained in contentious cases.
- **The Ministry of Finance** takes full account of the legal framework with respect to disclosure of taxpayer records, undertakes checks with the revenue authority to ensure that suppliers are registered taxpayers and determine whether they are delinquent in tax payments.

4 POLICIES AND ACTIONS TAKEN TO REDUCE THE STOCK OF DOMESTIC EXPENDITURE ARREARS

The Akwa Ibom State's Policy on arrears is aimed at controlling the accumulation of arrears whilst ensuring measures that clear existing arrears.

Measures adopted in this regard include:

- i. **Strengthen legal and regulatory framework.** A framework that defines payment terms, when in arrears, reporting requirements as well as the necessary controls at the budget stages of authorization, commitment and payments with appropriate provisions for breaching sanctions;
- ii. **Enhance the credibility and realism of the State's budget.** The State's budget is a realistic plan for expenditures based on conservatively estimated revenues based on robust assumptions and forecasts in the fiscal frameworks;
- iii. **Improve accounting and reporting.** Arrears clearance require adequate, timely and reliable information about their size, composition and impact through government accounting systems that recognize expenditure commitments, liabilities and payments;
- iv. **Strengthen commitment controls** to effectively limit commitments to approved budget allocations and to availability of funds;
- v. **Facilitate improved and integrated cash and debt management** that ensure liquidity to meet cash obligations as they arise through accurate and timely short-term estimates of cash inflows and outflows;
- vi. **Enhance oversight of the State-owned enterprises** through governance frameworks that require timely payment of bills, regular monitoring and reporting of liabilities to reduce implicit contingent liabilities;
- vii. **Establish Treasury Single Account (TSA)** for effective management of cash flows and ensure that payments are centralized to the State's Treasury to prevent arrears as a result of administrative hurdles;
- viii. **Upgrade the government's financial management information systems** to one that is capable of controlling the main stages of budget execution that handles the entire expenditure chain, including the release of budget funds, commitments against the budget funds, production of purchase orders, receipt of goods and services claimed in the invoices, and payment or non-payment of invoices;
- ix. **Hold regular Liquidity Management Committee (LMC)** meetings to guide government decisions on budget and fund releases;
- x. **Implement technological solutions to control expenditures** that historically contribute to the accumulation of arrears

The policies and actions taken by the State in the past 12 months to clear/settle existing arrears involve:

4.1 Funding Payment of Arrears:

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

- Statutory Allocation
- Internally Generated Revenue
- Grants from the Federal Government, and
- Loans

4.2 Settlements

The Arrears Clearance Committee oversees arrears liquidation to ensure the consistent application of the principles. The committee ensures that payments are made in accordance with the agreed prioritization criteria.

The 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

Entities provide this information to the Ministry of Finance for budget preparation, Medium-Term Expenditure Framework, performance monitoring, and budget release purposes, as well as verification against the database at the time of payment.

A separate control on the remaining stock of arrears is kept by the Ministry of Finance to ensure that sufficient provision is made in each subsequent annual budget until all arrears are paid.

4.3 Centralization of Payments:

Responsibility for payments of arrears is centralized. This is to ensure that payments are made according to the agreed framework and schedule.

4.4 Netting Arrangements:

Offsetting the settlement of arrears to the private sector against tax obligations is not done; All payments are accounted for on a gross basis.

The State's own assessment on whether the policies and actions taken by the state were consistent with the State's Arrears Clearance Framework

Akwa Ibom State policies and actions towards the prevention and reduction of Arrears are consistent with the State's Arrears Clearance Framework.

In relation to the multi-year financial plan included in the Arrears Clearance Framework document, a reduction of arrears of ₦28.12 billion was planned to be made in 2021. The Domestic Arrears Stock Reporting table in Section 3 of this SARVCR shows that the sum of N26.10 billion was made for the settlement of arrears as at 30th September 2021

4.5 ACF PRIORITIZATION

The comparison for compliance and the prioritization criteria applied is shown in the table below:

| AKWA IBOM STATE: ACF Prioritization | | | | | |
|--|-----------------------------------|---|---|--|--|
| Year: 2021 SEPTEMBER | | | | | |
| NOTES | | | | | |
| All numbers are presented in billion naira | | | | | |
| All input cells are coloured pink | | | | | |
| All calculation cells are coloured yellow | | | | | |
| Type of Arrears | Total stock at end of 2020 | Criteria for allocation among types | PLANNED amount to be cleared in 2021 | Actual Amount Cleared AS AT SEPT31ST 2021 | Prioritization criteria to be applied to arrears within each type of arrears |
| Contractors | 64.78 | Ongoing works first | 19.43 | 24.76 | Each existing contractor shall be paid 25% on an annual basis for the next four years |
| Pensions and Gratuities | 28.98 | First in, first out | 8.69 | 1.34 | This shall be cleared on the basis of first in first out. The Government to consider issuing Promissory Notes to clear the remaining stock in 2022 |
| Salaries | - | Oldest first | - | - | This is highly prioritized and will be paid fully at once because it is not supposed to be owed |
| Other | - | Oldest first | - | - | The small ones shall be cleared first, then the large ones |
| Total | 93.76 | | 28.12 | 26.10 | |
| | | | | | |
| | | | | | |
| Individual Arrears | | Prioritization Criteria to be applied to arrears within each type of arrears | PLANNED amount to be cleared in 2021 | Actual Amount Cleared in 2021 | |
| Contractor A | - | | - | - | |
| Contractor B | - | | - | - | |
| Contractor C | - | | - | - | |
| Contractor D | - | | - | - | |
| Contractor E | - | | - | - | |
| Contractor F | - | | - | - | |
| Contractor G | - | | - | - | |
| Contractor H | - | | - | - | |
| Total | - | | - | - | |

ASSUMPTION