

EKITI STATE GOVERNMENT



EKITI STATE INFRASTRUCTURE AND INVESTMENT FACILITATION FUND REGULATION

EKITI STATE DEVELOPMENT AND INVESTMENT PROMOTION AGENCY



PUBLIC-PRIVATE PARTNERSHIP UNIT

December, 2025

EKITI STATE OF NIGERIA

EKITI STATE INFRASTRUCTURE AND INVESTMENT FACILITATION FUND REGULATION, 2025

WHEREAS Section 6(6) of the Ekiti State Development and Investment Promotion Agency (EKDIPA) Law, 2019 (hereinafter referred to as "the Principal Law") empowers the Director-General, with the approval of the Governor, to make Regulations providing for any matter necessary for giving effect to the provisions of the Principal Law;

AND WHEREAS it is deemed necessary to establish a dedicated fund to facilitate and support early-stage project preparation. These include financing for feasibility studies, technical designs, environmental and social assessments, legal structuring, and transaction advisory services. Without these inputs, most projects are not investment-ready. They cannot attract credible private partners, thereby furthering the objectives and functions of the Ekiti State Development and Investment Promotion Agency (hereinafter referred to as "the Agency"). A Project Facilitation Fund (PFF) designated as the State Infrastructure and Investment Facilitation Fund (SIIFF) is therefore proposed as a catalytic vehicle to address this gap, improve project quality, and de-risk infrastructure investments.

NOW, THEREFORE, the Director-General, with the approval of the Governor, hereby makes the following Regulations -

1. Short Title

This Regulation may be cited as the Ekiti State Infrastructure and Investment Facilitation Fund Regulation, 2025.

2. Interpretation

In this Regulation -

"Agency" means the Ekiti State Development and Investment Promotion Agency (EKDIPA) established under Part II (3i) of the Principal Law;

"Board" means the Governing Board of the Agency established under Section 7(1) of the Principal Law;

"Director-General" means the Director-General of the Agency appointed under Part III Section 15(1) of the Principal Law;

"Fund" means the State Infrastructure and Investment Facilitation Fund (SIIFF) established pursuant to the Ekiti State Wealth Fund Law, 2023 designated by this Regulation as the State's Project Facilitation Fund (PFF);

"Governor" means the Governor of Ekiti State;

"The Law" means the Ekiti State Wealth Fund Law, 2023

"Principal Law" means the Ekiti State Investment Promotion Law Agency Law, 2019;

"PPP Project" means a Public Private Partnership Project as defined in the Principal Law;

"State" means Ekiti State of Nigeria.

"Viability Gap Funding" means a form of financial support provided by the Fund to improve the financial bankability of eligible Public Private Partnership (PPP) projects that are economically or socially desirable but are not fully commercially viable based on projected revenues or user charges, including capital grants, loans, recoverable advances, equity, or other instruments approved under these Regulations.

3. ESTABLISHMENT AND OBJECTIVES OF THE FUND

- i. Establishment of the Ekiti State Project Facilitation Fund under Part Two, Section Four of the Ekiti State Public Private Partnership (PPP) Law establishes the Project Facilitation Fund (PFF) as a financing mechanism to support the development, preparation, and implementation of PPP projects within Ekiti State. The Fund is designed to ensure that viable infrastructure projects are efficiently prepared, attract private sector investment, and achieve value for money for the State.
- ii. This document provides the Ekiti State government with a step-by-step roadmap for designing, establishing, and operationalizing a fit-for-purpose PFF. It draws from Nigerian and global experiences to guide decision-makers on institutional models, legal instruments, governance structures, fund flows, application processes, and monitoring frameworks.

Legal and Governance Framework

- i. The State Infrastructure and Investment Facilitation Fund (SIIFF) was established through a range of legal instruments – Ekiti State Wealth

Fund Law 2023, Ekiti State and Investment Promotion Law 2019, and Ekiti Public Private Partnership Law as the State's Project Facilitation Fund. Each instrument was assessed based on enforceability, political stability, and investor confidence.

- ii. There is hereby established for the purpose of facilitating Public Private Partnership Projects in the State, a fund to be known as the State Infrastructure and Investment Facilitation Fund (SIIFF) (hereinafter referred to as "the Fund").
- iii. The Fund shall be a dedicated account within the overall Fund of the Ekiti State Development and Investment Promotion Agency (EKDIPA) as established under ***Section 20 (b) of the Law***.

Investment plan for State Infrastructure and Investment Facilitation Fund

- i. The Fund shall develop a rolling five (5) year investment plan, which shall be reviewed annually for the State Infrastructure Fund pursuant to such strategies, regulations, policies, and guidelines as it may determine from time to time.
- ii. The investment plan shall be to develop efficient infrastructure such as power generation, distribution and transmission, agriculture, dams, water and sewage treatment and delivery, roads, port, rail, airport facilities and similar assets, to stimulate the growth and diversification of the economy of the State, attract foreign investment, and create jobs for the residents of the State.
- iii. The Fund may make short to medium-term financial investments with funds of the State Infrastructure Fund pending determination of investments in qualifying revenue-yielding infrastructure.
- iv. Upon a majority decision of the Board, the Fund may invest in revenue-yielding infrastructure projects in other parts of Nigeria or in strategic co-investments with companies in the infrastructure sector, or to acquire strategic stakes in international companies active in the sector.
- v. Any written request or proposal for investment in specific initiatives from the State Government shall be made by the Director-General, Ekiti State Development and Investment Promotion Agency (EKDIPA) to the Fund, and

shall be subjected to the same standard criteria that the Fund utilizes as a part of its investment screening process.

- vi. The Fund may invest up to a maximum of five percent (5%) of the funds available in the State Infrastructure Fund in any fiscal year in social infrastructure projects which promote economic development but still yield financial returns in underserved sectors or areas in the State that may present less favourable economic return potential.
- vii. The Fund may invest in development projects in accordance with the process and procedures outlined in subsection (8) of this Section, or it may appoint an asset or fund manager with appropriate experience in projects of this kind to source, evaluate, and invest in such development projects on behalf of the Fund.
- viii. The Fund shall –
 - (a) make such rules, procedures, and regulations as it deems necessary in respect of the submission and evaluation parameters for such development projects; and
 - (b) Evaluate the economic returns and summarize the non-financial social welfare-enhancing attributes of each development project.
- ix. The Fund shall utilize any sector and engineering advisors or Professionals as it may deem advisable to ensure the economic and service delivery viability of each potential infrastructure investment.

4. OBJECTIVES OF THE FUND

The primary objectives of the Fund shall be to -

- i. Provide financial support to mitigate specific risks associated with viable PPP Projects, thereby enhancing their bankability and attractiveness to private investors;
- ii. provide financial assistance, including Viability Gap Funding (VGF), to make commercially unviable but socioeconomically desirable PPP Projects viable, where user fees or tariffs alone cannot cover the project costs and provide a reasonable return to the private partner;

- iii. Fund the engagement of expert transaction advisers (legal, financial, technical) for the preparation, procurement, and negotiation phases of complex PPP Projects;
- iv. support feasibility studies, environmental and social impact assessments, detailed designs, and other preparatory activities for identified PPP Projects;
- v. provides for potential contingent liabilities arising from PPP Agreements, subject to specific approvals; and
- vi. support promotional activities aimed at attracting private sector investment into PPP Projects in the State.

5. **SOURCES AND APPLICATION OF THE FUND**

i. **Sources of the Fund**

The Fund shall be derived from, and credited with, the following sources, in addition *to those specified in Section 19(2) of the Law*:

- (a) budgetary allocations from the State Government for PPP project facilitation;
- (b) grants, donations, endowments, and aid from multilateral and bilateral development partners, international organizations, and philanthropic bodies specifically earmarked for PPP project development;
- (c) returns on investments made by the Agency from the Fund, subject to the provisions of Section 19(4) of the Principal Law;
- (d) any other monies accruing to the Fund from sources approved by the Governor for PPP project facilitation; and
- (e) Tariffs or levies imposed on PPP projects.

ii. **Fund Support Windows/Application of the Fund**

The Fund shall operate through four (4) support windows, each targeting a specific area of PPP development and implementation.

WINDOW 1: SUPPORT TO CONTRACTING MDAs FOR PROJECT PREPARATION

This window provides financial support to Contracting Ministries, Departments, and Agencies (MDAs) during the project preparation stage.

Funds may be applied for to meet the costs of:

- i. Land acquisition, compensation, resettlement, and environmental remediation;
- ii. Consultancy services related to PPP project preparation, including feasibility studies, value-for-money assessments, and transaction structuring;
- iii. Tender and procurement processes - covering project advertisement, communication, due diligence, and bid evaluation;
- iv. Transaction advisory and legal services; and
- v. Other project preparation activities as approved by the Ekiti State PPP Council or EKDIPA.

Note: Support provided for land acquisition and related costs is recoverable and must be refunded by the beneficiary MDA within the subsequent budget cycle.

Support for tendering and advisory services may be recoverable under guidelines and terms stated in the Funding Agreement between the MDA and the Fund.

WINDOW 2: SUPPORT TO THE PPP DIRECTORATE / EKDIPA

This window provides resources to strengthen the institutional capacity of the Ekiti State Development and Investment Promotion Agency (EKDIPA), which serves as the State's PPP Directorate.

Support under this window may cover:

- a. Consultancy and transaction advisory services;
- b. Capacity building, training, and stakeholder sensitization programmes;
- c. Procurement of ICT systems, office equipment, and software;
- d. Research, project pipeline development, and feasibility database maintenance;
- e. Establishment of knowledge management frameworks; and
- f. Operational and maintenance costs for the PFF Secretariat within EKDIPA.

WINDOW 3: VIABILITY GAP FUNDING (VGF)

This window provides financial support to PPP projects that are economically viable but not fully financially viable.

Support under this window may be provided in the form of grants, loans, equity, or recoverable advances to improve project bankability.

Eligible costs include:

- i. Capital grants during project construction;
- ii. Recoverable advances to Contracting MDAs;

- iii. Loans or equity participation as allowed by the PPP project agreement; and
- iv. Other financial instruments approved by the PPP Council to enhance financial viability.

The VGF window is limited to project capital costs and recoverable land acquisition costs.

WINDOW 4: CONTINGENT LIABILITY SUPPORT

This window provides a liquidity buffer for managing short-term contingent liabilities arising from PPP project agreements.

Support is available where the contingent liability:

- i. Cannot be managed under existing State Contingency or Debt Management frameworks;
- ii. Does not arise from a default by a contracting MDA; and
- iii. Is linked to State Government obligations under a valid PPP agreement.

Contracting MDAs are responsible for liabilities arising from their defaults but may, in exceptional cases, apply for a recoverable advance from the Fund.

MDAs, in conjunction with the Debt Management Department, shall submit annual estimates of contingent liabilities and liquidity gaps for eligible PPP projects.

6. Sources of Revenue for the Fund

The Fund shall derive revenue from the following sources:

- i. Budgetary appropriations by the Ekiti State Government;
- ii. Grants, donations, and development partner support;
- iii. Success fees and project development levies;
- iv. Tariffs or levies imposed on PPP projects; and
- v. Appropriations-in-aid or other sources as approved by the Governor and the Ministry of Finance.

All monies paid into the Fund shall be applied to meet the objectives of the four (4) support windows.

7. Application of the Fund

The proceeds of the Fund shall be applied solely for the objectives specified in Regulation 4 of these Regulations, and under the provisions of Section 20 of the Law, specifically for -

- (a) payment for professional services rendered by transaction advisers, consultants, and other experts engaged for PPP Project preparation and execution;
- (b) provision of viability gap funding or other financial support mechanisms for eligible PPP Projects, as approved by the Board and the State Executive Council;
- (c) funding of technical studies, surveys, and assessments required for PPP Project development;
- (d) costs associated with capacity building programs for PPP stakeholders;
- (e) costs of promotional and investor outreach activities related to PPPs;
- (f) any other expenditure incidental to the achievement of the Fund's objectives, as approved by the Board and the Governor.

8. Management and Administration of the Fund

Management of the Fund

- i. The Agency shall manage the Fund under the oversight of the Board.
- ii. The Director-General, as the Chief Accounting Officer of the Agency, shall be responsible for the day-to-day administration and proper utilization of the Fund.

9. Roles and Responsibilities

- i. The Ekiti State Development and Investment Promotion Agency (EKDIPA) shall serve as the host institution for the board when acting in its capacity as the Fund Board.
- ii. All administrative, technical, and operational activities of the Board shall be undertaken within EKDIPA, and the Board shall exercise its power through EKDIPA for purposes related to the management, administration, and utilization of the Fund.
- iii. The Board shall:
 - a. provide strategic oversight for the management and application of the Fund;

- b. approve the annual budget and work plan for the utilization of the Fund;
 - c. approve guidelines and criteria for accessing the Fund;
 - d. consider and approve proposals for the disbursement of funds for specific PPP Projects or activities, subject to the overall financial regulations of the State; and
 - e. Review periodic reports on the performance and utilization of the Fund.
- iv. The Director-General shall –
 - a. serves as the Fund’s Chief Accounting Officer i.e the Officer Adminstrating the Fund.
 - b. prepare the annual budget and work plan for the Fund's utilization for the Board and the Governor’s approval;
 - c. ensure that all disbursements from the Fund are under these Regulations, the Law, and approved guidelines;
 - d. maintain accurate and comprehensive financial records of the Fund;
 - e. prepare quarterly and annual reports on the Fund's activities and financial status for submission to the Board and the Governor; and
 - f. Liaise with relevant MDAs and private sector partners regarding proposals for Fund utilization.
- v. Establishment of Sub-Committee of the Board
 - a. The Board may establish such standing or ad-hoc sub-committees as it considers necessary for the effective discharge of its functions under these Regulations
 - b. The composition, terms of reference, reporting obligations, and procedures of the sub-committee shall be determined by the Board;
 - c. A sub-committee may include persons who are not members of the Board, provided such persons possess relevant technical expertise required for the performance of the functions delegated to that sub-committee.
- vi. Secretariat Support Services
 - a. The PFF secretariat shall be headed by the Director of the PPP Unit within EKDIPA and shall report to the Board through the Director-General, EKDIPA.
 - b. The PFF Secretariat within EKDIPA shall serve as the Fund Management Secretariat. The secretariat shall be institutionally distinct from EKDIPA’s general agency functions, notwithstanding that it is hosted within EKDIPA. The Secretariat shall provide full Secretariat services, including:
 - i. Organizing Board and sub-committee meetings;
 - ii. Preparing and circulating meeting papers;
 - iii. Managing records, documentation, and correspondence;
 - iv. Coordinating funding applications and monitoring utilisation;

- v. Managing consultants and transaction advisers engaged under the Fund.
 - vi. intake, registration, and preliminary screening of funding applications;
 - vii. coordination of project appraisal and due diligence;
 - viii. procurement coordination and engagement of consultants and transaction advisers;
 - ix. contract administration and monitoring of deliverables;
 - x. portfolio performance monitoring and reporting;
 - xi. maintenance of a digital fund management and tracking system, including disbursements, milestones, safeguards, and recoveries.
- c. The Secretariat shall report administratively to the Director-General of EKDIPA and functionally to the PFF Board¹. All correspondences, filings, proposals, approvals, and reports of the Board shall be processed through and maintained by the Secretariat.
- vii. Use of External Advisers
 - a. The Board and Secretariat may, in the performance of their duties under this Regulation, engage external advisers, consultants, transaction specialists, or professional services providers where expert input is required;
 - b. External advisers engaged under this Regulation may include financial, legal, technical, procurement, engineering, environmental and social, and other specialized advisers as may be necessary for project preparation, appraisal, implementation, monitoring, or evaluation.
 - c. The terms of engagement, remuneration, and scope of work of external advisers shall be determined in accordance with applicable State laws and any guidelines issued by the Board.

10. Eligibility, Application, and Disbursement

Eligibility Criteria for Fund Access

- i. PPP Projects or activities seeking support from the Fund must -
 - (a) be identified as a priority project in the State's development plan or PPP pipeline;
 - (b) demonstrate clear public interest and socio-economic benefits;
 - (c) have undergone an initial screening and appraisal by the Agency;

¹ See Annexure for the organogram of the key institutional framework and their roles and responsibilities.

- (d) demonstrate a clear need and justification for financial support to achieve commercial viability while ensuring value for money for the State; and
- (e) adhere to the principles of transparency, competition, and value for money in their procurement and execution.
- ii. The Board may, from time to time, issue detailed guidelines specifying additional eligibility criteria.

11. **Exclusions**

The Fund shall not be used to support:

- i. Privately Initiated Proposals (PIPs) that have not been approved under the PPP Law; and
- ii. Projects procured before the enactment of the PPP Law.
- iii. operational expenditure of Contracting Ministries, departments and Agencies (MDAs), including routine administrative or recurrent costs, and construction costs for PPP projects, except where such construction costs are expressly supported through Viability Gap Funding (VGF) under these Regulations.
- iv. Completed studies or retroactive reimbursements.

12. **Fund Flow**

i. **Accounts of the Fund**

The Fund shall maintain one or more dedicated accounts within the State Treasury Single Account (TSA) or another structure approved by the Governor. These accounts shall include: (a) a Consolidated Fund Account for receiving all inflows; (b) Project Preparation Support Accounts; (c) Viability Gap Funding Accounts; and (d) Contingent Liability Support Accounts. The Director-General shall serve as the primary accounting officer, and all accounts shall comply with applicable State financial regulations.

ii. **Capitalisation of the Fund and Replenishment**

The Fund shall be capitalised through initial seed funding appropriated by the State Government. Replenishment shall occur through annual budget allocations, recoveries from MDAs, returns on investments, grants, and

- donations. The Board shall conduct annual reviews to determine whether additional capitalisation is required.
- iii. **Payment into the Fund**
All payments into the Fund shall be made through designated accounts and accompanied by required documentation, including payment authorisation forms, project reference numbers, and supporting schedules. The Director-General shall ensure the timely recording and reporting of all inflows.
 - iv. **Withdrawal from the Fund**
Withdrawals from the Fund shall be made only for approved purposes. Each withdrawal request must originate from the Director-General and receive Board approval. Disbursements shall be milestone-based and supported by documentation including funding justification, contract references, and verification of deliverables.
 - v. **Budget, Accounting and Reporting**
The Director-General shall prepare an annual budget for the Fund aligned with the State's fiscal cycle. The Fund shall maintain accounting records in accordance with State financial regulations and international public sector accounting standards. Quarterly and annual financial reports shall be submitted to the Board and the Governor.
 - vi. **Audit**
The Fund shall undergo annual external audits conducted by the Auditor-General or an approved independent auditor. EKDIPA's internal audit unit shall conduct quarterly internal audits to ensure compliance with financial controls and fund utilisation requirements.
 - vii. **Financial and Procurement Regulation.**
All financial transactions of the Fund shall comply with Ekiti State Financial Regulations and Public Procurement Law.

13. Application Procedures

The MDA or the Agency, on behalf of a PPP Project, shall submit a formal application to the Director-General for access to the Fund.

The application shall include -

- (a) a detailed project proposal outlining the scope, objectives, and expected outcomes;
- (b) a comprehensive financial plan, including the requested amount from the Fund and its specific utilization;
- (c) justification for the requested funding, demonstrating how it aligns with the Fund's objectives; and
- (d) any other documentation as may be required by the Agency's guidelines.

14. **Appraisal and Approval**

- (a) The Agency shall appraise all applications for funding to ensure compliance with eligibility criteria and alignment with the Fund's objectives.
- (b) Following appraisal, the Director-General shall present a recommendation to the Board for consideration and approval.
- (c) For significant disbursements, particularly those involving viability gap funding or large-scale project preparation, the Board's approval shall be subject to the final approval of the State Executive Council (or the Governor).
- (d) For the purpose of this Regulation, a significant disbursement shall mean any single or cumulative disbursement in excess of **Two Hundred and Fifty Million Naira (N250,000,000)**, or any disbursement amounting to **twenty percent (20%) or more** of the total PFF allocation approved for a project, whichever occurs first. Such disbursement shall require prior approval of the PFF Board.

15. **Disbursement Mechanism**

- i. Disbursements from the Fund shall be made in tranches, linked to the achievement of specific milestones or deliverables as outlined in the approved project plan or advisory service contract.
- ii. The Agency shall enter into formal agreements with beneficiaries of the Fund, specifying the terms and conditions of the funding, including reporting requirements and performance indicators.

16. **Monitoring, Evaluation, and Reporting**

Monitoring and Evaluation

- i. The Agency shall establish a robust monitoring and evaluation framework to track the utilization of the Fund and the progress and impact of the PPP Projects or activities supported by it.
- ii. Beneficiaries of the Fund shall submit regular progress reports to the Agency as specified in their funding agreements.

17. Financial Reporting and Audit

- i. The Director-General shall ensure that accurate and complete financial records of the Fund are maintained in accordance with the financial rules and regulations of the State.
- ii. The accounts of the Fund shall be audited annually in accordance with the audit laws and regulations of the State.
- iii. The audited accounts and an annual report on the performance of the Fund shall be submitted to the Board, the Governor, and the House of Assembly.

18. Miscellaneous Provisions

Clarity Clause

For the avoidance of doubt, the Project Facilitation Fund (PFF) created under this Regulation shall be known and referred to as the State Infrastructure and Investment Facilitation Fund (SIIFF) and shall operate as a component of the State Infrastructure established under the Ekiti State Wealth Fund Law, 2023.

Power to Issue Guidelines

The Director-General, with the approval of the Fund Board, may issue guidelines, circulars, and administrative instructions as may be necessary for the effective implementation of these Regulations.

19. Review of Regulations

This Regulation shall be reviewed periodically by the Agency to ensure its continued relevance and effectiveness in facilitating PPP Projects in the State.

20. Approval by the State Executive Council

This Regulation, Business Plan (which includes the Fund Financial Plan), Governance Framework, and Operational Manual shall, upon finalization and

endorsement by the Board, be submitted to the State Executive Council (ExCo) for formal approval.

21. **Publication and Public Disclosure**

Following the approval by the State Executive Council (ExCo), the approved Regulation, Business Plan, Governance and Operational Manual shall be published on the official website of the Ekiti State Government and/or the host institution, to ensure transparency, accessibility by MDAs, and alignment with public financial management norms.

22. **Effective Date of the Regulation**

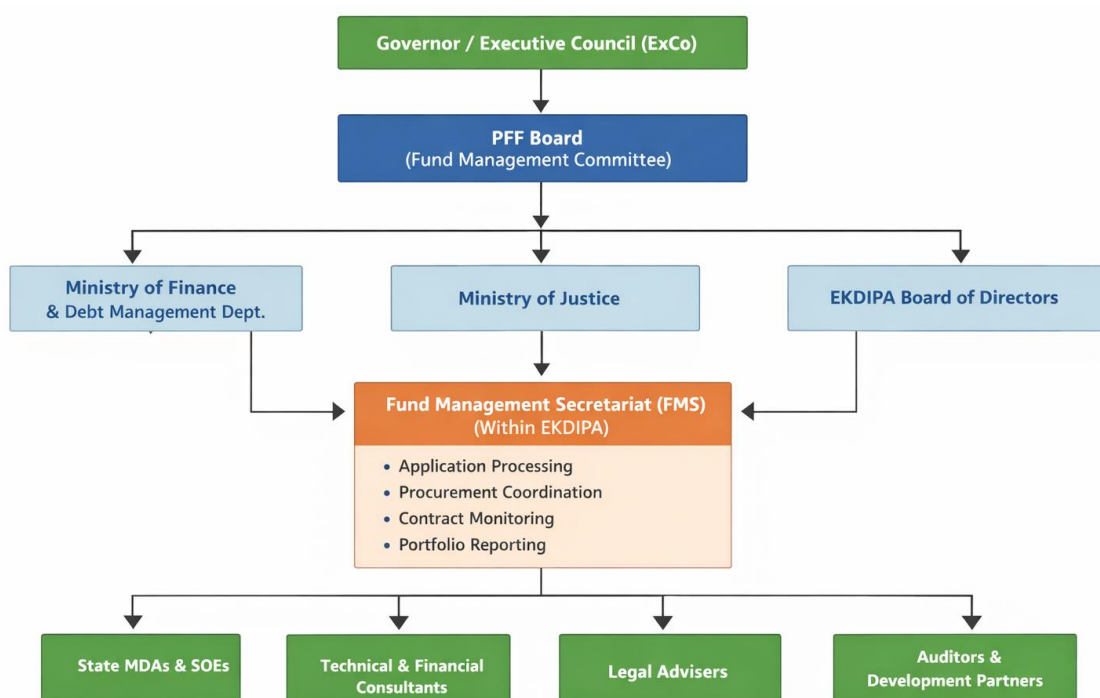
This Regulation shall take effect immediately.

Dated this day of the 30th December, 2025.



DIRECTOR-GENERAL
EKITI STATE DEVELOPMENT AND INVESTMENT PROMOTION
AGENCY

Annexure I



PFF Stakeholder Roles and Responsibilities

Stakeholder	Role in the PFF Framework
Governor / ExCo	Policy approval, oversight, and major approvals
PFF Board	Strategic oversight, approvals, and fiduciary accountability
EKDIPA	Host institution, PPP pipeline development
Fund Management Secretariat	Operations, procurement coordination, and monitoring
Ministry of Finance	Fiscal oversight, budgeting, debt and contingent liability review
Debt Management Dept.	PPP fiscal risk and contingent liability assessment
Ministry of Justice	Legal review, contract vetting, dispute risk
MDAs	Project origination and implementation
Consultants / Advisers	Technical, financial, and legal support
Auditors	Internal and external audit assurance
Development Partners	Technical assistance, financing support