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Editors
Samuel Laryea
Eziyi Ibem



WEST AFRICA BUILT ENVIRONMENT RESEARCH CONFERENCE



WEST AFRICA BUILT ENVIRONMENT RESEARCH (WABER) CONFERENCE
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Declaration

All papers in this publication have been through a review process involving initial screening of abstracts, review of full papers by at least two referees, reporting of comments to authors, revision of papers by authors and re-evaluation of re-submitted papers to ensure quality of content.

TABLE OF CONTENTS

Table of Contents	iii
Foreword	v
Copyright Statement	ix
Declaration of peer review and scientific publishing policy	xi
Scientific Committee and Review Panel	xiii
WABER Committee	xv
Sponsors and Partners	xvii
Prizes to be awarded at the WABER Conference 2017	xix
WABER interacts with previous winners of Best Paper Prize	xxi
Profile of Keynote Speakers	xxv
Programme for WABER 2017 Conference	xxxi
Programme for Academic Writing and Publication Workshop	xliii
Programme for Workshop for Research Supervisors	xlvi
List of Papers in WABER 2017 Conference Proceedings	xlvi
Keynote Addresses	1
Conference Papers	11
Index of Authors	1463
Index of Keywords	1467



NEA ONNIM NO SUA A, OHU

"He who does not know can know from learning"

This is the Adinkra symbol of knowledge, life-long education and continued quest for knowledge. The Akan people in West Africa believe that the search for knowledge is a life-long process. This is evident from the Akan saying "Nea onnim sua a, ohu; nea odwen se onim dodo no, se ogyae sua a, ketewa no koraa a onim no firi ne nsa" which translates into "He who does not know can become knowledgeable from learning; he who thinks he knows and ceases to continue to learn will stagnate".

A REVIEW OF PUBLIC PROCUREMENT ACT AND ITS IMPLEMENTATION IN ONDO STATE, NIGERIA

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In most developing countries across Africa, the adoption of good governance practices has taken considerable long time to take root, even though good governance mechanism promises enhanced rapidity of economic growth and sustainable development. This seems to be the experience of Nigeria and her federating states in the case of the public procurement reform agenda. While the Federal government of Nigeria has tried to adopt a public procurement regime to achieve the goal of good governance, most of the 36 federating states seem uninterested. The study is an expository analysis on the problems of adopting public procurement processes by federating states in Nigeria using Ondo State as case study. This study also traces the evolution of Nigeria's public procurement systems from the pre-existent traditional till the Public Procurement act 2007 and charting the way forward for domestication by the federating units (States). The study used a methodology based on case study analysis, it focuses on the problems of adopting public procurement processes by federating states in Nigeria. It employed both primary and secondary sources of data. The primary data were sourced through informal random opinion survey targeted mostly at the stakeholders, using the opportunity of the Tenders Days in selected Government MDAs. The secondary data were primarily government publications, Treasury Circulars, Daily Newspapers, Public Procurement Act and Manual. Finding from the study revealed that some federating states have outrightly refused to adopt public procurement regime as a good governance mechanism due to lack of political will, negligence and corruption which are bane towards the full adoption of best practice and sustainable development. It concludes by encouraging a competitive environment for public procurement and ensuring maximal autonomy of the procurement process regulators.

Keywords: built environment, good governance, public procurement, sustainable development goals, tendering, transparency,

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INTRODUCTION

The imperative of prudence, transparency and accountability in government spending, particularly in the procurement of goods and services for development projects cannot be over-emphasized. Obadan and Ayodele (1999) further noted that the country's optimism for rapid and superlative socioeconomic growth and development is predicated on its substantial natural resources endowment, such as major oil and gas deposit, a variety of solid minerals, a developing industrial base, an extensive banking system, a large labour force, a vibrant private sector, favourable growth indices, and a competent civil service. In spite of all these potentials, the poor performance of the Nigerian economy in many sectors is very evident. The real sectors of manufacturing and agriculture are performing rather poorly. The country imports a large proportion of what it consumes. The capacity utilization of industries is around 50% of installed capacity. The country's per Capita Gross National Product which was as high as \$1,218.4 in 1980, declined continuously to its lowest level of \$240.0 in 1992; standing at around \$250 in 1995 and at \$270 in 1997. As shown in figure 1, Nigeria's per capital Gross National Product kept growing from 1997 to \$3,284 in 2014 and dropped to \$2,260.3 in 2016. The GDP is predicted to have a slight growth rate of 0.4% as the country emerge out of recession in 2018 and 2019 (World Bank, 2017)

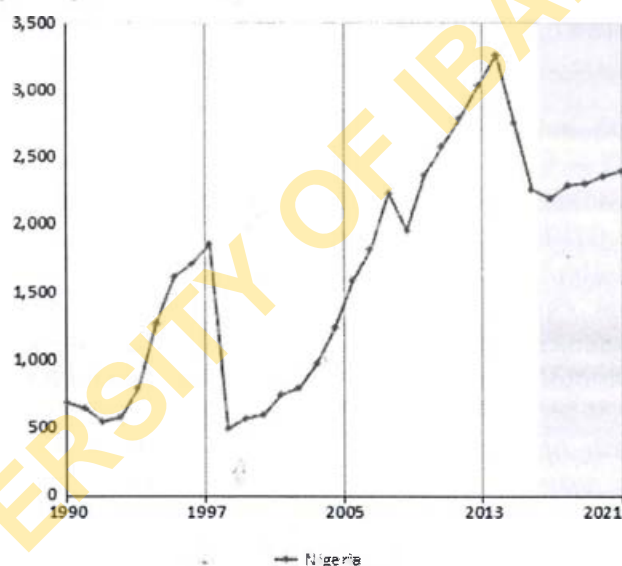


Figure 1: Nigeria's per capital Gross National Product (Source: <https://knoema.com/pjeqzh/gdp-per-capita-by-country-statistics-from-imf-1980-2021?country=Nigeria>)

In most Developing countries across Africa for instance, the adoption of good governance practices has been slow taking root even when it is obvious that good governance mechanism promises enhanced rapidity of economic growth and sustainable development. This seems to be the experience of Nigeria and her federating states when it comes to the adoption of public

procurement reform agenda. In view of this, this paper traces the evolution of Nigeria's public procurement systems from the pre-existent traditional till the Public Procurement act 2007 and charting the way forward for domestication by the federating units or States. As Ezekwesili (2004) noted, the public procurement law regime is predicated on a veritable good governance mechanism which seeks to streamline, legalise and institutionalize public procurement practices in order to achieve the objectives of transparency, accountability, probity and anti-corruption. While the Federal Government of Nigeria has tried to adopt a public procurement regime to achieve the goal of good governance, most of the 36 federating states seem uninterested (Adewole, 2015). Some federating states have out-rightly refused to adopt public procurement regime as a good governance mechanism. Others who tried to adopt the agenda did it halfheartedly by whittling down the force of the law. A key reason for this is that the status quo benefits the political class. According to Seember (2012), this situation has aggravated the ongoing under development crisis, it has stunted growth and engendered poverty in concerned African nations.

LITERATURE REVIEW

Since independence, Nigeria has experienced a high degree of mismanagement of resources particularly in the area of public procurement. There have been existing open abuses of rules and standards in the award and execution of public contracts in Nigeria. These are evident in over-invoicing, inflation of contract costs, and proliferation of white-elephant projects and diversion of public funds through manipulation of the traditional contract system. The regulatory bodies set up to ensure compliance with laid down rules and regulations on procurement and award of contracts in the public sector appear ineffective, such as the Budget Monitoring and Price Intelligence Unit (BMPIU) popularly called Due Process Unit at the State level and Bureau of Public Procurement (BPP) at the Federal level. This has resulted in a high level of corruption and enormous wastage of public resources, lack of transparency, accountability, fairness and openness in the award and execution of public contracts. The situation makes foreign and even local investors to lose confidence in the Nigerian economy. It must be noted that the prevailing high level of corruption is closely linked to the public sector procurement systems, considering that about ten percent of the entire gross domestic product (GDP) must pass through these procurement systems. Figure 1 and 2 shows the existing procurement process followed in the award of contract and consultancy services in Nigeria. It thus becomes imperative that the public procurement systems must be reformed if Nigeria must achieve sustainable economic growth and physical infrastructural development.

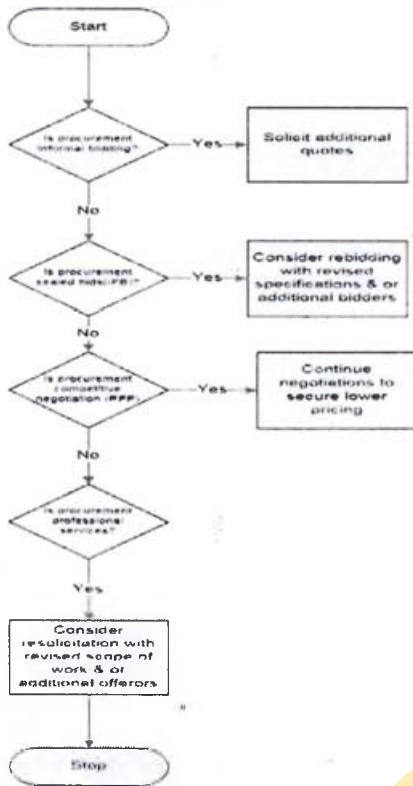


Figure 2: Operational flowchart for the Federal Public Procurement Process for Contractors
Source: Bureau of Public Procurement. 2010

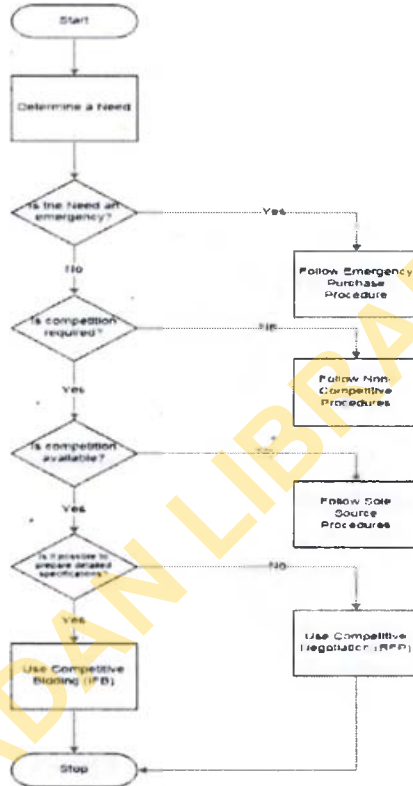


Figure 2: Operational flowchart for the Federal Public Procurement Process for Contractors
Source: Bureau of Public Procurement. 2010

Also, the fuller integration of developing countries, notably poorer ones, into the world economy is one of the top priorities of the OECD countries, in the pursuit of globalization. This is seen as a situation where economies worldwide, irrespective of location, seamlessly mesh in the production, procurement and logistics of goods and services, which of course, presupposes that there must be synchronization of protocols and regulatory processes required for the effective brokering of these goods and services. This is intended to facilitate constructive and positive support for the trade and development of partner countries. According to Woolcock (2001), transparency in government procurement is one of the four “Singapore issues” that Trade Ministers agreed to put on the negotiating agenda at the 4th Session of the WTO Ministerial Conference held at Doha in November 2001. The importance of this subject from a development perspective is self-evident, as the purchase of goods and services by the public sector typically accounts for 10 percent to 15 per cent or more of GDP in developing countries. The Doha Ministerial Declaration recognizes the case for a multilateral agreement on transparency in government procurement, while emphasizing the need for enhanced technical assistance and capacity building in this area. There are critical concerns among experts in the role of governance reform as antidotes to national growth and development, (Kaufmann, 2003; Sebastian, 2006). Along this line, various studies have

been conducted on the types of governance reforms that are available as ways of enhancing sustainable growth and development of Nations and states. Among such studies are, Sabbath (2014) focuses on the challenges facing the retrieval and analysis of Public Procurement Information and government control in some Southern African Countries that include, South Africa, Uganda, Zimbabwe and Tanzania. Adewole (2014) and Awosemusin (2014) on their part looked at the state of procurement activities in the three tiers of government in Nigeria and reported the need for reform starting from the grassroot level. Enyioko and Onwusoro (2014) explored corporate governance reforms in Nigeria and the attendant weak regulatory frameworks. However, there still exists wide knowledge-gap in public procurement processes and governance issues as to why some countries and states in countries may deliberately choose not to adopt good governance practices, despite the inherent benefits to the growth and development of their countries. In Developing countries in Africa for instance, the adoption of good governance practices has taken too long a time to take root. Even within Nigeria where it has been federally adopted, most of the federating units are still foot dragging on this issue. Considering that almost 10 years after it was signed into federal law, and when it is obvious that good governance mechanisms promote speedy growth, sustainable growth and development. This seems to be the experience of Nigeria and her federating states in the case of public procurement reform agenda. The public procurement law regime has proven to be a veritable good governance mechanism which seeks to streamline, legalise and institutionalize public procurement practices in order to achieve the objectives of transparency, accountability, probity and anti-corruption.

While the Federal government of Nigeria has tried to adopt public procurement law regime to achieve the goal of good governance most of the 36 federating states seems not interested. Some federating states have outrightly refused to adopt public procurement regime as a good governance mechanism. Others who tried to adopt the agenda did it halfheartedly by whittling down the force of the law. A key reason for this is that the status quo benefits the political class. According to Seember (2012), this situation has aggravated the preexistent underdevelopment crisis, stunted growth and engendered poverty in the concerned states. It was in the light of the above that President Olusegun Obasanjo on assumption of office, in 1999, sought for and obtained the World Bank assistance to undertake a study of the existing procurement and financial systems in Nigeria. The outcome of that study was the proposal submitted by the World Bank to Mr. President in 1999 that was tagged the "Country Procurement Assessment Report" (CPAR). That report indicated the need for reform of the procurement law based on the United Nations Commission on International Trade Law (UNCITRAL) which has proven effective in a number of countries in the developing (Lithuania, Estonia and Tanzania) and developed world, (United states, Japan, United Kingdom, France). The findings of the Study (CPAR), which covered institutional as well as organizational structures relating to the existing procurement regime, are:

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- i. Proliferation and ineffectiveness of Tender Boards.
- ii. Lack of professionalism in the execution of the procurement functions
- iii. Weaknesses in bank financed projects
- iii. Excessive deposit for opening of letters of credit.
- iv. Lack of communication strategy.
- v. Weaknesses in the export, import and tariff procedures.
- vi. Lack of streamlined quality control practices.
- vii. Lack of knowledge in electronic procurement in the public sector (World Bank, 1999; 2017),

Some of the identified weaknesses also included: the lack of comprehensive public procurement policy, and central body with technical expertise, the absence of clearly defined roles and responsibilities for procurement entities, absence of comprehensive legal regime to safeguard public procurement, the lack of rules and regulations to guide, direct, train and monitor public procurement. The report also identified that there was no independent appeals process to address complaints from tenderers.

The Obasanjo's administration further reformed the public procurement system in Nigeria by the introduction of a new procurement system called "Due Process" Policy in 2001. This reform was a major landmark in contemporary Nigeria, marking a deliberate departure from the previous administrations in the country. The "Due Process Policy" was introduced into the nation's procurement system via Treasury Circular by the Federal Ministry of Finance No, TRY/F15775 of 27th June 2001 (Federal Republic of Nigeria, 2002). It metamorphosed into an Act of parliament called "Public Procurement Act" 2007, and thus including Nigeria in the league of countries with legislation on expenditure and disbursement of public funds. Prior to 2007, Nigeria was among the few African countries without such legislation.

THE PUBLIC PROCUREMENT LAW 2007

The "Due Process Policy" was passed into law, via an act of the National Assembly and assented to by the then President Umaru Musa Yar'Adua. The Act sought to establish the National Council on Public Procurement and Bureau of Public Procurement as the regulatory authorities responsible for the monitoring and oversight of public procurement, harmonizing the existing government policies and practices by regulating, setting standards and developing the legal framework and professional capacity for public procurement in Nigeria; and for related matters. The provisions of the Act shall apply to all procurement of goods, works, and services carried out by:

- (a) The Federal Government of Nigeria and all her procurement entities;
- (b) all entities outside the foregoing description which derive at least 35% of the funds appropriated or proposed to be appropriated for any type of

procurement described in this Act from the Federation share of Consolidated Revenue Fund.

(c) The provisions of this act shall not apply to the procurement of special goods, works and services involving national defense or national security unless the President's express approval has been first sought and obtained (Public Procurement Act 2007). The act also provided for establishment of Ministerial Tenders Boards for Ministries, and Parastatals Tenders Boards for extra-ministerial agencies and Departments which clearly states that the Permanent Secretary in the case of the Ministry and the Director-General for parastatals, as the Accounting officer of the body, is the Chairperson of the Tenders board, as applicable. The MTBs and PTBs are to be the clearing house for all procurement activities in their respective MDAs.

As expected, the Nigerian Public Procurement Law 2007 took the bull by the horns. The law is radical in its approach to some of the major procurement issues that have inhibited Nigerian growth and development. It is divided into twelve parts. Part 1 of Public Procurement Law (2007) establishes the National Procurement Council (NPC) to provide uniform national regulatory platform for procurement broad policy formulations. Part II of the law establishes the Bureau of Public Procurement (BPP). The Bureau of Public Procurement (BPP) according to the law is to act as supervisory organ and provide operational guidelines to regulate public procurement practices. Part III of the Public Procurement Law (2007) exemplifies the scope of its application. By this, it is clear that the law is applicable only to Federal Government of Nigeria due to the federal nature of Nigerian nation. Part IV establishes legal format with regard to procurement thresholds. It also makes it a legal imperative for government procurement entities to engage in procurement plans and open competitive bidding.

It also provides clear definition for the status of contractors/suppliers/service providers among other critical issues with the aim of strengthening public procurement practices. While Part V of public procurement law (2007) gives legal basis for the establishment of procurement planning units and sets criteria for pre-qualification of bidders, Part VI deals with procurement methods that are permitted under the law. Part VII focuses on conditions for special or restricted methods of procurement and Part VIII of the law gives conditions and steps for engaging consultants. Part IX deals with procedures for procurement surveillance and reviews by the Bureau of Public Procurement (BPP), while Part X focuses on methods of disposing public property. Part XI of public procurement law specifies code of conducts to regulate activities of stakeholders (Bureau officials, Tender Board, Contractors, CSOs, Procurement officers etc.) and Part XII deals with offences for various categories of infractions under the law.

A general review of the objective principles and framework by relevant legal researchers and development practitioners indicates that the Public

Procurement Law (2007) provides adequate leverage for countering recurring problems of the lack of regulatory framework. It attempts to solve problems of absence of thresholds and other obvious lapses that have precipitated gargantuan corrupt practices in Nigerian public procurement system (COPE-AFRICA 2010). The law also has been described as a breakthrough in the Nigerian governance reform package. In fact, the law is acclaimed as a desirable governance mechanism to institutionalize transparency, professionalism, due-process, value for money, accountability, cost effectiveness and zero corruption in Nigerian public procurement processes (Obasanjo, 2003; Ogheidi, 2012).

As Igwe et al (2012) noted, there have also been some agitations for the laws to be amended in view of some obvious lacuna and the exigencies of unfolding challenges (Ogege, 2010; Ossai 2014). These agitations are not in any way misplaced. Laws often undergo periodic amendments based on emerging realities which may not be foreseen. Nevertheless, the public procurement law regime in Nigeria has become a watershed in governance reform programs. With the Public Procurement Law 2007, public procurement practices have become institutionalized. Sanity is gradually being restored to procurement practices, while past errors in which public procurements are shrouded in secrecy are beginning to be a thing of the past at the federal level. The procurement practices of most Nigerian federal ministries, departments and agencies (MDAs) have been brought under complete watch of public procurement law regime.

RESEARCH METHODOLOGY

The study employed primary and secondary sources for data collection. The secondary data were primarily sources from government publications, Treasury Circulars, Daily Newspapers, Public Procurement Act and Manual. The primary data were sourced through informal random opinion survey targeted mostly at the stakeholders, using the opportunity of the Tenders Days in selected Government MDAs. The study is an expository analysis on the problems of adopting public procurement processes by federating states in Nigeria as part of desirable good governance reform agenda to fast track national sustainable growth and development with Ondo State (one of the federating Units of the Federal Republic of Nigeria) as a case study. As earlier stated, this study also traces the evolution of Nigeria's public procurement systems from the pre-existent traditional till the Public Procurement act 2007 and charting the way forward for domestication by the federating units or States.

THE ONDO STATE EXPERIENCE

In the case of Nigeria's federating units however, the public procurement act 2007 is substantially yet to take effect. This is because there is critical hurdle of how to deepen public procurement law regime across entire 36 federating states and all the 774 local governments in Nigeria. The Public Procurement Law (2007) is applicable only to federal government. As a

fallout of the federating nature of Nigerian political configurations. Other tiers of government (states and local government) are expected to adopt the law out of their own volition. It is a fact that until all the three tiers of government (federal, states and local) subscribes to public procurement law regime, the obvious gains of public procurement sub-sector as a major governance reform agenda may not make any meaningful impact and help achieve desired development goals. Igwe et al. (2012) has confirmed that the federal share of public expenditure from federal collectable allocation stands at 48%, while the combined expenditure by other tiers (states and local) governments is 52%. The implication of this is that substantial part of public procurement expenditure profile is yet to be institutionalized or captured by public procurement reform agenda. It will be pretty difficult to feel real impacts of public procurement reform in national development context unless every segment of government adopts and practices Public Procurement Law regimes, the original expectation was that all the tiers of government will subscribe to public procurement law regime given the potency of public procurement laws as veritable reform mechanism to fast track sustainable national development.

Oyinlola (2011) notes that while substantial number of states have refused to pass the law, those that passed it have remarkably tinkered with the law in order to achieve objectives other than good governance reform. There is also no single local government in Nigeria that deemed it fit, to key into public procurement law regime in order to enhance proper procurement practices. Various reasons have been advanced for this appalling situation. These include the problems of Nigerian federating system of government which encourage laxity and free choice among the tiers of government to pass law. There are also the issues of lack of political will towards radical national development change; absence of strong or compelling institutions, high-level corrupt tendencies among political class, absence of philosophical and ideological vision and orientation to developing a dream in society, lack of commitments to corruption war in Nigeria and the pervading corrupt practices that has almost become accepted as a norm in the Nigerian socio-cultural values system.

Ondo State came into being in February 1976, via decree by the then Federal Military Government, as an offspring of the then western state. Being virtually bereft of government presence, except for a few schools haphazardly scattered across her communities, a large quantum of development inputs became necessary. During this period, especially till the return to democracy in 1979, the military was at the helm of affairs in the state; and thus, development decisions were made by military fiat. In this period, roads, housing estates and some school projects were awarded, but usually to cronies of the ruling military class. The Ajasin Administration, from 1979 marked the first attempt by Ondo State to set up a State Tenders Board, which oversaw most of the major procurement activities, even though the operations of government were still opaque, shrouded in secrecy by the official secrets act. Subsequent Military administrations maintained this, but a Project Monitoring Unit was set up in the Governor's office.

In 1999, with the return to democracy and a strong clamor for openness, transparency and accountability in carrying out the business of government, the Ondo State Government attempted to strengthen the State Tenders Board system via executive orders and circulars, towards ensuring that due process was followed in both the award and execution of government contracts. It was not until 2003 that a due process office was finally established called "Projects and Price Monitoring Unit" PPMU as an adjunct of the Governor's office with a mandate for ensuring value for money on all government projects (see figure 3). The 2003 Executive Order is what is being followed till date for all government procurement processes. According to Projects and Price Monitoring Unit (PPMU, 2016), the Ondo State Government sought to domesticate the Federal Public Procurement Act 2007 at the State Level by sending a bill to the State House of Assembly for an act of law for the establishment under appropriate legal frameworks the State Board for Public Procurement and a State Bureau of Public Procurement, said bill being essentially a mirror image of the Public Procurement Act 2007 but with some adjustments to align with the peculiarities of the local characteristics. Also, it must be noted that this arrangement is skewed in favor of procurement of works and goods, with very little attention given to procurement of knowledge-based issues such as professional consultancy services, outsourced services, process management and others. For example, project consultants are hired at the whim of the Governors Special Adviser on Infrastructure, who conducts all prequalification exercises for all consultants and issues letter of approval to the MDAs for commissioning of the consultants. This leaves room for over concentration of power in one individual with the propensity for encouraging corruption.

From the Table 1 it is clear that control of the existing procurement process is firmly under the control of the political class who thus manipulate and tweak the system ultimately to their own benefit. This is especially clear in the area of procurement of goods and works where final investment decisions are totally at the behest of the State Tenders Board (Nominees of the Governor) and the State Executive Council (also nominees and Staff of the Governor) as against having in place a validly constituted State Board for Public Procurement. For the procurement of knowledge-based functions such as technical/professional consultancy, all control and final decision-making is vested in the office of the Special Adviser to the Governor on Infrastructure, who ultimately approves hiring of consultants and oversees their work.

Table 1: Existing Ondo State Procurement Process (emphasis on goods and works)

s/no	Description/Activity	Key Operators	Approving Authority
1.	Needs Assessment	Communities, MDAs, SHASS	MDAs
2.	Budgeting & Appropriation	MDAs, SHASS& Gov. Office	SHASS& Gov. Office
3.	Engage Consultants (either through prequalification by OSAI of using in-house professionals for design and billing)	MDAs, OSAI, Gov. Office	OSAI
4.	Send Bill to PPMU to benchmark	MDAs, PPMU, STB	STB
5.	Advertise Projects for Tendering (Except where Governor's Approval has been sought and obtained for selective tendering)	MDAs, STB	STB
6.	Prospective Bidders obtain tender/Prequalification documents as applicable	MDAs	STB
7.	Submission of Tender documents	MDA or STB (depending on threshold)	STB
8.	Tender Opening and Recording	MDAs, STB, Bidders	STB
9.	Tender Analysis, Brief Documentation and Reporting	MDAs, Project Consultant	STB
10.	Brief Consideration and Recommendation for award	STB (MDAs invited to Observe)	STB
11.	Final approval and Award of Contract	State EXCO (MDAs invited to Observe)	EXCO
12.	Vendor Issued Letter of Award and Submits Letter of Acceptance	MDAs	STB
13.	Vendor submits APG in order to receive mobilization funds	MDAs/Min. of Finance	MDAs
14.	Project Monitoring, Evaluation, Reporting and Certification	MDAs, PPMU	MDAs-Interim, PPMU final.

Source, PPMU (2015)



Figure 4: Construction of Model School Building, Igbokoda, Ilaje LGA
Source: Ondo State Government, 2013

The major procurement activities of government include road construction, building, defense, aviation, agriculture, water installation, education, technological equipment, information technology hardware and software (see figure 4). Other activities are health procurements, energy generation, transmission, and distribution procurements in the energy sector. It also includes oil and gas sector procurements and the generalized recurrent expenditure items like stationery and other office consumables.

CONCLUSION

The Due Process Mechanism as a model application of “Best Practice” in procurement system has become a key reform agenda in the management of public finance. It ensures that requisite standards are maintained, while transparency, accountability and the elimination of waste are guaranteed in contrast to the old procurement system that was not integrity-driven. By its introduction, appropriate level of respect for rules, regulations and procedures relating to the management of public funds is being institutionalized within the set legal frameworks. It is noteworthy that numerous benefits and dividends of the policy, which have accrued to Nigeria over the years since its inception in 2001. The feedback from the implementation process has generated diverse mixed reactions among Nigerians. Even in government circles, it has not really turned out as professed by its vision and mission in practice. The system is still fraught with a gaping hole of public distrust. Nevertheless, this should not raise unnecessary alarms as per the beauty of the policy, considering a great deal of dividends it has achieved for Nigeria in developmental and governance processes. It is hoped that the perceived lapses and abuses in the policy and its accompanying systems shall be conquered with time and possible adoption of the recommendations set out hereunder. Also, in the case of Ondo State with partial application of the due process regime via executive orders, a lot more needs to be done in institutionalizing the national public procurement processes, adapted to the peculiarities of the state and with sufficient legal frameworks underpinning it to ensure sustainability and effectiveness of the public procurement process reforms, while significantly reducing the intrigues, power-play and opacity associated with government business, particularly by enactment of laws for domestication of the same by the State house of Assembly. The status quo must not continue as from our analysis, the government, contractors/vendors, the system operators and indeed all development stakeholders the state, especially the people who are the ultimate beneficiaries of the “product” of the public procurement process, are all short-changed as long as we continue business as usual.

Recommendations

The following are recommendations stemming from this study, which we believe if implemented, would in no small measure catalyse reform of the public procurement processes in Ondo State for optimal efficiency and effectiveness, ensure transparency and openness, free up valuable executive time for the more important work of state-wide policy formulation and

implementation management while ensuring government gets enhanced value for money on every Naira spent on the products of the procurement process:

i. Adoption of public procurement legislation at all levels of governance

The type of federalism practiced in the country limits the application of the Public Procurement Act 2007 to the federal level. However, there are indications that corruption in procurement has extended to the state and local government levels following the findings of National Integrity Systems (2004) that corruption is endemic and pervasive in every stratum of the Nigerian society. This may not be peculiar to Nigeria. Gould and Amaro-Reyes (1983) argued that corruption is pervasive throughout all levels of public bureaucracies and government. Similarly, Bardhan (1997) maintained that corruption pervades different ministries, agencies, and levels of local government. Empirical evidence from Treisman (2002) with data from 166 countries which include Nigeria, concludes that countries with more tiers of government tend to have higher perceived corruption and to provide public. This is in consonance with empirical evidence across countries by Fisman and Gatti (2002) which suggests that fiscal decentralization in government expenditure is strongly and significantly associated with corruption at lower tiers of government, especially when decentralization originates from a country's legal system. There is need to broaden the public procurement legislation to include the states and local governments which control about 48 percent of the country's financial resources. A holistic approach to anti-corruption in public procurement is more likely to yield a significant result. Thus, outright domestication of the Federal Public Procurement act 2007 by timeous establishment via appropriate legal/regulatory frameworks of the State Boards on Procurement and State Bureau of Public Procurement becomes extremely desirable.

ii. Insulation of Procurement Processes and Personnel from Political Influence.

The most important way to improve compliance with the Public Procurement Act, 2007 is *to insulate routine procurement decisions from political interference or at least, reducing it to the barest minimum*. This requires that political leaders muster the necessary political will (currently lacking) to implement the Act in full.

iii. Public Participation and Inclusiveness

Effective reforms to control corruption in public procurement systems must be sustainably participative and inclusive of all essential stakeholders in the society i.e, must be sufficiently open and transparent as to afford ease of public participation, reducing to the minimum, by aforesaid legal/regulatory frameworks, the propensity for political interference in the public procurement process, thus ensuring sustainability of the process and enhancing full completion and delivery of development projects.

- iv. Entrenching a competitive environment for all government procurement.

There is some evidence that lack of competition in the public procurement system promotes costly inefficiencies in public performance, and that measures to support competition policy enhance the efficiency of public procurement (Falvey et al., 2007). Competitive sourcing in public procurement is expected to encourage innovation as well as improve efficiency and performance (U.S. Government Accountability Office, 2005). An effective public sector procurement contract system hinges on a desired degree of transparency, integrity, competence, competition, and value for money. Therefore, market conditions have a great influence over the public procurement system's effort to maximize competition, and the market determines whether or not socio-economic objectives of procurement are accomplished. However, due to different levels of economic growth among countries in the world, market conditions impact differently on public procurement in industrialized countries and in developing countries (Thai, 2001).

REFERENCES

- Adewole, A. (2015) "Governance Reform and Public Procurement Law Regime in Nigerian Federating States: A Case Study of Oyo State". *International Journal of Development and Economic Sustainability* Vol.3, No.1, pp.18-29.
- Adewole, A. (2014) "Governance Reform and the Challenge of Implementing Public Procurement Law Regime across Nigerian State and Local Governments". *International Journal of Public Administration and Management Research (IJPAMR)*, Vol. 2, No 4, ISSN: 2350-2231 (Online) ISSN: 2346-7215 (Print).
- Awosenusi, B. (2014) Summary of action plan for CSOs to assist in partnership into World Bank on deepening public procurement practices, COPE-AFRICA strategic plan 2013- 2018.
- Bardhan, P. (1997). "Corruption and Development: A Review of Issues." *Journal of Economic Literature*, 35 (3): 1320-1346.
- Enyioko, N. C and Onwusoro, C. O. (2014) Corporate Governance Reforms in Nigeria: A Study of Shareholders' Right of Entry. Available at SSRN: <https://ssrn.com/abstract=2397377>
- Ezekwesili O (2004). Welcome Speech at the Public Procurement workshop, held at Abuja, Nigeria.
- Federal Ministry of Finance (2008). Ref. No. Try/A4&B4/2008, OAGF/CAD/026/Vol.11/439, "Guidelines for Due Process Certification of Contracts and Application for Release of Funds from Central Capital Account to the Capital Accounts of Ministries, Extraministerial Offices and Agencies at the Central Bank of Nigeria, Abuja. Federal Republic of Nigeria (2002). Official Gazette on "Public Procurement Act" 2007, Abuja.

- Falvey, R., Chimia, A.L., Morrissey, O., & Zgovu, E. (2007). "Competition Policy and Public Procurement in Developing Countries." (Centre for Research in Economic Development and International Trade Research Paper No. 08/07). [Online]. Available at www.nottingham.ac.uk/economics/credit
- Fisman, R., & Gatti, R. (2002). "Decentralization and Corruption: Evidence across Countries." *Journal of Public Economics*, 83 (3): 325-345.
- Federal Republic of Nigeria, (2002). Federal Ministry of Finance Treasury Circular No. TRY/F15775 of 27th June 2001. Official Gazette on "Due Process and BMPIU", Abuja
- Gould, D. J., & Amaro-Reyes, J. A. (1983). "The Effects of Corruption on Administrative Performance: Illustrations from Developing Countries." (World Bank Staff Working Papers, No. 580). Management and Development Series, No. 7). Washington, DC: World Bank.
- Igwe, R, Mbotu, W.A. & Ebong. E.E. (2012) Project Abandonment, Corruption and recovery of unspent budgeted public funds in Nigeria, www.revecom.ro/articles/2012-1/2012-1-2pdf
- Kaufmann, D. (2003) Growth without governance. *Economic: The Journal of Latin America and Cambean Economic Association* Vol 3, No 1, 169 -215.
- National Integrity Systems (2004). "Integrity Systems: Transparency International Country Study report." [Online]. Available at http://www.transparency.org/policy_research/nis/nis_reports_by_country.
- Nwabuzor, A. (2005), "Corruption and development: new initiatives in economic openness and strengthened rule of law", *Journal of Business Ethics*, Vol. 59 No. 1, pp. 121-38.
- Obadan MI (2003). Transparency and Accountability in Fiscal Management and Public procurement. A paper presented to the Forum for Directors of Administration, 23-25 September, NCEMA, Ibadan.
- Obadan MI, Ayodele FO (1999). Savings, Investment and Growth Connections in Nigeria: Empirical Evidence and Policy Implications: NCEMA Policy Analysis Series, Vol. No. 2.
- Obasanjo, O. (2003) Nigeria. From Pond of Corruption to Island of Integrity, Lecture at the 10th Anniversary of Transparency International (TI), Berlin Germany.
- Ogheidi, M. M (2012) Political Leadership and Corruption in Nigeria Since 1960: A Social Economic Analysis, *Journal of Nigeria studies*. Vol 1, No 2 Fall 1-25.
- Ossai. O. (2014) A Review of Nigerian Procurement Process, www.saharereporters.com/2014/03/21/call-review-nigeria.procurement-tonyossai.accessed 10/12/2016.
- Oyinlola. O.A. (2011) Corruption Eradication in Nigeria: An Appraisal, Library Philosophy and Practice ISSN 1522-0222. <http://www.unlib.uni.edu>. /11p assessed 18th December 2014.
- PPA 2007, Public Procurement Act 2007, Federal Government of Nigeria.
- PPMU 2015, Project and Price Monitoring Unit, Governor's Office, Ondo State of Nigeria

- Sebastian D.A. (2006) Good governance, institutions and economic development: beyond the conventional wisdom. Forum Paper, Department of Political Science, University of Bacalonia, 3rd of May.
- Seember. N (2012) Manual on Public Procurement law 2007, Abuja Public and Private Development Centre. www.ppdc.com
- Thai, K. V. (2001). "Public Procurement Re-examined." *Journal of Public Procurement*, 1 (1): 9-50.
- Treisman, D. (2002). "Decentralization and the Quality of Government." Mimeo, UCLA [Online]. Available at www.sscnet.ucla.edu/polisci/faculty/treisman/DecandGovt.pdf
- U.S. Government Accountability Office (2005). "Competitive Sourcing: Greater Emphasis Needed on Increasing Efficiency and Improving Performance." *Journal of Public Procurement*, 5 (3): 401-441.
- Woolcock, S. (2001) 'Investment in the World Trade Organisation' in Klaus Deutsch (ed) *The European Union in the Millenium Round*, Cambridge University Press.
- World Bank (1996). *Nigeria, Poverty in the Midst of Plenty: The Challenge of Growth with Inclusion*. Population and Human Resources Division, Western Africa Department, Africa Region. World Bank (2017). *World Development Indicators*. <http://databank.worldbank.org/data/reports.aspx?source=2&series=NY.GD.P.PCAP.KD&country=NGA> (Accessed 28 July 2017)