ASSESSMENT OF IMPLEMENTATION OF THE PUBLIC PROCUREMENT ACT OF KADUNA STATE GOVERNMENT

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A THESIS SUBMITTED TO THE SCHOOL OF POSTGRADUATE STUDIES AHMADU BELLO UNIVERSITY, ZARIA IN PARTIAL FULFILLMENT FOR THE AWARD OF MASTER OF SCIENCE (MSc) IN PUBLIC ADMINISTRATION,

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JULY, 2015

DECLARATION

I declare that this thesis entitled Assessment of Implementation of the Public Procurement Act of Kaduna State Government has been carried out by me in the Department of Public Administration, Ahmadu Bello University, Zaria. The information derived from the literature has been duly acknowledged in the text and a list of references provided. No part of this thesis was previously presented for another degree or diploma at this or any other Institution.

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Name of Student	Signature	Date

CERTIFICATION

This thesis entitled ASSESSMENT OF IMPLEMENTATION OF THE PUBLIC PROCUREMENT ACT OF KADUNA STATE GOVERNMENT by Haruna Sadiq MUHAMMAD meets the regulations governing the award of the degree of Master of Science in Public Administration (MSc) of Ahmadu Bello University, and is approved for its contribution to knowledge and literary presentation.

Dr. J.D. Ndan Chairman Supervisory	_____ Signature	_____ Date
Dr. Musa Idris Member, Supervisory Committee	_____ Signature	_____ Date
Dr. H.A. Yusuf Head of Department	_____ Signature	_____ Date
Prof. A.Z. Hassan Dean School of Postgraduate Studies	_____ Signature	_____ Date

DEDICATION

This work is dedicated to my late father Muhammad Sadiq and my old mother Maryam Abubakar for their patience, love and encouragement throughout my studies. Bear in mind Dad and Mum, my prayers will always be with you for the rest of my life In-sha Allah. It is also dedicated to my family for their prayers.

ACKNOWLEDGEMENT

I wish to acknowledge the Almighty Allah for His infinite mercy; we praise Him and seek His help and forgiveness. We seek refuge in Allah from the evil of ourselves and the wickedness of our own deeds, we say 'Astagafurullah'.

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Abstract:

The study attempted to assess the implementation of the public procurement Act of Kaduna State Government. The Act was put in place because of the weakness in the general procurement system of Nigeria and be sure that, Due Process is followed in the award of contract (Public Procurement). The study tried to find out how implementation of Due Process Act affected public procurement towards transparency and accountability in Kaduna State. Data for the study were obtained with the aid of self-designed (Secondary), questionnaires and interview. Data for this study were analysed using both descriptive and inferential statistical tools. The study revealed that, due process in procurement act is only finding among others, aimed at ensuring transparency in contract awards yet the level of public advertisement in bidding is low. The study recommended that, effort should be intensified in ensuring that all contracts to be awarded are advertised with the details of the criteria and requirement for the bidding. Therefore, the use of media like television, radio, newspapers etc. should be intensified for openness and transparency to transpire.

LIST OF ABBREVIATION

APG	Advance Payment Guarantee
Bureau	Bureau of Public Procurement
CQ	Consultants Qualification (Selection Method)
DPO	Due Process Office
GPN	General Procurement Notice
ICB/ICT	International Competitive Bidding/Tendering
IFB/IFT	Invitation for Bid / Tender
IS	International Shopping
LCS	Least Cost Selection
MTB	Ministerial Tenders Board
NCT	National Competitive Tendering
NCB	National Competitive Bidding
LIB	Limited International Bidding
DC	Direct Contracting
FA	Force Account
NS	National Shopping
QBS	Quality Based Selection
QCBS	Quality, Cost Based Selection
REoI	Request for Expression of Interest
SFB	Selection under Fixed Budget
SPN	Special Procurement Notice
STD	Standard Tender Document
SBD	Standard Bidding Document

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CHAPTER ONE

INTRODUCTION

1.1 Background to the study:

Public procurement is the process by which governments buy inputs for vital public-sector investments. Those investments, both in physical infrastructure and in strengthened institutional and human capacities lay foundations for national development. In procurement terms, those inputs are generally grouped into three categories. The first category is under civil works, for example, bridges and buildings, highways and basic physical infrastructure. The second category falls under goods, typically equipment, material and supplies, commodities, textbooks, medicalsupplies; and final category falls under services, that areexpert advice and training, as well as such things as building maintenance, computer programming, etc.

The quality, timeliness, suitability and affordability of those procured inputs can largely determine whether the public investments will succeed or fail. So the beneficial impact and contribution of the input, particularly in the case of technical assistance services, can exceed their direct costs. Yet, procurement costs can be substantial, consuming scarce resources of tightly constrained government budgets. Often the required funding must be borrowed. Moreover, the process also consumes scarce skilled public-sector human resources. It takes time, not merely for procurement planning and contracting but also for contract supervision and execution. And much of this process is highly visible, as well as controversial; exposing public sector executives and civil servants to scrutiny and second-guessing for procurement choices they made deferred or

discarded.There are five basic concerns that govern procurement policies. These are: Firstly, to ensure that goods and services needed are procured with due attention to economy and efficiency. Secondly, to ensure that public fund is used to buy only those goods and services needed for national development. Thirdly, to give all qualified bidders an equal opportunity to compete for contracts. Fourthly, to encourage development of local contractors and manufacturers; and finally, to ensure that the procurement process is transparent.

Government does most of economic activities by providing most of the services we earlier mentioned. The government discharges these responsibilities of contracts award under normal circumstances. However, the award of contracts is supposed to follow Due process to ensure viable and cogent service delivery to the public. The essence of due process is to ensure efficiency, accountability integrity and transparency in government activities (Ekpokhio 2003).

Moreover, competitive tendering (bidding) is a widely used procurement method within government agencies and private sector organisations. The idea behind competitive tendering is that it forces suppliers to compete and (so the theory goes) consequently the purchaser and taxpayer will gain better "value for money".Murray (2013)

Competitive tendering is often considered to promote competition, provide transparency and give all suppliers the opportunity to win business. It may be that price tags are driven down, but the question is, "At what cost?" People and companies will meet the lower price requirement, but if they are not using the Deming System for managing to do so,i.e"Financial people like to have several vendors pit against each other to drive down price. This practice, Deming (2010)

says, with no regard to quality and service, can actually drive good vendors and good service out of business.",they will have to cut corners. Cutting corners eventually results in more losses.

If the leading supplier or suppliers do not tender, the purchaser can only consider bids from suppliers who do tender. If leading suppliers are not considered, the purchaser may end up buying inferior product or service. An example is reported in this news link in which a key, potential supplier decided not to tender a bid because of the costs and the terms/conditions for the contract were onerous.When making significant purchases, frank and open communication between potential supplier and customer is crucial. Competitive tendering is not conducive to open communication; in fact, it often discourages deep dialogue because in many cases all discussions between a bidder and the purchaser must be made available to all other bidders. Hence, Bidder A may avoid asking certain questions because the questions or answers may help other bidders by revealing Bidder A's approaches, features, and the like.

However, the level of abandoned projects in Nigeria is scary and it impinges on the national economy in disastrous ways. Many factors contribute to the hydra- headed problem called abandoned projects. First, most of the time projects are initiated without evaluating the business needs that the project will fulfil. In the end there will be no commitment to realize the projects because there are no business needs for them.

Many projects are started without project planning, which involves project design. A project design specification provides explicit information about the requirements for the project and how the project is to be put together. A design specification includes all necessary drawings, dimensions, environmental factors, ergonomic factors, aesthetic factors, costs, maintenance that will be needed, quality, safety, documentation and descriptions.

Third, most of the projects executed in Nigeria were done outside the project management skills and techniques. What this means is that skilled project management personnel are rarely involved in project supervision. Engineers and architects are very good in design, but they still need to be skilled in project management to deliver quality projects.

Abandoned projects including Building, Civil Engineering and heavy engineering development project like: houses, churches, schools, roads, bridges, dams, tunnels,airport, sea port etc. litter the whole Nigeria. Osemenan (1987) reported that Nigeria has become the ‘’world’s Junk-yard of abandoned projects worth billions of naira and it is greatly unthinkable that Nigeria blessed with so great potential in the construction industry can experience such magnitude of project abandonment. According to another report by Kontagora (1993) there are about 4000uncompleted or abandoned project belonging to the Federal Government of Nigeria with an estimated cost of N300 billion which will take 30 years to complete all at the present execution capacity of government. Also in Kaduna State, as case for analysis, there isabandoned Ikara Food Processing Company Limited, Kaduna, which makes tomato paste among other products. The company, which was established about 33 years ago in Ikara, Ikara Local Government Area, has a capacity to process 16,950 tons of tomato, 5,760 tons of mangos, 5,120 tons of Oranges and 780 tons of Pineapple annually (Daily Trust June, 2014), it gathered that the company which also has 700 hectares of land for tomato farming was abandoned due to poor funding and mismanagement.

Above processes were laid down to ensure that government activities and procurements are carried out openly, economically and transparently without favouritism and corruptible tendencies (Ezekwesili 2004). The rules and procedures of procurement are made in a very

simple and direct manner so it will be implementable and enforceable by every government and contractors.

However, public procurement Act of Kaduna StateLaw No.5 of 25th May, 2007: A law to establish the Bureau of Budget Implementation, Monitoring and Price Intelligence (Ref. Kaduna State of Nigeria Gazette No.14, Vol.41, 21st June 2007) like that of other states of the federation laid down certain process as which must be followed in the award of contracts within the state. These processes include Advertisement which shall follow government standard format, pre-qualification Requirement, Invitation to Tender/Bid, Opening of Tender/Bid, and Evaluation of Tender by Tender Evaluation Committee.

1.2 **Statement of the problem**

It has been a decade of public procurement reform in Nigeria from 2001 – 2011 aimed at enhancing government services delivery. Stakeholders at both national and international level have come together to ensure vibrant and effective public procurement process which was further anchored by the effort of Bureau of Public Procurement all in an attempt to ensure efficient public procurement exercise in Nigeria.

Ideally, due process is supposed to be the guiding principle in the award of contract in Kaduna State which will in turn ensure that right channel is followed in public procurement. The channel or process starts from Advertisement of the said work to be done, pre-qualification notice of applicants, Invitation to tender which has to do with technical and financial bid process, tender opening is assumed to be the next stage, evaluation of bid process and finally determination of winning bid.

The above mentioned process is supposed to always be supported by sincerity of purpose, accountability and transparency in public procurement. If all the procedures are adhered to, viable, vibrant and efficient services delivery would be attained. In spite of the above mentioned laid down principle and procedures, the governments at all levels tried to ensure or device means and measures through which the illegal and improper factors undermining procurement process are done away with, but all efforts to avert them proved abortive. These abnormalities are stillhampering public procurement which in turn affects services offered by the government. This research work will focus on the assessment of implementation public procurement act and the related issues between the application of due process, transparency, accountability, competitive bidding, value for money, efficiency and abandoned projects in the public sector. How does due process affect public procurement in the pursuit of regulating and minimizing the irregularities in government?

Thus despite the national and international stakeholders' efforts, with an emphasis on the need to follow the laid down principles in the Act to ensure viable and efficient contracts execution and implementation within Kaduna State, for example in an efforts to improve the motor-ability of roads in Kaduna state and to improve on the needed access to densely populated communities in Kaduna, the state Government, on the 28th September, 2012, awarded contract for the immediate construction of 31 roads all across the 23 local Governments of the state at a total cost of 28 billion with various completion dates. Already the state government has made preparation for 25% advance payment to each contractor upon the contractor submitting a bank bond (advance payment guarantee)researches have shown that the level of accountability and transparency in the procurement process is still low, hence, desired to be improved, particularly in the aspect of tendering and bidding. Another issue of concern is on the area of Tender

Evaluation Committee (TEC) to objectively assess the winning bid for efficiency and effectiveness in service delivery in the state. Therefore, it is pertinent to ask the following research questions which seek answers by the research work. These are:

i) What has been made towards public procurement efficiency in Kaduna State?

ii) To what extenthas the competitive bidding ensured obtaining goods and services at the lowest prices by stimulating competition, and by preventing favouritism in Kaduna State?

iii) To what extent do accountability and transparency affect the outcome of public procurement in the state?

iv) Whatare the benefitsof public procurement towards value for money in Kaduna State?

v) What are the factors responsible forthe high level of abandoned projects in Kaduna State?

1.3 **Objectives of the Study**

The main objective of this research work isto assess the implementation of the public procurement Act of Kaduna State. Other specific objectives are:

i) To find out what progress has been made towards public procurement efficiencyin Kaduna State.

ii) To examine the extent in whichthe competitive bidding at obtaining goods and services stimulate competition an byprevent favouritism in Kaduna State.

iii) To determine the extent to which accountability and transparency affect the outcome of public procurement in Kaduna State.

iv) Tofind out the benefits of public procurement towards value for money in Kaduna State.

v) To identify the factors responsible for the high rate of abandoned projects in Kaduna State.

1.4 Statement of Hypotheses

The following hypotheses are made to ensure they establish a relationship between the variable in this research work:

1. Ho - There is no significant relationship between Efficiency and Value for money in award of contract in Kaduna State.
2. Ho - There is no significant relationship between thecompetitive bidding and the viability of contracts executed in the State.
3. Ho - There is no significant relationship between Accountability and Transparency and the implementation of Public Procurement Act in Kaduna State.

1.5 Significance of the study

The significance of this study cannot be overemphasized in this covering knowledge gap. Thai (2012) developed a model depicting the scope of public procurement that consists of five elements; Policy making and Management; authorization and appropriations; Procurement regulations' Procurement function in operation. Ahmed (2011) viewed procurement in his research topic titled "Public Procurement System and e-Government Implementation", he stated that since the adoption of privatization as an economic policy reform in 1986, public procurement by contractual means in Nigeria has increasing day by day. His objectives of his study discussed the e-Government Procurement Implementation and he recommends measures to

be adopted. He viewed that the world Banks Evaluation, concluded that the implementation of procurement process is far from satisfactory. Implementation of e-Government procurement, according to him, e-Government will supplement the present government vision for building a Digital Nigeria by 2021. The idea of a virtual bidding process according to him could save more than 15% of the government's procurement cost.

Therefore, the researcher furtherassessed the implementation of the public procurement act in Kaduna State to figure out the impact of accountability, transparency, value for money and because there is an apparent gap in knowledge in this area, and it is relatively new and has not been written on, as an area of research. This by extension is relevant to policy makers, implementers, general public and the society at large. The studyalso implored the reason why projects are abandoned in public procurement act Kaduna state, and further viewed how competitive bidding will reduce the level of high price in procurement cost.

Finally, the study will add to the frontiers of knowledge as a reference for further study.

1.6 **Scope and the Limitation**

The study which limited itself to assessing the implementation of public procurement act has concentrated on the period between 2007 and 2012because that is when the Act was enacted,also because it will have been appropriate to assess this implementation.The Kaduna State Act was enacted on 25th May, 2007, the law to establish the Bureau of Budget Implementation, Monitoring and Price Intelligence.

The study further focused on the monitoring, competitive bidding, value for money, transparency, accountability and regulatory activities on government's projects, to view how it

will help and move Kaduna State to a level where government procurement is carried out with integrity, transparency, competency and competitiveness.

The study is also limited by the following factors; insufficient information, time constraint and financial insufficiency. However, efforts were successfully made to reduce the negative impacts of these limitations, by sourcing the basic datai.e primary and secondary, and utilizing same for a successful completion of the study.

1.7 Definition of Concepts

It would be expedient to provide a sufficient operational definition of some key terms used in the hypotheses and study as a whole. The terms used in this research are therefore defined as follows:

Abandoned Project:Abandonment of project in this study implies that most of the time projects are initiated without evaluating the business needs that the project will fulfil. In the end there will be no commitment to realize the projects because there are no business needs for them.

Accountability and Ethical Standards: Ethical standard and accountability in this study refers to a good procurement process, holds its practitioners responsible for enforcing and obeying the rules. Also view in this study is being responsible by the stakeholders, including donors, sponsors, programme beneficiaries, staff, states and the public.

Contract Award: Contract awarding is the method used during a procurement in order to evaluate the proposals (tender offers) taking part and award the relevant contract.

Corruption: Corruption in this study is the contamination or adulteration of product, which militatethe bastardization language and violation of norms value or laws, and godfatherism in government otherwiseknown as political corruption, which is misuse of power for private gains.

Competitive Bidding:A competitive bid is mostly used in the procurement of goods and services to entail submitting a sealed envelope detailing the price and terms of an offer. The recipient of the offer then selects the competitive bidder that has delivered the lowest price or best terms

Due Process: This is a mechanism for ensuring strict compliance with the openness, competition and cost accuracy rules and procedures that should guide contract award within the federal and state government.

Economy: This is a purchasing activity whose purpose is to give the purchaser best value for money. For complex purchases, value may imply more than just price, for example, since quality issues also need to be addressed. Moreover, lowest initial price may not equate to lowest cost over the operating life of the item procured. But the basic point is the same: the ultimate purpose of sound procurement is to obtain maximum value for money.

Efficiency: The best public procurement is supposed to be simple and swift, producing positive results without protracted delays.Efficiency in this study implies practicality, especially in terms of compatibility with the administrative resources and professional capabilities of the purchasing entity and its procurement personnel.

Fairness: Good procurement is impartial, consistent, and therefore reliable. Operationally in this study fairness is to offer all interested contractors, suppliers and consultants to a level playing

field on which to compete and thereby, directly expands the purchaser's options and opportunities.

Transparency: In this study, transparency is the establishment and maintenance of rules and procedures that are accessible and unambiguous. It is not only fair, but it is seen to be fair in the procurement process.

Value for Money: This implies the utility derived from every purchase or every sum of money spent. Value for money is based not only on the minimum purchase price (economy) but also on the maximum efficiency and effectiveness of the purchase.

CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1 Introduction.

The study focuses on assessment of implementation of the Public Procurement Act of Kaduna State Government. As earlier stated in the previous chapter, the procurement act was informed by the need to ensure accountability and transparency as well as value for money prevails in the process of procuring goods and services for the government. This is done mainly through contract awards that should be preceded by due process.

Therefore, in this chapter attempts would be made to review relevant literature such as the concept of procurement, contract and contract awards, due process with the twin elements of accountability and transparency, as well as the exploration and application of the theoretical framework upon which the study is based.

2.2 Literature Review

2.2.1 Concept of Procurement

There are different scholarly view on the concept of procurement, each of which is operationally related to the content of discussion and application. Microsoft Encarta (2007) defines procurement as the purchasing of something especially for company, government or organisation. Procurement as applied to industry, government businesses is defined as the process or procedure of identifying required materials and services contracting for their purchase and holding them forth the use by the buyers.

From the definition above, procurement is mainly related to the concept of purchasing. Purchasing is seen by Lyson (1981) as that function responsible for obtaining by purchase, lease or other legal means, equipment materials, supplies and services required by an undertaking for use in production. The term production is use in the economic sense of creating utilities that is, goods and services that satisfy wants.

However, Weel, Arjan and Van (2010) stated that procurement is the acquisition of goods, services or works from an outside external source. It is favourable that the goods, services or works are appropriate and that they are procured at the best possible cost to meet the needs of the purchaser in terms of quality and quantity, time and location. It is viewed that acquisition as used in the above definition by Weel, Arjan and Van is much under concept than procurement, covering the whole life cycle of acquired system, also multiple acquisition model exist.

The process of procurement in relation to buying goods, works or services comprise the process of buying the basic infrastructure and services. This may, for example, involve the acquisition of operation and management services for a basic service such as water supply. Procurement is after carried out by process of tendering, rather than buying products directly from a seller.

Thus, a company or organisation wishing to obtain goods or services will first specify its requirements – subsequently, it will open the bidding in a process known as tendering. The underlying objectives of procurement and tendering are to ensure competition as key to achieving the objectives of accountability and transparency.Corporation and public bodies often define processes intended to promote fair and open competition for their business while

minimizing exposure to fraud and collusion.Moreover, procurement generally involves making buying decisions under conditions of scarcity. It is good practice to make use of economic analysis methods such as cost-benefits analysis or cost utility analysis.In contrast, Association of Professional Procurement Officers in Public Service (2004) sees procurement as work processes whereby all classes of resources, that is, people, material, facilities and services required are obtained.

Similarly, procurement specifically in relation to the public sector has to do with the process through which government contract with contractors, suppliers, consultants to obtain goods, services and construction required to fulfill its objectives in most timely and cost effective manner. Also, Afolabi (2007) in similar vein viewed it as the process whereby the government meets its needs for goods, construction and services in a way that achieves value for money on a whole life cycle basis, in terms of generating benefits not only to the government department involved but also to society and economy as a whole while minimizing damage to the environment.

Therefore, procurement in relation to the government involves effort to purchase or obtain goods and services optimally to yield the desired benefits. That is why the procurement Act has been put in place to encourage competition and openness in government purchases with the aim of reducing wastages accommodated in process.Therefore, every procurement process is desired to ensure that the work has been completed within the costs agreed in the contract and carried out in accordance with what is specified as well as is satisfactorily within the time specified.

Types of Procurement

Based on company purchases of the acquired goods and services, there are two types of procurement, namely:

1. Direct procurement and
2. Indirect procurement

1] **Direct Procurement:**

This occurs in manufacturing settings only. It encompasses all items that are part of finished products such as raw material, components and parts.

2] **Indirect Procurement**

This is concerned with operating resources that a company (government) purchases to enable its operations. It comprises a wide variety of goods and services from standardized low value items like office supplies and machine to compere and costly product and services (Lewis and Roechrich, 2009).

Procurement Process

The following steps are involved in procurement process.

Identification of need: Company has to internally understand its need to establish short term strategy of 3 to 5 years, which will follow by the technical direction and requirements.

Supplier Identification: This is the determination of someone who can provide the required product or services.

Supplier Communication: This involves request for quotation, proposals, information, tender may be advertised or direct contact made with suppliers.

Negotiation: Here, undertaken, price availability, and customization possibilities are established. Delivery schedule are negotiated and a contract to acquire the product or services is completed.

Supplier Liaison: Company evaluates the performance of the supplied to determine whether to continue with the present supplier(s) or to contact others if the need for re-ordering arises.

Logistics Management: Supplier preparation, delivery and payment for the product or services are completed here based on contract terms.

Additional Step Tender Notification: Here competition is raised for the chosen opportunities.

Looking at the above mentioned steps involved in procurement, the traditionally accepted objectives of procurement procedures and contract documents are to ensure that works are executed at the minimum cost that is consistent with the need to achieve a product of acceptance timeframe. Procurement procedures and contract documents achieve such objectives by clearly defining what is liable to take any risk that cannot be eliminated from the project and providing adequate and reliable information on the work to be carried out so that all concerned stakeholders understand what to be done and their role to that effect.Therefore, procurement is more concerned with the purchase or acquisition of goods or services through competitive biddings in a manner that is transparent and accountability.

2.2.1.2 **Contract and Contract Awards**

Wikipedia (2004) under the Directive on the coordination of procedures for the award works, viewed contract as the method used during a procurement in order to evaluate the proposals (tender offers) taking part and award the relevant contract, usually at this stage the eligibility of the proposals has been concluded. So it remains to choose the most preferable among the proposed. There are several different methods for this, which are obviously related to the proposition method asked by the procurement management.

Essien (1998) defined contract as legal agreement to do a particular thing in a specific manner as in delivery of goods and services for a given payment. That is, it is an agreement between two or more parties where one party provides the needs of others in exchange for payment. This implies that the agreement is made for the benefit of the two parties involved in the contract where by one benefit from the supply or procurement of goods and services and in return the other party benefit from financial or equivalent rewards. In other words, the contract as an agreement enforced by the law is recognized as affecting the legal rights and duties of the parties, because it is a set of promises the law will enforce, ranging from sale of goods and services, agency, hire-purchase, partnership etc.

The two major elements "contract are offer and acceptance" by competent persons having legal capacity who exchange consideration to creates mutuality of obligation. Contracts are widely used in commercial law and form the legal foundation for transactions across the world. For example, construction contracts, product purchases etc. (Wikipedia 2004).

On the other hand, the awarding of the contract or contract awarding has to do with the method used during a procurement in order to evaluate the proposals tender offers taking part

and award the relevant contract usually at this stage the eligibility of the proposals has been concluded. So it remains to choose the most preferable among the proposed. Different methods are used in the award of contract which includes:

I] **least price**: It is the simplest and oldest of all. Here contract is awarded to the best least price.

Ii] **Most economically advantageous**: Proposals are graded according to their price for value and contract is awarded to the one with the best grade.

Iii] **Mean Value:** Here contract is awarded to bid closer to the mean value of the proposals.

Iv] **Exclusion of the Extremes:** Here proposals that are deviating the most for of mass of the proposals are excluded and then the procedure continues with one of the above methods.

2.2.2 **Implementation**

Implementation is defined according to Kenny (2008), as a specified set of activities designed to put into practice an activity or program of known dimensions. According to this definition, implementation processes are purposeful and are described in sufficient detail such that independent observers can detect the presence and strength of the "specific set of activities" related to implementation.

According to Wikipedia, implementation is the realization of an application or execution of a plan, idea or policy. It is the carrying out of the public policy legislature passed to be done by public servants working in bureaucratic agencies.

Laudon and Laudon J, (2010) stated that factors impacting implementation are the legislative interest, administrative capacity and the implementation bureaucracy, interest group activity and opposition and presidential or executive support.

It should be noted that implantation is the fourth stage of policy between the establishment and the consequences of the policy for the people whom its affects. It involves translating the goals and objectives of policy into an operating ongoing programme.

2.2.3 **Due Process**

There are many views concerning the exact meaning and focus of due process as an element of good governance. Ezekwesili (2004) categorically stated that the essence of due process is to ensure that rules and procedures particularly in procurement are made in such a way as to be implementable and enforceable. She stated that it was hoped due process should put an end to "the business as usual syndrome in Nigeria".

In his own view, Obasanjo (2008) stated that due process is a mechanism that certifies for public funding only those projects that have passed the test of proper implementation packaging and that adhere stringently to the international competitive bid approach in the award of contract.

Therefore, Witting (1997) in relating the concept of procurement with the elements of due process stated that procurement is seen as abused process within a given political system with distinctive considerations of integrity, accountability, natural interest and effectiveness. |these business of government as controlled by public procurement, usually affect many different elements of society. The procuring entities for instance have needs for material support like needs, hospital etc. to help in fulfilling their designated natural mission. The business

community of actual or potential suppliers on the other hand needs to satisfy government procurement requirements.

Ekpenkhio, (2003) stated that with the assistance of World Bank, the government is assisted in the enthronement of efficiency, accountability, integrity and transparency in government procurement and financial management system.

However, Agwie, (2006) viewed that Nigeria though a great and blessed country is greatly a notorious haven of corruption. The country has seen a systematic erosion of value in almost all facts of her natural life. Thus, due process has suffered a setback in specifically government procurement exercise.

Similarly, Obasanjo, (2004) stated that is a matter of regret that most contractors in Nigeria have formed the attitude of entitlement to the public treasury. Supplemented this view by Obasanjo, Ezekwesili and Oweala (2008) stated that some projects contracts didn't follow due process mechanism as instituted by the same Obasanjo government. Some companies are not registered to say the least.

The due process comprises among others the twin element of Accountability and Transparency in governance, particularly in the procurement process in relation to contract awards. The two elements further influence the competitiveness at the bidding stage, which by extension facilitates value for money, cost and effectiveness in the contract awarded.

In order to further understand the two elements highlighted in the previous paragraph, that is, accountability and transparency, the two concepts are defined and reviewed in the next unit.

2.2.3.1 **Accountability**

The term accountability is steamed from Late Latinaccomptare, meaning to account a prefixed form of computare that is to calculate, which in turn derived from putarei.e to reckon.

In ethics and governance, accountability is answerability blame worthiness, liability and the expectation of accountgiving (Schnackenberg and Tomlinson (2004). As an aspect of governance it has been central to discussions related to problems in the public sector, non-profit and private worlds. However, in leadership roles, accountability is the acknowledgement and assumption of responsibility for actions, products, decisions and policies including the administration, governance and implementation within the scope of the role or employment position and encompassing the obligation to report explain and be answerable for resulting consequences.

Pfifner and Presthus (1960:551) defined accountability as the "formal or legal locus of responsibility. Similarly, Abdulsalami (1986) sees "accountability as the formal relationships between administration and the legislative and judicial branches which gives meaning to the rule of law doctrine".

But in more specific term related to the issue of government procurement processes, Smith and Hague, (1971) in Abdul Salami (2004) stated that accountability has a definite connotation in public financial management. Thus, the principle of accountability specifically required "that the government must have the assurance that public funds are spent for the purposes specified and without personal gain to any private individual beyond fair compensation for his services". It further requires that appropriate fiscal records must be kept, and a fair value must be rendered in contracting government agency.

Therefore, by the principle of accountability, public officials are obliged to ensure that public monies are spent legally, prudently and wisely and economically, and that these must be demonstrated by means of periodic reports based on authentic records submitted to the appropriate authority.

But accountability in the public sector is mainly constraint by lack of adequate and reliable statistical information which is sometimes distorted by corrupt tendencies.

2.2.3.2 **Transparency**

There is no single definition of what constituted transparency and or method of measuring it. However, Oliver, (2004) stated that transparency has come to mean active disclosure. It is the publicizing of incumbent policy choices and the availability and increased flow to the public of timely, comprehensive, relevant, high-quality and reliable information concerning government activities.

Transparency International (TI) defines transparency as "a principle that allows those affected by administrative decisions, business transactions or charitable work to know not only the basic facts and figures but also the mechanisms and processes.

However, transparency is a multifaceted concept that is interchangeably used or confused with accountability or even corruption, impartiality and rule of law. The World Trade Organisation WTO stated that ensuring "Transparency" in international commercial treaties typically involves three core requirements thus:

a} to make information on relevant laws, regulations and other policies publicly available.

b} to notify interested parties of relevant laws and regulations and changes to them.

c} and to ensure that laws and regulations are administered in a uniform impartial and reasonable manner (Bellver and Kaufman, 2004).

To Vishwanqth and Kaufmann, (1999) and Kaufmann, (2002) transparency is the increased flow of timely and reliable economic social and political information, which is accessible to all relevant stakeholders.

One of the major stakeholders is the Non-governmental organizations (NGOs). In view of the tier responsibilities to other stakeholders like donors, sponsors and programme beneficiaries etc. information is necessary to them as a basis for monitoring government activities and excesses.

Also, media transparency is very vital particularly in the act of governance. The media make the public to know what is happening as regards government activities, let say in the aspect of contract awards and implementation etc. thus, everyday participation in political processes through the media is through the tool of freedom of information.

Oguonu,(2006) stated that the use of due process mechanism is among others to establish transparent competitive and fair procurement system. Good procurement establishes and then maintains rules and procedures that are accessible and unambiguous, fair, integrity driven, speedy delivered and achieving value for money. Accordingly, Samuel (2010) is of the view that transparency as a main feature of due process is operating in a way that it's easy for others to see, what actions are performed, that is, perceived quality of intentionally shared information from a sender.It is the view of the researcher that, transparency is a major tool that facilitates openness and accessibility to information that have to do with the conduct of government in the procurement of goods and services and the process involved.Finally, the public procurement act

was informed by the need for government to check the corrupt practices that feature the process involved in the award of contract. A good procurement process is the one that is transparent and competitive, as well based on accountability.

2.2.4 **Empirical Review**

Some related studies are empirical review to see the extent to which they have discussed issues relating to the implementation of procurement act in Nigeria in general and Kaduna State, specifically.

Obiegbu, (2007) writes on Due process in relation to infrastructures demand inputs of various practitioners in the construction industry. He viewed procurement as the process that creates, manages and fulfills contracts. It stated that at any point in a project cycle where external resources are required to provide supplies and services in any combination.

Chalaba and Camp (2009) in World Class Procurement Training and claim the cost … noted that the method of organizing and measuring construction projects in developing countries is by traditional method with the ever changing interest of stakeholder to other alternative system.

Abraham (2010) writes on Procurement Practice Guide provides an effective 'how to' framework for public sector contracting for products and/or services. Understanding and adhering to these guidelines will help you achieve efficient and effective purchasing outcomes for government.

Purchasing processes should be cost effective for both public authorities and suppliers. A well-planned purchasing process will ensure that policies are followed, pitfalls are avoided and a

successful outcome is achieved. It is important to be aware of responsibilities and to plan the entire purchase process before starting. Errors, uncertainty and unrealistic timelines can undermine market confidence, discredit a purchasing process and devalue the outcome of the procurement.

These guidelines cover the primary issues relating to government purchasing and should be read in conjunction with your agency's own procurement policies and guidelines. Further advice and assistance is available to public authorities from the State Supply Commission (SSC) and the Department of Finance (Finance), if circumstances arise that are not addressed in this Guide

In his views, the Guide and the SSC policies reflect the principles and arrangements fundamental to efficient and effective purchasing and contracting.

2.3 **Theoretical Framework**

The theoretical framework for this study is Ladder of Accountability by Steward. The Ladder of Accountability is used as the theoretical framework or model for explaining the variables that make up the study, Steward (1984). The theory states that different groups and different information set are involved at different levels of accountability that is different between bond of accountability and link of accountability. Bond of accountability refers to the committee that actively monitor and regularly report to public procurement while link of accountability is the obligation of an individual or organization to account for its activities, accept responsibility for them, and to disclose the results in a transparent manner.

Steward Ladder of Accountability (1984) comprises policy accountability, programmes accountability, performance accountability, process accountability and probity accountability.

These different forms of accountability are briefly explained the relationship with the case study, thus:

- **Policy Accountability:** This involved right selection of policies to be implemented and right rejection of some policies not beneficial. This has to be done objectively. The researcher views the policy Accountability to this study that, before the enactment of the Public Procurement Act, 2007, has been known to be unprofessional, inefficient and ineffective; as it was based on Treasury Circulars of 1958, which provided only guidelines on public expenditure management. The guidelines of these circulars on public procurement practice were grossly inadequate and created rooms for malpractices and high level corruption in contract management. As a result of these shortcomings, the Chief OlusegunObasanjo's Government in 1999 commissioned the Country Procurement Assessment field work. The outcome of the work produced the Country Procurement Assessment Report, CPAR, which recommended the establishment of Bureau of Price Monitoring and Intelligence Unit (BMPIU), among others, to address the shortcomings of the observed Country's Public Procurement inadequacies. However, in order to institutionalize the policy of the BMPIU, the Public Procurement Bill was sent to the National Assembly in 2003/2004, and passed into Law as a policy on May 31, 2007.
- **Programme Accountability:** This emphasizes in establishing well organize goals and provides a mean directed towards achievement of such goals. The researcher related that the programme accountability has to do withthe Bureau, as the sole regulator of public procurement practice in the country and based on its statutory functions and powers, has been scrutinizing the activities and performances of the MDAs under its public

procurement review mechanism to ensure transparency, accountability, value for money, timeliness, among other essentials of a good practice.

- **Performance Accountability:** It has to do with efficient operation and application of right method to perform certain activities ie by making best use of resources. In this aspect of performance accountability, the researcher also view in terms of institutionalizing public procurement processes that will ensure efficient and effective practice, it is now a standard practice for the MDAs to base their annual procurement budgets on verifiable need assessment. This simply means that the proposed procurement expenditure will impact positively in the provision of public goods for the Citizens of the country. Besides, before the commencement of the yearly procurement, the MDAs must prepare and present to the Bureau, their public procurement plan to substantiate their readiness and strategies for the year's procurement. In spite of these efforts of the MDAs, the Bureau, from records available, has been conducting procurement planning workshops before the bid solicitation by the MDAs.
- **Process Accountability:** This is the provision of basis for planning of all procurement policies of the organisation or government or state entirely.So, in line with the above, the researcher provide the steps in the public procurement process are those listed below:

1. Requirement identification
2.Determining procurement method
3.Procurement planning and strategy development
4.Procurement requisition processing
5.Solicitation documents preparation and publication
6.Pre-bid/proposal meeting and site visit
7.Bid/proposal submission and opening
8.Bid/proposal evaluation

9.Contract award recommendation

10.Contract negotiations

11. Contract Award (signing)

- **Probity Accountability:** This involvesethnical issue concern with transparency, state of righteousness and openness in dealing with people both official and private.Each individual process may require a different approach; one size will not fit all. Probity is the evidence of ethical behaviour, and can be view as complete and confirmed integrity, uprightness and honesty in a particular process.
    - Officials must not make improper use of their position.
    - Officials should avoid placing themselves in a position where there is the potential for claims of bias.
    - Officials must not accept hospitality, gifts or benefits from any potential suppliers.
    - Agencies must not seek to benefit from supplier practices that may be dishonest, unethical or unsafe.
    - All tenderers must be treated equitably. This means that all tenderers must be treated fairly - it does not necessarily mean that they are treated equally.
    - Conflicts of interest must be managed appropriately.
    - Probity and conflict of interest requirements should be applied with appropriate and proportionate measures informed by sound risk management principles.

- Value for money outcomes are best served by effective probity measures that do not exclude suppliers from consideration for inconsequential reasons.

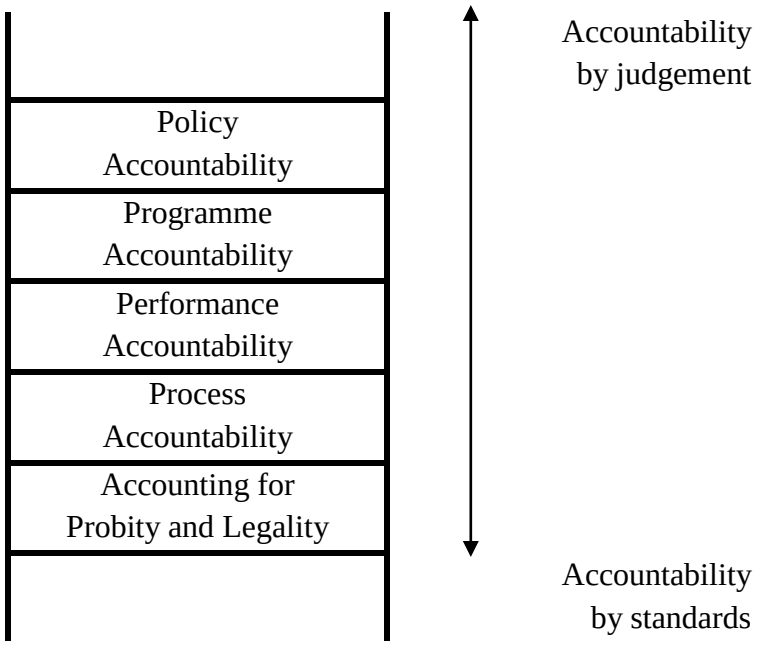
Confidential information must be treated appropriately during and after a procurement process.

Lastly, the theory by Steward Ladder of Accountability

However, Tompkins illustrated Steward Level of Accountability below:

Fig. 1 Steward 5 level of Accountability.

Stewart's Ladder of Accountability (1984)



Source: Hannah (2003).

Hannah (2003) further explains progression of accountability from a very objective perspective determined by reference of standard at the bottom of the ladder to a much more subjective type of accountability at the top which is determined by judgement. Similarly,

steward (1984) suggest that accountability for probity is concerned with the avoidance of misconduct, whereas accountability for legality attempts to ensure that any power given by law are not exceeded. Alternatively, Laughin, (1990) describes this form of accountability as ensuring the proper use of funds in manner authorized. Thus, accountability at this level has a Stewardship focus and seeks to ensure that funds have been spent as agreed between the concerned parties accordingly.

Further, Laughin stated that evidence be provided by officers of an organisation (contractors) to be used as basis upon which to judge whether the type of accountability has been discharged, though insufficient of this process may be in justifying the extent of accountability.

2.3.1 **Relevance of the Theory**

Steward five (5) level of Accountability is relevance to this study on Assessment of implementation of Procurement Act in Kaduna State. First and foremost, the theory explains and justifies the elements of legality, morality by the public or government in ensuring that funds are spent for the purpose they are meant for, particularly in the process of procurement of public goods and services through contract awards in Kaduna State.

Policy accountability is related to the government policy priorities in the procurement process, which has to be objectively selected.

Performance and Programme Accountability both concerned with whether the output has achieved its intent objective or not. This can be related to the application of Kaduna State Procurement Act in ensuring that the best bidder is awarded the contract and all monitoring forces are put in place to ensure effective completion. But, reality has it that corruption has been

a major bane that constraint this form of accountability, because funds are unnecessary diverted, inflated and misuse by both the people responsible for awarding the contracts and the contractors. To some extent the contracts are either incomplete or not carried out at all.

Process accountability justifies the use of adequate and reliable information in evaluating the process involved in the procurement of goods and services in relation to contract awards. Here, transparency is needed in the process and the media has to be involved in makings the public aware on what is happening. It requires also that accounting information system reports all levels of accountability providing financial information and also output and outcome information. This will serve as a basis for determining the viability of contract and level of implementation in Kaduna State. Thus, all stakeholders (Public servants) involved have the duty of demonstrating all at their disposal to the general public, that is , for all financial and material resources. But in Nigeria, particularly Kaduna State a robust accounting and auditing system is not properly applied for prudent government spending.

Finally, probity accountability is related to the other elements of transparency or openness in the procurement process. It has to be transparent right from the onset to the time when the goods for services would have been procured. Most times, political affiliation and loyalty do not allow a transparent contract awarding; rather contacts are sometimes award to rewards political supporters or loyalist. These undermine the procurement process.

Unfortunately, despite the relevancy of Steward five level of accountability to this study not all stakeholders will be aware of organizations goals. And, any assessment of management performance to hold them account for their actions will not be easy. Because, element of accountability (transparency inclusive) overlaps and information requirement vary with the

different level of accountability, as you more up the ladder, is more from accountability by standards (probity and legality) to accountability by judgement.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

Research Methodologyused in this chapter is to analyze and discuss the data obtained in the research, which was through questionnaires, interview and observation on the Public Procurement Act in Kaduna State. The data analysis would also serve as the answer of the three hypotheses proposed by the researcher in chapter one of this study. The assessment laid more emphasis on the public procurement procedures such as accountability, transparency, competitive bids, value for money, abandoned projects (Contract awarded)and the process of implementation, and not so much at the level of the policy makers. Here, we can determine the impact of the programme to the society and to what extent does the scheme revitalized Public Procurement Act in Kaduna State.

3.2 **Research Design:**

The research depends on both primary and secondary sources. Among the secondary sources include the documented information from the Ministries and Agencies in Kaduna State, others include text books, publications of government agencies that are either directly or indirectly responsible for public procurement act. Web-site was also used in gathering information.

The survey methods of research used for this study were interview, questionnaires and observations. The choice of this method is necessitated by the fact that, the problem, by its nature can be adequately addressed only when the field data is collected.

3.2.1 Population of the Study:

The target population for this study comprises the members of staff ofthe Public Procurement known as Due process office with eight members, Kaduna State Government including 20 Ministries in which each of the ministries has Resident Due Process with six representative members. However, the Tender Office in Kaduna State has a total of eleven members. The seven Agencies also have six members representing each of the agency. The 20 ministries used include: Ministry of Economic Planning, Finance, Health, Justice, Agriculture, Information, Land and Survey, Rural and Community Development, Work and Transport, Women Affairs, Youth and Sport, Water Resources, Local Govt. Affairs, Environment and Natural Resources, Science and Technology, Education, Culture and Tourism, Commerce and Industries and Ministry of Chieftaincy Affairs. While among the 7 Agencies are; Office of His Excellency, the Executive Governor, Bureau of Local Government Pension, Office of Head of Service, Kaduna State Emergency Management Agency (SEMA), Kaduna State Universal Basic Education Board, Kaduna State Teachers Board. As earlier said each of the 20 ministries of the state has Resident Due Process Office, in which each of the ministry has six members representative in the due process activities. Here are the computation on how the researcher arrived at the total population, 6 x 20 which gives a total number of 120 members; for the seven Agencies also, each has six members, 6 x 7 which gives a total number of 42 representing the Agency; while Tender office has 11 members and Due process office has 8 members respectively. Therefore, the table below shows the total population of the study:

Table Shows the Total Population of the Study

Category	Number of Staff
Ministries	120
Agencies	42
Tender Office	11
Due Process Office	8
Total	**181**

Source: Field Survey by the Researcher, 2012

3.2.2 **Sample Size and Sampling Technique**

From the target population of the study constituting ministries, Agencies, Tender Office and Due Process office, members of staff involved in due process of procurement of goods and services, 8 ministries were selected for the convenience of the study, because they are directly related to the study, this include Ministry of Commerce and Industries, Economic Planning, Finance, Information and Home Affairs, Works and Transport, Education, Lands & Surveys and Country Planning and Water Resources. 48 members of the above mentioned ministries were selected, i.e 6 x 8 which gives the total number of 48. For Agencies, 5 members were selected from each to give 35 as representative sample, while 9 members of Tender Office and 8 members from Due Process office were chosen. Therefore, the table below shows the sample size for the study.

Table shows the sample size of the population.

Category	Number	Percentage of Total Sample	Percentage of Total Population
8 Ministries	48	48	26.5
Agencies	35	35	19.3
Tender Office	9	9	4.10
Due Process Office	8	8	4.4
Total	100	100	54.3

Source: Field Survey by the Researcher, 2012

However, both stratified and simple random sampling techniques were also used. Stratification was done because of the nature of the target population constituting staffs of ministries, Agencies, Tender office and Due Process office. Each element of the four categories is represented. Also, random technique is applied after the stratification in order to give equal and fair chance of a member being included, particularly in ministries selected and agencies.

3.2.3 Source of Data

Basically, there are two types of data sources, Primary and Secondary sources of data. In the primary data sources, first-hand information is gotten usually from the source, while the secondary data constitutes second hand information already existed for another purposes but relevant to the study in focus. The two sources are briefly discussed below:

Primary Source of Data:

These consist of the administration of questionnaire and interview because it enables the researcher to acquire the data source, the questionnaire which was distributed to the respondent in government ministries, Agencies, Tender office and Due Process office of Kaduna State as stated earlier above.

Secondary Source of Data:

The study made use of available record and published materials. The following official records were consulted.

i) Due process Review Reportby Budget Monitoring and Price Intelligent Unit.

ii) Minute of Tenders Board

iii) Minute of Ministerial Tenders Committee and

iv) Resident Due Process Team

Other sources of secondary information that were consulted include newspaper. Administrative journal, and some relevant information available in the internet, in addition these materials have examine the problems associated with due process and their achievement in Kaduna State Nigeria, with particular reference to the award and implementation of contract in the public service.

3.2.4 **Administration of Instrument**

In the process of collection of data for this research work, a combination of personal interview and questionnaire were also used. Questions were designed mainly in a close ended format with few open-ended ones. The questionnaires were administered both personally and with the assistance of some members of staff in the target population. While some staffs both from immediate and senior officersof Due process and Tender Office were interviewed through face to face method and use of phone call. Both structured and unstructured questions were asked.

3.2.5 **Method of Data Analysis**

Data for this study were analysed using both descriptive and inferential statistical tools. Descriptively, the uses of tables (frequency) were utilized, while inferential statistical tool of chi-square (X^2) was used to facilitate the testing of the hypothesis. The latter was used because it gives an opportunity in making judgement by inferring beyond the surface value data (descriptive statistics) using responses from the portion of the population as a representative of the entire population.

CHAPTER FOUR

OVER VIEW OF KADUNA STATE PUB LIC PROCUREMENT ACT

4.1 Introduction

Due process –Ezekwesili (2002) is a programme of re-establishing an effective and transparent system of economic and financial management of government resources and to ensure procedures for procurement are made in such a way to be implementable and enforceable.

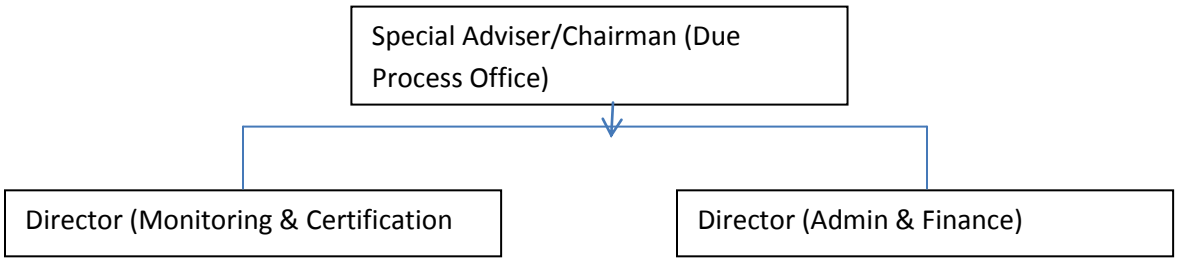
4.2 Bureau of Budget Implementation, Monitoring, and Price Intelligence (Due Process Office)

4.2.1 Organisational Structure

The Bureau of Budget Implementation, Monitoring and Price Intelligence (Due Process Office) is supervised by the Governor's Office and operates with two departments:

- Monitoring and Certification, and
- Admin and Finance

The top hierarchy of the organizational structure is shown in the figure below:



Source: Kaduna State Tender Board Office

4.2.2 Relevant Legislation Relating to the Bureau

The Bureau of Budget Implementation, Monitoring and Price Intelligence came into being through Law No. 5 of 25th May, 2007 (A law to establish the Bureau of Budget Implementation, Monitoring and Price Intelligence). The following table shows the details of the mandates of the Bureau by legislation of Kaduna State Government.

S/No	Name/Title of Legislation with Date	Summary of Stipulated Functions Regarding the Mandates/Powers of the MDA
1.	Law No. 5 of 25th May, 2007: A law to establish the Bureau of Budget Implementation, Monitoring and Price Intelligence (Ref. Kaduna State of Nigeria Gazette No.14, Vol.41, 21st June, 2007).	• To establish and promote an open, transparent and competitive procurement system that is integrity driven, upholds spending within appropriation and ensures speedy delivery of projects, thus achieving value for money in the procurement of goods and services without sacrificing quality and standards. • To undertake monitoring, certifications, and regulatory activities on governments projects to help move Kaduna State to a level where Government procurement is carried out with integrity, transparency, competency and competitiveness.

Source: Due Process Guidelines 2007

4.2.3 Core Mandates and Functions

The core mandates of the Bureau of Budget Implementation, Monitoring and Price Intelligence are:

- Ensure full compliance with laid down guidelines and procedures for the procurement of public goods and services;

- Harmonize existing Government policies/practices and update same on public procurement;
- Determine whether or not due process has been observed in the procurement of services and contracts;
- Ensure honesty, accountability and transparency in the procurement process;
- Establish and update pricing standards and benchmarks for all supplies to Government;
- Monitor the implementation of projects during execution with a view to providing information on performance, output and
- Ensure that only projects which have been budgeted for are awarded and approved for execution;
- Work for attainment of transparency, competitiveness and professionalism in the public sector procurement system in the State through adequate and sustained training.

The Bureau of Budget Implementation, Monitoring and Price Intelligence undertake regulatory, certification, monitoring, and training functions to achieve its core mandates. The details are as follows.

Regulatory Functions

a} Regulating, setting standards and enforcing harmonized bidding and tender documents for all State Government contract''

b} Ensuring full compliance with laid down guideline and procedures for the procurement of public goods and service es as enshrined procurement law and Government Rules and Regulation;

c} Upholding professional ethics and reporting erring procurement personnel to relevant authorities for appropriate sanction.

Certification Functions

a} Subject to thresholds or contract sealing that may be set by Government, the Bureau reviews and certifies all State Government procurement prior to, during, and after award of contract.

Monitoring Function

a} Monitoring the prices of tendered items and approve price data base advisory services to the public section;

b} Monitoring and documenting State Government project from the point of award until completion. (This does not preclude the Ministry of Economic Planning from carrying out its scheduled function of monitoring and progress report writing);

c} Performing procurement.

Training Functions

a} Advising the Executive Governor in the State on the status of State Government procurement in relation to the annual appropriation;

b} Coordinating training with a view of building the capacity of procurement personnel in the state and develop systems and standards in public sector;

c} Sensitizing, promoting and educating the public on procurement issue;

d} Providing relevant procurement and budget performance information to all stakeholders.

4.2.4 Mandates which the Bureau Believes should be transferred to it.

The Bureau of Budget Implementation, Monitoring and Price Intelligence believe it needs to have the mandate to enforce compliance. This is in respect of power to enforce sanction on erring procurement defaulters either within or outside the MDAs.

4.2.5 Recommendations on Streamlining and Alignment of Mandates Relating to the Bureau.

It is imperative that the Bureau of Budget Implementation, Monitoring and Price Intelligence be mandated to enforce compliance with procurement policies and procedures otherwise defaulting MDAs may hold it to ransom and make nonsense of the Government's drive for integrity and transparency in procurement. There is a gap in the law setting up the Bureau in respect of enforcement of sanctions on people defaulting in compliance. However, it is expected that by the time the procurement Bill and the Fiscal Responsibility Bill are passed the issues of sanctions will be solved. Otherwise, enforcement may be through an enforcement unit either in the Ministry of Finance or the Ministry of Justice. Furthermore, the creation of a procurement cadre in MDAs for speedy transactions should be considered.

It may be necessary to look into a mechanism for fast-tracking, of procurement in certain case (e.g. health and emergencies) as the procurement process under the Bureau of Budget Implementation, Monitoring and Price Intelligence (Due Process Office) is too long. For example, in the health sector, the procurement of drugs and medical supplies which requires technical expertise and timeliness than can be provided by the Due Process Office necessitated the establishment of the Kaduna State Drugs and Medical Supplies Management Agency in

2008. The Kaduna State Drugs and Medical Supplies Management Agency was established to produce, procure and sell drugs and medical supplies to government institutions and agencies at both the state and local government levels. However, the Agency is yet to take off and this is hindering the procurement of drugs and medical supplies. This should be promptly addressed by the government so that its health policies and programme are effective and sustainable.

4.3 A law to establish the Kaduna State Bureau of Budget Implementation Monitoring and Price Intelligence

4.3.1 **Beitenactedby: The Kaduna State House of Assembly as follows:**

Preliminary:

1. This law may be cited as the Kaduna State Bureau of Budget Implementation, Monitoring and Price Intelligence.
2. This Law shall come into operation on 25th day of May, 2007
3. In this Law, unless the context otherwise requires:

"Bureau" means the Bureau of Budget Implementation, Monitoring and Price Intelligence as established by Section 4 of this Law.

"Chairman" means the Chairman of the Bureau appointed under Section 5 of this Law.

"Government" means the |Government of Kaduna State.

"Governor" means the Executive Governor of Kaduna State.

"Member" includes the Chairman.

"Secretary" means the Secretary of the Bureau as appointed under Section 7 of this Law.

4.3.2 Establishment and Composition of the Bureau.

Establishment of the Bureau:

4. There is hereby established for the state a Bureau to be known as the Kaduna State Bureau of Budget Implementation, Monitoring and Price Intelligence.

Composition:

5. The Bureau shall consist of a Chairman who shall be a Special Adviser to the Governor and the following members:
    a. A representative of the Ministry of Economic Planning;
    b. A representative of the Ministry of Finance;
    c. A representative of the Ministry of Justice;
    d. A representative of the Ministry of Works and Transport;
    e. A representative of the Secretary to the State Government;
    f. A representative of any of the Registered Engineering or Allied Bodies;
    g. A representative of the Civil Societies to be appointed by the Governor.

Functions of Chairman:

6. The Chairman of the Bureau shall be responsible for execution of the policy and the day to day management and shall perform such other functions as may be assigned to him.
7. The Governor shall appoint a Secretary to the Bureau who shall be responsible for keeping proper records including proceedings of the Bureau and perform such other functions as may be directed by the Chairman.

Objectives

8. The objectives for establishing the Bureau are to:
    a. Ensure full compliance with laid down guidelines and procedures for the procurement of public goods and services;
    b. Harmonize existing Government policies/practices and update same on public procurement'
    c. Determine whether or not due process has been observed in the procurement of services and contacts;
    d. Ensure honesty, accountability and transparency it he procurement process;
    e. Establish and update pricing standards and benchmarks for all supplies to Government;
    f. Monitor the implementation of projects during execution with a view to providing information on performance, output and
    g. Ensure that only projects which have been budgeted for are awarded and approved for execution;
    h. Work for attainment of transparency, competitiveness and professionalism in the public sector procurement system in the Stat through adequate and sustained training.

4.3.3 Powers and Function of the Bureau

Power and Functions:

9. The powers and functions of the Bureau shall include the following:
    a. Regulatory:
    b. Certification;

c. Monitoring;

d. Training.

Regulatory Functions:

10. The regulatory functions of the Bureau shall be to:
    a. Regulate set standards and enforce harmonized bidding and tender documents for all State Government contracts;
    b. Ensure full compliance with laid down guidelines and procedures for the procurement of public goods and services as enshrined in procurement Laws and Government Rules and Regulations;
    c. Uphold professional ethics and report erring procurement personnel to relevant authorities for appropriate sanctions;
11. Subject to thresholds or contract sealing that may be set by Government the Bureau shall review and certify all State Government t procurement prior to, during and after award of contract.

Monitoring Functions:

12. The monitoring functions of the Bureau shall be to:
    a. Monitor the prices for tendered items and approve price data base advisory services to the public section;
    b. Monitor and document State Government projects from the point of award until completion. This shall not preclude the Ministry of Economic Planning from carrying out its scheduled function of monitoring and progress report writing;
    c. Perform procurement audits.

Training and Advisory Functions:

13. The training and advisory functions shall be to:
    a. Advise the Executive Governor in the State on the status of State Government procurement in relation to the annual appropriation;
    b. Coordinate training with a view of building the capacity of procurement personnel in the State and develop systems and standards in the public sector;
    c. Sensitize, promote and educate the public on procurement issues;
    d. Provide relevant procurement and budget performance information to all stakeholders.

4.4 Department and Staff of the Bureau

Departments:

14. (1) The Bureau shall consist of but not limited to the following departments:
    a. Certification and Monitoring;
    b. Administration.

    (2) Each of these departments shall be headed by an experienced and qualified office in the relevant field not below the rank of a Director.

Other Staff:

15. The Staff of the Bureau shall, where practicable be drawn from the public sector and shall include the following:
    a. An Architect;
    b. Quantity Surveyor;

c. Structural/Civil engineer

d. Procurement Officer

e. Planning Officer;

f. Senior Information Communication Technology Specialist;

g. Senior Administrative Officer;

h. An Accountant.

Allowances:

16. There shall be paid to every member of the Bureau remuneration and allowances as may be determined by the Governor.

Tenure:

17. A member shall hold office for a period of five years and may be re-appointed for another term and thereafter shall cease to be eligible for another appointment.

Resignation:

18. A member may at any time resign his membership by sending a notice of resignation in writing to the Governor.

Co-opted Members

19. Where the Bureau desires to obtain the devise or service of any person upon any matter, the Bureau may co-opt the person to be a member of such meeting as may be offered and the person whilst so co-opted shall have all the privileges of a member save that he shall not be entitled to vote in any meeting.

Vacant:

20. No act or proceeding of the Bureau shall be invalid on account of any vacancy among its members or on account of the appointment of any member being defective.

Removal of a Member:

21. A member shall only be removed from office by the Governor on ground of inability by the member to discharge the functions of the office (whether arising from infirmity of mind or body or any other cause) or for misconduct.

Liability of Member:

22. A member shall not personally be liable for any act or default as long as such act, omission or default is in good faith and in the course of the performance of the operation of the Bureau.

4.4.1 Financial Provisions: Revenue, Account and Audit

Establishment of the Fund:

23. (1) The Bureau shall establish a fund from which there shall be defrayed all expenditure

(2) There shall be credited to the fund of the Bureau:

a. Such sums as may be appropriated by an Appropriation Law of the State;

b. All such monies paid to the Bureau by way of grant, donations, gifts, fee subscriptions, interest and royalties;

c. Monies raised by way of loans obtained, with the prior approval of the Governor and

d. All other sums which may in any manner become payable in respect of any matter incidental to the discharge of its functions.

Estimates:

24. The Bureau shall prepare and submit to the Governor not later than the 1st day of October of each year an estimate of income and expenditure for the next succeeding year.

Accounts:

25. (1) The Bureau shall cause to be kept proper books of accounts and other records in respect of its functions.

(2) The Bureau shall prepare in respect of each financial year an Annual Statement of Accounts in such form as the Governor may approve.

(3) The Bureau shall ensure that its Annual Statement of Accounts is fair and accurate.

Audit:

26. (1) The Bureau shall cause the Annual |Statement of Accounts required under Section 25 of this Law to be audited not later than six months after the end of each financial year by the Auditor General of the State or by any other person authorized by him.

(2) As soon as the Annual Statement of Accounts has been audited, the Board shall forward to the Governor a copy of the Statement of Accounts together with the report made by the Auditor.

Pension Rights:

27. The Bureau shall grant pension and gratuities to its staff in accordance with the pension law operating in the State.

Governor to give Directives:

28. The Governor may give the Bureau directives of a general nature in relation to matters appearing to the Governor to affect public interest.

4.4.2 Miscellaneous Provisions

Meeting:

29. (1) The Bureau shall hold such number of meetings as may be necessary for the due discharge of its functions provided that a meeting shall be held in each quarter of a year.

(2) At the meeting of the Bureau:

a. the Chairman shall, if present preside at such meeting;

b. where the Chairman is not present or if the office of the Chairman is vacant, any of the members may be appointed to preside and in the absence of either of the above any member may be so appointed;

c. Every question shall be determined by a majority of the votes by the members present and voting, and in the case of any equal division of votes, the Chairman of the meeting shall have a second or casting vote.

Quorum:

30. The quorum of any meeting of the Bureau shall be a simple majority of the total members present.

Standing Order:

31. Subject to the provisions of this Law the Bureau may make standing orders for the purpose of regulating the proceedings at its meetings.

CHAPTER FIVE

DATA PRESENTATION AND ANALYSIS:

5.1 **Introduction**:

In this chapter data collected will be presented, analysed and interpreted. The data obtained for the study was mainly through the use of questionnaires, observations and interview which were designed for the study work. A Likert Scale was used throughout the questionnaire which consist the total fifteen questions (15) a part from the section 'A' which views the respondent bio-data.

However, the chapter would focus on the rate return response of questionnaire analysis and interpretation of respondent's profile, data presentation on hypotheses I, II and III respectively testing the hypothesis by using descriptive and inferential statistical tools of percentages, tables and Chi-square (X^2) and the presentation of major finding of the study.

5.2 **Rate of Returns of Responses of Questionnaires:**

Table 5.1 Rate or Ratio of Responses

Category	No. of Questionnaire Administered	Number Returned	Percentage (%)
Ministries	48	27	49
Agencies	35	19	35
Tender Office	9	05	9
Due Process Office	8	04	7
Total	100	55	100

Source: Survey by the researcher, 2014.

A total number of One hundred questionnaires were administered (100), out which 55 were returned and completed. The numbers of returned questionnaires are enough to represent the entire organisation and validate the research work.

5.3 **Bio-Data of Respondents**

Respondents were asked, among others questions, to specify their highest educational qualification. Their responses were classified and presented on table below.

Table 5.2 Respondents Highest Educational Qualifications:-

Institutions	Respondent	Frequency	Percentage (%)
By Experience	9	7	13
Secondary/O level	35	16	29
OND, HND, Degree	48	24	43
Postgraduate	9	8	15
Total	100	55	100

Source: Survey by the researcher, 2014.

All the respondents have one form of education or the other and the numbers interviewed were categorized as follows; 20 or 20% of respondents have the knowledge and experience in the study field, 14 or 14% of the respondents have secondary education, while 44 or 46% of the respondents whose constituted the majority, were having the 'A' level education, and postgraduates respondents which constituted 10 or 10% of the respondents were either top managerial or have certificate that is above the one mentioned above. It is clear that most respondents were literate with formal (western) educational qualifications.

5.4 **Hypothesis One (I)**

Value for Money:-

Table **5.3** **Propose project be undertaken in an Efficient and Effective Way and is the applicant requesting only resources that are essential to the completion of project?**

Alternatives	Frequency	Percentage (%)
Yes	46	83
No	7	13
Undecided	2	4
Total	55	100

Source: Survey by the researcher, 2014.

From the table above, it can be seen that 46 respondents representing 83% are agreed that the propose project undertaken should be efficient and effectiveway and the applicant should request only the required materials from the government while 7 respondents representing 13% were not accepted that the applicant should request the available materials to complete the projectfrom the government, while 2 respondents representing 4% are undecided. This means there is high level of applicants who propose the efficiency and effectiveness of completion of projects in Kaduna State which help in tender and bidding process.

Table 5.4 Major Undertaken in Value for Money

Alternatives	Frequency	Percentage (%)
Avoidance of Abandon	2	4
Project	9	16
Ensure Accountability	12	22
Reduce Costs of Contract	3	5
Award	29	53
Facilitate Competitions		
All of the above		
Total	55	100

Source: Survey by the researcher, 2014.

From the table above 2 respondents view that the major undertaken in value for money is put an end to abandonment of project,9 respondentsrepresenting 16% opined andensure accountability as major undertaken in value for money toward government procurement process, 12(22%) respondent believed it will reduce the costs of contracts award, to the 3 (5%), respondents agreed that it will facilitate competition among contractors while 29(53%) of the respondents opined that all of the above alternative are the major undertaken in value for money towards achieving due process in government procurement process in Kaduna State. This goes a long way in ensuring standard contract award and execution.

Table 5.5 Preceded Bidding by Public Advertisement:

Alternatives	Frequency	Percentage (%)
Very Often	15	27
Often	21	38
Undecided	2	4
Rare	7	13
Very rare	10	18
Total	55	100

Source: Survey by the researcher, 2014.

From the table above 36 (65%) of the respondents were very enlighten through the printed and electronic media in effort of award of any contract in government procurement process, 17(31%) respondents were very rare about the contract preceding by public advertisement either through printing or electronic media while 2(4%) respondent were undecided. The issue of advertisement helps in making the general public becomes aware of public procurement exercise and gives a room for competitive bidding process.

Table 5.6: The best Bidder for the Contract Award

Alternatives	Frequency	Percentage (%)
Strongly Agree	10	18
Agree	29	53
Undecided	2	4
Disagree	9	16
Strongly Disagree	5	9
Total	55	100

Source: Survey by the researcher, 2014.

From the above table 39(71%) respondents have agreed that the highest bidder is always awarded the contract in government procurement process, 2 (4%) of the respondents were undecided while 14(25%) respondents were disagreed with the process. Going by the highest percentage it can be concluded that due process has actually contributed in hard working, quality or services and proven integrity among the bidders in contracts bidden. It ensures higher quality of contract execution and viability of projects in public procurement.

Table 5.7: Respondent's Assessment on Efficiency in Procurement Process

Alternatives	Frequency	Percentage (%)
Very Efficient	2	4
Efficient	15	27
Undecided	6	11
Inefficient	21	38
Very Inefficient	11	20
Total	55	100

Source: Survey by the researcher, 2014.

From the table above 17(31%) of the respondents has agreed that due process Act has contributed efficiently toward procurement process, 6(11%) of the respondents were undecided, while 32(58%) of the respondents believed that Due Process Act has only contributed inefficiently in procurement process in Kaduna State. Going by the responses it can be accepted that Due Process Act has inefficiently contributed to procurement process by unaccountability, lack of transparency, proven integrity, honesty and experience in Award of contracts.

What are the constraints to effective applications of Due Process in Procurement in Kaduna State?

Larger portion of the respondents opined that corruption and godfatherism are the most common constraints towards the application of due process in public procurement in Kaduna State, which enhanced the high level unaccountability, transparency and efficiency.

5.4.1 Testing of Hypotheses (1)

The researcher employed the use of chi-square (X^2) technique to determine the relationship between variables. The chi-square (X^{2-}) is computed thus:

a) $$X^2 = \frac{(F_0 - F_e)}{F_e}$$

Where:

F_0: Observed frequency, F_e : Expected frequency, X^2 = chi-square

b) The degree of freedom (df)

$$df = (r - 1)(c - 1)$$

Where:

r = number of rows, c = number of columns, 1 = constant

c) The level of significance is 0.05

Decision Rule

A level of significance and a degree of columns, if the computed value (X^2) is greater than the critical value, the null hypothesis (H_0) will be rejected when the computed value (X^2) is less than the critical value, the null hypothesis will be accepted.

H_0: There is a significant relationship between Efficiency and Value for Money in award of contract in Kaduna State Procurement.

H_1: There is no significant relationship between Efficiency and Value for Money in award of contract in Kaduna State Procurement.

Table 5.8: Observed Frequency (F_0)

Responses	Yes	No	Undecided	Total
By Experience	6	1	1	8
Secondary/O level	8	1	1	10
OND, HND, Degree	20	4	2	26
Postgraduate	8	2	1	11
Total	42	8	5	55

Table 5.9: Expected Frequency (F_0)

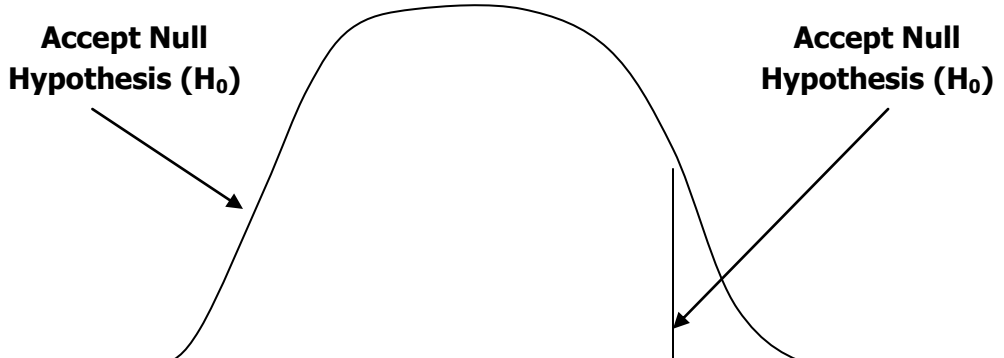
Yes	No	Undecided	Total
$\frac{(42\times 8)}{55} = 6.10$	$\frac{(8\times 8)}{55} = 1.16$	$\frac{(5\times 8)}{55} = 0.72$	8
$\frac{(42\times 10)}{55} = 7.63$	$\frac{(8\times 10)}{55} = 1.45$	$\frac{(5\times 10)}{55} = 0.90$	10
$\frac{(42\times 26)}{55} = 19.85$	$\frac{(8\times 26)}{55} = 3.78$	$\frac{(5\times 26)}{55} = 2.36$	26
$\frac{(42\times 11)}{55} = 8.4$	$\frac{(8\times 11)}{55} = 1.6$	$\frac{(5\times 11)}{55} = 1$	11
42	8	5	55

F_0	F_e	$F_0 - F_e$	$(F_0 - F_e)^2$	$(F_0 - F_e)^2 / F_e$
6	6.10	-0.1	-0.2	-0.03278
8	7.63	0.37	0.1369	0.0179
20	19.85	0.15	0.0225	0.0011
8	8.4	-0.4	-0.8	-0.0952
1	1.16	-0.16	-0.32	-0.2758
1	1.45	-0.16	-0.16	-0.1103
4	3.78	0.22	0.0484	0.0128
2	1.6	0.4	0.16	0.1
1	0.72	0.28	0.0784	0.1088
1	0.90	0.1	0.01	0.0111
2	2.36	-0.36	-0.72	-0.3050
1	1	0	0	0
				$X^2 = -0.5673$

The degree of freedom (df) = (r – 1) (c – 1) = (4 – 1) (3 -1)

= (3) (2) = 6

With a degree of freedom of 6, and level of significance of 0.05, the table value is 12.6



Interpretation

With the critical value of 12.6 and a computed value (X^2) of -0.5673, this shows that the table value is greater than X^2 value thus the null hypothesis is accepted which means the efficiency and value for Money is not accepted by the general public.

5.5 Hypothesis Two II

Competitive Bidding and viability of contracts executed.

Table 5.10 Competitive tendering is not conducive to open communication

Alternative	Frequency	Percentage (%)
Yes	47	85
No	8	15
Total	55	100

Source: Survey by the researcher, 2014.

From the above table 47 (85%) of the respondents opined that the open competitive bidding is not conducive in tendering the viability of contract executed in meeting the state objectives as expected, while 8 (15%) of the respondent disagreed with the above, which views that open competitive bidding is nexus to contract executed.

Table 5.11 If yes to what Extent

Alternative	Frequency	Percentage (%)
Cheaper Labour	5	9
Poor quality Materials	10	18
Lower Cost	8	15
Raising the Price	11	20
All of the Above	21	38
Total	55	100

Source: Survey by the researcher, 2014.

From the above table also 23 (42%) of the respondents agreed that open competitive bidding can lead the supplier to provide cheaper labour, poor quality materials and to lower

hiscost in order to win among the bidders, while 11 (20%) of the respondents has the believed that open competitive should only raise the price, also 21 (38%) of the respondents agreed that all of the above are the factors which open competitive bidding can cause interns of viability of contracts executed.

Table 5.12 Information regarding goods procured and contract completed.

Alternative	Frequency	Percentage (%)
Yes	42	74
Can't say	06	6
No	20	20
Total	98	100

Source: Survey by the researcher, 2014.

The above table 72 (74%) of the respondents opined that the tender board ensure all information regarding goods procured and contract completed, while 06 (6%) said don't know, that is to say they are uncertain about the availability of information in respect of the above. The 20 (20%) of the respondenthas the believed that there is no information available regarding the goods procured and contract completed.

Table 5.13 Competitive tendering can be extremely slow.

Alternative	Frequency	Percentage (%)
It takes several years	9	16
Long over stay	5	9
Procurer frustration	10	18
Tendering may begin again	9	17
All of the above	22	40
Total	55	100

Source: Survey by the researcher, 2014.

From the above table 24 (43%) of the respondents ticked that when competitive tendering is slow, the bidding can takes several years, customers await long and the procurer will be frustrated, therefore they believe in taking immediate competitive bidding for contract executed,

while 9 (17%) respondent have the believe that if the tender is slow it will enable the procurement process to begin, also the remaining 22 (40%) respondent have the believe that all of the above alternative can undermine the procurement process in Kaduna State Due process Act.

Table 5.14 Who gets the blame when competitive tendering produces bad result?

Alternative	Frequency	Percentage (%)
Contractors	9	16
Consultants	9	17
Suppliers	10	18
Customer	5	9
All of the above	22	40
Total	55	100

Source: Survey by the researcher, 2014.

Also from the above table 28 (51%) of the respondents opined that all suppliers, contractors and consultants are entitled to a fair opportunity to tender for provision of goods, works and services in public entities in Kaduna State, while 05 (9%) of the respondents were putting the blame to customers, the remaining respondents 22 (40%) were viewed that if the supplier, contractor or service provider has given or promised a gift of money or any tangible item, or has promised, offered or given employment or any other benefit, any item or a service that can be quantified in monetary terms can cause all of the above to be blame of public procurement act in Kaduna State.

5.5.1Test of Hypothesis Two (II)

Ho: There is no significant relationship between the competitive bidders and the viability of contracts executed in the state.

Hi: There is a significant relationship between the competitive bidders and the viability of contracts executed in the state.

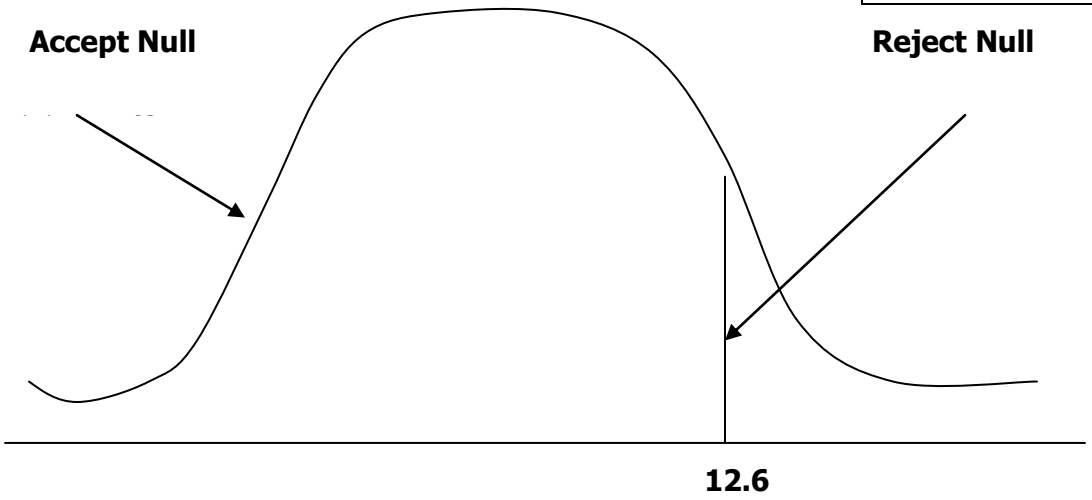
Table 5.15 Observed Frequency (F_0)

Respondents	Agreed	Disagreed	Undecided	Total
By Experience	3	3	2	8
Secondary/O level	3	1	1	5
OND, HND, Degree	20	2	1	23
Postgraduate	18	1	0	19
Total	44	7	4	55

Table 5.16: Expected Frequency (F_0)

Agreed	Disagreed	Undecided	Total
$\frac{(44\times 8)}{55} = 6.4$	$\frac{(7\times 8)}{55} = 1.01$	$\frac{(4\times 8)}{55} = 0.58$	8
$\frac{(44\times 5)}{55} = 4$	$\frac{(7\times 5)}{55} = 0.63$	$\frac{(4\times 5)}{55} = 0.36$	5
$\frac{(44\times 23)}{55} = 18..4$	$\frac{(7\times 23)}{55} = 2.92$	$\frac{(4\times 23)}{55} = 1.67$	23
$\frac{(44\times 19)}{55} = 15.2$	$\frac{(7\times 19)}{55} = 2.41$	$\frac{(4\times 19)}{55} = 1.38$	19
44	7	4	55

F_0	F_e	$F_0 - F_e$	$(F_0 - F_e)^2$	$(F_0 - F_e)^2 / F_e$
3	6.4	-3.4	-6.8	-1.0625
3	4	-1	-2	-0.5
20	18.4	1.6	2.56	0.1391
18	15.2	2.8	7.84	0.5157
3	1.01	1.99	3.9601	3.9208
1	0.63	0.37	0.1369	0.2173
2	2.92	-0.92	-1.84	-0.6301
1	2.41	-1.41	-2.82	-1.1701
2	0.58	1.42	2.0164	3.4765
1	0.36	0.64	0.4096	1.1377
1	1.67	-0.67	-1.34	-0.8023
0	1.38	-1.38	-2.76	-2
				$X^2 = 3.2421$



With a table value of 12.6 and a computed value (X^2) of 3.2421 which is lower or less than the table value, the null hypothesis is accepted which means that the generality of the respondents see the competitive bidders and the viability of contracts executed as ineffective that cannot affect any positive result.

5.6 **Hypothesis Three III**

Accountability, Transparency and Viable Implementation of contract.

Table 5.17 Publication Criteria by Tender Board

Alternatives	Frequency	Percentage (%)
Yes	9	16
Can't say	5	9
No	41	75
Total	55	100

Source: Survey by the researcher, 2014.

From the table above 9(16%) of the respondent agreed that the Tender Board publicized criterion to the suppliers before selection for invitation of bid in Kaduna State, 5(9%) of the respondents could not say anything while 41(75%) of the respondents disagreed completely. This has clearly demonstrated that Tender Board was not made it opened to all suppliers by selecting some for invitation of a bid. These shows transparency and accountability is getting confusion and suspicion in contract award and implementation.

Table 5.18 Evaluation Committee to the Suppliers

Alternatives	Frequency	Percentage (%)
Yes	44	80
No	11	20
Total	55	100

Source: Survey by the researcher, 2014.

From the above table also, 44(80%) of the respondents agreed that there is an existence of evaluation committee that engages in contract awarded to the suppliers by ensuring quality of

goods and services, accountability, transparency, proven integrity, honesty and experience in discharging their services while 11(20%) respondent disagreed with the existence of evaluation committee. This evaluation committee ensures effective project implementation and viable contract award in Kaduna State.

Table 5.19 Record of Performance

Alternatives	Frequency	Percentage (%)
Strongly Agree	6	11
Agree	15	27
Undecided	4	7
Disagree	20	37
Strongly Disagree	10	18
Total	55	100

Source: Survey by the researcher, 2014.

From the above table 21(38%) respondents agreed that evaluation committee has the ample records of performance on the course of contract implementation in order to ensure integrity of the different contractors, 4(7%) were undecided while 30 (55%) disagreed with the point of view. The record of performance does not help in knowing the capacity of all bidders and does not ensures quality contract award and implementation in Kaduna State.

Table 5.20 Upholding professional Ethics

Alternatives	Frequency	Percentage (%)
Very Effective	6	11
Effectively	15	27
Undecided	4	7
Ineffective	20	37
Very Ineffective	10	18
Total	55	100

Source: Survey by the researcher, 2012.

From the above table 21 (38%) respondents opined the level of upholding professional ethics as effective in a way that there is high sprit of technical know-how in the exhibition of their services. 4(7%) respondents were undecided, while 30(55%) respondents on the

contrarystrongly disagreed with their stand of been ineffectiveness nature of upholding professional ethics in the award of contract. Professional ethics of contract award and implementation ensure viability of contract implementation in Kaduna State, even though the professional does not have adequate procurement resources for the proper performance of their respective responsibilities.

Table 5.21 Level of Accountability and Transparency

Alternatives	Frequency	Percentage (%)
Very High	6	11
High	12	22
Undecided	3	5
Low	10	18
Very low	24	44
Total	55	100

Source: Survey by the researcher, 2014.

From the above table 18(33%) respondents opined that there is a high level of accountability and transparency in the implementation of contract, 3(5%) were undecided while 24(44%) respondent believed in the very low level of transparency and accountability in implementation of contracts in Kaduna State.

Are their measures put in place to monitored and evaluate all contracts award? Please briefly explain.

5.6.1**Test of Hypothesis Three (III)**

Ho: There is no significant relationship between accountability and transparency and the implementation of Public Procurement Act in Kaduna State.

Hi: There is no significant relationship between accountability and transparency and the implementation of Public Procurement Act in Kaduna State.

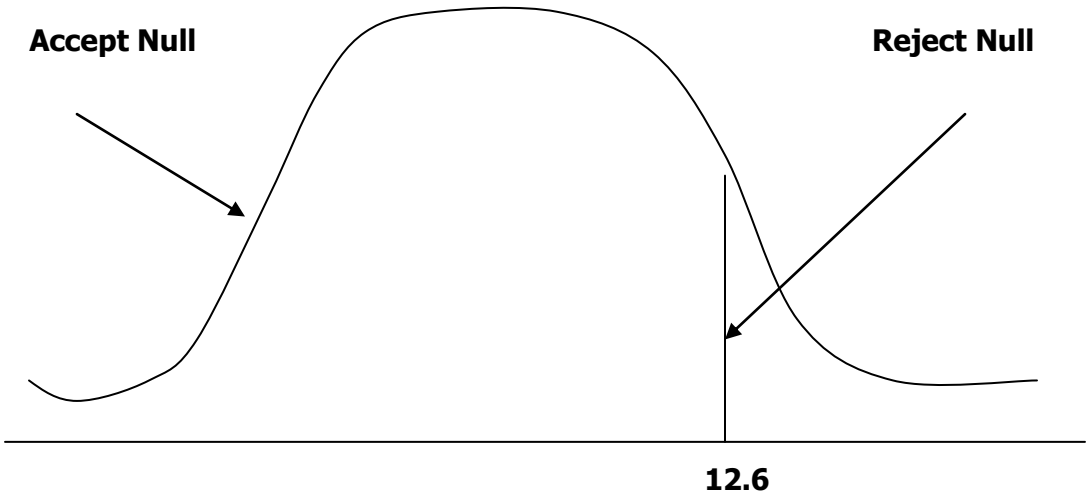
Table 5.22 Observed Frequency (F_0)

Respondents	Agreed	Disagreed	Total
By Experience	5	3	8
Secondary/O level	4	1	5
OND, HND, Degree	21	2	23
Postgraduate	17	2	19
Total	47	8	55

Table 5.23 Expected Frequency (F_0)

Agreed	Disagreed	Total
$\frac{(47\times 8)}{55} = 6.8363$	$\frac{(8\times 8)}{55} = 1.1636$	8
$\frac{(47\times 5)}{55} = 4.2727$	$\frac{(8\times 5)}{55} = 0.7272$	5
$\frac{(47\times 23)}{55} = 19.6545$	$\frac{(8\times 23)}{55} = 3.3454$	23
$\frac{(47\times 19)}{55} = 16.2363$	$\frac{(8\times 19)}{55} = 2.7636$	19
47	8	55

F_0	F_e	$F_0 - F_e$	$(F_0 - F_e)^2$	$(F_0 - F_e)^2 / F_e$
5	6.8363	-1.8363	-3.6726	-0.5372
4	4.2727	0.2727	-0.5454	-0.1276
21	19.6545	1.3455	1.8103	0.0921
17	16.2363	0.7637	0.5832	0.0359
3	1.1636	1.8364	3.3723	2.8981
1	0.7272	0.2728	0.0744	0.1023
2	3.3454	1.3454	-2.6908	-0.8043
2	2.7636	-0.7636	-1.5272	-0.5526
				$X^2 = 1.1067$



Interpretation

With a table value of 7.81 and a computed value (X^2) of 1.1067 which is lower or less than the table value, the null hypothesis is accepted which means that the generality of the respondents see that there is no accountability and transparency in the implementation of public procurement Act in Kaduna State.

Major Findings

From the data presented and analysed, the following findings are revealed.

In the first place, it was revealed that both ministries, agencies, tender office and due process office play complementary role in the procurement processes.

Also, it is discovered that though due process in procurement act is among others aiming at ensuring transparency in contract awards, the level of pubic advertisement in bidding is low.

Furthermore, the study found out that due process has contributed toward value cost for money as a result of competition before award of contract, but sometimes the process is constraint by political patronage or influence.

In addition, it was revealed that poor evaluation criteria has made it difficult in determining how efficient a completed contract is, in yielding the initial planned result.

The study also found out that lack of effective financial reporting system militates against proper implementation of due process in Kaduna State.

Finally, the study discovered that corruption and godfatherism are the most common constraints in application of due process in public procurement in Kaduna State.

CHAPTER SIX

SUMMARY, CONCLUSION AND RECOMMENDATION:

6.1 Summary:

The study focuses on the assessment of the implementation of Due Process in the Procurement of public goods and services. As earlier stated in the earlier preceding paragraphs, the public procurement act was put in place as a result of the negative trends that featured the processes involved in the award of contract. Also, lack of proper transparency in the pre-bidding up to the stage of contract completion had undermined the quality of goods or services provided, particularly by the federal and state government. Consequently, this resulted to lack of value cost for money expended lack of proper competition, just a few to mention.

However,Public Procurement as introduced into the Nigerian Public Sector is geared toward ensuring that the best bidder is awarded contract, and that the twin elements of transparency and accountability remain the guiding principles for each contract being awarded. Because, due process, transparency and accountability have a great influence in determining the quality of goods or services provided or procured, in the name of contract completion. But, despite the great optimism among all the stakeholders in the Nigerian public sector, particularly Kaduna State, in foreseeing proper application of procurement act, the process is undermined by corruption which manifests at different level, to the extent that, financial resources are wasted without commensuration benefit, both tangible or intangible.

Therefore, the study found out that the public procurement act of Kaduna State Government is a replica of that of other states of Nigeria; and that though there is relationship between due process and implementation as well as contract awards, the level of transparency

and accountability still desired to be improved I order to justify the basis upon which the act was established.

6.2 **Conclusion**

In conclusion, from the previous analysis, we have to terms with the fact that, no government can maximize value cost for money in the procurement of public goods and services when transparency and accountability are undermined. As publicly known, corruption has remained a vice, particularly in Nigeria, which has compromise every government effort toward development. Obasanjo has made it clear that, many public officials are after siphoning the national resources in order to enrich themselves at the expenses of the teeming population.

Contracts were awarded without following due process to political affiliated persons and sometimes the projects were abandoned in the process, while all highest percentage of the fund were released. Sometimes, even if the contracts were awarded, the figures are inflated and consequently, the quality of goods or services rendered or procured remain substandard.

Thus, the procurement act introduced by the federal government of Nigeria was later extended to state level, Kaduna State in particular. Both ministries and agencies are supposed to cooperate with the due process and Tender office to ensue proper implementation of the act. But, majority of the public are still unaware of the real content of the act, while political influence sometimes plays significant role in determining who the best bidder is, as against transparency and objectivity.

6.3 **Recommendations**

From the findings of the study the following recommendations are proffered:

1. First, it is recommended that the due process office should create more awareness to the general public on the activity of the agency in relation to the procurement of goods and services. Therefore, periodical workshop should be organized and extended to the local government level with the aim of sensitizing and educating the general public.
2. Also, effort should be intensified in ensuring that all contracts to be awarded are advertised with the details of the criteria and requirement for the bidding. Therefore, the use of media like television, radio, newspapers should be intensified for openness and transparency to transpire.
3. Furthermore, all requirements for contract bidding in the procurement act should be strictly adhered to, because there are instances that the operation sometimes does not abide by the principle of the procurement Act. Therefore, the process has to be free from unnecessary political patronage, for competitiveness to prevail.
4. There is need for all the stakeholders involved in the procurement activity to work cooperatively in a harmonies manner. All ministries and agencies should work concomitantly with due process and tender office in the implementation of the public procurement Act. Therefore, there is a need for proper communication among all the stakeholders involved so that accountability is ensured for every kobo spent.
5. The tender office, particularly the evaluation report committee should ensure that a standard criteria is developed and maintained in the course of assessing any contract awarded. This will ensure that consistency is sustained using a set of identified unit of

measurement in determining the extent to which a contract is worth awarded and implemented.

6. Finally, the government, media and members of the general public should join hand in the fight against corruption. Because, it is corruption that informed the provision of the procurement Act with the aim of ensuring that all contracts to be awarded follow due process. Therefore, the government has to be sincere in its fight against corruption, and the media should make public any government official involved in corrupt practices, while the general public should frown at any corrupt practices, while the general public should frown at any corrupt act.

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Department of Public Administration,
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Ahmadu Bello University,
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Dear Respondent,

QUESTIONNAIRE ON PUBLIC PROCUREMENT ACT OF KADUNA STATE

I am a postgraduate student in the Department of Public Administration, Ahmadu Bello University, Zaria, conducting a research on the Public Procurement Act (Due Process) in Kaduna State.

However, the information provided shall be treated as strictly confidential and will be used mainly for this research purpose.

I will be appreciated with your usual cooperation.

The questionnaire is for sections schedule to be completed by the respondent's personal data, while the other section requires the information about the Procurement Act known as Due Process.

Section [1]

1. Name of your Local Government
2. Town/village
3. Place of work
4. Designation
5. Age
6. Sex
7. Qualification
8. Working experience
9. Marital Status

Section [2]

Please answer the following questions by ticking in the appropriate box.

HYPOTHESIS (I)

[A] Value for Money

[1] Will the proposed project be undertaken in an efficient and effective way, and is the applicant requesting only resources that are essential to the completion of project?

[a] Yes [ ] [b] No [ ]

[2] If yes what do you think is the major undertaken in value for money?

[a] To avoid abandonment of Project

[b] Ensure Accountability

[c] Reduce cost of contract award

[d] Facilitate competition among contractors

[e] All of the above

[3] How often does the award of any contract preceded by public advertisement?

[a] Very often [ ] [b] often [ ] [c] Undecided [ ] [d] Rare [ ]

[e] Very Rare [ ]

[4] Do you agree that the best bidder is always award the contract?

[a] Strongly agree [ ] [b] Agree [ ] [c] Undecided [ ] [d] Disagree [ ]

[e] Strongly Disagree [ ]

[5] How long does it take for the contract award from the date of advertisement?

[a] Less than 2 weeks

[b] More than 2 weeks

[c] More than 4 weeks

[d] 2 Months and above

[6] How efficient is the procurement process with the introduction of Due Process Act?

[a] Very efficient [ ] [b] Efficient [ ] [c] Undecided [ ] [d] Inefficient [ ] [e] Very Inefficient [ ]

[7] Who should undertake the value for money in executing projects?

[a] Internal Expert [ ]

[b] External Expert [ ]

[c] Accountant Expert [ ]

[d] Internal Auditor [ ]

[e] Any other appropriate person [ ]

HYPOTHESIS (II)

[B] Abandoned Project Executed.

[1] Do you agree that there is abandonment of Project executed in Kaduna State?

[a] Yes [ ] [b] No [ ]

[2] If yes, to what extent does the Projects Executed abandoned in Kaduna State Procurement Act?

[a] Very high [ ] [b] High [ ] [c] Undecided [ ] [d] Low [ ]

[e] Very low [ ]

[3] Does the Tender Board ensure all information regarding Projects Executed and the contract awarded are completed?

[a] Yes [ ] [b] Don't know or can' say [ ] [c] No [ ]

[4] What are the causes of abandonment of project in Kaduna State generally?

[a] Unprofessional [ ] [b] Lack of monitoring [ ] [c] Insufficient fund [ ]

[d] High cost of materials [ ] [e] Inadequate Planning[ ]

[5] How often do you have cases of abandonment of projects?

[a] Very often [ ] [b] often [ ] [c] Undecided [ ] [d] Rare [ ]

[e] Very Rare [ ]

HYPOTHESIS (III)

[C] Accountability and |Transparency and Competitive Bidding.

[1] Does the Tender Board publicize all the criteria for supplier selection before invitation of bid?

[a] Yes [ ] [b] Don't know or can' say [ ] [c] No [ ]

[2] Is there any existing of special committee of the board that engages in the evaluation of contract awarded to suppliers?

[a] Yes [ ] [b] No [ ]

[3] If yes what is the name of the committee or department?

_____

[4] Contract awarded is the method used during procurement in order to evaluate the proposals taking part and awarded the relevant contract. Do you agree?

[a] Strongly agree [ ] [b] Agree [ ] [c] Undecided [ ] [d] Disagree [ ]

[e] Strongly Disagree [ ]

[5] How will you assess the achievement through accountability and transparency in awarding of contract inKaduna State?

[a] Very effective [ ] [b] Effective [ ] [c]Undecided [ ] [d] Ineffective [ ] [e] Very Ineffective[ ]

[6] Are their measures put in place to monitor and evaluate all contracts awarded? Please briefly explain:

_____

[7] Why is there a need for the competitive Bidding process?

[a] Fair price [ ] [b] Proper Survey [ ] [c] Finding suitable supplier [ ]

[d] Things that are favourable [ ] [e] All of the above [ ]