

Compliance with the stipulated procurement process in local governments: a case from a developing nation

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Abstract

Empirical evidence of compliance or otherwise with procurement laws especially in developing nations is limited despite its importance in ensuring quality project delivery. This research assessed compliance with the procurement law in the local government setting of a developing nation, challenges to compliance and workable solutions. A total of 108 copies of a carefully structured questionnaire was administered to individuals concerned with contract administration in the local governments in the study area and 87 were considered good enough for analysis. Data analysis was done using cross tabulation, chi-square, mean score and percentile. Among other findings, the study revealed that there is partial compliance with the procurement clauses in the local governments. The study also revealed that significant relationship exists between knowledge of the procurement act, owning a copy of the act and compliance with the act. These findings of this study will be useful for construction and public procurement administrators as an evidence of the need for a multifaceted action towards strengthening compliance.

Keywords: Compliance, construction, government, local, process, procurement, third-tier.

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1 Introduction

The third tier of government in Nigeria among some other nations is referred to as the “Local Government”. According to Adewale (2009), the Local Government is an act of decentralizing power; it can be viewed as a form of de-concentration or devolution. De-concentration involves the delegation of authority to field units of the same department and devolution, on the other hand, refers to a transfer of authority to local units or special statutory body (Adewale, 2009). Sajuyigbe (2009) defines Local Government as a "system of local administration under local communities which are organized to maintain law and order, provide some limited range of social amenities and encourage cooperation and participation of inhabitants towards the improvement of their condition of living”. As earlier remarked, this is the third tier of government in Nigeria and it represents the interest of the second tier (the State Government) and the first tier (the Federal Government) of the government through infrastructure development and others.

Adewale (2009) submitted that the need for change in the technical and economic challenges prevailing in the Local Government prompted the introduction of several new procurement principles for projects. However, compliance with the rules or otherwise remain a concern in different climes. For instance, African Peer Review Mechanism Country Review (2009) submitted that Uganda lost approximately 300 Billion Uganda Shillings to non-compliance with procurement guidelines. Also, Gelderman *et al.* (2006) submitted that evidence of non-compliance in countries of European Union are glaring, whereas, public procurement plays a significant role in the economy through its purchasing power (Saarela *et al.*, 2018). In a related submission, Ntayi *et al.* (2009) revealed that millions of dollars are lost to non-compliance with procurement structure and failure to impose necessary sanctions when procurement rules are not followed. Obviously, developing nations are not exempted in the non-compliance to public procurement regulations (Asamoah *et al.*, 2019). Eyaa and Oluka (2011) opined that compliance is the measure with which government of any nation can determine if the country meets the goal and objectives of administrations and provision of basic amenities. This submission underlines the need to evaluate compliance with the procurement act at the different levels of government.

The creation of more local governments is often necessitated by the need for development in the inner circle of the territory governed by a State Government. However, the execution of projects at many local governments is faced with challenges such as non-completion to time and cost as well as project abandonment. Whereas, project abandonment among other challenges has consequential effects on all stakeholders (Damoah *et al.*, 2018). Basically, several reasons could trigger the challenges of project execution, this include: non-compliance with the procurement laws, entering into the contract without proper and adequate legal

relationship and wrong application of procurement management. But, frankly, the procurement law is a veritable tool for achieving efficiency and value in the acquisition of goods, works and services (Asamoah *et al.*, 2019). Therefore, the need for strict compliance towards ensuring satisfactory project delivery at the local government cannot be over-emphasized. Jaafar *et al.* (2016) submitted that compliance is the ability to guide one's act in accordance with stated acceptable standards such as an order, set of rules and requests. In this study, compliance is defined in three levels; strict compliance refers to absolute compliance with all stated rules and partial compliance refers to a selective implementation of some aspects of stated rules while 'no compliance' refers to a total abandonment of stipulated procedures.

Procurement is a major entity in government, as significant percentage of Gross Domestic Product (GDP) is expended on acquisition of goods and services (Kushairi, 2019). The government at all levels are the major clients of the construction industry and also the provider of social amenities (Fayomi, 2013). Generally, the challenge with procurement has led to the consideration of several solutions aimed at enhancing the objectives of procurement law and to achieve optimum value for public resources worldwide. This solution includes privatisation, inter-municipal cooperation, mixed public/private delivery, contract reversals (Gel *et al.*, 2018; Yeung *et al.*, 2014), adoption of sustainable objectives in procurement process (Kushairi, 2019), e-government (Budding *et al.*, 2018 and Saastamoinen *et al.*, 2018) as well as updating of procurement laws (Larbi *et al.*, 2019). Jaafar *et al.* (2016) submitted that improved adherence to procurement rules will ensure better procurement management. From the previous discussions, obviously, the need to obtain optimum value for resources and the attainment of optimum value via compliance with stipulated rules has been highlighted. Also, issues and concerns on compliance with stipulated procurement rules clearly exists. Specifically, in Nigeria, the failure to comply with procurement procedures has reportedly led to occurrences such as: projects being executed by incompetent hands; leakage in treasury and inflation of contract prices. This has reportedly led to significant financial loss to the government. However, empirical evidence on the degree of compliance with stipulated clauses is limited. In Nigeria, studies have been conducted on procurement but with significant focus on the performance of procurement methods (Ojo *et al.*, 2006; Ojo, 2009; Oladinrin *et al.*, 2013). Some other studies have been conducted on compliance with procurement rules but they all have interests different from the focus of this study. For instance, Larbi *et al.* (2019) focused on compliance with transparency provision in the public procurement act 2003 in Ghana. Given the above, the objectives of this paper were to: assess the level of compliance with the procurement law in at the local government vis-à-vis the implementation of specific clauses; assess the factors influencing the implementation of the clauses, and assess the measures for improving compliance. This was done with a view to provide recommendations for improving compliance with procurement process at the third tier of government.

2 Literature review

2.1 Procurement

In simple terms, procurement is the process involved in obtaining a good or services. Aje (2012) corroborated this by stating that procurement is a generic term. According to Smith *et*

al. (2004), procurement is the process involved in the acquisition of goods or services at the best possible total cost of ownership in the right quantity and quality and at the right benefit or use of client via a contract. But in the construction world, Cartildge (2009) defined procurement as “a process involved in obtaining the whole spectrum of goods, materials, plant and services in order to design, build and commission a building that deliver the best possible value for money for client over its life cycle”. Similarly, Anyadike (2004) defined construction project procurement as the overall pattern of decisions made by the client through his professional advisers in defining the organization and procedures required for the execution of a project throughout the conceptualization, the design, construction and commissioning periods. However, Ogunsanya *et al.*, (2016) described procurement as activities between construction clients and professional personnel for delivery of certain construction projects at agreed quality. McKevitt and Davis (2016) summarized the main goal of procurement as achieving value for money. Summarily, the main aim of procurement according to Muhammad *et al.* (2015) is to achieve optimum balance of risk, controlling of fund associated with execution of construction projects. Ogunsanya, et al. (2016) reinforced this by stating that procurement is an arrangement that depicts contractual process, risk allocation, pattern of funding, work structure and interrelationship among parties on a construction project. Arguably, procurement could be a generic term; it is often governed by a regulation which is designed for compliance through the administration of procurement officers (Kushairi, 2019).

The Procurement Act is usually an official document that seeks to address ways in which procurement of goods and services are carried out and also redress some of the challenges faced by the old system of procurement. The public procurement act aims to enhance efficiency and realization of value (Asamoah, et al., 2019). The procurement Act 2007 of Nigeria is an official document with clauses targeted at guiding the procurement process. However, Jibrin *et al.* (2014) stated that since the provision of regulatory framework in Nigeria, non-compliance or otherwise with the regulation has been a point of debate. Whereas, Jaafar *et al.* (2016) submitted that improved adherence to procurement rules will ensure better procurement management. The Procurement Act 2007 of Nigeria like any other country is aimed at curbing corruption, unnecessary waste of nation’s resources and ensure fairness in all procurement processes. In Nigeria, state government procurement laws are structured based on the Federal Government procurement act 2007 and all actors are expected to abide by the law during procurement activities.

2.2 The Nigerian Public Procurement Act and the Ekiti State Public Procurement Law No. 2 of 2010

The Nigerian public procurement act was enacted to guide the public procurement process. Similarly, the Ekiti State Public Procurement Law No 2 of 2010 was a supplement to Ekiti State of Nigeria Official Gazette No 4. Vol. 14 in 29th July 2010. It is a law that established the Ekiti State Council on public procurement as a regulatory authority responsible for monitoring and evaluating public procurement. The law reveals the responsibilities of harmonizing the existing government (State and Local) policies and practices by regulating and setting standards, developing the local framework and professional capacity for public

procurement in Ekiti State. The law was enacted by the House of Assembly of Ekiti State Nigeria on 29th July 2010. It has 13 parts namely;

- 1) Establishment of the state council on public procurement.
- 2) Establishment of the State Bureau of public procurement.
- 3) The scope of Application.
- 4) Fundamental principles for procurement.
- 5) Organization of procurement.
- 6) Procurement methods
- 7) Special and restricted methods of procurement.
- 8) Procurement of consultancy [services].
- 9) Procurement surveillance and review.
- 10) Disposal of public property.
- 11) Code of conduct.
- 12) Offences.
- 13) Miscellaneous.

This study employed parts five, six and seven of the law only, these sections contain clauses on organization of procurement, procurement methods as well as special and restricted methods of procurement. Procurement as described in section 2.2 of the act covers goods, services and construction works. The Part 5 of the law centred on: (a) Approving authority (b) Procurement planning (c) Procurement implementation (d) Accounting officer (e) Procurement planning committee (f) Tender board (g) Prequalification demands (h) Open competitive bidding. Part 6 centred on: (a) Invitation to bid (b) Submission bid (c) Rejection of bid (d) Bid opening (e) Examination of a bid (f) Acceptance of bids (g) Mobilization fees (h) Contractor performance guarantee and (i) Record of procurement proceedings, while part 7 centred on: (a) Tendering Stages (b) Restricted tender (c) Direct Procurement and (d) Emergency Procurement. These parts of the law were selected because they suit the aim of this study. The variables used in assessing the compliance of the local governments with the procurement act were extracted from these sections.

2.3 Factors influencing compliance with the procurement act

Azeem (2007) submitted that the inability of relevant stakeholders to extensively circulate the procurement law as a challenge, also Forgor (2007) called for more training for procurement officers. In the submissions of Jaafar *et al.* (2016), among the factors influencing public procurement are ethics, professionalism, enforcement issues, familiarity with rules and perceived inefficiency of policies. Complementing the list of influences, Ibrahim *et al.* (2017) identified the place of political pressure, widespread corruption and weak institutions as negative influences. Other factors influencing the compliance and implementation of procurement reforms are lack of effective communication and poor record keeping (Ameyaw *et al.*, 2012 and World Bank, 2003).

2.4 Common Procurement Methods in the Local Government System

According to Wahab (2006), each new form of procurement has essentially been developed in response to practical limitations that appeared in practice in the previously popular methods. Prominent procurement methods in the Local Government in Nigeria are: a) Traditional procurement system b) Design & Build c) Direct Labour

2.4.1 Traditional Procurement System

The first dominant construction procurement in construction at the Local government is the Traditional building Procurement System (TPS). This is not only limited to Local Governments; its usage is common in developing countries (Osama, 2013). It follows a strictly sequential path of four phases namely, Preparation, Design, Preparing & Obtaining tenders, and Construction. This system involves the appointment of the principal adviser, an architect or (project manager) who leads the design team. The design team may include the Quantity Surveyor and Engineer. The building project is then designed and detailed up to a point where the various elements of design can be taken off and worked-up to Bill of quantities or a schedule of materials.

In recent construction practice, TPS is not so suitable for achieving optimum value for money (Storteboom *et al.*, 2017). The limitations of TPS birthed procurement methods that help in the effective management of risk in construction project execution. One of the disadvantages of TPS stated in the study of Atmos *et al.* (2017) was its inability to meet the required time, cost and quality performance in comparison with projects procured through emerging methods. Basically, the following are the characteristics of TPS: (i.) the client commission and takes responsibility for the design of the works; (ii.) the design is complete at the time of selecting the contractor (iii.) the architect appointed by the client coordinates the design team, leads the design effort and coordinates the interface between design and the fabrication; (iv.) the client uses documents prepared by the Quantity Surveyor to plan and control the finance of the project in conjunction with the architect's certifications. The client requires the contractor selection process to be based upon the contractors estimate of price and for the contractor to bear the risk of cost exceeding tender price.

2.4.2 Design and Build Procurement System

According to Chartered Institutes of Building, CIOB (2006), the official statistics in the United Kingdom shows that Design and Build account for over 30% of new construction. It is however not so popular in local government project procurement in Nigeria. Design and Build is an arrangement in which a building contractor enter into a contract with a client to design and construct a new building. Mathonsi and Thwala (2012) describe design and build as a system where organisation takes the full responsibility to design and construct. In this system, the client deals with a single organisation. Oladinrin, et al. (2013) submitted that design-and-build is a dominant procurement option in Nigeria and the trend could continue in years to come. This method of procurement bears significant resemblance to turnkey and Package Deal contract arrangement that many authors agree that they are one and the same method.

2.4.3 Direct Labour

Under this method according to Kupoluyi (2009), the Local government employs the labour, buys the materials and plants and makes provisions for the supervision of the work from start to completion. This arrangement presupposes that the scope of design work and actual execution on a site will be undertaken by the local government. Ogunsanmi (2013) showed that direct labour is one of the procurement systems adopted for relatively small construction projects in Nigeria. Adewale (2009) also stated that, there is a dearth of literature and extensive adoption of direct labour and that it has not been hitch-free due to the modality of implementation. This is due to the fact that in the implementation of construction projects, the professional employed by the Local government is often influenced and sometimes restrained by the pressures and bureaucratic bottlenecks of public institutions. The major restraints on solving problems are no longer purely technical, but also the limitation of cost, influence and intervention of other people.

3 Research method

To achieve the objectives of this study, survey research approach was adopted. Questionnaire was designed to seek the submissions of the respondents on the level of compliance with the specific clauses of the procurement act (See section 2.2). The respondents were also asked indicate the importance of each of the factor affecting compliance with the act as well as the steps required for enhancing compliance. The population for this study was professionals and the handlers of construction contract procurement at the Local governments in Ekiti State, Nigeria. The field work targeted all the local governments in the state. The state was selected for this study because there is a clearly domesticated state procurement act and there are still a lot of infrastructure projects to be procured, some are also ongoing, while other projects outlined for contract award. It is logical to evaluate the level of compliance with stipulated procurement clauses in such a state and effectively utilize the outcome. Copies of questionnaire were administered to those that are involved in contract administration in the Local Governments; the focus was on Works Department and Budget Planning Research and Statistics (BPR&S) Department. The sample size for this study is presented in table 1 (distribution of respondents). The respondents of are Quantity Surveyors (QS), Architects (Arcs), Civil Engineers (Civil Engrs.), Builders (Bldrs.), Estate Managers (Est. Mgrs.), Administrative Officers, Procurement Implementation Officers (project supervising officers), Procurement Planning Officers and Officers from Budget Planning Research Statistics department (BPR&S) and Tender Board Members. The respondents were purposively selected because they were the ones directly involved in the administration of procurement in the local governments. Table 1 shows the population of the target respondents. The entire population was taken as the sample size for the study because it was manageable. The questionnaire was hand delivered and some were emailed to some of the respondents.

‘Insert Table 1’ here

Out of the 108 copies of questionnaire that were distributed, 91 copies were retrieved, amongst the copies retrieved, 87 questionnaires were adjudged good enough for analysis. This

represents 80.56% of the questionnaires sent out, this is obviously an excellent response rate. The questionnaire was drafted from the Ekiti state procurement law to determine the level of compliance of procurement officers at the Local governments. The retrieved data were presented in tables and analysed using descriptive and inferential statistics which includes mean score and chi-square. The significant level analysis proposed by Li *et al.* (2013) was used to further determine the importance of the methods of improving compliance with procurement law in Local governments. This method was also employed by Olawumi and Chan (2018) to determine the importance of certain variables in a study. The significant levels are as follow: “not important” for ($M \leq 1.50$), “somewhat important” for ($1.51 \leq M \leq 2.5$), “important” for ($2.51 \leq M \leq 3.50$), “very important” for ($3.51 \leq M \leq 4.5$) and “extremely important” for (≥ 4.51). M represents the mean score value of a given method of improving compliance to procurement law in Local governments.

4 Data analysis

Table 2 reveals that 4.60% of the respondents had 1-5 years working experience, 28.73% had 6-10 years of working experience, 26.44% had 11-15 years of experience, 26.44% had 16-20 years and 13.79% had experience of over 20 years and above. It can be deduced from table 2 that the average working experience of the respondents is 13 years; this seemingly reveals that the outcome of this study gives a good level of dependability.

‘Insert Table 2’ here

4.1 Compliance with the procurement procedure

This section presents the submissions of respondents on the compliance of local governments with the terms of the procurement law. Findings revealed that majority of the respondents are aware and have knowledge of the procurement law. However, Table 3 shows that majority do not have personal copies of the law. This implies that the law booklet has not been well circulated among the expected users. Few of the Local governments’ procurement officers indicated strict compliance with the procurement law in comparison with partial compliants and non-compliants. The result suggests that it is very difficult for the Local government to comply with the law that was not generally available to staff and departments.

‘Insert Table 3’ here

Table 4 shows the Cross tabulation of responses on the knowledge of procurement law versus having a personal copy of procurement Act. Knowledge of procurement law is reflected in row and ownership of personal copy of the procurement act is presented in column. Table 4 shows that 46.0% of the respondents with knowledge of procurement law owns a personal copy of the procurement act while 54% of the respondents with knowledge of procurement law does not own a personal copy of the procurement act. The percentage of the respondents that own a personal copy of procurement act but indicated not to have a knowledge of procurement law is 0% while the percentage of respondents with no knowledge of procurement law and no personal copy of procurement act is 100%. That is, everyone that owns a procurement act has

knowledge of the procurement law and everyone that indicated not to have a knowledge of the procurement law does not have a personal copy of the procurement act.

‘Insert Table 4’ here

Table 5 shows the Chi-square (χ^2) test that was conducted to determine the relationship between the knowledge of procurement law and owing a personal copy of procurement Act. Crosstabulation generates Pearson chi-square statistics (χ^2) and likelihood-ratio chi-square test. The Pearson chi-square statistics (χ^2) reflects the squared difference between the observed and expected frequencies in statistical computation while likelihood ratio is based on the ratio of the observed to the expected occurrence. The value of the Pearson Chi-square (χ^2) generated is 16.571 at degree of freedom (df) of 1. The generated Chi-square (χ^2) is greater than the critical Chi-square (χ^2) value on statistical table at df of 1. This implies that the null hypothesis should be rejected. Since the p-value of the statistics is 0.000 which is lesser to significant level of 0.05. It implies that there is relationship between knowledge of procurement law and owing a personal copy of the procurement Act.

‘Insert Table 5’ here

The output of crosstabulation of the level of compliance with procurement Act versus knowledge of procurement law conducted is shown in Table 6. Crosstabulation help to know the mix of respondents to one or more nominal variables. Table 6 shows the levels of compliance to procurement law on the row and the knowledge of procurement law on the column. The crosstabulation in Table 6 is a 3x2 table indicating three options (levels of compliance) and two options for knowledge of procurement law. The choice of crosstabulation of the level of compliance with knowledge of procurement law was to check if the knowledge of procurement law determines compliance to procurement law. Table 6 shows that the 34.9% and 65.1% of the respondents with knowledge of procurement law complied with procurement law strictly and partially respectively. There is no respondent with knowledge of procurement law that does not comply with procurement law. In other word, all the respondents that indicated no compliance with procurement law do not have knowledge of procurement law.

‘Insert Table 6’ here

Table 7 shows the Chi-square (χ^2) that was further computed on the Crosstabulation to determine if there is a relationship between the level of compliance of respondents to procurement law and knowledge of procurement law. The generated Chi-square (χ^2) value of the statistic is 68.756 at degree of freedom of 2, and this is greater than the critical value of Chi-square (χ^2) in statistical table at all significant level. The asymptotic significance generated is 0.000 which is less than significant level of 0.05; this means that there is relationship between level of compliance to procurement law and knowledge of procurement law.

‘Insert Table 7’ here

Table 8 shows the responses to the variables coined out from procurement law which was used to assess the level of compliance of Local governments with the procurement law. Under Issuance of acknowledgment receipt for the Submission of Bids, it was observed that 8.05% of the Local government used to issue a receipt to contractors indicating evidence of submission, time, and date of submission while 91.95% indicated that issuance of such receipt is not a practice in their Local governments. It is therefore necessary to note that, this negate law 2 subsection 4 of the procurement law. Concerning the mode of advertisement for tenders, 10.34% of the respondents indicated that advertisement of construction tenders in their Local government are done through their 'staff', 25.29% indicated through 'Radio/Televisions', 17.24% indicated through 'national dailies' while 47.13% indicated that their Local government usually advertise at 'political meetings'. According to law 25 sub-section 2, "Every invitation to open a competitive bid shall be advertised on the notice board of the procuring entity, any official websites of the procuring entity, at least, two national newspapers, and the procurement journal not less than two weeks before the deadline for submission of the bids."

In respect of the period of advertising bids, 70.12% of the respondents indicated that their Local governments advertise bids 'a week to submission deadline', 19.54% are of the opinion that it is 'three days to the submission deadline', and 10.34% submitted that their Local governments used to advertise tender 'two weeks before submission of bids' which is the correct period as written in the law. Law 25(1) states that bidding should be competitive, no other means. As given by the responses in table 8, 'Political interest' got the highest score of 59.77% while 'Local bidding' got 16.19% and 'competitive bidding' had 24.14%, the larger poll went to the options that contradict the procurement law. Still on table 8, it can be observed from the responses that submission of bids to 'the chairman's office' is the widely adopted method with 80.46%, 'submission of bids at the Director of Administration's office' follows with 9.20% response while 'Director of work's office' had a score of 4.60%, whereas the correct place of submission of bids (inside the Bid box) attained a score of 5.74%. This implies that bids are submitted in wrong places as against the use of Bid box which was stipulated in the procurement law 27 (2).

Also, it was discovered that bids submitted late are accepted and kept for future purposes as indicated by 52.87% of the respondents, 2.30% replied that the bid may be accepted but disqualified, 44.83% replied that the bid is out-rightly rejected as stated in the law. Therefore, an appreciable percentage of the Local governments are following the rule contained in law 27(5).

Table 8 also shows that bid opening at 'the Tenders board meeting' have the highest score which represents 47.13% of the responses, other indicated the opening of bids at other locations. Whereas, the law 30 (b) stated that the bids should be opened at the Tenders board meeting in the presence of all bidders or their representatives to ensure transparency of the process. In assessing the causes of an emergency procurement, 20.69% of the respondents stated emergency procurement occurred 'when the Governor wants to visit the Local governments', 26.44% opted for 'when an election is approaching', 12.64% agreed with 'when

an excess fund is available’ while 40.23% indicated that ‘when serious disaster or catastrophe is threatening the Local government’. Majority of the responses is in consonance with the stated guide in the procurement law.

It was also revealed that 90.80% of the respondents agreed (strongly agree, agree and partially agree) that interim performance certificate is essential before payment is made and this is done in their Local governments while 9.20% do not believe that the certificate is important. However, law 35(2) affirmed the importance of this certificate before payment to avoid project abandonment. The responses on table 8 also shows that ‘selective tendering’ takes the highest score of 57.47%, while ‘open’ and ‘negotiated’ tendering scores 11.49% and 31.03% respectively. Comparing the responses to the law, it is clear that many Local governments are not working in accordance with the law that says all tendering should be open tendering (Law 24 (1)). On the time of opening of bids, 45.98% of the respondents indicated that opening of bids in their Local governments is done one week after submission date while 34.48% and 3.45% indicated that opening is at any time and a month after submission date respectively. Only 16.09% of the responses are in compliance with what is stipulated in the law (Law30 (c)) that opening should be done immediately after the submission date. Also, Table 8 shows that 75.86% of the respondents indicated that letters indicating the reasons for rejecting bid are available in their Local governments as stated in the procurement law, while 24.14% indicated the non-availability of this letter in their Local governments, Law31 (9).

The procurement law put the percentage of mobilization to 30 % (Law 35), only 22.99% of the respondents indicated the correct percentage. This raises suspicion about what is going on in these Local governments. Law 33 (5) discusses the issuance of the certificate of no objection, 48.27% indicated that nobody issues this type of certificate, 33.34% indicated the wrong channels of issuance, only 18.39% responded correctly. This depicts the importance of this certificate to these Local governments. The response on the importance of interim certificate of payment from the state bureau of public procurement shows that 24.14% agree that the certificate is collected as they picked “Yes”, 63.22% disagreed by selecting “No” while 12.64% are not sure if this certificate is collected or not. Whereas, Ekiti State Public Procurement Law 37(3) made it clear that it must be collected, stipulating that collecting this will enable thorough supervision and good monitoring of projects.

‘Insert Table 8’ here

4.2 Factors influencing the implementation of procurement laws in the local governments

As presented in table 9, ‘bureaucracy’ is the highest ranked factor impeding strict compliance with the procurement law in Local governments with a mean score of 4.54. ‘Political interest’ followed with a mean score of 4.46, ‘Governor’s interest’ ranked next with a mean of 4.40. Other factors are ‘party interest’, ‘lack of project vehicle’, ‘the complexity of the procurement law’, chairman’s interest’, ‘lack of training/workshop/seminar’, ‘bribery and corruption’, ‘lack of working tools’, and all are having mean scores of 4.01, 3.75, 3.67, 3.40, 3.32, 3.31 and 3.29 respectively. The existence of political influence in different forms suggests the existence of dynamic-opportunistic behaviours as discussed by De la Higuera-Molina et al (2018). Also,

Masters and Graycar (2016) claim of the existence of massive corruption in local governments across the world appears to have been technically substantiated in this study. This is evident in the high scores of the varieties of interests and bribery and corruption as hindering factors. Other influencing factor are ‘Staff intimidation’, ‘Sudden transfer and posting of staff’, ‘lack of office accommodation’, ‘level of professional knowledge’, ‘staff regulations’, ‘communication barrier’, ‘incessant change in government (caretaker government)’, ‘town/king’s interest’, and ‘lack of fund’ all attains mean scores of 3.28, 3.22, 3.17, 3.13, 2.95, 2.90, 2.69, 2.60, 2.53, and 2.24 respectively. From the above analysis, it can be posited that various factors have their relative influences on the Local government mode of implementing the procurement law.

‘Insert Table 9’ here

4.3 Measures for improving compliance with the procurement law

This section expresses the submission of respondents towards the improvement of Local government project procurement procedures. Table 10 shows that ‘giving accelerated staff training’ to the Local government professionals will highly improve compliance with mean score of 4.90, followed by ‘Local government autonomy’ with mean score of 4.76, ‘establishment of project evaluation and monitoring unit in the Local government’ with mean score of 4.00, ‘establishment of Local government procurement bureau’ with mean score of 3.93 while the least scored means of improving compliance are ‘amending the Nigerian constitution’ and ‘increasing the approving limit of the Local government chairman’ with mean score of 3.43 and 3.05 respectively.

The significant level analysis (See section 3) proposed by Li *et al.* (2013) was used to further determine the importance of the methods of improving compliance with procurement law in Local governments. Table 10 shows that ‘Giving accelerated staff training’ and ‘Local government autonomy’ were viewed as extremely important method of improving compliance to procurement law in Local government, while ‘establishment of project evaluation and monitoring unit in the Local government’ and ‘establishment of Local government procurement bureau’ belong to very important method. The least scored methods; ‘amending the Nigerian constitution’ and ‘increasing the approving limit of the Local government chairman’ were regarded as important methods of improving compliance to procurement law in Local governments. The significant grades of the methods imply that all the methods are critical to improving compliance to procurement law in Local governments

‘Insert Table 10’ here

5 Discussion of findings

The results obtained on the assessment of compliance of local governments with the procurement law indicate that local governments are not complying strictly with the procurement law. On the findings on respective terms, it was revealed that many Local governments do not advertise tenders instead they impose from the state or such contract is

allocated to a political godfather. Findings also revealed that delay is common in approving project from the state Bureau; hence Local governments usually resolve to cut short the processes but this brings about shoddy jobs. The abysmal compliance of most local governments with procurement procedures/processes like Invitation to bid, Submission of bids, bid opening, Examination of bids, Evaluation of bids, Acceptance of bids, Mobilization fees, issuing interim performance certificate, Payment to the contractor, Supervision and record of procurement proceedings are all recognized by the Local government. Considering the impact of other existing monitoring agencies and rules in the Local government, findings show that there is not much impact and the reason is that many activities are politicized; stated rules are therefore not being followed.

Alongside political influence in different forms, the study reveals that bureaucracy is a significant factor confronting implementation of procurement act at Local government. This finding is in consonance with the findings of Muhammad, Adamu and Ladi (2015) that submitted administrative bottleneck is a common challenge to procurement system compliance and implementation. Political interest is also revealed as a factor that influence implementation of procurement act negatively at Local government. This finding is also in line with the findings of Musanzikwa (2013) in Zimbabwe where political influence is one of the challenges facing public procurement. Governor's interest and political party interest that were ranked next to political interest are synonymous. This results in imposition of contractor, political influence, man-know-man syndrome, incessant distortion of democratic government at the Local government which is a threat to achieving the major aim of enacting procurement law. Fayomi (2013) also reveals cases of political influence in form of presidential waivers on some construction project and leaking of tender's information to bidders known to government officers. Jibrin, et al. (2014) recommend the need to insulate procurement decision from political interference for proper discharge of expected duty.

The problem of political influence and other kind of influences from different arm of the government also encourages corruption between contractors and in-house professionals that disclose tender information. Corruption is often perceived in procurement process; this has led to introduction of e-procurement in some quarters as a means to make procurement process transparent and objective. Saastamoinen, et al. (2018) submitted that e-procurement brings about innovation, competitiveness, transparency, elimination of iota of corruption and thus contribute to overall success of procurement process. On the part of Adebisi *et al.* (2010), the need to adopt e-procurement in Nigeria is grave, in that developed nations have embraced its opportunities in construction projects transactions. Complexity of the procurement law was also revealed as a factor influencing the implementation of procurement act in the local governments. Complexity of procurement should not be heard of procurement officer, as the responsibility of undertaking and explaining procurement law lie in his jurisdiction. Meanwhile, Larbi et al. (2019) revealed the possibility of most procurement officers not being procurement – proficient. This occurs as a result of lack of professionalism and adequate training to function as procurement officer. On the part of Gelderman et al. (2006), non-compliance to the procurement law in the European Union is also stated to be attributed to lack of professionalism and familiarity with the procurement law. In Ghana, the reasons for non-

compliance to procurement law hovers around the firm resistance to change from the order in which procurement process was being undertaken before the provision of public procurement act (Act 663) by the government (Asamoah *et al.*, 2019). In summary, complexity of procurement law to procurement officer can be termed unprofessional or incompetence which is a function of training received by the procurement officer. To mitigate this, Ogunsanya et al. (2016) suggested intensive trainings with necessary practicum for procurement officers. Kushairi (2019) also corroborated this that knowledge of procurement officers could be improved through formal regimented training and exposures. Also recommended by this study are staff trainings, seminars and workshop are measures through which level of knowledge and competence of procurement officers at Local government can be improved and hence, delivery of quality services.

On the development of plans to improve the compliance, the results of the questionnaire indicated that giving the Local government full autonomy will enable them to comply well with the law. This will follow the pattern of reforms of procurement law to enable Local government act with little influence of the state government. Local governments cannot have their autonomy without amending the Nigerian constitution on the running of the government at the third tier. Presently, Local governments are placed under the control of the state government. Therefore, the Local governments are a subsidiary of the state government, using the law promulgated by the state and controlled by the board constituted by the state. This follows the recommendation submitted by Jibrin et al. (2014) that there is need to set up National Council of Public Procurement so as to allow effective undertaking of procurement process without interference of Federal Executive Council and other government bodies. Hence, each local government should be allowed to constitute their own effective procurement bureau and projects evaluation and monitoring unit, this will aid proper discharge of expected procurement duties at Local levels. It is hereby acknowledged that the implementation of some of the recommendations might not be easy, Munro (2015) and similar studies can guide on some relevant administrative procedure required.

6 Conclusion and recommendation

There is a dismal performance of most Local governments in the area of compliance with procurement law clauses as seen in the findings on: Invitation to bid, Submission of bids, Bid opening, Examination of bids, Evaluation of bids, Acceptance of bids, Mobilization fees, Issuing interim performance certificate, Payment to the contractor, Supervision and record of procurement proceedings. It can be said that this is a reflection of the level of understanding of the procurement law by contract administrators and not just about the compliance with the procurement law alone. It is also reasonable to say without fear of any contradiction that Local governments have been plagued with such problems like inefficiency, corruption, lack of probity and integrity, and politicization, which undermine construction projects process. Influences of different political figures in the contract administration at local governments which could make the possibility of total compliance with the law have been investigated empirically.

Although, strict compliance with public procurement procedure is an essential ingredient of

public procurement reform, an efficient procurement system is, therefore, an important tool for expenditure management. This will ultimately lead to effective delivery of public project thereby promoting economic growth in the local government areas. It is, therefore, necessary for the sensitization of the Bureau of Public Procurement (BPP) and procurement administrators on the best way to ensure that the procurement law is strictly complied with in the local government system. There is also need to do auditing to ensure that the procurement system in the Local government is in conformity with the procurement law. Adequate training, seminars, workshops and sensitization of workers in the project monitoring and evaluation units (such as Bureau for Public Procurement) on the need for a proper due process in the Local governments should be conducted to improve the knowledge and performance of contract administration handlers. Procurement officers' poor knowledge of the procurement law and how to prevent interference at the third tier would deter satisfactory construction project delivery.

This study has provided empirical evidence on non-compliance challenges and this is vital information for procurement managers and the stakeholders responsible for the drafting and implementation of the law. Also, the findings on the importance of the factors influencing the compliance of local governments with the clauses of the procurement law are valuable information. The discovery can be selected individually for further investigation by researchers. Further, the link between owning a personal copy of the law and the knowledge of personnel as empirically established in this study is a valuable theoretical contribution. Generally, the findings and recommendations of this study will be useful in places where the issue of compliance with regulations is a concern. These findings will be useful for construction and public procurement administrators; it will enhance their understanding of compliance challenges and guide on tackling the problem. Key areas of deficiency have been identified and solutions have been suggested by this study. Focusing on the local government can be described as the limitation of this study. However, in a future study, more local governments can be considered, and the study can be conducted at the state and federal government level.

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Table 1: Distribution of Respondents

Categories	Bldrs	Arcs	QS	Civil Engrs	Est. Mgrs.	BPR&S	Admin Officers	TOTAL
Respondents	18	12	20	19	12	14	13	108

Table 2: Working Experience of Respondents

Years of Experience	Frequency	Percentage
1-5	4	4.60
6-10	25	28.74
11-15	23	26.44
15-20	23	26.44
Above 20	12	13.79
Total	87	100.00
Mean		13 years

Table 3: Compliance with Procurement Procedure

Contributions	Frequency	Percentage
<i>Knowledge of the procurement law</i>		
YES	63	72.41
NO	24	27.59
<i>Owing Personal Copy of Procurement Law</i>		
YES	29	33.33
NO	58	66.67
<i>Level of Compliance to Procurement Law</i>		
Strict compliance	22	25.29
Partial compliance	45	51.72
No compliance	20	22.99

Table 4: Knowledge of procurement law vs. Owning Personal Copy of Procurement Act

			Own a Personal Copy of Procurement Act		
			Yes	No	Total
Knowledge of Procurement Law	Yes	Count	29	34	63
		% within Knowledge of procurement law	46.0%	54.0%	100.0%
		% within Own a Personal Copy of Procurement Act	100.0%	58.6%	72.4%
		% of Total	33.3%	39.1%	72.4%
	No	Count	0	24	24
		% within Knowledge of procurement law	0.0%	100.0%	100.0%
		% within Own a Personal Copy of Procurement Act	0.0%	41.4%	27.6%
		% of Total	0.0%	27.6%	27.6%
Total	Count	29	58	87	
	% within Knowledge of procurement law	33.3%	66.7%	100.0%	
	% within Own a Personal Copy of Procurement Act	100.0%	100.0%	100.0%	
	% of Total	33.3%	66.7%	100.0%	

Table 5: Crosstabulation of Knowledge of Procurement Law vs. Owning Personal Copy of Procurement Act (Chi-Square result)

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	16.571 ^a	1	.000
Likelihood Ratio	23.814	1	.000
Linear-by-Linear Association	16.381	1	.000

Table 6: Level of Compliance with Procurement Law vs Knowledge of procurement law

		Knowledge of procurement law				
		Yes	No	Total		
Level of Compliance	Strict Compliance	Count	22	0	22	
		% within Level of Compliance	100.0%	0.0%	100.0%	
		% within Knowledge of procurement law	34.9%	0.0%	25.3%	
		% of Total	25.3%	0.0%	25.3%	
	Partial Compliance	Count	41	4	45	
		% within Level of Compliance	91.1%	8.9%	100.0%	
		% within Knowledge of procurement law	65.1%	16.7%	51.7%	
		% of Total	47.1%	4.6%	51.7%	
	No Compliance	Count	0	20	20	
		% within Level of Compliance	0.0%	100.0%	100.0%	
		% within Knowledge of procurement law	0.0%	83.3%	23.0%	
		% of Total	0.0%	23.0%	23.0%	
Total	Count	63	24	87		
	% within Level of Compliance	72.4%	27.6%	100.0%		
	% within Knowledge of procurement law	100.0%	100.0%	100.0%		
	% of Total	72.4%	27.6%	100.0%		

Table 7: Crosstabulation of Level of Compliance with Procurement Law vs. Level of Knowledge of Procurement Law

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	68.756 ^a	2	.000
Likelihood Ratio	75.49	2	.000
Linear-by-Linear Association	49.818	1	.000

Table 8: Establishing the level of compliance using selected variables

Compliance Variables	Frequency	Percentage
<i>Issuance of acknowledgements Receipt for the Submission of Bid</i>		
Yes	7	8.05
No	80	91.95
<i>Medium of Advertisement of Tenders</i>		
Through LG staffs	9	10.34
Through Radio/ Television	22	25.29
Through national dailies	15	17.24
Through political meetings	41	47.13
<i>Period of Advertisements</i>		
A week before the submission deadline	61	70.12
3 days before the submission deadline	17	19.54
2 weeks before the submission deadline	9	10.34
<i>Invitation to Bid</i>		
Through competitive bidding	21	24.14
Through political interest	52	59.77
Through local bidding	14	16.19
<i>Bid Box</i>		
Yes	5	5.75
No	82	94.25
<i>Submission of Bids</i>		
In the chairman's office	70	80.46
In the director of administration's office	8	9.2
In the director of works office	4	4.6
In the bid box	5	5.74
<i>Late Submission of Bid</i>		
Accepted and kept for future purpose	46	52.87
Accepted but disqualify	2	2.3
Rejected out rightly	39	44.83
<i>Location Opening of Tenders</i>		
In the Local government chairman office	6	6.9
In the F&GPC only	15	17.24
In the Tender board meeting only	41	47.13
In the presence of bidders or his representative	25	28.73
<i>Causes of an Emergency Procurement</i>		

When Governor wanted to visit	18	20.69
When election is approaching	23	26.44
When there is enough fund	11	12.64
When the Local government is seriously threatened with disaster/ catastrophe	35	40.23

Table 8: Establishing the level of compliance using selected variables (Cont'd)

Compliance Variables	Frequency	Percentage
<i>Importance of Interim Performance Certificate</i>		
Strongly Agree	44	50.57
Strongly disagree	3	3.45
Disagree	5	5.75
Agree	18	20.69
Partially agree	17	19.54
<i>Common Tendering Process in the Local Governments</i>		
Open tendering	10	11.49
Selective tendering	50	57.47
Negotiated tendering	27	31.03
<i>When do opening take place</i>		
A week after submission date	40	45.98
Immediately after submission date	14	16.09
A month after submission date	3	3.45
Any time after submission	30	34.48
<i>Letter Stipulating Reasons for Rejecting Bids</i>		
Yes	66	75.86
No	21	24.14
<i>Percentage of Mobilization Fee</i>		
50%	10	11.49
35%	37	42.53
40%	20	22.99
30%	20	22.99
<i>The Certificate of No Objection</i>		
The Local government chairman	26	29.89
Bureau through the BPR&S department	16	18.39
Local government councillors	3	3.45
Nobody	42	48.27
<i>Importance of Certificate of Payment from the Bureau before Payment</i>		
Yes	21	24.14
No	55	63.22
Not very sure	11	12.64

Table 9: Factors Influencing the Implementation of procurement act in Local government

Influencing factors	Mean Score	Rank
Bureaucracy	4.54	1
Political interest	4.46	2
Governor's interest	4.40	3
Party interest	4.01	4
Lack of project vehicle	3.75	5
Complexity of the procurement law	3.67	6
Chairman's interest	3.40	7
Lack of training/workshop/seminar	3.32	8
Bribery/Corruption	3.31	9
Lack of working tools	3.29	10
Staff intimidation	3.28	11
Transfer/ posting of staff	3.22	12
Lack of office accommodation	3.17	13
Lack of professional knowledge	2.95	14
Staff regulation	2.90	15
Communication barrier	2.69	16
Change of government	2.60	17
Town/King's interest	2.53	18
Lack of fund	2.24	19

Table 10: Method of Improving Compliance to Procurement Law in Local Governments

Improvement Variables	Mean Scores	Rank	Significance Grade
Accelerated Training for Staff	4.90	1	Extremely Important
Local government Autonomy	4.76	2	Extremely Important
Establishment of Project Evaluation and Monitoring Unit in the Local Government	4.00	3	Very Important
Establishment of Local Government Procurement Bureau	3.93	4	Very Important
Amending the Nigeria Constitution	3.43	5	Important
Increasing the Approving Limit of the Local Government Chairman	3.05	6	Important