

# REVIEW OF THE APPLICATION OF ANAMBRA STATE PUBLIC PROCUREMENT LAW IN BUDGET IMPLEMENTATION BY THE MINISTRY OF WORKS

**<sup>1</sup>EZENWEGBU Nchedochukwu Chinwendu, <sup>2</sup>ANAZODO Rosemary**

## **ABSTRACT**

*This study is on review of Due process application in budget implementation of Anambra state ministry of works, Awka. The study was motivated by the pronounced spare of infrastructural decay in the state and the disbursement of the state's capital budget. As indicated, the examination is done from the platform of the activities of Ministry of works, Awka. The research methods used in this study is "survey" because the phenomenon under research investigation was of the present and this method ultimately deals with the situation under investigation. The population of the study is seven hundred and seventy-one (771) which comprises of the professionals, management staff and senior staff of the Anambra Ministry of Works, Awka and registered contractors involve in execution of capital budgets under the Ministry. Sample size of three hundred and seventeen (317) was determined using Taro Yammen of 1964. Tools of data collection used were structured closed ended questionnaires. Quantitative data collected was analyzed by the use of descriptive statistics using the Statistical Package for Social Sciences (SPSS) and presented through percentages, means and frequencies. Relevant literature on public procurement Act, Public procurement Law and Budget were also reviewed. In the course of testing the three hypotheses, we applied chi-square. The Chi-square was used to test if Government of Anambra state has effectively implemented the laws on procurement which it enacted; if Due process mechanism has a significant impact on budget implementation in Anambra state ministry of works, Awka; If there is high level of. awareness of the public procurement Law in Anambra ministry of works, Awka. The study revealed that delay in the certification of public procurement and release of contract documents hampers effective implementation of the procurement Law. The study also revealed that delay in the payment after contract completion was a major challenge. Against the revealed*

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<sup>1</sup>Department of Public Administration

<sup>2</sup>Public Administration Department, Nnamdi Azikiwe University, Awka, Anambra State, Nigeria

*backdrop, the study recommends the critical need for the Ministry and or Due Process Unit to shorten bureaucracies in the approval process. The study further recommends for prompt payment of completed contracts to guard against unnecessary liabilities.*

**Keywords:** Due Process Mechanism, Anambra State Public Procurement Law, Budget.

## I. INTRODUCTION

Since the return to civil rule in 1999, the federal government has moved to address the nagging issue of corruption in the public service. The first concrete action it took to address this was the submission of an Executive Bill to the National Assembly, which led to the enactment in 2000, of the Independent Corrupt Practices and Other Related Offences Commission Act. In the realization that failures in the procurement process contribute to corruption in governance and in order to identify the loopholes of procurement process, the first step was to introduce acceptable international standard practices in the regulation of public procurement in Nigeria. The federal government then invited the World Bank to work with it to first conduct a nationwide assessment of the public procurement law and practice. The result of that assessment carried out in conjunction with a national task force, Country Procurement Assessment Report (CPAR) 2000, formed the basis of the Public Procurement Bill later sent to the National Assembly, revised and enacted into law in 2007 as the Public Procurement Act, 2007(Ekpenkhio, 2003).

Consequent upon the country procurement assessment report, and prior to preparation of a bill for procurement reforms, the federal government moved to implement the recommendations of CPAR, to the extent possible prior to legislative reforms. The government set up the Budget Monitoring and Price Intelligence Unit (BMPIU) in June 2003 as an operationally independent body headed by a Senior Special Assistant to the President. Although thinly staffed, its personnel comprised experts with a bias for project management, construction, and procurement. The Unit was the clearing-house for all federal government contracts and procurements of goods and services, and functioned accordingly, until commencement of implementation of the Public Procurement Act 2007 (Ekpenkhio, 2003).

The Budget Monitoring Price Intelligence Unit (BMPIU) operated under clear goals, objectives, and strategies. Its goal was to put in place and ensure full compliance with laid down guidelines and procedures (produced by it) for the procurement of capital and minor capital projects as well as associated goods and services. Its objectives were to:

- i. harmonize existing government policies/practices and update same on public procurement
- ii. Determine whether or not Due Process has been observed in the procurement of services and contracts
- iii. Introduce more honesty, accountability and transparency into the procurement process
- iv. Establish and update pricing standards and benchmarks for all supplies to Government
- v. Monitor the implementation of projects during execution with a view to providing information on performance, output and compliance with specifications and targets

vi. Ensure that only projects which have been budgeted for are accepted for execution. The strategies of the BMPIU revolved primarily around: regulatory, certification, Monitoring, training and advisory Functions.

After the enactment of the Public Procurement Act, 2007, the Federal Government established the Bureau of Public Procurement to take over the functions of BMPIU and implement the provisions of the Act. The Bureau also inherited the staff and physical structures of the BMPIU.

The reform of the public procurement practices in Nigeria started at the national level with the enactment of the Public Procurement Act of 2007 by the National Assembly gradually developed to Anambra state therefore followed suit with the enactment of its own version of the Procurement Law in 2011.

However, prior to this, the Anambra state government had in 2007 introduced the new Due Process and Tender Guidelines to correct all the observed lapses in the procurement practices in the State, albeit, these new instructions could not meet up with the requirements of the modern procurement system. As a follow-up, the Due Process Office and SERVICOM was established in 2008 through a simple government directive with support from EU-SRIP, but the resulting offices lacked the legal status and capacity to carry out real procurement functions. In 2009, Anambra State Government in partnership with the UNDP assessed the needs of procurement departments in MDAs and the Due Process office in the State with a view to improving their performance in carrying out procurement activities. The assessment showed that these entities lacked basic requirements for a functional modern procurement unit. They were hampered among others by lack of clarity of functions, lack of clear guidelines and regulations, lack of proper procurement legislation and institutional framework, constant interference, lack of basic working tools, lack of complaints and review mechanism, absence of control system, poor working conditions and environment. These were the situations that characterized procurement activities in Anambra State coupled with unwillingness of the procuring entities to follow the deficient policies and procedures because there were no sanctions for failure to do so.

The Anambra State Public Procurement Law 2011 was simplified in a version published in 2012 by the Anambra State Government (ANSG) in conjunction with the United Nations Development Programme (UNDP). The version was produced in order to enhance its wider circulation and readability among the general public and public services and to facilitate its ease of adoption for the intended purpose of its enactment.

As part of the effort to operationalize the State Public Procurement Law, the Anambra State Government in partnership with the United Nations Development Programme (UNDP) commissioned the production of a Simplified Version of the Law in 2012. This was aimed at making the Law handy and to improve its readability among the general public and government officials. Furthermore, both the UNDP in Anambra State in the past, and the African Centre for Leadership, Strategy and Development (Centre LSD) in recent times (2013), have undertaken a review of the State Procurement Law. These reviews identified problem areas and issues and made far reaching recommendations. Therefore, the operationalization of the State Procurement Law is an on-going concern to both Local and International Development Partners and the people of Anambra State. This is also evidenced by the

interests shown and contributions made by different stakeholder groups in the various fora and workshops organized to discuss procurement practices in the State following the findings from the UNDP and Centre LSD reviews.

### **Statement of the Problem**

The Anambra State Government made significant progress towards the establishment of a modern procurement system when it enacted the State Public Procurement Law in 2011 which drew largely from a similar Law enacted at the national level in 2007, which in turn is modelled after the United Nations Commission for International Trade Law (UNCITRAL) on procurement of goods, works, and services.

In demonstrating further commitment to the operationalization of the Law, the State Government with support from UNDP produced a Public Procurement Regulation “handbook” and a Standard Bidding “Document” for procurement of goods and related services. These are very important documents that would help in the implementation of the Law. The production of these two documents presupposes that the key agencies required by the Law to drive and coordinate the process have been established.

Despite all these massive efforts, the implementation of the Law still remains a big challenge in the State as the old system that is based on Government Circulars and the discretion of the Executives still prevails. The implication of this is that the Procurement System in Anambra State has not changed from what it used to be prior to 2011. The progress made so far is in the enactment the State Procurement Law and the production of draft Procurement Regulations and Bidding Document for Goods & Related Services. The UK DFID State Partnership for Accountability, Responsiveness and Capability (SPARC) Programme in Anambra asserts that the failure to emplace necessary modalities had adversely affected the functionality and operationalization of the State's constructive Fiscal Responsibility Law (2010) and the extant Public Procurement Law (2011).

Considering, the monumental infrastructural decay in our society there is greater need to assess the implementation of the Due Process Mechanism (Public Procurement Law 2011) with respect to the execution of capital budget in/by government ministries.

The general objective of the study is to assess the effect of Anambra State Public Procurement Law on budget implementation in Anambra state ministry of works, Awka.

## **II. EMPIRICAL LITERATURE**

Unaam and Mark (2015) examine the effect of ethics and integrity on good public procurement system in Nigeria. Data were sourced through a well-structured questionnaire administered to eighty-two (82) officers of the Bureau for public procurement in Abuja, Nigeria. The data generated were analyzed with the Pearson Product Moment Coefficient of Correlation. The study revealed the existence of ethics, accountability, and transparency in public procurement system in Nigeria and recommends that fairness and impartiality should be enshrined in the public procurement in Nigeria; there should be proper re-orientation of public procurement officers on the need for

consistency and transparency in procurement procedure; and regulatory authorities should ensure that legislative obligations and policies on public procurement are fully enforced.

Ojo and Gbadabo (2014) study the assessment of non-compliance with procurement proceedings in procurement of works in Nigeria, using the mean score ranking they were able to establish areas/stage and reasons for non-compliance. Significant bid open/evaluation and reporting, procurement procedure, and political party or authority influence of decisions are significant.

Krivid and Krekele (2013) in their study, state that the procurement law is to ensure openness of the procurement procedure, free competition of suppliers as well as equal and fair attitude thereto, effective use of state and local government funds and to reduce the risk of the commissioning party to the minimum.

Ogunsanmi (2013) examines the effect of procurement related factors on construction project performance in Nigeria. The study revealed that procurement selection criteria, tendering methods and variation orders have impact on project performance.

Nwafor (2013) look at the impact of the Freedom of information Act (FOIA) enacted in 2011 on public procurement in Nigeria in terms of accountability and participation. They study employs the principal-agent methodology and concludes that the agency problems inherent in public procurement and some of the attendant consequences such as government failures and market failures can be addressed with the enforcement of the Act and the corrective measures include (but not limited to) providing access to information, choice, fair, market price, and the ability to enforce contracts; as well as electronic reporting, protection of whistle blowers, oversight functions, private public partnership, citizens report card, and efficient participation of the media and civil society organizations.

Dza, Fisher and Gapp (2013) identify the teething problems of the procurement reform as inadequate qualified personnel, the inability of practitioners to adequately and accurately interpret their countries' respective procurement laws, and the perception of corruption still high.

According to Nwafor, (2013) Nigeria Public Procurement Act has not been able to achieve the primary objectives of transparency, accountability and value for money. Public Procurement Acts of most nations especially developing nations have not been able to achieve the purpose for which it was set to achieve. This is because of the challenges, among others, faced by the stakeholders in the implementation of the Acts due to the economic, social and political environment where the Act is operating.

According to Fayomi (2013), Nigeria can be described as a country of irony as the socio-economic performance over the years remained superficial and unimpressive. This was largely attributed to high level of corruption or mismanagement of public resources closely linked up with the public sector procurement systems (Fayomi, 2013).

In Ghana Frempong, Bempah, Amoako, and Osei-Tutu (2013) carried out an assessment of the impact of the public procurement act 663 (2003) of the republic of Ghana, data were collected from seventy (70) respondents which consist of the staff and managers of the procurement department, store, offices, senior staff, head of

department and personnel who include the lower ManyaKrobo district assembly procurement board. The study found that the benefits derived from using the Public Procurement Act, 2003 (Act 663) include the assurance of quality goods, timely delivery of goods, right delivery of right quantities, transparency, reduced corruption, value for money, right price is given and right place of delivery is assured, uniformity in performing procurement activities, economic and efficient use of state resources and harmonize public procurement processes in the district assemblies and also greater efficiency. The difficulties associated with public procurement were also enumerated to include difficulties in applying and implementing the Act, lack of usage flexibility, lack of authority to dispose public assets, the lack of independent procurement auditing function, no central body with technical expertise and also threshold are too small for entities like a district assembly in case of emergency situation. The study recommended that the act should be amended to include provisions for electronic procurement as they stated that this will improve transparency, accountability, and compliance within public procurement systems

According to Jacob (2010), the greatest challenge for the enforcement of procurement law in Nigeria is the involvement of government functionaries in the procurement process and this is possible because government has not fully implemented the provisions of the Act. The Act is a threat to both the executive and the civil servants who argue that they must be involved in the procurement process in order to safeguard public resources (Jacob, 2010).

Nadi (2009) investigate the public procurement process in place in Nigeria with a view to establish if there are any forms of corruption in Nigeria public procurement process. The study revealed that there is procurement law in place but the implementation remains a problem in the public sector. It was noted that impairment of judicial systems, police and investigative institutions are particularly destructive in this respect bringing about frequent failures to sanction and arrest offenders.

From the empirical literature, it is observed that no comprehensive research has been carried out on due process mechanism and budget implementation as well as in Anambra state Procurement Law of 2011 and budget implementation in Anambra ministry of works, Awka.

Against the above backdrop, the study tends to investigate Anambra state Public Procurement Law and budget implementation with focus on Anambra ministry of works, Awka.

### **III. METHODOLOGY**

The research methods used in this study is “survey” because the phenomenon under research investigation was of the present and this method ultimately deals with the situation under investigation.

The population of interest in this study actually comprises the professionals, management staff and senior staff of the Anambra Ministry of Works, Awka and the contractors involve in execution of capital budgets under the Ministry. Therefore, the population of the study is seven hundred and seventy-one (771) which comprises of three hundred and fifty-four (354) workers/professionals and four hundred and seventeen (417) registered contractors (Personnel Unit Ministry of Works, Awka).

The sample size of 317 was determined using the Taro Yamanne Formula of 1964.

Quantitative data collected using a questionnaire was analyzed by the use of descriptive statistics using the Statistical Package for Social Sciences (SPSS) and presented through percentages, means, standard deviations and frequencies.

Consequently, in order to test the hypotheses and establish the degree of dependence or independence of the variables under consideration, chi-square statistical tools will be used.

#### IV. DATA PRESENTATION AND ANALYSIS

**Table 4.2.1: Summary of returns**

	No. of Administered	Percent	No. of Returned	Percent
Professionals	317	100	292	63.5
Contractor	317	100	229	49.8

**Source:** Questionnaire Administered, (2019)

The table above depicts the summary of returns. From the table above, 317 Professionals were administered with questionnaires with a percentage of 100, and also 317 Contractors were administered with questionnaires with a percentage of 100. Among the Professional respondents, 292 were returned with a 63.5%, whereas the Contractors respondents, 229 were returned with a 49.8%.

#### SECTION A (Staff/Professional)

**Question 1:** This shows how the professional staff assessed the process & Mechanism of regulating and setting Standards to enforce harmonized bidding and tender documents in the ministry.

From the table, 101 professional staff representing 34.6% were of the view that the process & Mechanism of regulating and setting Standards to enforce harmonized bidding and Tender documents in the ministry was very effective with a 34.6% valid percent and cumulative percent. 161 professional staff comprising 55.1% were of the view that the process & Mechanism of regulating and setting Standards to enforce harmonized bidding and Tender documents in the ministry was effective with a 55.1 valid percent and 89.7 cumulative percent. 21 professional staff deriving 7.2% were of the view that the process & Mechanism of regulating and setting Standards to enforce harmonized bidding and Tender documents in the ministry was not understood with a 7.2% valid percent and 96.9 cumulative percent. 9 professional staff making 3.1% were of the view that the process & Mechanism of regulating and setting Standards to enforce harmonized bidding and Tender documents in the ministry was very ineffective with

a 3.1% valid percent and 100 cumulative percent. This shows that more than half of the respondents agreed that Public Procurement have made an effective impact in the bidding and tendering process.

**Question 2:** This shows how the professional and client staff assessed the process of Formulation of general policies and guidelines on Public Procurement in the Ministry.

From the table, 110 professional staff comprising 37.7% were of the view that the process of Formulation of general policies and guidelines on Public Procurement in the Ministry was very effective with a 37.7% valid percent and cumulative percent. 156 professional staff making 53.4% were of the view that the process of Formulation of general policies and guidelines on Public Procurement in the Ministry was effective with a 53.4 valid percent and 91.1 cumulative percent. 14 professional staff accumulating 4.8% were of the view that the process of Formulation of general policies and guidelines on Public Procurement in the Ministry was not understood with a 4.8% valid percent and 95.9 cumulative percent. 12 professional staff making 4.1% were of the view that the process of Formulation of general policies and guidelines on Public Procurement in the Ministry was very ineffective with a 4.1% valid percent and 100 cumulative percent.

More than half of the respondents concurred that general policy and guidelines have an effective impact on the public procurement in the Ministry.

**Question 3:** This shows how the professional and client staff assessed the process of upholding professional ethics and reporting erring personnel in the ministry.

From the table , 95 professional staff accumulating 32.5% were of the view that the process of upholding professional ethics and reporting erring personnel in the Ministry was very effective with a 32.5% valid percent and cumulative percent. 158 professional staff representing 54.1% were of the view that the process of upholding professional ethics and reporting erring personnel in the Ministry was effective with a 54.1 valid percent and 86.6 cumulative percent. 25 professional staff deriving 8.6% were of the view that the process of upholding professional ethics and reporting erring personnel in the Ministry was not understood with an 8.6% valid percent and 95.2 cumulative percent. 14 professional staff comprising 4.8% were of the view that the process of upholding professional ethics and reporting erring personnel in the Ministry was very ineffective with a 4.8% valid percent and 100 cumulative percent. This indicates that upholding the professional ethics was considered to be non-negotiable, with an insignificant 5% indifference.

**Question 4:** This shows how the professional and client staff assessed the process of Formulation of general policies and guidelines on budget implementation in the Ministry.

From the table , 110 professional staff comprising 37.7% were of the view that the process of Formulation of general policies and guidelines on budget implementation in the Ministry was very effective with a 37.7% valid percent and cumulative percent. 156 professional staff making 53.4% were of the view that the process of Formulation of general policies and guidelines on budget implementation in the Ministry was effective with a 53.4 valid percent and 91.1 cumulative percent. 14 professional staff accumulating 4.8% were of the view that the process of Formulation of general policies and guidelines on budget implementation in the Ministry was not understood with

a 4.8% valid percent and 95.9 cumulative percent. 12 professional staff making 4.1% were of the view that the process of Formulation of general policies and guidelines on budget implementation in the Ministry was very ineffective with a 4.1% valid percent and 100 cumulative percent.

More than half of the respondents concurred that general policy and guidelines have an effective impact on budget implementation in the Ministry.

**Question 5:** This shows how the professional and staff assessed the government adherence to the public procurement Law as regards capital budget implementation.

From the table , 110 professional staff comprising 37.7% were of the view that government adherence to the public procurement Law as regards capital budget implementation was very effective with a 37.7% valid percent and cumulative percent. 156 professional staff making 53.4% were of the view that government adherence to the public procurement Law as regards capital budget implementation was effective with a 53.4 valid percent and 91.1 cumulative percent. 14 professional staff accumulating 4.8% were of the view that government adherence to the public procurement Law as regards capital budget implementation was not understood with a 4.8% valid percent and 95.9 cumulative percent. 12 professional staff making 4.1% were of the view that government adherence to the public procurement Law as regards capital budget implementation was very ineffective with a 4.1% valid percent and 100 cumulative percent.

More than half of the respondents concurred that government adhere to the public procurement Law as regards capital budget implementation.

**Question 6:** This shows how the professional and client staff assessed the procedure of documenting & monitoring of Public Procurement as regards capital budget implementation in the Ministry.

From the table, 99 professional staff indicating 35.2% were of the view that the procedure of documenting & monitoring of Public Procurement in the Ministry was very effective with a 33.9% valid percent and cumulative percent. 162 professional staff representing 55.5% were of the view that the procedure of documenting & monitoring of Public Procurement in the Ministry was effective with a 55.5 valid percent and 89.4 cumulative percent. 16 professional staff comprising 5.5% were of the view that the procedure of documenting & monitoring of Public Procurement in the Ministry was not understood with a 5.5% valid percent and 94.9 cumulative percent. 15 professional staff making 5.1% were of the view that the procedure of documenting & monitoring of Public Procurement in the Ministry was very ineffective with a 5.1% valid percent and 100 cumulative percent.

This shows that more than 90% professionals were convinced that documentation & monitoring procedure in the Ministry are standardized and meeting the required best practices.

**Question 7:** This shows how the professional and client staff assessed the implementation of Public Procurement Law in the Ministry generally.

From the table, 103 professional staff accumulating 35.4% were of the view that the implementation of Public Procurement Law in the Ministry generally was very effective with a 35.4% valid percent and cumulative

percent. 154 professional staff comprising 52.9% were of the view that the implementation of Public Procurement Act in the Ministry generally was effective with a 52.9 valid percent and 88.3 cumulative percent. 19 professional staff representing 6.5% were of the view that the implementation of Public Procurement Act in the Ministry generally was not understood with a 6.5% valid percent and 94.8 cumulative percent. 15 professional staff making 5.2% were of the view that the implementation of Public Procurement Act in the Ministry generally was very ineffective with a 5.2% valid percent and 100 cumulative per cent. Majority of the respondents were of the opinion that generally the policy was very effective, but less than 7% believed that the policy was not understood and less than 40% were convinced it is very effective.

**Question 8:** This shows how the professional and clients staff assessed in their own Opinion how long it takes for Public Procurement Certification to be complete in the Ministry.

From the table , 94 professionals representing 32.2% were of the opinion that Public Procurement Certification took less than two weeks with a 32.2% valid percent and cumulative percent. 97 professionals comprising 33.2% were of the opinion Public Procurement Certification took more than two weeks with a 33.2 valid percent and 65.4 cumulative percent. 52 professionals accumulating 17.8% were of the opinion that Public Procurement Certification took more than four weeks with a 17.8 valid percent and 83.2 cumulative percent. 49 contractors making 16.8% were of the opinion Public Procurement Certification took more than two months with a 16.8 valid percent and 100 cumulative percent. Unanimously, the certification period was more than four months which shows that there was too much bureaucracy in the process of project certification despite the enactment of the procurement Law.

**Question 9:** This shows the number of professional and client staff attended capacity building trainings on Public Procurement in the Ministry.

From the table , 85 professionals making 29.2% professional staff attended capacity building trainings on Public Procurement in the Ministry two times with a 29.2 valid percent and cumulative percent. 74 professionals representing 25.4% professional staff attended capacity building trainings on Public Procurement in the Ministry three times with a 25.4 valid percent and 54.6 cumulative percent. 54 professionals comprising 18.6% professional staff attended capacity building trainings on Public Procurement in the Ministry four times with a 18.6 valid percent and 73.2 cumulative percent. 78 contractors deriving 26.8% professional staff attended capacity building trainings on Public Procurement in the Ministry four times with a 26.8 valid percent and 100 cumulative percent.

**Question 10:** This shows the number of the respondents expressing their views that all professionals/clients“ procurement roles in the Ministry should be well understood and clearly demarcated.

From the table , 163 professional staff comprising 55.8% expressed the view that all professional's procurement roles in the Ministry should be well understood and clearly demarcated as being very important with 55.8 valid percent and cumulative percent. 94 professional staff accumulating 32.2% expressed the view that all professional's procurement roles in the Ministry should be well understood and clearly demarcated as being important with 32.2 valid percent and 88.0 cumulative percent. 14 professional staff making 4.8% expressed the view

that all Professionals procurement roles in the Ministry should be well understood and clearly demarcated as being not sure with 4.8 valid percent and 92.8 cumulative percent. 12 professional staff representing 4.1% expressed their views that all professionals procurement roles in the Ministry should be well understood and clearly demarcated as being fairly important with 4.1 valid percent and 96.9 cumulative percent. 9 professional staff deriving 3.1% expressed the view that all professionals procurement roles in the Ministry should be well understood and clearly demarcated as being not important with 3.1 valid percent and 100 cumulative percent.

**Question 11:** This shows the number of the respondents expressing their views that all specifications of goods, works and services to be purchased should be well funded e.g. based on Market research.

From the table , 137 professional staff representing 46.9% were of the view that specifications of goods, works and services to be purchased should be well funded e.g. based on Market research as being very important with 46.9 valid percent and cumulative percent. 96 professional staff making 32.9% expressed the view that specifications of goods, works and services to be purchased should be well funded e.g. based on Market research as being important with 32.9 valid percent and 79.8 cumulative percent. 22 professional staff comprising 7.5% expressed the view that all specifications of goods, works and services to be purchased should be well funded e.g. based on Market research as being not sure with 7.5 valid percent and 87.3 cumulative percent. 29 professional staff accumulating 9.9% expressed their views that all specifications of goods, works and services to be purchased should be well funded e.g. based on Market research as being fairly important with 9.9 valid percent and 97.3cumulative percent. 8 professional staff deriving 2.7% were of the views that all specifications of goods, works and services to be purchased should be well funded e.g. based on Market research as being not important with 2.7 valid percent and 100 cumulative percent.

**Question 12:** This shows the number of the respondents were of the view that Socioeconomic criteria for supplier selection should be publicized before Invitation of bids.

From the table , 123 professional staff comprising 42.1% were of the view that Socio-economic criteria for supplier selection should be publicized before Invitation of bids as being very important with 42.1 valid percent and cumulative percent. 111 professional staff accumulating 38.0% expressed the view that Socio-economic criteria for supplier selection should be publicized before Invitation of bids as being important with 38.0 valid percent and 80.1 cumulative percent. 18 professional staff deriving 6.2% expressed their views that Socio-economic criteria for supplier selection should be publicized before Invitation of bids as being not sure with 6.2 valid percent and 86.3 cumulative percent. 25 professional staff representing 8.6% were of the view that Socioeconomic criteria for supplier selection should be publicized before Invitation of bids as being fairly important with 8.6 valid percent and 94.9 cumulative percent. 15 professional staff making 5.1% expressed their view that Socio-economic criteria for supplier selection should be publicized before Invitation of bids as being not important with 5.1 valid percent and 100 cumulative percent.

**Question 13:** This shows the number of the respondents expressing their views that Head of departments should be responsible for the Identification of supplier selection criteria.

From the table , 77 professional staff representing 26.4% were of the view that Heads of departments should be responsible for the Identification of supplier selection criteria as being very important with 26.4 valid percent and cumulative percent. 129 professional staff deriving 44.2% expressed the view that Head of departments should be responsible for the Identification of supplier selection criteria as being important with 44.2 valid percent and 70.5 cumulative percent. 26 professional staff making 8.9% expressed the view that Head of departments should be responsible for the Identification of supplier selection criteria as being not sure with 8.9 valid percent and 79.5 cumulative percent. 44 professional staff accumulating 15.1% were of the view that Head of departments should be responsible for the Identification of supplier selection criteria as being fairly important with 15.1 valid percent and 94.5 cumulative percent. 16 professional staff comprising 5.5% expressed the view that Head of departments should be responsible for the Identification of supplier selection criteria as being not important with 5.5 valid percent and 100 cumulative percent.

**Question 14:** This shows the number of the respondents expressing their views that the weighting criteria should be undertaken by the Chief executive officer after a process of technical evaluation, coordinated by the Tender board.

From the table , 97 professional staff representing 33.2% expressed the view that weighting criteria should be undertaken by Chief executive officer after a process of technical evaluation, coordinated by the Tender board as being very important with 33.2 valid percent and cumulative percent. 123 professional staff deriving 42.1% expressed the view that weighting criteria should be undertaken by the Chief executive officer after a process of technical evaluation, coordinated by the Tender board as being important with 42.1 valid percent and 75.3 cumulative percent. 31 professional staff comprising 10.6% expressed their view that weighting criteria should be undertaken by the Chief executive officer after a process of technical evaluation, coordinated by the Tender board as being not sure with 10.6 valid percent and 86.0 cumulative percent. 37 professional staff making 12.7% were of the view that weighting criteria should be undertaken by the Chief executive officer after a process of technical evaluation, coordinated by the Tender board as being fairly important with 12.7 valid percent and 98.6 cumulative percent. 4 professional staff accumulating 1.4% expressed the view that weighting criteria should be undertaken by Chief executive officer after a process of technical evaluation, coordinated by the Tender board as being not important with 1.4 valid percent and 100 cumulative percent.

**Question 15:** This shows the number of the respondents expressing their views that in the awarding of scores (scoring), the Technical evaluation committee should use varied but transparent methods e.g. have two different people score on each criteria and obtain the average.

From the table , 108 professional staff representing 37.0% were of the view that in the awarding of scores (scoring), the Technical evaluation committee should use varied but transparent methods e.g. have two different people score on each criteria and obtain the average as being very important with 37.0 valid percent and cumulative percent. 129 professional staff accumulating 44.2% expressed the view that in the awarding of scores (scoring), the Technical evaluation committee should use varied but transparent methods e.g. have two different people score on each criteria and obtain the average as being important with 44.2 valid percent and 81.2 cumulative percent. 17

professional staff making 5.8% expressed their view that in the awarding of scores (scoring), the Technical evaluation committee should use varied but transparent methods e.g. have two different people score on each criteria and obtain the average as being not sure with 5.8 valid percent and 87.0 cumulative percent. 29 professional staff comprising 9.9% expressed their view that in the awarding of scores (scoring), the Technical evaluation committee should use varied but transparent methods e.g. have two different people score on each criteria and obtain the average as being fairly important with 9.9 valid percent and 96.9 cumulative percent. 9 professional staff making 3.1% expressed the view that in the awarding of scores (scoring), the Technical evaluation committee should use varied but transparent methods e.g. have two different people score on each criteria and obtain the average as being not important with 3.1 valid percent and 100 cumulative percent.

**Question 16:** This shows the number of the respondents expressing their views that commercially sensitive information e.g. technical content of a bid should not be made public.

From the table , 99 professional staff making 33.9% expressed the view that commercially sensitive information e.g. technical content of a bid should not be made public as being very important with 33.9 valid percent and cumulative percent. 114 professional staff accumulating 39.0% were of the view that commercially sensitive information e.g. technical content of a bid should not be made public as being important with 39.0 valid percent and 72.9 cumulative percent. 24 professional staff representing 8.2% expressed the view that commercially sensitive information e.g. technical content of a bid should not be made public as being not sure with 8.2 valid percent and 81.2 cumulative percent. 41 professional staff deriving 14.0% were of the view that commercially sensitive information e.g. technical content of a bid should not be made public as being fairly important with 14.0 valid percent and 95.2 cumulative percent. 14 professional staff comprising 4.8% expressed the view that commercially sensitive information e.g. technical content of a bid should not be made public as being not important with 4.8 valid percent and 100 cumulative percent.

**Question 17:** This shows the number of the respondents expressing the view that results of all bids received for each tender (rather than the winning bid only) should be made public.

From the table , 105 professional staff accumulating 36.0% expressed the view that results of all bids received for each tender (rather than the winning bid only) should be made public as being very important with 36.0 valid percent and cumulative percent. 135 professional staff representing 46.2% expressed the view that results of all bids received for each tender (rather than the winning bid only) should be made public as being important with 46.2 valid percent and 82.2 cumulative percent. 16 professional staff comprising 5.5% expressed the view that results of all bids received for each tender (rather than the winning bid only) should be made public as being not sure with 5.5 valid percent and 87.7 cumulative percent. 27 professional staff making 9.2% expressed the view that results of all bids received for each tender (rather than the winning bid only) should be made public as being fairly important with 9.2 valid percent and 96.9 cumulative percent. 9 professional staff comprising 3.1% expressed the view that results of all bids received for each tender (rather than the winning bid only) should be made public as being not important with 3.1 valid percent and 100 cumulative percent

**Question 18:** The table shows the number of the respondents expressing their views that all records on performance and integrity of the different contractors should be accessible to members of the Technical evaluation committee.

From the table , 111 professional staff accumulating 38.0% expressed their views that records on performance and integrity of the different contractors should be accessible to members of the Technical evaluation committee as being very important with 38.0 valid percent and cumulative percent. 140 professional staff representing 47.9% expressed the view that records on performance and integrity of the different contractors should be accessible to members of the Technical evaluation committee as being important with 47.9 valid percent and 86.0cumulative percent. 16 professional staff deriving 5.5% expressed the view that records on performance and integrity of the different contractors should be accessible to members of the Technical evaluation committee as being not sure with 5.5 valid percent and 91.4 cumulative percent.

21 professional staff comprising 7.2% expressed the view that records on performance and integrity of the different contractors should be accessible to members of the Technical evaluation committee as being fairly important with 7.2 valid percent and 98.6 cumulative percent. 4 professional staff making 1.4% expressed the view that records on performance and integrity of the different contractors should be accessible to members of the Technical evaluation committee as being not important with 1.4 valid percent and 100 cumulative per cent.

**Question 19:** This shows the number of the respondents expressing their views that the Tender's Board should counter check the steps \undertaken by the Technical evaluation committee before determining the winner.

From the table , 117 professional staff accumulating 40.1% expressed the view that Tender's Board should counter check the steps undertaken by the Technical evaluation committee before determining the winner as being very important with 40.1 valid percent and cumulative percent. 135 professional staff representing 46.2% expressed the view that Tender's Board should counter check the steps undertaken by the Technical evaluation committee before determining the winner as being important with 46.2 valid percent and 86.3 cumulative percent. 14 professional staff making 4.8% expressed the view that Tender's Board should counter check the steps undertaken by the Technical evaluation committee before determining the winner as being not sure with 4.8 valid percent and 91.1 cumulative percent. 20 professional staff comprising 6.8% were of the view that Tender's Board should counter check the steps undertaken by the Technical evaluation committee before determining the winner as being fairly important with 6.8 valid percent and 97.9 cumulative percent. 6 professional staff making 2.1% were of the view that Tender's Board should counter check the steps undertaken by the Technical evaluation committee before determining the winner as being not important with 2.1valid percent and 100 cumulative percent.

**Question 20:** This shows the number of the respondents expressing the view that there should be a split between persons who determine the weights for criteria and the persons who conduct the scoring on the criteria for bids.

From the table , 110 professional staff representing 37.7% expressed their views that there should be a split between persons who determine the weights for criteria and the persons who conduct the scoring on the criteria for

bids as being very important with 37.7 valid percent and cumulative percent. 136 professional staff deriving 46.6% expressed the view that there should be a split between persons who determine the weights for criteria and the persons who conduct the scoring on the criteria for bids as being important with 46.6 valid percent and 84.2 cumulative percent. 22 professional staff comprising 7.5% expressed the view that there should be a split between persons who determine the weights for criteria and the persons who conduct the scoring on the criteria for bids as being not sure with 7.5 valid percent and 91.8 cumulative percent. 18 professional staff accumulating 6.2% expressed their views that there should be a split between persons who determine the weights for criteria and the persons who conduct the scoring on the criteria for bids as being fairly important with 6.2 valid percent and 97.9 cumulative percent. 6 professional staff making 2.1% expressed the view that there should be a split between persons who determine the weights for criteria and the persons who conduct the scoring on the criteria for bids as being not important with 2.1 valid percent and 100 cumulative percent.

**Question 21:** This shows the number of the respondents expressing their views on how one assesses the impact of the implementation of public procurement act in the Ministry.

From the table , 131 professional staff representing 44.9% expressed the view on how does one assess the impact of the implementation of public procurement act in the Ministry as being very significant with 44.9 valid percent and cumulative percent. 122 professional staff accumulating 41.8% expressed the view on how one does assess the impact of the implementation of public procurement act in the Ministry as significant with 41.8 valid percent and 86.6 cumulative percent. 18 professional staff comprising 6.2% expressed the view on how one assesses the impact of the implementation of public procurement act in the Ministry being insignificant with 6.2 valid percent and 92.8 cumulative percent. 21 professional staff making 7.2% expressed the view on how one assesses the impact of the implementation of public procurement act in the Ministry as very insignificant with 7.2 valid percent and 100.0 cumulative percent.

**Question 22:** This shows the number of the respondents expressing their views to the best of their understanding, the challenges affecting the implementation of public procurement act in the Ministry.

From the table, 58 respondents representing 19.9% viewed that Delay in public procurement certification and release of contract documents affect Implementation of Public Procurement Act in the Ministry with 19.9 valid percent and cumulative percent. 55 respondents comprising 18.8% viewed that Delay in Payment after Contract Completion with 18.8 valid percent and 38.7 cumulative percent. 65 respondents making 22.3% viewed that Delay in release of allocations from the federation account or from the Ministry affect Implementation of Public Procurement Act in the Ministry with 22.3 valid percent and 61.0 cumulative percent. 40 respondents accumulating 13.7% viewed that Lack of implementation of appropriate sanctions against erring staff affect Implementation of Public Procurement Act in the Ministry with 13.7 valid percent and 74.7 cumulative percent. 74 respondents deriving 25.3% viewed lack of awareness and understanding of the public procurement act policies/procedures among the stakeholders affect Implementation of Public Procurement Act in the Ministry with 25.3 valid percent and 100.0 cumulative percent.

## SECTION B (Contractors)

**Question 1:** This shows the number of projects executed by the contractors for the Ministry.

From the table, 99 contractors comprising of 43.2% executed 0-5 projects with a 43.2 valid percent and cumulative percent. 49 contractors accumulating 21.4% executed 6-10 projects with a 21.4% valid percent and 64.6% cumulative percent. 43 contractors representing 18.8% executed 11-15 projects with a 18.8 valid percent and 83.4 cumulative percent. 29 contractors making 12.7% executed 16-20 projects with a 12.7 valid percent and 96.1 cumulative percent, 9 contractors deriving 3.9% executed 21 projects and with a 3.9 valid percent and 100 cumulative percent for the Ministry.

**Question 2:** This shows the level of understanding of functions of public procurement Law.

From the , 84 contractors representing 36.7% were of the view that their understanding of the functions of public procurement act was very well with a 36.7% valid percent and cumulative percent. 116 contractors accumulating 50.7% were of the view that their understanding of the functions of public procurement Law was on the average with a 50.7 valid percent and 87.3 cumulative percent. 18 contractors making 7.9% were of the view that their understanding of the functions of public procurement Law was not well understood with a 7.9 valid percent and 95.2 cumulative percent. 11 contractors making 4.8% were of the view that they were not sure of their understanding of the functions of public procurement Law with a 4.8 valid percent and 100 cumulative percent.

**Question 3:** This shows how the contractors assess the implementation of the public procurement Law in the Ministry.

From the table, 65 contractors representing 28.4% were of the view that their understanding of implementation of the public procurement Law was very significant with a 28.4% valid percent and cumulative percent. 100 contractors making 43.7% were of the view that their understanding of implementation of the public procurement Law was significant with a 43.7 valid percent and 72.1 cumulative percent. 31 contractors accumulating 13.5% were of the view that their understanding of implementation of the public procurement Law was insignificant with a 13.5 valid percent and 85.6 cumulative percent. 33 contractors deriving 14.4% were of the view that their understanding of implementation of the public procurement Law was very insignificant with a 14.4 valid percent and 100 cumulative percent.

**Question 4:** This shows how the contractors assess in their own opinion how long it takes for Public Procurement Certification Process to be complete in the Ministry.

From the table, 101 contractors accumulating 44.1% were of the opinion that certification process completion took less than two weeks with a 44.1% valid percent and cumulative percent. 72 contractors representing 31.4% were of the opinion that certification process completion took more than two weeks with a 31.4 valid percent and 75.5 cumulative percent. 37 contractors deriving 16.2% were of the opinion that certification process completion took more than four weeks with a 16.2 valid percent and 91.7 cumulative percent. 19 contractors making 8.3% were of the opinion that certification process completion took more than two months with a 8.3 valid percent and 100 cumulative percent.

**Question 5:** This shows how the contractors assess the Implementation of the Public Procurement Law in the University generally.

From the table, 81 contractors representing 35.4% were of the view that their assessment of implementation of the public procurement Law in the Ministry generally was very effective with a 35.4% valid percent and cumulative percent. 127 contractors comprising 55.5% were of the view that their assessment of implementation of the public procurement Law in the university generally was effective with a 55.5 valid percent and 90.8 cumulative percent. 13 contractors making 5.7% were of the view that their assessment of implementation of the public procurement act in the Ministry generally was not understood with a 5.7 valid percent and 96.5 cumulative percent. 8 contractors deriving 3.5% were of the view that their assessment of implementation of the public procurement Law in the university generally was very ineffective with a 3.5 valid percent and 100 cumulative percent.

**Question 6:** This shows how the contractors assess in their own opinion how long it takes for Public Procurement Certification to be completed in the Ministry.

From the table, 96 contractors comprising 41.9% were of the opinion that Public Procurement Certification took less than two weeks with a 41.9% valid percent and cumulative percent. 66 contractors representing 28.8% were of the opinion Public Procurement Certification took more than two weeks with a 28.8 valid percent and 70.7 cumulative percent. 34 contractors making 14.8% were of the opinion Public Procurement Certification took more than four weeks with a 14.8 valid percent and 85.6 cumulative percent. 33 contractors deriving 14.4% were of the opinion Public Procurement Certification took more than two months with a 14.4 valid percent and 100 cumulative percent.

**Question 7:** This shows how the contractors assess the Impact of Implementation of Public Procurement Act in the Ministry.

From the table, 73 contractors representing 31.9% were of the view that the impact of implementation of the public procurement act was very significant with a 31.9 valid percent and cumulative percent. 99 contractors indicating 43.2% were of the view that the impact of implementation of the public procurement act was significant with a 43.2 valid percent and 75.1 cumulative percent. 17 contractors comprising 7.4% were of the view that the impact of implementation of the public procurement act was insignificant with a 7.4 valid percent and 82.5 cumulative percent. 40 contractors making 17.5% were of the view that the impact of implementation of the public procurement act was very insignificant with a 17.5 valid percent and 100 cumulative percent.

**Question 8:** This shows how the contractors assessed to the best of their understanding the challenges affecting Implementation of Public Procurement Law in the Ministry.

From the table, 43 respondents representing 18.8% viewed that Delay in public procurement certification and release of contract documents affect Implementation of Public Procurement Law in the Ministry with 18.8 valid percent and cumulative percent. 92 respondents making 40.2% viewed that Delay in Payment after Contract Completion affect Implementation of PPL in the Ministry with 40.2 valid percent and 59.0 cumulative percent. 47 respondents comprising 20.5% viewed that Delay in release of allocations from the federation account or from the

State/Ministry affect Implementation of Public Procurement Law in the Ministry with 20.5 valid percent and 79.5 cumulative percent. 13 respondents accumulating 5.7% viewed that Lack of implementation of appropriate sanctions against erring staff affect Implementation of Public Procurement Law in the Ministry with 5.7 valid percent and 85.2 cumulative percent. 34 respondents representing 14.8 viewed that lack of awareness and understanding of the public procurement act policies/procedures among the stakeholders affect Implementation of Public Procurement Law in the Ministry with 14.8 valid percent and 100.0 cumulative percent.

## V. SUMMARY OF FINDINGS

The hypothesis tested with Chi-Square revealed that Government of Anambra state has not effectively implemented the laws on procurement which it enacted.

It also revealed that Due process mechanism has a significant impact on budget implementation in Anambra state ministry of works, Awka.

The study revealed that delay in the certification of public procurement and release of contract documents hampers effective implementation of the procurement Law.

The study also revealed that delay in the payment after contract completion was a major challenge. Then, the delay in the release of funds from the federation account or the ministry was seen as impediment too.

Lack of appropriate sanctions against erring staff and contractors is equally disturbing and inadequate/insufficient for effectiveness of the procurement law.

Poor awareness on public procurement law is also hampering the smooth implementation of the public procurement law.

Delay in the passage of annual budget which result to delay in procurement certification by most ministries that finally leads to price variation. This contributes to delays in budget implementation.

Finally, the findings of the research as a whole proved that, the implementation of public procurement had made a significant impact in the implementation of capital project execution. On the other hand, Lack of political will is one of the reasons for government hesitant in enforcing/implementation of the laws on procurement which it enacted.

### **Recommendations**

Based on the findings made in the course of this study, the following recommendations are hereby made:

- (i) There is the critical need for the Ministry and or Due Process Unit to shorten bureaucracies in the approval process.
- (ii) Prompt payment of completed contracts to guard against unnecessary liabilities.
- (iii) Enforcement of appropriate rules on defaulters of public procurement Law in the state.

(iv) There is urgent need to create public awareness on public procurement law, its guidelines and operation in the state ministries and extra ministerial department to enable smooth implementation of the public procurement law.

(v) Speedy passage of annual budget in order to hasten budget implementation and to avert timeliness of the procurement certification to avoid price variation.

(vi) Finally, there is need for a strong political will to ensure adequate enforcement of the public procurement law in the state.

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