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PUBLIC PROCUREMENT REGULATIONS IN PUBLIC SENIOR HIGH SCHOOLS IN THE NADOWLI/KALEO DISTRICT OF THE UPPER WEST REGION, GHANA

BENI GAM (BSc MARKETING)

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**THESIS SUBMITTED TO THE DEPARTMENT OF ACCOUNTANCY AND
COMMERCE, SCHOOL OF BUSINESS AND LAW (SBL), UNIVERSITY FOR
DEVELOPMENT STUDIES (UDS) IN PARTIAL FULFILMENT OF THE
REQUIREMENTS FOR THE AWARD OF MASTER OF COMMERCE IN
PROCUREMENT AND SUPPLY CHAIN MANAGEMENT**

MAY, 2016

DECLARATION

I hereby declare that this thesis is my original research and to the best of my knowledge no part of it has been presented for another degree in this university or elsewhere and that all citations in the work have been duly acknowledged.

Candidate's Name.....Candidate's Signature

Date.....

Supervisor's Declaration

I hereby declare that I supervised the preparation and presentation of the thesis in accordance with the rules and regulations of the University for Development Studies (UDS).

Supervisor's Name.....Supervisor's Signature

Date.....

DEDICATION

This work is dedicated to my wife- Janet Ahaawaaye and my children- Pachomius Taasung Gam and Elsie Mwinnaungma Gam.

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A study of this sort requires a lot of work; and for this reason, demands the efforts of people either individually or as groups in diverse ways to ensure it success. Some people stood solidly behind me and gave the necessary assistance in many ways through this course work. These contributions towards the success of the work are so immense that they deserve special commendation. In the light of this, I wish to show my profound gratitude to the following institutions and individuals.

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ACROYNMS

AGR	Auditor- General Report
AIDS	Acquired Immune Deficiency Syndrome
APEC	Asia-Pacific Economic Cooperation
COMESA	Common Market for Eastern and Southern Africa
DAC	Development Assistance Committee
EC	European Commission
ECJ	European Court of Justice
EU	European Union
EPM	Evaluation Panel Members
E-Procurement	Electronic Procurement
ETC	Entity Tender Committee
GII	Ghana Integrity Initiative
HIV	Human Immunodeficiency Virus
HOD	Heads of Departments
ICT	International Competitive Tendering
JHS	Junior High School
KG	Kindergarten
MOFEP	Ministry Of Finance and Economic Planning

NCT	National Competitive Tendering
NGO	Non-Governmental Organization
NKDA	Nadowli/Kaleo District Assembly
OECD	Organization for Economic Corporation and Development
PAC	Public Accounts Committee
PE	Procurement Entity
PNDC	Provisional National Defence Council
PPA	Public Procurement Authority
PPL	Public Procurement Law
SHS	Senior High School
SHT	Senior High Technical
SPSS	Statistical Package for Social Scientists
SMCD	Supreme Military Council Decree
UNCITRAL	United Nations Commission on International Trade Law
UNCTAD	United Nations Conference on Trade and Development
VFM	Value for Money
WAEMU	West African Economic & Monetary Union

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ABSTRACT

Public procurement in public Senior High School has been faced with a number of challenges. This study examined the factors inhibiting the enforcement of public procurement requirements in the Senior High Schools in Nadowli/Kaleo District, it identified measures that can be adopted to ensure efficient and effective public procurement in Senior High Schools. The study was a social survey. A population of 100 with a sample size of seventy-six (76) respondents from the public Senior High Schools within the District and their suppliers were used for the study. Questionnaires and personal observation guide were used to gather the data. Statistical Package for Social Scientists especially descriptive statistics (frequencies and percentages) are the techniques adopted for the analysis. Lack of procurement units, delay in the release of funds by government, limited thresholds, lack of sufficient training, inadequate procurement professionals, corruption, poor monitoring, and ineffective sanctioning of offenders of the procurement rules were identified as the challenges of the public procurement in public Senior High Schools. The study suggested measures such as regular review of the thresholds and regular monitoring of procurement in public Senior High Schools to ensure efficient and effective public procurement in the schools. It is recommended that procurement units be created in all public Senior High Schools and maned by qualified professionals, regular training be organized for procurement personnel, funds be released to the schools on time and the thresholds be reviewed.

CHAPTER ONE

INTRODUCTION

1.1. Background of the Study

Effective public procurement is necessary for the proper running of an economy. An ineffective procurement can increase the likelihood of corruption and also generate concerns about the effectiveness of the legal system. Also, poor procurement can interrupt the smooth implementation and execution of projects. Furthermore, it discourages the possibility of both national and international firms from participating in bids thus denying the economy of achieving the best goods, works, service and best price (Evenett & Bernard (2005). Ameyaw, et al (2012), opine that countries with development difficulties could achieve the best in government spending if there is an efficient procurement system since after salaries greater proportion of the national budget goes into procurement. Again they asserted that the bulk of the spending were programmes run by government parastatals which involve in procurement of works, goods, technical and consultancy services.

Public procurement in Ghana has undergone restructuring, reforms and different regulation regimes since 1993. It has gained prominence in countries of the global south leading to the enactment of the Public Procurement Act, 2003 (Act 663) in Ghana. Across the world, greater percent of the global south counties governments' expenditure are attributed to public procurement (Mlinga, 2009). Financial risk exposures and accountability problems usually emerge as governments engage in procurement and trading activities such as procuring of defense equipment, providing/receiving of aid and as well as operating embassies abroad. Also, in Ghana the public demand better

accountability and service than before which has necessitated the reforms of public procurement systems by the government of Ghana and other global south countries to ensure that they are in line with legal requirement (Ayitey, 2012; Mithamo, 2013).

The institutional weaknesses and limitations which were associated with Ghana's Public procurement system are supposed to be minimized by thoroughly designed legislation; the Public Procurement Act, 2003 (Act 663). This new Act was constituted after several years of unfair and dishonest behavior in the procurement system in Ghana. It seeks to promote fairness, transparency and to ensure that public procurement is unbiased (Ameyaw & Osei-tutu, 2012).

The World Bank has been in the forefront in assisting global south countries like Ghana to implement their public procurement systems and reforms. Among other things the public procurement system seeks to ensure that loans obtained are used to purchase only those goods and services needed for the project. It also ensures fair competition for all qualified bidders from the World Bank's eligible countries. It further promotes openness or honesty. And lastly, it gives institutions within the country that purchase goods, service and works the opportunity to engage local contractors and producers in order to promote their businesses (Thai, 2001).

Despite these developments, the poor performance of procurement systems and the lack of procurement managerial and technical capacity have deprived Ghana of the benefits of good procurement though section 3(k) of the Public Procurement Act 2003 (Act. 663) requires the Board to 'develop, promote, and support training and professional development of persons engaged in public procurement and ensure adherence of the

trained persons to ethical standards'. Fickle procurement decisions are often made because some politicians feel it is their right to get involved in the procurement procedures (World Bank, 2004). Even though guidelines, principle and tender committees have been formed to take control of the object of procurement, it has however not been able to make provision for emergency procurement procedures. This often leads to the use of discretion by procurement officers during emergency procurement with its inherent human errors. This is glaring in the recent payment by the government to individuals and corporate bodies as judgment debts. This obvious weakness of the Public Procurement Act remains one of the major causes of abuse, unfair and dishonest behaviors such as protesting and insubordination in public procurement business from the top to lower management (Public Procurement Authority, 2006). The implementation process of public procurement regulations in global south countries are hindered by political meddling with the procurement process (World Bank, 2004). Therefore, challenges of public procurement emerge from environmental factors such as market, legal environment, political environment, organizational environment, and socio-economic and others (Thai, 2005).

Furthermore, apart from what government spends on wages and salaries, public procurement forms over 50% of government spending. It is the greatest portion of government spending. However, frauds exist in public procurement as evident in Organization for Economic Co-operation and Development (OECD) (2013) estimation that money lost through corruption amount to about 25 percent of the procurement budget. This often shows up in the form of contractor-client payoffs as referred to as

kickbacks in the local parlance, bribery and resulting in shoddy contracts with its adverse effect on the society at large (Public Procurement Authority, 2013).

In global south countries like Ghana, fraud exists because of institutional flaw and deficiencies in the supervisory structures. Therefore, public procurement has been seen as an area of fraud and unwanted (Thai, 2004; Lengwiler & Wolfstetter, 2006). Ghana was ranked 64th and 63rd most corrupt country in 2012 and 2013 respectively out of 174 countries across the world by Transparency International (2013). This indicates that the implementation of the procurement laws has not been so successful in nipping corruption in the bud in the public procurement in Ghana.

1.2.0 The Problem Statement

Despite efforts by the governments of Ghana and its development partners like the World Bank at improving performance of the procurement functions, public procurement is still bedeviled with poor quality of products and shoddy works. Poor procurement practices have resulted in accumulated interest on delay in settling suppliers and the frequent price changes due to extensive renegotiations, reduced savings as well as increased government spending (Khalid, 2013).

According to Ameyaw et al (2012), public procurement was bedeviled with a number of weaknesses before the reforms in Ghana. Among these weaknesses were; the delay in procurement due to long procurement procedures, lack of fairness, increasing of figures in the contract, inefficiency and non-discrimination in the choosing and awards of government contracts. Also, feeble contract administration, inadequate opportunities for

professional advancement for staff of procurement as well as lack of ethics are procurement issues that public institutions are faced with (Ayitey, 2012).

The second cycle institutions in the educational sector in Ghana, particularly in the Upper West Region are beset with a number of procurement irregularities. In the Auditor-General's Report (AGR) on pre-university institutions, certain irregularities were identified in the Upper West Region. It was realized that Kanton Senior High School and Wa Senior/ Technical School purchased fuel amounting to Gh¢ 3705.08 and Gh¢ 356.00 respectively without recording them in their vehicles log books. It was therefore difficult to ascertain whether the fuel was used in the interest of the institutions (Auditor-General Report, 2012). Also, Kaleo Senior High/Technical School in 2011 supported payments totaling GH¢5,610.00 with honour certificates even though the purchases were made from identified business organizations and persons who could have issued official receipts.

Again, five schools (Kaleo Senior High School, Kanton Senior High School, Wa Senior High School, T.I. Ahmadiyyah Senior High School and Wa Technical Institute) all in the Upper West Region made purchases totaling Gh¢ 155,819.69 without obtaining alternative price quotations from the most favourable sources (Auditor-General Report, 2011). This was in contravention to section 43(1) of part IV of the Public Procurement Act. (2003). This creates doubts as to the reasonableness of prices paid for the items.

Also, Senior High Schools often procure food stuff and stationery on regular basis whose value individually often do not fall under the threshold value of the different

procurement methods. Since the educational sector is highly subsidized by the government who is accountable to the citizenry, the current situation in which some expenses incurred by the schools do not fall under any of the measurement methods makes it nearly impossible for the government to account for such expenses (Eyra, 2012).

Addo (2014) and Ayitey (2012) have researched into the challenging issues of procurement in the educational sector in Ghana. However, their studies were limited to the district education offices and their findings could not be generalized to cover public SHS in Ghana. There is currently no empirical study on the enforcement of public procurement regulations in public Senior High Schools in the Nadowli-Kaleo District of the Upper West Region of Ghana. This study therefore sought to assess the factors inhibiting the effective enforcement of public procurement regulations in some public Senior High Schools in the Nadowli/Kaleo District.

1.3. The Main Research Question

What are the enforcement challenges of legislated public procurement requirement in Senior High Schools in the Nadowli/Kaleo District?

1.3.1. The Research Specific Questions

This study wishes to answer the following research questions:

1. How is the Procurement Act operationalized in Senior High Schools?

2. What knowledge do procurement officials of Senior High Schools (S.H.S) in the Nadowli-Kaleo District of the Upper West Region have on the Procurement Act of Ghana?
3. What are the enforcement challenges of legislated public procurement requirements in the schools?
4. What measures can be adopted to enhance the effective implementation of legislated public procurement requirements in the schools?

1.4. The Research Objectives

The overall objective of the study is to identify the factors inhibiting the successful enforcement of the public procurement laws in some public Senior High Schools in the Nadowli-Kaleo District of the Upper West Region.

1.4.1. The Specific Objectives

The study sought to achieve the following specific research objectives:

1. To assess the knowledge that procurement officials of Senior High Schools in the Nadowli-Kaleo District have on the Procurement Act of Ghana;
2. To examine how the Procurement Act is operationalized in these schools;
3. To examine the factors that inhibits the implementation of public procurement requirements in the Senior High Schools and
4. To identify and assess measures that can be adopted to enhance the effective enforcement of public procurement requirements in the schools.

1.5. The Rationale of the Study

Successive governments have realized the importance of good management of public procurement systems. This has brought about the enactment of the Public Procurement Act 2003 (Act 663) to ensure prudent use of the tax payer's money. Procurement regimes are therefore highly controlled and enforced to ensure value for the tax payers' money through the promotion of competitive local industry, fairness and cost-effectiveness.

Notwithstanding the reforms that were undertaken leading to the enactment of the Public Procurement Act 2003 (Act 663) in Ghana, there still exist accusations of unplanned purchases, regular lack of supplies, nonexistence of fairness and openness, and client-supplier payoffs often known as “kickbacks” as well as undercutting, (Onyinkwa, 2013). This gives a serious cause to worry in that large amount of resources are lost.

This research will therefore serve as a reference document for policy makers especially Public Procurement Authority who do have interest in the effective implementation of the procurement Act to formulate policies that will strengthen the procurement regulations in the public Senior High Schools in Ghana. Also, the study will benefit and help the future researchers as their guide in exploring the subject under further investigation. Furthermore, this study will serve as a reference material for Ministry of Education especially its procurement practitioners in public Senior High Schools in the day to day practice of their profession. It is also serving as partial fulfillment for the award of Master's Degree in Commerce.

1.6. The Limitations and Delimitations of the Study

Time constrain was a problem the researcher encountered particularly in preparing the questionnaire, gathering of data and other resources. However, the training and engagement of research assistance in administering the questionnaires helped overcome this problem. Also, some respondents were not ready to reveal all they know because they considered that as revealing sensitive issues of their respective institutions to the public. Respondent were assured of the confidentiality of the information divulged. Generalization of the study's findings may be impaired by the inherent general limitation of a survey design. Attempt was however made to support the responses with secondary data which made up for the shortfall.

A lot of research work has been done on public procurement in both global north and south countries. The study was done in a very specific locality (Nadowli-Kaleo District) and as well as in specific field of study. The research looked at how the procurement Act is operationalized in Public S.H.S. It also looked into the challenges in enforcing the Procurement Act. The study was carried out mainly among the Public Senior High Schools in the locality. The study did not include the measurement of the level of compliance with the Procurement Act and the use of E-procurement in the procurement of goods and service in the S.H.S. because of limited time frame.

1.8. Organization of the Study

The study is organized in to five chapters. Chapter one focused on the introductory research issues such as statement of the problem, the research objectives and questions, and the rationale of the study. Chapter two concentrates on a review of some related literature in the subject area while the third chapter captures the methodological aspects of the study. The fourth chapter presents the data analysis and discussion whereas the fifth chapter provided the summary of major findings, conclusions and recommendations

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CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction

This chapter looks at the definition of the relevant concepts, the conceptual and theoretical frameworks underpinning the study and the public procurement in comparative perspective taking cognizance of lessons that Ghana can draw from that. The chapter also considers the principles, sourcing process and the methods of public procurement. The challenges of public procurement have been looked at in this chapter as well.

2.1 Operationalization of the Concepts Related to Procurement

There has been some argument among public procurement management practitioners about definitions of procurement terminologies. Individual authors and organizations have proposed some terminologies for understanding public procurement regulations. This section considers some of the definitions of the concepts.

2.1.1 Operationalization of the Concept of Procurement

Procurement is the process of ‘obtaining goods in any way, including borrowing, leasing and even force of pillage’ (kusi, 2014:262). However, Mark (2014) defined procurement ‘the act or process of procuring; especially: the obtaining of military

supplies by government' (Mark, 2014). Also, according to Sarfo (2011:21), procurement is defined as 'the management of sustainable acquisition of goods, works and services to optimize Value for Money (VFM) through a professional, auditable and transparent framework'. Kusi (2014) in definition procurement did not consider the obtaining of services as procurement. Also, it is worth noting that value for money does not necessarily means that the lowest tender should be accepted. A product with a longer lifespan or cheaper maintenance costs might be more cost-effective than its cheaper counterpart hence; the lowest tender could even be the most expensive tender. The researcher therefore viewed procurement as the process of getting possession of goods and services with great care and effort that is sustainable and creates value to the procurer.

2.1.2 Operationalization of Public Procurement

Ghana Integrity Initiative (GII) (2009:79) defined public procurement as 'the acquisition of goods and services at the best possible total cost of ownership, in the right quantity and quality, at the right time, in the right place for the direct benefit or use of governments, corporation or individuals, generally via contract'. Waara (2007) argues that public procurement rules applicable to purchasing entities depend on the value and nature of the procurement. Therefore, purchases above the threshold need to be advertised publicly while minor purchases need not be advertised publicly.

The procedure to choose in procuring therefore depends on whether the purchase is above or below the threshold value. Lynch (2015) sees it as the process of obtaining products for government functions and to provide public services. He postulated that

public procurement is often carried out within specific legal structure based on certain principle aimed at making the fulfillment of public procurement requirements competitively available to qualified firms and individuals in a transparent and nondiscriminatory manner based on selection criteria that is predetermined. The researcher is of the view that the above definitions of public procurement have excluded the sale and letting of assets by public organizations. Often times Public Entities (PEs) undertake auctions to dispose items they do not need. This is evident in Part VIII, Section 83(1) of the Public Procurement Act 2003 (Act 663) which states:

‘that the head of a procurement shall convene a Board of Survey comprising representatives of departments with unserviceable, obsolete or surplus stores, plant and equipment which shall report on the items and subject to a technical report on them recommend the best method of disposal after the officer in charge has completed a Board of Survey’.

Also, part II, Section 14(c) provides for the disposal of public store and equipment. Therefore, in the view of the researcher, public procurement is the acquisition of goods and service as well as the sale and letting of assets by government parastatal through contract which benefit the society.

2.2. Conceptual Framework

This section looks at the research variables emanating from literature to test whether there are significant relationship between the independent and dependent variables. It focuses on the determinant variables identified in the study which would be the enforcement of public procurement. In this research, the explanatory variables have been classified as; professional ethics, staff training and punitive action.

The framework is in three phases. The first phase looks at procurement professional ethics as a factor that can contribute to openness and accountability in procurement activities leading to effective enforcement of public procurement regulations. The second aspect considers procurement staff training as a necessary tool toward efficiency and the adherence to procurement processes. The third part of it considers punitive actions as one of the paths to follow in having procurement regulation adhered to.

Adequate knowledge, professionalism and corrective measures are essential in the enforcement of effective public procurement regulation as well as discourage the officials who violate public procurement regulations. It is worth recognizing that procurement is one of the professions in the world of business. EngineersCanada (2010:2) defines a profession as:

‘a calling requiring specialized knowledge and often long and intensive preparation including instruction in skills and methods as well as in the scientific, historical, or scholarly principles underlying such skills and methods, maintaining by force of organization or concerted opinion high standards of achievement and conduct, and committing its members to continued study and to a kind of work which has for its prime purpose the rendering of a public service’.

Ethical standards are often upheld by the procurement profession. However, the process of procurement or the purchase of goods and services offers the higher potential for ethical abuse and violation. Ethical conduct consists of avoiding conflict of interest and not making improper use of an individual’s position. Public official are enjoined to always behave ethical and fairly in all their profession.

Ethical behavior support openness and accountability in a procurement process which eventually gives confidence to suppliers to participate in Government business (Segal & Summer, 2002 and Tuo et al, 2014). Procurement process conducted correctly in an ethically manner can be a panacea to problems that arise when people or business deal with contracting as a means of procurement for their company (Fisher & Lovell, 2009). The implementation of the public procurement was to in part ensure that efficient training had been offered to professional to serve in procurement. Part I (3b) of the Public Procurement Act 2003 enjoined the 'Board' to see to the professional advancement of procurement officials.

The inefficiency in procurement systems are attributable greatly to the poor procurement know-how (Onyinkwa, 2013). At both middle and senior levels, qualified procurement personnel are needed since purchasing activities of entities are likely to be adversely affected by the shortfall in the supply of qualified and experienced personnel (UK Audit Commission, 2002; Procurement Round Table, 2006). Training enables procurement officers to be skillful and ensures that laid down procedures are followed during procurement to achieve value for money. Any law without accompanying punitive measures for non-compliance may not see the light of the day. Punitive measures need to be put in place and enforced to ensure that procurement professional who infringe on the laws are rebuked to serve as deterrent for others not behave same.

According to (Gikonyo, 2014), 'a study on corporate governance in Africa indicated that Ghana and Nigeria are among other nations that suffer from feeble law enforcement contrivance'. Often when procurement irregularities are uncovered by the Public Accounts Committee (PAC) of parliament, little is done to prosecute the officials

involved. This could partly be due to the reticence on the part of law enforcement agencies in ensuring that offenders face the full rigors of the law. The nature of justice system could also have a negative effect on our ability to have offenders treated accordingly. For instance, the situation in which the Attorney doubles as the Minister of Justice makes it difficult if not impossible for him/her to have an independent mind in ensuring that justice is dispense. This could be due to the fact that he/she “wears a party’s cap” and so party’s interest need to be served. Therefore, the awareness of the total implementation benefits to organizations will awakens entities and individuals of the consequences of infringing on the law and ensure adherence to guidelines, and the risk of been rebuked is essential in having the laws obeyed (Gunningham & Kagan, 2005) and also penalties should be increased since that lead to greater level of compliance with laws (Zubcic & Sim, 2011).

2.3. Theoretical Framework

Public Value Theory

The study is anchored on the Public Value Theory. The public value theory was first formulated by Mark Moore in creating public value by public managers in 1995 with a greater understanding of the challenges and opportunities within which they work and the challenge to create publically valuable outcomes (Moore, 1995). Zachary and Pamela (2014: 107) exposted that ‘public value includes the seeking out of opportunities to contribute greatly to the lives of the public’. The public theory imagines the manager’s purpose as not just the implementation of policies and obedience to institutional norms

but also ensuring that the desire of the society is met. Entities that provide public services are obliged to be directly accountable to the citizens and their democratic representatives unlike private enterprises (Zachary and Pamela, 2014: 107). Public procurement practitioners are therefore expected to ensure that there is value for money in their dealings as expected by the public. This was useful in illustrating the importance of effective enforcement of the procurement regulations in public entities particularly in public Senior High Schools contribute to better performance of the institutions in terms of accountability, provision of better service

2.4.0 Procurement in Comparative Perspectives

The first European Commission (EC) public procurement Directive was instituted in 1971 which covered public works contracts. Subsequently, in 1976 and 1992 supply and services contracts Directives were respectively added with a Directive covering institutions that are into energy, telecommunication and water passed in 1990. In the year 2000 the European Commission began modifying the procurement regime and in 2004 came out with the new Directives and requiring member states to implement them by the end of January 2006. These directives which are the current directives of the EC are the Public Sector Directives (2004/18) and the Utilities Directives (2004/17) (Matthew, 2010).

The EC has certain distinct roles with regard to the public procurement law. The EC has the power to investigate and take action against those States of the EU that infringe on the Public Procurement Law. Gnanih (2012) reported that 'when a member

state does not abide by the rules as set in the public procurement law, an explanation is demanded by the Commission'. If the Commission is not content with the reason(s) given, it would authorize the State to comply within a stipulated time and if the member state is not able to comply with the stipulated time the case is referred to the European Court of Justice (ECJ) which will compel the State to comply since members are obliged to comply with the Directives of the ECJ as stated in article 228 of the EC.

In the Asia, common policies are widespread between jurisdictions even though there are difference in terms of operational practice (Thai, 2001). For instance Procurement expert of the Asia-Pacific Economic Cooperation (APEC) countries have developed a set of nonbinding principles that includes transparency, competition, VFM, accountability as well as due process (Thai, 2009). Each member country decides on the applicability of the individual element taking into consideration the specific characteristic of the economic and the cost and benefits of adopting specific measures.

Before the advent of reforms, most African governments' procurements were premised on systems inherited from the colonial era in which procurement was basically regulated by ministerial directives instead of a comprehensive procurement code thus resulting in fragmentation and complexity in making procurement decisions. Most African countries procurement reforms followed a similar pattern as they were based on the UNCITRAL Model Law of 1994 (Sope, 2015).

Reforms among African nations in terms of public procurement are almost the same with regards to the stages, components and implementation. Public procurements in most African countries are often preceded by an assessment of the existing systems by external donors like the World Bank or by consultants and make recommendation based

on the reforms that has been modeled. These reforms culminated into the formation of independent bodies such as the Public Procurement Authority in Ghana responsible for ensuring compliance with the legislation and policy.

Kenya and South Africa in 2010 and 1996 respective included the principle of procurement in their constitution (Sope, 2015). The researcher views such move as worthy of emulating by other countries such as Ghana. The constitutionalization of Ghana's procurement will elevate it and gives constitutional status to the adherence of its principles so that people who act contrary to these principles are not merely in breach of external law but in breach of the constitution. Global south countries have experience the regionalization of procurement laws aimed at ensuring regional coherence and uniformity regulation geared towards achieving better incorporation of common markets such as the West Africa Economic Monetary Union (WAEMU) and Common Market for Eastern and Southern African (COMESA) (Garcia, 2009). This has the tendency of bringing a plethora of benefits to these nations such as an improved assistance to industries within the region. The economic communities in Europe (EU) and North America (North America Free Trade Agreement) also have procurement integration as a priority considering the size of their combined markets.

Indeed, the EU-USA Transatlantic Trade and Investment Partnership started in 2013 and was expected to be passed in 2014 (Webb, 2015) which could open up the procurement market of EU and USA at Federal Regional and Local levels. Sope (2015), sees this as the first ever that countries are considering procurement liberalization and the necessary integration beyond regional blocs.

Also, both the EU procurement law and that of Asia as well as Ghana's public procurement regulations aimed at ensuring accountability, openness and fairness on the award of contracts. However, the EU as a body has as one of its aims under the directives the free movement of goods/services, capital and people between member states. Ghana can adopt the strict enforcement of the public procurement regulation as exhibited by the EC by pushing for a centrally regulation of procurement activities in West Africa.

2.5.0 Ghana's Public Procurement

Ghana has given much attention to its procurement reforms because of its propensity to improve the social-economic well-being of the citizens. Most often, public procurement is undertaken using the taxpayers' money and they therefore desire to see a transparent and efficient procurement system. The World Bank alluded that about 43.3 percent of Ghana's national budget is spent on public procurement and 90 percent of all development partners inflows are spent on procurement related activities (World Bank, 2003). Donor organizations and development partner usually demand that money given to developing countries like Ghana is used for the purpose for which it is given. This therefore called for stringent measures to be put in place through legislations in the form of procurement laws.

Several laws and decrees have been passed since 1960 to date aimed at providing a comprehensive framework of administrative powers to regulate the activities of procurement in the public sector. Among the legislations and decrees are the Ghana Supply Commission Act which was enacted by the Ghana government and later reviewed

in 1990 by the PNDC law 245, the Contract Act of 1960 which was also passed on the same year. The National procurement Agency decree SMCD 55 was passed in 1976 by the Supreme Military Council which was followed by the Financial Decree SMCD 221 in 1979 (Osei-Owusu et al, 2013).

Despite the foregoing these legislations, government official struggled to identify which rules to follow due to lack of Central Body for procurement. The Public Financial Management Reform Programme was therefore instituted to improve financial management in Ghana. The Public Procurement Oversight Group was later formed in 1999 to design and coordinate the reform leading to the enactment of the Public Procurement Act 2003 (Act 663) after many years of unhealthy practices and abuse in public procurement in Ghana (Gnanih, 2012; Osei-Tutu et al, 2010). The implemented Public Procurement Act 2003 (Act 663) replaced the many different rules that guided procurement activities before its enactment and provides a complete structure for developing and strengthening procurement institutions and operational processes with regard to poverty reduction, private sector development and good governance.

According to Gnanih (2012), the legitimate structure states ‘that the Public Procurement Authority put in place a Public Procurement Board as a legal corporate entity which would comprise of all government entities that utilize public funds’. Each entity is supposed to have a tender committee that is responsible for providing a one-shop for concurrent approvals, awards and management of contract. Also, the procurement process should allow contractors, suppliers and consultants to have a fair playing ground to compete in accordance with the procurement Act. Therefore, public officers who are connected with the procurement function are responsible for protecting the integrity of

the procurement function and ensuring that it is fair (Public Procurement Act of Ghana, 2003).

2.6.0 Principles, Sources process, and Methods of Public Procurement

Public procurement is guided by certain principles, source process and methods. This section looks at these principles and source process. Also, the methods of public procurement are examined.

2.6.1 Principles of procurement

For procurement to be considered good, Sarpong (2007) believes it should contain certain principles. These are fairness (equal treatment), competition, transparency and value for money. The principle of equal treatment was developed to generate an equal treatment between men and women in the labour market. In the context of procurement, it is to eliminate discrimination against bidders. This principle requires that comparable situations are not treated differently and that different situations are not treated similarly unless such difference can be justified objectively. Also, competition operates in a discovery procedure by allowing different economic operators to communicate the prices at which goods and services are available in the market. The prices serve as guideposts and reflect the demand and supply conditions at any given time. Ensuring fair competition is a key concern for achieving efficient and economic procurement outcomes.

Besides, fairness and competition, transparency is one of the key principles. This principle requires that the selection and award processes of a contract are based on known criteria. Thus implies that the criteria for determining the suitability of tenderers and

evaluating the bids in order to award a contract must form part of the minimum information contain in the letter of invitation or the contract notice. Transparency also implies that in situation where the award will be made to the most economically advantageous tender, all criteria in the contracting authority is intending to apply must be stated if possible in order of importance. Lastly, values for money means the optimum combination between the various cost-related and non-cost related factors that together meet the contracting authority's requirement. It is important to say that the variables that constitute the optimum combination of those various factors vary from procurement to procurement and depend on the outputs that are needed by the procuring entity. Value for money is one of the main outcomes of the public procurement process.

These principles are in line with the World Bank's principles of procurement as stated by McCue et al (2015) and Petrus (2009). However, McCue et al emphasized the development of indigenous contractors and manufacturers by allowing local buyers to consider buying from local contractors and manufacturers with recourse to the Public Procurement Authority. This is in conformity with Section 60 of the Public Procurement Act 2003 (Act 663).

But it has been noted that because of the poor performance of Ghanaian local contractors, most major projects of the nation are often awarded to non- native contractors which could be as a result of non-business-like culture with which local entities operate in Ghana (Vulink, 2004; Assebey-Mensah, 2008). All procurement should therefore have all these principles to be considered good and worthy for the nation.

2.6.2 Procurement Sourcing Processes

The sourcing process of procurement can take the form of a single supplier invited to supply goods/service or through the open market system. The open market is into two categories. The categories are the Quotation and Tender. In the case of the quotation, suppliers are invited to submit their quotation for the supply of goods. These quotations are compared by the procuring entity. It is at this stage that the evaluation committee then evaluates the tenderers for the award to be made. The evaluation of tenders and award of contract to suppliers is an important phase of the purchasing process. This process determines the actual quality, reliability and delivery of goods and services (Mangan et al, 2008). Suppliers are often graded using vendor rating and the evaluation of technical specification. Suppliers grading is relevant in all situations for quality services delivery. Factors that need to be considered in vendor rating and evaluation may include; the vendor's legal status, price and cost, quality of goods/service record and ability to deliver.

According to Rushton et al (2009), the next step in the sourcing process consists of placing order for goods or services with the supplier or establishing contract that have to be sent to the supplier. The orders create the contractual relationships between the organization and the suppliers. The contractual relationship can be represented in several forms depending on the procuring entity guiding policies. The progress/expediting is the stage that follows after the contract has been award. It is at this stage that the procurement officer observes the build-up of the orders and the performance of the

suppliers. This according to Mangan et al (2008), is to ensure a non-ending flow of goods/services and enables the organization to pick out break down points in the system and quickly identify solution to these breakdown points.

The final stage in the sourcing process involves undertaking performance review. It is very easy to forget the review stage particularly when there is a procurement activity taking place especially in emergency cases. Review is often done to achieve three objectives. These are; a review with the original user or beneficiary on whether the original needs they had have been met, a review of the performance of procurement entity in carrying out the procurement process, and a review of the suppliers to find out whether he/she has performed creditably (Mangan et al 2008).

2.6.3 Methods of Public Procurement

There are six methods of public procurement as enshrined in the Public Procurement Act. These methods are the International Competitive Tendering (ICT), National competitive tendering, Restricted tendering Sole sourcing, Two-stage tendering and the Requests for Quotations. Below is an overview of these methods.

To begin with, the ICT is an open competitive tendering process where suppliers outside of the country are invited to bid, usually for high value and complex procurements. Advertisement is place on an international newspaper or journal inviting tenderer to tender for particular goods, works or services as well as inviting tender through foreign embassies and High Commissions in Ghana for six (6) weeks following the date of the first appearance. The threshold for international tendering is GH¢

1,500,000, Gh¢ 2,000,000.00 and Gh¢ 200,000.00 for goods, works and Technical Service respectively (Safianu, 2015).

The National Competitive Tendering (NCT) on the other hand is a process where bids are invited from tenderers to bid for lower value goods or works which is limited to domestic suppliers and should be published in at least two local newspapers of general circulation and Public Procurement Authority Website for 2 weeks following the date of the first advertisement. The threshold for the use of this method is above Gh¢20, 000.00, Gh¢50,000.00 and Gh¢20,000.00 for goods, works and technical service respectively. (Safianu, 2015).

The Restricted Tendering is also tendering process by direct invitation to a shortlist of pre-qualified, pre-registered or known suppliers, and is subject to approval being granted by the Public Procurement Authority. This method is appropriate where the requirement is of specialized nature urgently required, where open tender is not possible; the number of potential suppliers is limited and an open competitive tender has failed to bring award of contract (Ghana Public Procurement Act, 2003).

Furthermore, the two-stage tendering process is where an organization invites tenderers in the initial stage to contribute to the detailed specification of the goods, works and Services. Following review and consultations new detailed specifications are prepared and a restricted tender issued in the second stage to all participants who were not rejected. It is normally used when the procurement unit cannot prepare detailed specification for a particular requirement or when it is subject to technological advances (Safianu, 2015).

Besides, the sole sourcing is the processing of inviting only one supplier to bid for goods or works. It is normally non- competitive and therefore subject to approval by the PPA. This is normally appropriate when the purchase is for urgently needed products provided this is restricted to the minimum quantity to meet the urgent need; the requirement can only be supplied by one source for physical, technical or policy reasons or the required equipment is proprietary and obtainable only from one source and when there is national disaster (Ghana Public Procurement Act, 2003)

Finally, the Price Quotation or Shopping is based on comparing quotations obtained from several registered suppliers on your suppliers list, usually at least three to ensure competitive prices. Each supplier or contractor is supposed to provide only one price quotation and shall not change its quotation. It applies to low value purchases whose threshold is up to Gh¢20,000.00 (Ghana's Public Procurement Act, 2003; Safianu, 2015).

2.7.0 Public Procurement and the Ghanaian Educational Sector

Ghana's educational sector is one of the largest public sectors of the country. Being one of the sectors that public fund and resources from developing partners are expended, its procurement activities by law fall under the procurement Act as required by Section 14 of the Public Procurement Act. Gnanih (2012) posited that there is lack of information in relation to procurement in the educational sector for the fact that corruption is high is in procurement in the educational institutions. This assertion cannot be wholly relied on because efforts have been made by the Public Procurement Authority

through seminars and workshops to enlighten managers of these schools on the procurement Act.

Besides, a lot of factors can contribute to the existence of corruption in institutions of this sort. Key among them is the absence of measures to punish offenders of the procurement Act. The presence of punitive action may not be a disincentive to those who engage in corrupt practices in public procurement. If even these measures are there, they are rarely applied. Perhaps what will be the challenge in those schools is the non-availability of human resources (qualified personnel) to take charge of procurement in these schools. Most of these schools do not have procurement unit (department) and so management of procurement activities in most of these public Senior High Schools are usually in the hands of the Bursars who probable do not have the requisite knowledge in the area to discharge the procurement duties effectively and efficiently.

Therefore people who are involved in procurement in the education systems are faced with corrupt practices at one point or the other (Gnanih, 2012). This is not a new phenomenon, it is only that it is just of recent that there have being research in that regard and corruption issues popped up recently which could partly be due to the adoption of the OECD's 1996 Convention on Bribery and Corruption of Foreign Public Official in international business and the adoption of the United Nations Convention on Bribery Against Corruption (Hallak and Poisson, 2007).

The presence of corruption defeats the principles of public procurement being transparent and the attainment of Value for Money (VFM). It would not therefore be an exaggeration to attribute the lack of trained professionals to manage the procurement activities in these schools as a major cause of most of the procurement irregularities in

these schools. This is because, the professional ethics would not have permitted the personnel to prepared honor certificates for the supply of goods as reported in the Auditor- General Report (2012) rather than follow the laid down procedures.

2.8.0 Public Procurement Challenges

Developing countries have reformed their procurement regulations with the support of the various development partners such as United Nations Conference on Trade and Development (UNCTAD), World Trade Organization., World Bank and the International Trade Centre. The reforms were not only limited to the regulation only but included the public procurement process, methods, the workforce and the procurement organizational structure. Despite these reforms these countries still face a number of challenges. Public procurement practitioners have and continue to face many challenges. Every nation's social, cultural, economic and political situation differs to a great extent and every country's public procurement officials are faced with varied challenges or similar challenges but the intensity of the challenges differ from one nation to the other.

According to Azeem (2007), public procurement is confronted with the problem of deferral in the settlement of contractors and suppliers and the spreading of procurement law. This could therefore lead to over-invoicing to cater for the time value of money. In addition, one of the obstacles that public procurement is facing is the absence of the appropriate training for managers of procurement functions (Forgor, 2007) and as well as challenged with inadequate capacity issues relating to the absence of understanding of the fundamentals of the law, inability to comprehend the standard tender documents and inadequate professional skills to compete in the bidding process in

addition to the non-availability of training. Osei-Afoakwa (2013) supported Forgor's view by stating that at present, the procurement system of Ghana lacks the necessary experts in order to carry out the procurement function efficiently since the public procurement law clearly lacks the panacea to its capacity problem.

As procurement becomes a programmed activity, it is imperative for staff development through training which has taken a paramount stage in the developmental process. Furthermore, inadequate wages for procurement officials and the absence of job advancement route coupled with the political interference with the procurement are other problems militating against the implementation of procurement reforms since politicians' supposed right to interfere in the procurement procedures often result in fickle procurement decisions. (World Bank, 2003a; World Bank 2004b).

Furthermore, since the enactment of the procurement Act in 2003, the Ghana Cedis has experienced a great depreciation. However, the financial verge for procurement approaches, appraisal and authorization of these procurement approaches as stated in the procurement law under schedule 3 have not been re-examined. Even though the PPA has been mandated to review the threshold levels under section 94, the PPA requires parliament approval because the impact of the insertion is that the threshold levels in the procurement law is that alterations can only be effected only through parliamentary modification (Osei-Afoakwa, 2013). This becomes a challenge especially when procuring emergency goods considering the nature of bureaucracy.

Finally, the non-independent nature of Ghana's PPA is an obstacle to the enforcement of public procurement regulation. Ghana's PPA is perceived not to be independent enough because it falls under the Ministry Of Finance and Economic Planning (MOFEP) whose procurement activities come directly under the jurisdiction of PPA (Osei-Afoakwa, 2013). Therefore, the adage "scratch my back and I will also scratch yours" is not far from becoming a reality with its associated repercussions. This is because PPA reports to the MOFEP which is its sector ministry with a lot of influence in the public procurement system.

2.9. Summary

Public procurement is an important tool in ensuring an efficient and transparent public institutions. Public procurement benefits the general populace. But the public may be far from enjoying the fullest benefits of public procurement if some of the challenges in the public procurement still exist. Training and availability of qualified procurement officer are key to an efficient public procurement. Collective effort by all stakeholders is necessary in ensuring that procurement regulations, especially the Act, are alive in the current economic conditions.

CHAPTER THREE

METHODOLOGY

3.0 Introduction

The chapter also highlights the research approach, the study population, the sampling scheme, the sources of data collection, the data collection instruments and the method of data analysis.

3.1.0 Research Design

A research design is a detailed outline of how an investigation will take place. Research design is a method of collecting information by interviewing or administering a questionnaire (Orodho, 2003). The researcher adopted an explorative approach. This model emphasizes a major primary form of data collection, that is survey and less emphasis on other form of data collection particularly interview.

Exploratory Research

Exploratory research design is used to obtain a comprehensive understanding of the problem, the necessary variables that attention need to be paid to as well as the possible decision alternatives (Kumar, 2000). Also, exploratory research is used to

increase a researcher's familiarity with a problem, especially when the researcher does not know much about the problem or organization to be studied. This type usually involves only a relatively small group of people. Focus group discussion, depth interview and case analysis are some of the tools used in exploratory research. Exploratory research is more flexible with regard to the method used for gaining insights and as well the development of hypotheses. Even though this type of research is not reliable as compared to descriptive research, it is less cumbersome. Since the researcher in this case will like to find quick answers to the problem facing the public Senior High Schools in question, the explorative was used because it saves resources in terms of time and money (Richards, 2010).

In undertaking a research, there are three major approaches that can be used for the study. These approaches are the quantitative, qualitative and mixed. This researcher adopted a hybrid approach in this study. This hybrid approach consists of the combination of the quantitative and qualitative approaches. The quantitative result will therefore be elucidated by the results of the qualitative (Borrego et al., 2009). As a method, it focuses on collecting, analyzing, and mixing both quantitative and qualitative data in the study. This is based on the premise that the research problem appreciation will be enhanced by adopting both the qualitative and the quantitative methods rather than adopting only one of the methods (Creswell, 2003).

Qualitative and Quantitative Research

Qualitative research is basically exploratory research and often used to gain an understanding of an opinion, motivation and reason. On the other hand, quantitative

research aid in quantifying a problem by way of generating numerical data or data that can be transformed into useable statistics and often used to quantify attitude, opinion and behavior. The study employed quantitative and qualitative strategies to obtain data from various respondents working in the public Senior High Schools within the Nadowli/Kaloe District as either members of the entity tender committee, evaluation panel members or as a beneficiary. Also, the qualitative research method was employed to provide an insight to the acceptance of the Public Procurement Law in the Senior High Schools in the Nadowli/Kaleo Districts of the Upper West Region of Ghana. The qualitative method was therefore used to describe and interpret the data obtained from the quantitative method.

3.2.0 Target Population and Sample Size of the Study

The target population for this study consisted of all workers of Public Senior High Schools of the Nadowli/Kaleo District of the Upper West Region and suppliers whose activities are linked with procurement. In the context of this study, the study population in total was 100 which comprised the entity tender committee members, evaluation panel members, the suppliers and Heads of Departments of the public Senior High Schools in the Nadowli/Kaleo District of the Upper West Region. Contractors are excluded for the fact that contracts for works usually originate from the central government. Public Senior High Schools do not award contracts for works.

The sample size was determined basically on purpose and convenience rather than a defined research method. This is as a result of the fact that the target population consisted of unrelated subjects and therefore unmanageable to base the sample size

determination on an indicator that relates to a particular subject (Gyelaa, 2015). Nadowli/Kaleo district was purposively chosen for the fact that it has three (3) public Senior High School, two happened to be technical schools. This was to afford the researcher the opportunity to compare the procurement activities of these schools. By the public procurement Act. 2003, Senior High School is supposed to have seven (7) Tender Committee Members consisting of the Headmaster, Bursar, two members of the governing board, a lawyer and two heads of department. The evaluation panel members are supposed to be five (5) in number.

Queen of Peace Senior High School and St. Basilides' Vocational/Technical Institute both have five (5) departments while Kaleo Senior High Technical had six (6) departments. Supplier is the one who supplies materials, products or services to others; firms in either the wholesale or the retail supply business. The suppliers for the three schools were 48 in number.

In social science research, it is usually expected that where the target population is small (200 people or less), it may be preferable to do a census of everyone in the population, rather than a sample (Agyapong & Adam, 2015 as cited in Gyelaa, 2015). In this regard, a sample of frame 100 respondents with sub samples of various sizes was drawn from the study population for the study.

Table 3.1 Summary of Respondents for the Survey

S/n	Targeted Population	Number contacted	Questionnaires Received	Response rate
Entity Committee Members	21	17	16	94.1%

Evaluation Panel Members	15	13	8	61.5
Head of Departments	16	14	14	100%
Suppliers	48	32	27	84.3%
TOTAL	100	76	65	85.5%

The researcher should attempt to obtain a response of 50 percent to 75 percent (Hagger et al., 2003).

3.4.0 Sources of Data Collection

The researcher obtained the needed data from two different sources (primary and secondary sources). The primary source of data in this study was collected from members of the procurement committee and suppliers through questionnaires that was administered. On the other hand, the secondary sources encompass the various publications of both local and foreign origin; procurement management text books, journal article, newspapers, reports from libraries, the internet, Public Procurement Authority (PPA) reports on Senior High Schools on the subject in order to answer the research questions. The researcher used this method because it unearths issues that may not be revealed using only one data collection instrument.

3.5. Tools of Primary Data Collection

The researcher used questionnaire as the main data collection instrument for the purpose of the study. Questionnaire was considered appropriate because it was presumed that the procurement officials and supplies are literate and therefore could be able to

respond to the questions with minimal assistance. Also, the choice of questionnaire was informed by the researcher's desire to get accurate information from the procurement officials and suppliers without ascribing personal biases.

Table 3.2 Number of Questionnaires Administered

S/n	Population	Number contacted
1	Entity committee members	17
2	Evaluation Panel Members	13
3	Heads of Departments	14
4	Suppliers	32
	TOTAL	76

3.6. Data Analysis Procedure

In analyzing the data, both quantitative and qualitative approaches were used. The Statistical Package for Social Science (SPSS) version 23.0 and other relevant software such as Microsoft Excel was used to run descriptive analysis to produce frequency, tables and percentages. These software was used because it ease data analysis, word processing and accurate pictorial presentation. The study adopted the Likert three point rating 1, 2, and 3 to analyze responses in the questionnaire quantitatively which was then interpreted qualitatively to give more meaning to it. Hence the qualitative data was used to augment the quantitative data.

3.7.0 Ethical Considerations

In order to have access to the respondents, the researcher introduced himself to the various schools sampled as a post graduate student from University for Development Studies who is using the Senior High Schools in the Nadowli/Kaloe District of the Upper West Region to conduct an academic research study titled: “Public procurement regulations in some public Senior High Schools in the Nadowli/Kaloe Districts in the Upper West Region, Ghana”. The researcher made it known to the respondents that the research is only for academic purposes and will be used as a requirement for the award of a degree in Master of Commerce in procurement and supply chain management. All participants were assured that their privacy will be protected by strict standard of anonymity. The respondents were made to know that participating in the study is voluntary and that the respondents can freely decline or withdraw at any time during the research. The participants therefore had informed consent to make the choice to participate or not.

3.8. Validity and Reliability of the Study

To make sure that the study is reliable, the researcher avoided bias and also confirmed that similar conclusion is possible when the study is repeated. Therefore, the study relied on different and renowned authors of Procurement and Supply Chain Management in the literature review. Also, comparison of various conclusion made by various studies were examined critically. The questionnaires were critically designed in line with the literature review.

Through survey, the researcher sent questionnaires to selected Senior High Schools in the Nadowli/Kaleo District of the Upper West Region and some suppliers and as well personally explore the Public Procurement Law.

3.9. Profile of Study Area

Nadowli-Kaleo District has Nadowli as the District capital. The district is centrally located in the Upper West region of Ghana. It lies between latitude 11° 30' and 10° 20' north and longitude 3° 10' and 2° 10' west. It is bordered to the south by Wa Municipal, west by Burkina Faso, north by Jirapa District and to the east by the Daffiama Bussie Issa District. It covers a total land area of 2,742.50km² and extends from the Billi Bridge (4km from Wa) to the Dapuori Bridge (almost 12km from Jirapa) on the main Wa – Jirapa Hamile road and also from West to east it extends and bordered by Daffiama Bussie Issa District.

The distance between the District capital and the regional capital covers about 40 km. The location of the District promotes in international trade between the District and neighboring Burkina Faso. Figure 3.1 shows the District Map

The map illustrates the Nadowli Kaleo District, which is bordered by Dargur to the north, Pore to the east, and Sankana to the south. The district is divided into several sub-districts or regions, each with its own set of towns and villages. The northernmost region is Nadowli, followed by Chanpong to the west, Sambo to the east, and Takpo to the south. The southernmost part of the district is Kaleo. The map is densely populated with names of towns and villages, many of which are accompanied by small circular symbols. A scale bar is located in the bottom left corner, and a north arrow is positioned in the bottom right corner.

Source: Nadowli/Kaleo District Assembly (NKDA), 2014.

According to the 2010 population census, the District had a total population of 63,141. This population compared with the 2000 census figure of indicates a growth rate of 1.5% per annum. Using the 2010 population as the base year and an annual growth rate of 1.9% the population in the District is currently estimated at 66,809. The District share of the region's population is 8.99%. In terms of age and sex structure, the age structure shows a high percentage of males than females in the age groups from 0-19 years and more females than males for the group 20 -69 years. In 2000 the male proportion for age group 70-85 years and older was higher than for females. But for 2010 females continue their domination for the age group 70 -85 years and older.

The District depicts a typical rural economy. Approximately 85% of the population engaged in agriculture which is the dominant industry in the district. The remaining percentage is engaged in micro business enterprises- manufacturing, agro processing, welding and fabrication, handicraft etc. About 53.6% of the employed population is self-employed and over 86.0 percent of employed persons are resident in rural areas. The soil types are laterite, sandy and sandy loam (savanna ochrosols). They are generally poor in organic matter and nutrients as a result of the absence of serious vegetative cover due to bush burning, overgrazing, over cultivation and protracted erosion. Consequently the soils are heavily leached.

The District has two (2) major periodic markets. These markets centres are located in Sankana and Tangasia. However, these markets are not so brisk, as revealed by

the volume of endogenous and exogenous inflows of goods to and from the markets. Nadowli, the District capital is the main commercial centre in the District and most of the settlements in the District depend on it for their shopping needs. Besides, the trading activities in the District particularly in the periodic market centres form one of the major sources of revenue to the District Assembly. Thus the improvement of market infrastructure has the potential of boosting the District's revenue generation capacity. The business entrepreneurs in the district through the business advisory centre is providing training in marketing to business entrepreneurs to enable them market their products, adopt improve packaging skills and market linkages to improve sales and profit.

There has been a general improvement in the educational sector within the district between the periods of 2010 – 2013. This improvement can be realized in physical infrastructure development at the Kindergarten level as well as enrolment at the Primary level. Currently more than 95% of the current District School Age Population can now access primary education within 4 - 5km distance. The achievement is through the collaborative efforts of the District Assembly, Ghana Education Service and Non-Government Organizations (NGOs) operating in providing primary classroom infrastructure in the education sector. The District has a total of two hundred and seventy-seven (277) educational institutions comprising Sixty-six (70) Kindergarten Schools, Sixty-six (66) Primary Schools, Thirty-Six (36) Junior High Schools, One (1) Technical/Vocational School and four (4) Senior High Schools Out of the above, there are one hundred and sixty-nine (169) Public educational institutions comprising Sixty-six (66) Kindergarten Schools, Sixty-three (63) Primary Schools, Thirty-Six (36) Junior High Schools (JHS), One (1) Technical/ Vocational School and three (3) Senior High Schools

(SHS) see table 3.3. A number of NGOs have played and continue to play various roles in the development of educational infrastructure in the District. There are also Eight (8) private educational institutions comprising four (4) Kindergarten Schools, three (3) Primary Schools and one (1) Senior High Technical School. Nevertheless, there is still much to be done in view of the increasing demand for basic education. Some of the schools seriously lack furniture and textbooks which crucial for effective teaching and learning. Twenty four (24) KGs are without classroom infrastructure.

Table 3.3 Types of Educational Institutions in Nadowli/Kaleo District

Institution	Number	
	2010	2013
Kindergarten	79	70
Primary	84	66
JHS	44	36
Technical /Vocational	4	1
SHS	3	3
Total	214	176

Source: District Directorate, GES, 2013.

3.10 Summary

In summary, the researcher adopts the mixed approach to the study. The study target population consisted of all workers of public Senior High School within

Nadowli/Kaleo District whose activities are directly linked procurement and the researcher conducted a census considering the size of the sample frame. Questionnaires were mainly used to conduct the study. Also, the researcher used both quantitative and qualitative approaches to analyze the data with the aid of relevant software such as SPSS. Respondents were assured of their privacy by strict standard of anonymity.

CHAPTER FOUR

DATA ANALYSIS, PRESENTATION AND DISCUSSIONS

4.0 Introduction

This chapter presents the information gathered during the research in an organized form for easy comprehension. This was done by the use of tables, charts and graphs. It embodies discussion on how procurement activities are operationalized in the schools, the knowledge level of procurement officials and the challenges in the implementation of the Public Procurement Act, measures for improvement.

4.1. Demographic Data

The researcher used four demographic characteristics. These are Age, Sex, Level of Education and Occupation. The responses are as follows:

Table 4.1 shows that 44.6 percent of respondents were in the age bracket of 31-45 comprising 44.6 percent followed by the age bracket of 46-60 comprising 43.1 percent,

age bracket 16-30 comprising 10.8 percent and finally 61 and above constituting 1.5 percent. The findings implies that the future is bright in that greater percent of the respondents are within the age bracket of 31-45. With continuous training these personnel would develop into experience procurement professional who are capable of handling procurement activities effectively. This is in line with Bond and Galinsky (2005) assertion that workers with several years of experience are usually expected to know better as they learn from the job over a period.

Similarly, Table 4.1, revealed that the proportion of males, 72.30 percent was far higher than females of 27.7 percent. This implies that more males are in engaged in procurement activities either as officials or suppliers because more males than females seem to progress and attain tertiary education which is a requirement for teaching in Senior High Schools.

Again, Table 4.1 shows that 3.1 percent had attended JHS, 15.4 percent had Senior High Education, 16.9 percent had Bachelor's degree, and 44.6 percent had Masters whilst 6.2 percent had other certificates. It is interesting noting that out of 29 respondents who were holding Bachelor degree, 24 of them were either members of the Entity Tender committee, Evaluation Panel or Head of Department. This could be attributed to the fact that Bachelor is considered as the required qualification for one to teach in public Senior High Schools.

Furthermore, Table 4.1 demonstrates that 7.7 percent of the respondents (procurement officials) were storekeepers and matrons concurrently, 5.1 percent were bursars. However, 80.0 percent of the respondents were teachers. This implies that the

Public Procurement Act 663 has granted teachers and staff the power to control the tendering and procurement process in public Senior High Schools by setting of tender committee to oversee the whole process of procurement. This was intended to decentralize the purchasing process which was a reserve of Head of schools over a long period (Onyinkwa, 2013).

Finally, the results from Table 4.1 shows that 7.4 percent of respondents indicated they supply computers and its accessories and the same percent for those who supply fuel. Also, 11.1 percent, 14.8 percent, 18.5 percent and 25.9 percent stated they supply school wear, stationery and maintenance works, drinks and foodstuff respectively. This implies that most suppliers of these schools are into the supply of foodstuff. This could be attributable to the fact that the feeding of student is usually in the hands of the school authorities and is considered the highest expenditure for all schools.

Table 4.1: Demographic Information of Respondents

Variables		ETC	EPM	H.O.D	Suppliers	Total	%
Sex	Male	12	4	13	18	47	72.3
	Female	4	4	1	9	18	27.7
Age of Respondent	16-30	-	2	2	3	7	10.8
	31-45	6	4	6	13	29	44.6
	46-60	10	2	6	10	28	43.1
	61+	-	-	-	1	1	1.5
Respondent level of Education	J.H.S	-	-	-	2	2	3.1
	S.H.S	3	-	-	7	10	15.4
	Diploma	4	1	2	4	11	16.9
	Bachelor	7	7	10	5	29	44.6
	Masters	2	-	2	-	4	6.2
	Others	-	-	-	9	9	13.8
Occupation of	Teaching	10	7	13	-	30	78.9
	Storekeeping	3	-	-	-	3	7.9

respondent	Matron	2	-	1	-	3	7.9
	Bursar	1	1	-	-	2	5.3
	<u>Suppliers</u>						
	Food stuff	-	-	-	7	7	25.9
	Stationery	-	-	-	4	4	14.8
	Fuel	-	-	-	2	2	7.4
	Drinks	-	-	-	5	5	18.5
	Computer						
	&Accessories	-	-	-	2	2	7.4
	Maintenance & repairs	-	-	-	4	4	14.8
	School Wear	-	-	-	3	3	11.1

Source: Field Work, 2015

4.2. Operationalization of the Procurement Act in Senior High Schools

This section intended to reveal how procurement activities are carried out in public Senior High Schools in the Nadowli/Kaleo District. Every public institution that undertakes procurement activities is obliged by Section 21 of the Public Procurement Act 663 to prepare a procurement plan to support its approved programmes which shall consist of contract packages, the estimated cost for each package, the procurement method and the processing steps and time. Procurement entities are enjoined to submit to their tender committee not later than one month to the end of the financial year the procurement plan for the following year for approval. Also, the procurement entity shall send to the Tender Review Board, procurement notice for contract and procurement Bulletin (Public Procurement Act 2003, Section 21(4)).

Analyzing the data on school basis, it is clear from Figure 4.2 that 84.6 percent of respondents in Queen of Peace Senior High School indicated their institution prepare its annual procurement plan for approval by the Tender Committee while 15 percent stated

that the school do not prepare annual procurement plan. Besides Queen of Peace Senior High School, 28.6 percent of respondents from Kaleo and 81.2 percent respondents from St. Basilides Vocational Institute indicated that their schools do not prepare annual procurement plans. These findings from the study imply that majority of the schools do not prepare their annual procurement plan for approval by the Entity Tender Committee. Furthermore, as to whether these schools use the Public Procurement Authority (PPA) software in preparing their annual procurement plan as well as posting them at Public Procurement Authority website, 5.5 percent out of the 17 respondents who indicated that their schools prepare annual procurement plan agreed that their schools use the PPA software.

On the contrary, 95.5 of the respondents indicated they do not use the software and also do not post the procurement plans on PPA Website. The Public Procurement Authority mandates all public institutions that undertake procurement activities to prepare and post their annual procurement plans at its Website. This finding reveals that these PPA instructions have been flouted. Some of the problems were attributed to inadequate knowledge and skill or lack of essential equipment, and in some instances a procuring entity may be unable to meet a requirement to place notice of bid opportunity on the regulator's website because of lack of computers with Internet connectivity. However, severe sanctions should be imposed on officials who intentionally go against the law else the procurement law faces a great danger of been considered a dead ghost (Agaba and Shipman, 2012)

Table 4.2: Preparation of Annual Procurement Plan

Variable	Queen of Peace S.H.S			Kaleo S.H.T		St. Basilides Voc. Institute.	
		Yes	No	Yes	No	Yes	No
Preparation of annual procurement plan	Frequency %	11 84.6	2 15.4	4 28.6	10 71.4	2 18.2	9 81.2

Source: Field Work, 2015

Public procurement applies to the procurement of goods, works and services financed in whole or in part from public funds. Public procurements are supposed to be in conformity with the requirement of Act 663. As depicted in Table 4.3, out of the 38 respondents, 16 of them representing 42.1 percent of respondents affirmed that their institutions do comply with the rules and regulation regarding public procurement while 57.9 percent affirmed that their schools are unable to comply with rules and regulations. Inadequate knowledge of procurement procedures was ascribed by 73.9 percent of respondents as the reason for their inability to comply whereas 26.1 reiterated their inability to comply due to the cumbersome nature of procurement process/procedures. This was in tandem with Agbesi (2009), who opined that procurement officials are deficient in terms of the skills and the know-how needed to manage what is required of a procurement unit in public entities.

Table 4.3: Compliance with Rules and Regulations Regarding Procurement Process

Variables	Frequency	Percent

Yes	16	42.1
No	22	57.9
Total	38	100.0

Source: Researcher's Field Work, 2015

Section 56 of the Public Procurement Act 2003(Act. 663), provides for the opening of tenders. It demands that tenders are opened immediately after the close of tender and a tender opening committee be formed comprising of three persons at minimum including a member of the entity tender committee. The section further states 'that tender opening should commence not later two (2) hours after the deadline for submission of tenders and continued without break until all tenders have been opened'. Tenders are expected to be opened immediately after deadlines to ensure fairness. Out of the 38 respondents, 71.1 percent stated that tenders are opened immediately after deadlines while 28.9 respondent said they are not able to opened tenders immediately after deadlines. The findings from the study revealed that tenders are often opened as expected. For those who asserted that their schools do not open tenders immediately, the following reasons were advanced; some tenderers may submit their tenders later, evaluation panel need time to prepare and some tenderers may not be available immediately after the deadline representing 27.2, 27.2 and 45.6 percent respectively. This is depicted in Figure 4.1. The reason that some tenderers may not be available immediately after deadline is floated by Section 56(3) which provides for the presences of a bidder or his representative at the opening of bids once he/she has submitted a

tender. This implies that the personal presence of the tenderers is not so necessary for tenders to be opened.

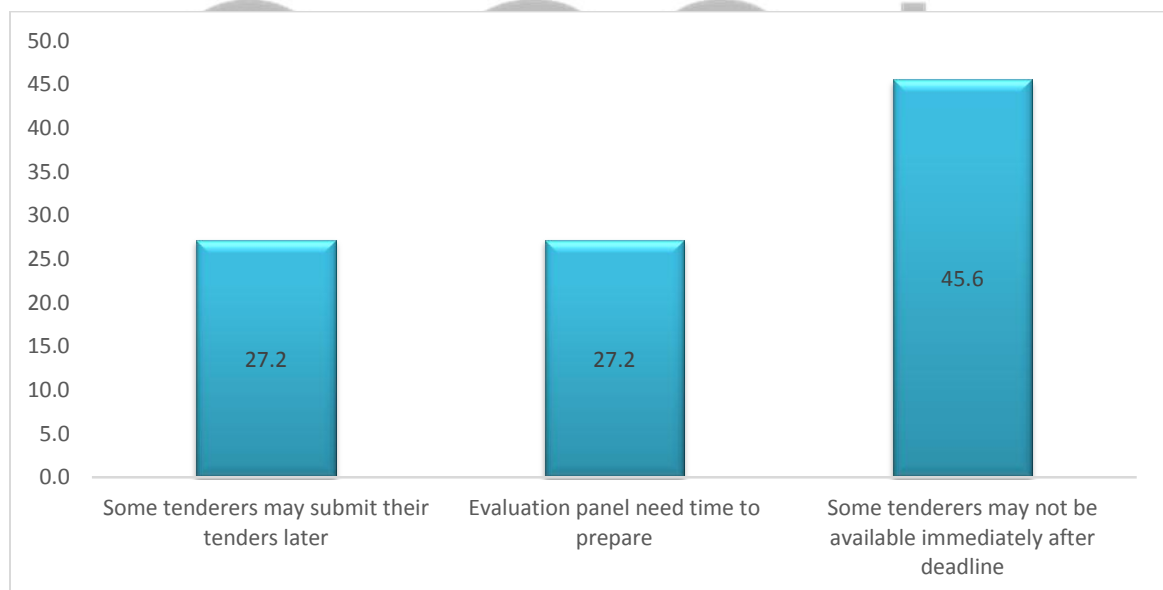


Figure 4.1: Inability of Tenders to be Opened Immediately after Deadlines

Source: Field Work, 2015

Also, Table 4.4 shows that procurement officials open tenders publicly. This assertion was arrived from the responses given by members of the procurement

committee, Head of departments and evaluation panel. From the Table, 81.6 percent of the respondents said that tenders are opened in the public. However 18.0 percent disagreed that tenders are opened in the public. This finding shows that there is openness and fairness in the procurement process. This finding is in conformity with the principle of transparency which demands that procurement process should be opened enough to prevent giving bidders competitive advantage over the other bidders (Sarpong, 2007).

Table 4.4: Opening of Tenders

Variables	Frequency	Percent
Yes	31	81.6
No	7	18.4
Total	38	100.0

Source: Researcher's Field Work, 2015

The Public Procurement Act 663 enjoins all government parastatals to apply appropriately the various methods of procurement as stipulated in Part V of the Act. From Figure 4.2, it is discernible that 60 percent of respondents asserted that Senior High

Schools within the district apply the appropriate procurement methods, 40 however stated that the schools do not apply the appropriate methods. This was confirmed by 59.3 percent of the suppliers this study was conducted on who indicated that the schools apply the appropriate procurement methods. The result from this finding implies that Senior High School in most cases apply the appropriately method of procurement. However, the findings were contrary to some scholars' assertion that workers only conform when asked to do so and will however remain dispirited instead of having the zeal to comply and will not perform beyond what is expected (Gelderman et al. 2006).

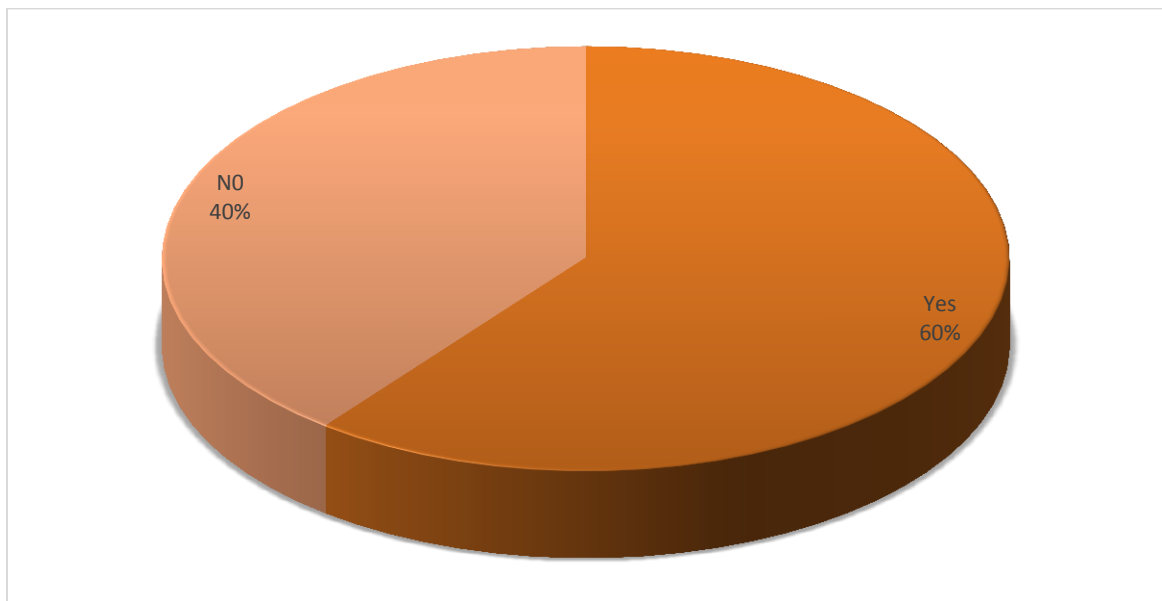


Figure 4.2: Application of Appropriate Procurement Methods

Source: Field Work, 2015

Part IV of the Public Procurement Act spells out the various methods of procurement and the requirements for the application of each. These methods are National Competitive Tendering (NCT), Restricted Method, Request for Quotation and

Sole Sourcing. Out of the 38 respondents, 7.9 percent stated that restricted method was often used by their schools, 5.8 indicated sole sourcing while 76.3 percent of the respondents stated request for quotation as the method often used. This is depicted in Table 4.5. Ascribing reasons for the use of a particular method, 5.3% of the respondents indicated the specialized nature of product procured as the reason for the use of restricted, 34.2 percent cited the urgency in which products are needed as justification for use of sole sourcing. The selection of the lowest bidder was ascribed as the reason for the request for quotation by 60.5 percentage. This result is in line with Crandall et al (2010) observation that the minimum quoted price was the basis for the decision to grant an order upon the receipt of the quotations from bidders. However, the decision to award a contract on the basis of the lowest quoted cost or estimates from professionals is faulty. Therefore, a better method needs to be adopted to ensure that the quoted cost reflects current market prices Agbesi (2009). The Public Procurement Act requires that approval is sought from Public Procurement Authority before the use of sole sourcing. The study reveals that the schools use sole sourcing without recourse to PPA approval especially in the purchase of gas. This therefore need serious attention.

Table 4.5: Procurement Methods often used by the Schools

Variables	Frequency	Percent
National Competitive Tendering	0	0
Two-Stage Tendering	0	0
Restricted Tendering	3	7.9

Request for Quotation	19	50
Sole Sourcing	16	42.1
Total	38	100

Source: Field Work, 2015

Figure 4.3 shows respondents responses on how often the tender committee meet. It is discernible from the figure that 5.3 percent said the tender committee meet yearly, 13.2 percent said they meet monthly, 26.3 indicated every six months and 55.3 indicated that the committee meet quarterly. This implies that the schools are complying with Section 18 the Public Procurement Act 663, which states that ‘the tender committee shall meet at least every quarter and notice of the meetings given at least two weeks prior to the scheduled date of the meeting’

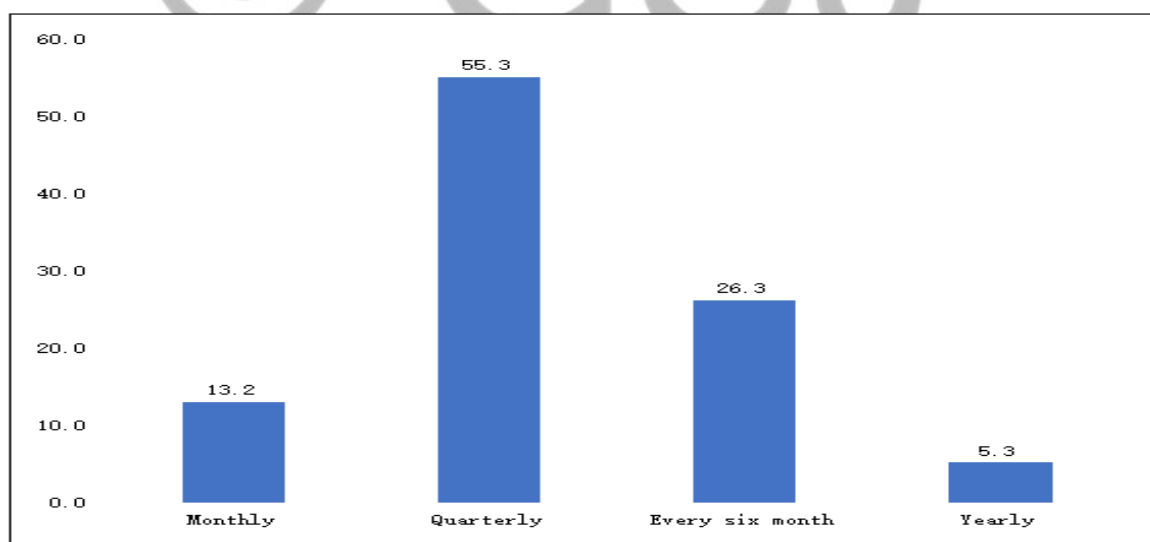


Figure 4.3: Tender Committee Meetings

Source: Field Work, 2015

Again, as shown in Figure 4.4, 2.9 percent of respondents said that unsuccessful bidders are debriefed, 22.2 indicated they were not certain while 48.1 affirmed that unsuccessful bidders were not debriefed. The finding from the study revealed that the schools do not debrief unsuccessful bidders. This is attributable to the lack of adequate skills in debriefing and the fact that they do not consider debriefing of suppliers necessary once a supplier was unsuccessful in the bidding process. Debriefing should be an important and integral part of good procurement practice because it is a useful learning tool for both parties. Section 65(9) of the Public Procurement Act 663 provides for the debriefing of unsuccessful bidders formally and the release of the tender security immediately the contract is awarded. This finding implies that this provision in the Act is not being implemented to its fullest. A supplier not debriefed may become unhappy with the procurement processes which may deter him/her from bidding the next time.

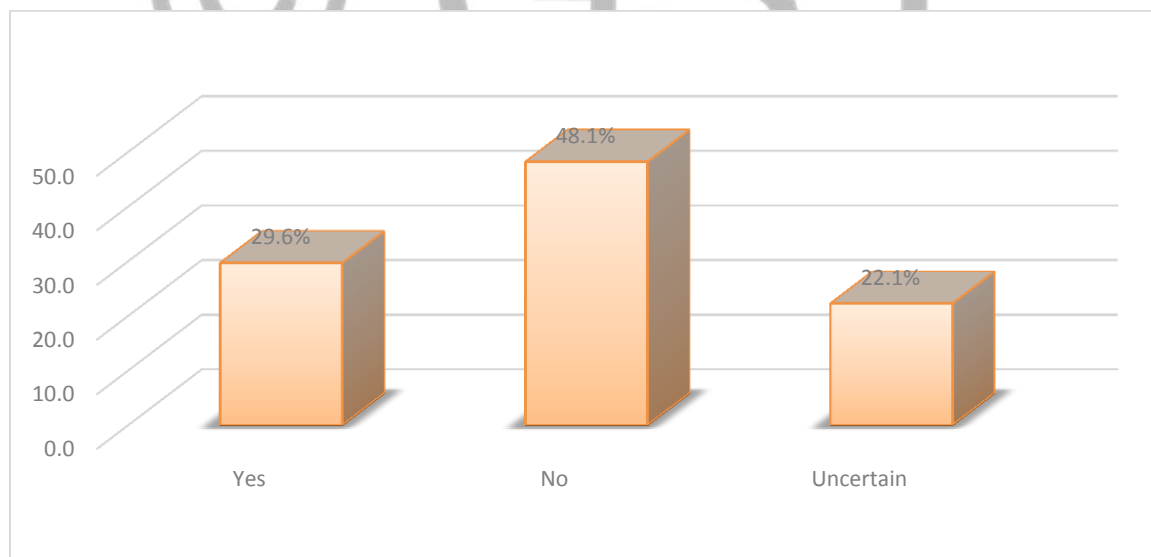


Figure 4.4: Debriefing of Unsuccessful Bidders

Source: Researcher's Field Work, 2015

Procurement entities are expected by law to give enough time for the preparation and submission of bids. Section 53(2) provides for the time for preparation of tenders by local suppliers which should be within four weeks. The study further reveals that 59 percent of the respondents (suppliers) believed that they were not given the stipulated time to prepare for bidding while 41.0 percent said that enough time is given to them by the schools to prepare and submit their bidding documents. These suppliers indicated they given enough time to prepare and submit their bid because they are able to prepare and submit their tender within the time given to them. Besides, the study revealed that 18.5 percent of suppliers cited a week as the duration given them to prepare the bids, 25.9 percent said four weeks and 55.6 percent indicated they were given 2 weeks. This implies that suppliers are often not given enough time to prepare and submit the bids. This has the tendency of not promoting effective implementation of the Act since the Act exist among others to promote fairness in public procurement.

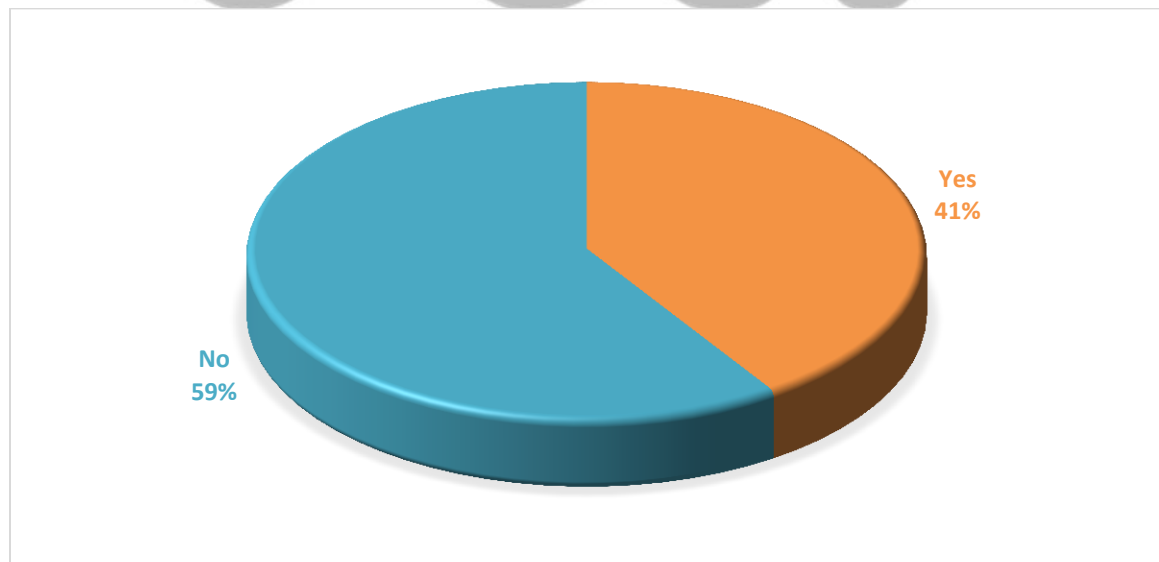
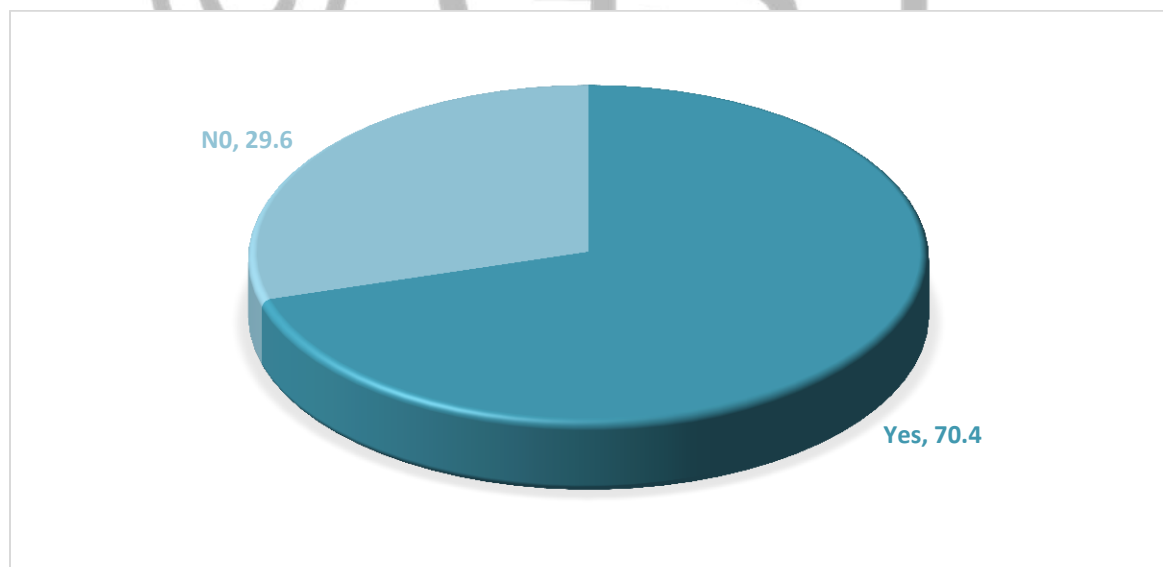


Figure 4.5: Preparation and Submission of Tenders

Source: Researcher's Field Work, 2015

The Public Procurement Act 663 under schedule 3 provides for the advertisement of contract for bidders to express their interest. The study reveals that 70.4 percent affirmed that indeed call for tender advertisement promote transparency in the procurement process as shown in Figure 4.5. However, 29.6 percent disagreed with this assertion. With regard to the media through which advertisement are run, 68.4 percent said local radio while 28.0 percent indicated they were called on the telephone. This finding is a reflection of the fact that these schools often use request for quotation. Calling prospective suppliers on the telephone to submit price quotation has the tendency of denying suppliers who have the potentials to deliver the opportunity to participate. This is because only suppliers who are on these schools suppliers' lists are often called on the telephone to submit their quotations.

**Figure 4.6: Transparency in the Procurement Process****Source: Field Work, 2015**

4.3.0. Assessment of the Knowledge of Procurement Officials on Public Procurement Act in Senior High School in Nadowli/Kaleo District

For Public Procurement Act to be implemented in Senior High Schools to its fullest, there is the need for staff who engage in procurement activities to have an in-depth knowledge of the provisions in the Act. As captured in Figure 4.7, 26.3 percent of the respondents were uncertain as to whether the procurement staff at the schools are knowledgeable about the demands of the Public Procurement Act 663, 28.9 percent agrees whilst 44.7 disagrees that procurement staff at the schools are knowledgeable about the demands of the Public Procurement Act 663. The findings from the study implies that staff who are engaged in procurement activities lack the necessary knowledge needed to carryout procurement activities effectively. This is in line with Osei-Afoakwa's (2013) assertion that the Public Procurement Act has been challenged with capacity issues with regards to the right caliber of expert to carryout procurement activities efficiently from its inception in 2003.

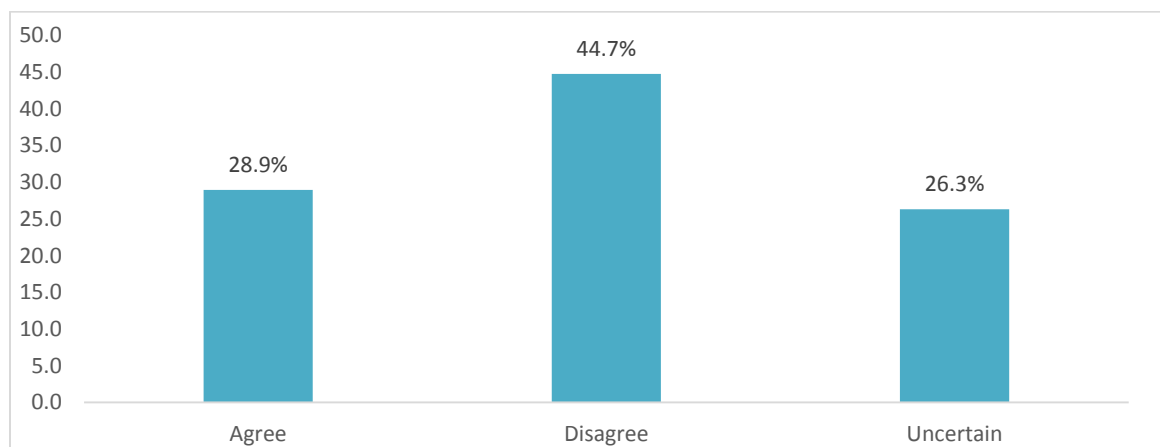


Figure 4.7: Knowledge on the Demands of the Public Procurement Act 663

Source: Field Work, 2015

Furthermore, training brings about the acquisition of knowledge necessary for the discharge of duties as well as responsibilities. It is an important tool in equipping procurement staff with the skills needed to carry out procurement activities as expected. Consistent with Onyinkwa's observation (2013), that compliance to lay down rules by upholding integrity, the showcasing of competences and the attainment of skills are made possible through training. Respondents were asked whether they had received training on public procurement within the past five years. Out of the 38 respondents, 34.2 percent said they had received training on public procurement whilst 65.8 percent responded to the contrary. This is depicted in Table 4.6. This assertion was confirmed by 59.5 percent of suppliers who stated they had not had training on public procurement. The finding from the study implies that official who handle procurement activities lack the necessary skill needed for the smooth operation of the Act 663 considering the fact public procurement is quite a technical area. This finding corroborates Forgor's (2007) finding, which states that tenderers are challenged with inadequate capacity issues relating to the absence of understanding of the fundamentals of the law, inability to comprehend the standard tender documents and inadequate professional skills to compete in the bidding process in addition to the non-availability of training. Out of the 13 respondents who said yes, 61.5 percent had training once, 30.8 percent had training twice whilst 7.7 percent indicated they have received training thrice. Again the finding from the study implies that training is not done frequently as expected to keep officials involved in public procurement abreast with current trends in procurement. This agrees with Onyinkwa (2005) observation that it is often difficult to employ and keep personnel with unique

skills who are committed, moral sound and with zeal. According to Segal and Summer (2002), training promotes ethical behavior which supports the procurement process which eventually gives confidence to suppliers to participate in government business.

Table 4.6: Training on Public Procurement

Variables	Frequency	Percent
Yes	13	34.2
No	25	65.8
Total	38	100.0

Source: Field Work, 2015

4.4.0. Challenges in the Implementation of the Public Procurement Act 663

Governments' ability to fulfill their mandate to the citizenry will depends, to a large extent, on how efficient their procurement activities are carried out across all sectors. Public procurement in Senior High Schools are bedeviled with a wide range of challenges. Key among them are delays in the release of funds by central government, inadequate number of procurement units, lack of professional procurement staff, high cost of procurement and bribery and corruption.

From Figure 4.8, it is apparent that 73.7 percent of represent indicated that Senior High Schools do experience delays in the release of funds to carry out their procurement activities. However, 26.3 percent of respondents responded contrarily. Respondents were asked how the delay in the release of fund affect their procurement activities. Out of the 28, respondents, 22 respondents representing 78.6 percent cited delay in the payment of supplier while 6 of them constituting 21.4 percent cited that it makes schools defy the

application of the appropriate procurement methods as outline in Act 663. By awarding contracts to suppliers who have the patience to wait for funds to be released before they are paid contract executed. The result from the study indicates that there is delay in the release of funds to Senior High Schools which adversely affects their procurement activities. As a result of the delay in the release of funds suppliers are not paid on time and as well schools are tempted to accord contracts to suppliers understand that these schools are challenged with the release of fund from central government. This finding corroborated Azeem (2007) assertion that public procurement is confronted with the problem of deferral in the settlement of contractors and suppliers and the spreading of procurement law. The results from the suppliers response corroborates this assertion as 71.4 percent of respondents reiterated that they do not receive prompt Payment after execution for the delay in payment 80.0 percent of the supplier cited unavailability of funds while 20.0 percent cited multiple payment steps.

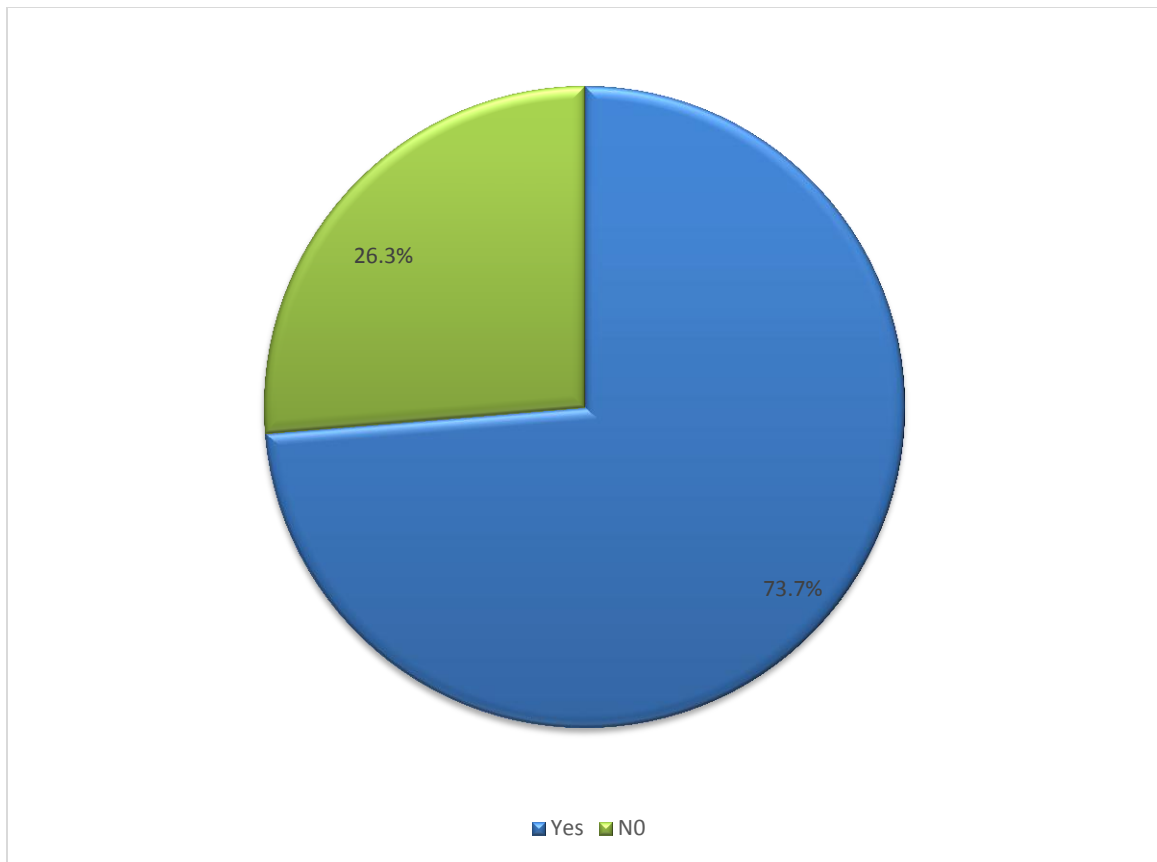


Figure 4.8: Delay in the Release of Funds by Central Government

Source: Field Work, 2015

With regards to whether suppliers are affected in any way by the delay in payment of contract executed, 74.1 percent of respondents said that they were affected by the delay in payment of contract whilst 25.9 percent do not think they were affected by the delay of payment of contracts. Respondents attributed the delay in payment of contracts executed to the delay in release of funds by central government. Table 4.7 depicts the results. 16 respondents represent 62.9 percent of respondents indicated that the delay in payments affected their operating capital as it is often locked up whilst 37.1 percent

confirmed that the delay in payment makes the capital losses its value. As revealed from the finding, suppliers are affected by the delay in payment if contracts executed as the operating capital is locked up by the supplies they make to the Senior High Schools. This finding is in tandem with Anvuur et al (2006) assertion that government contracts are characterized by payment deferrals, insecurity of funding and a lot of arrears. This results in contracts being abandoned and suppliers forced into liquidation as their capital is locked up by procuring entities and often the supply of sub-standard goods.

Table 4.7: Delay in Payment of Contracts Executed

Variables	Frequency	Percent
Yes	20	74.1
No	7	25.9
Total	27	100.0

Source: Field Work, 2015

Also, each procurement entity is obliged to have in place the necessary procurement structures to carry out with the procurement activities. These structures include the procurement unit, entity tender committee, the entity evaluation panel and the tender review board. From the study, it was revealed that 79 percent of respondents stated that their schools have the required procurement structures to carryout procurement activities as stipulated in the Act. However, 21 percent stated that their schools do have the required procurement structures.

A Procurement Unit is an outfit within the Procurement Entity with the responsibility of superintending procurement. It among others receive procurement requests from officers, checking that the proposed procurement is within the approved procurement plan and that budgeted funds are available for the commencement of procurement proceeding. From the study it was revealed that 83, 89 and 87 respondents from Queen of Peace S.H.S, Kaleo S.H.T and St. Basilide's Vocational Institute respectively said their schools do not have Procurement Unit. This is a worrisome situation which demand an immediate remedy if the procurement Act is to function well in these schools. Expertise is not stress on due to the unavailability of procurement unit leading to the dispersal of the procurement activities through other administrative activities (Onyinkwa, 2013).

The Entity Tender Committee is required to be established in each Procurement Entity with a structure as defined in schedule 1 of the Act. It is responsible for reviewing and approving quarterly updates and annual procurement plans. From the findings (as shown in the Table 4.8), 100 percent, 79 percent and 67 percent of respondents from Queen of Peace S.H.S, Kaleo S.H.T and St. Basilide's Vocational Institute respectively stated that their schools have in place Entity Tender Committees. This is an indication that Senior High Schools do have Entity Tender Committee needed to carry out the procurement activities. Therefore, procurement plans and their updates will always be reviewed and approved by the appropriate body.

Every Procurement Entity is required by the Act to appoint a Tender Evaluation Panel with the required expertise to evaluation bids and as well assist the Tender Committee in its work. From Table 4.8, 92 percent, 83 percent and 9 of respondents from

Queen of Peace S.H.S, Kaleo S.H.T and St. Basilide's Vocation Institute stated that their respective schools have Tender Evaluation Panel. From the finding, it is indicative that St. Basilide's Vocation Institute do not have Tender Evaluation Panel. This implies that the tendency for tenders to be evaluated by an inappropriate bodies is high leading to the possible selection of unsuitable tenders.

Table 4.8: Availability of Functional Procurement Structures

Variables	Queen of Peace S.H.S			Kaleo S.H.T		St. Basilide's Voc. Institute.	
		Yes	No	Yes	No	Yes	No
Procurement Unit	Frequency	3	10	1	8	1	7
	%	7	83	11	89	13	87
Entity Tender Committee	Frequency	12	0	11	2	6	3
	%	100	0	7	21	67	10
Tender Evaluation Panel	Frequency	11	1	10	2	1	10
	%	92	8	83	17	9	91

Source: Field Work, 2015

According to the result shown in Figure 4.9, 22.2 percent of the respondents indicated that the delays in awarding contract are caused by the procurement Act 663, 11.1 percent were uncertain that the delays in awarding contract are due to the several

steps provided in the Act. However, 66.7 percent of respondent disagreed to this assertion that the delays in award of contracts are caused by the Act. This was confirmed by the results from the response of the officials in the school who are engaged in carrying out procurement activities where 37.7 percent disagreed that public procurement process is too long. The findings from the study implies that delay in the award of contracts are not necessary caused by the Public Procurement Act 663 but other hiatuses that may be administrative in nature. According to Ayitey (2012), the delays in government procurement are more attributable to administrative shortcomings within procuring entities rather than the procurement law itself.

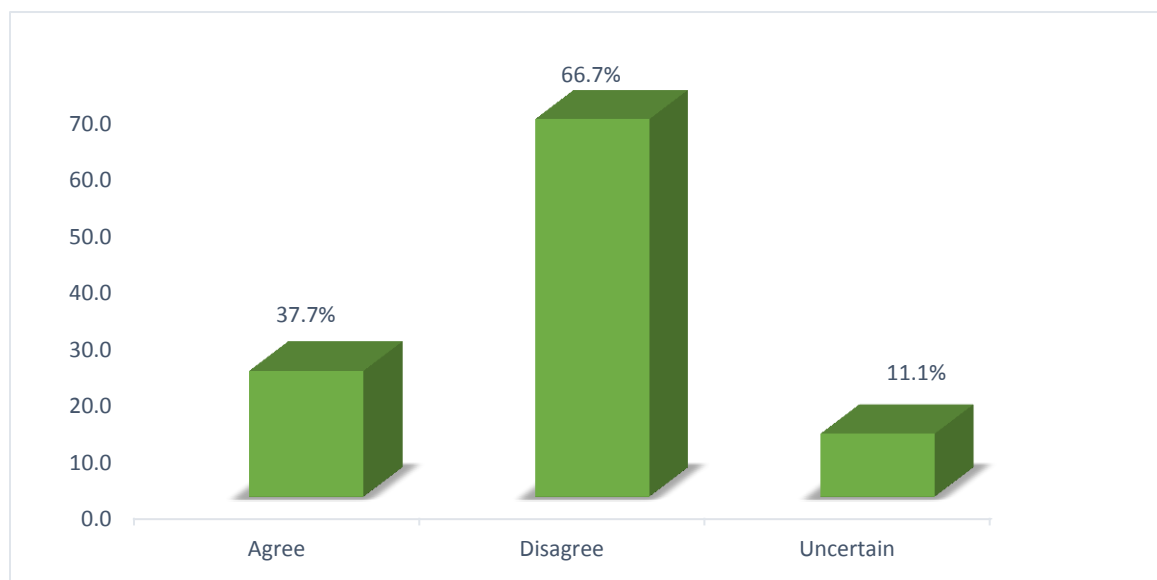


Figure 4.9: Delay in the Award of Contracts

Source: Field Work, 2015

The Public Procurement Act 663 (2003) has directed that notices be given in a widely circulated local and international newspapers by procuring entities about their dealings with the Public Procurement Authority in order to promote transparency and

accountability. The study showed that the cost of advertisements in the media, payment of allowances for entity tender committee members and evaluation panel members and refreshments during opening of tenders among others add up to the cost of procuring an item from suppliers. From Table 4.9, 23.7 percent indicated that the cost of public procurement of works and goods were not too expensive whilst 76.3 percent confirmed that cost of public procurement of works and goods was too high. This finding confirmed Dabaga (2013) assertion that the cost of obtaining goods and services for state institutions has increased for over the years where in some instances, the advertising cost becomes more than the cost of the item due to the attempt to adhere to the Public Procurement Act.

Table 4.9: Costs of Public Procurement of Works and Goods

Variables	Frequency	Percent
Yes	29	76.3
No	9	23.7
Total	38	100.0

Source: Field Work, 2015

Besides, the study sought to establish the interference of politicians in the award in the award of contracts. Figure 4.10 Shows that 28.9 percent of respondents confirmed the influence of politicians in the award of contract while 71.1 percent responded contrarily by indication the noninterference of politicians in the award of contracts. The findings from this study indicates that political influence is not quite apparent in public procurement activities in Senior High Schools. This result from the study contradicts the

(World Bank, 2004) assertion that politicians supposed right to interfere in the procurement procedures often result in fickle procurement decisions. This could be so because of the nature of contracts often entered into by the schools and the administrative systems run in public Senior High Schools.

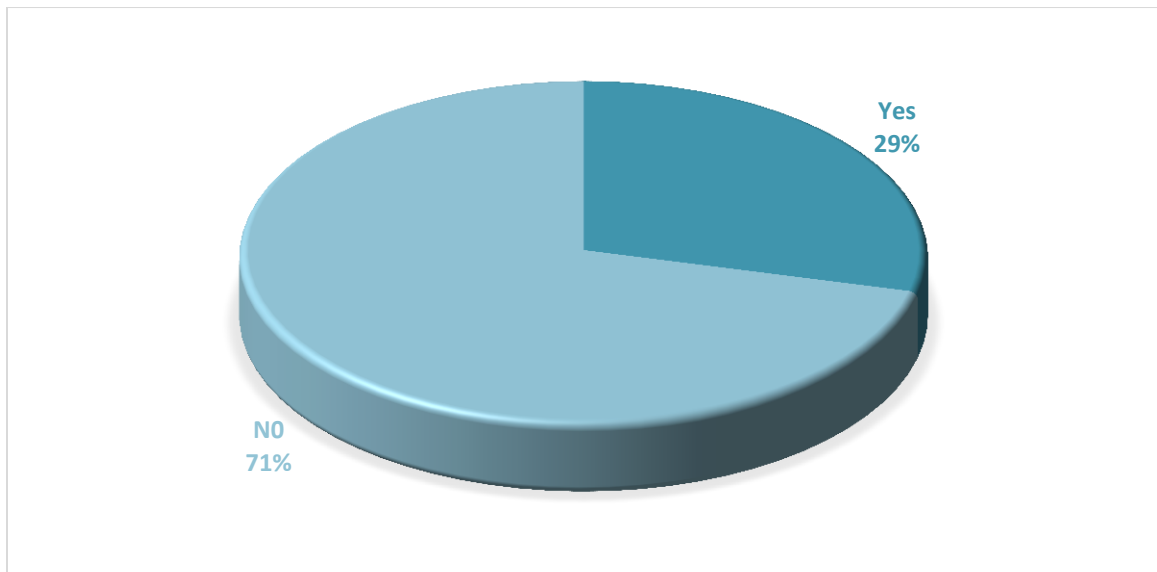


Figure 4.10: Political Interference in the Award of Contract

Source: Field Work, 2015

Bribery and corruption can have a very high cost to the society at large. For instance, the investment cost of a specific project in a contract which was obtained by bribery will escalate. Besides, competition is often absent when there is bribery at the contracting stage through price-fixing or collusion. As represented in Figure 4.11, it is palpable that bribery and corruption exist in Senior High School procurement activities. Fifteen percent were uncertain as to whether bribery and corruption exist in Senior High School procurement activities and 22 percent said that there was no bribery and corruption exist in Senior High School procurement activities. However, 63 percent

agrees that bribery and corruption do exist. This results agrees with Public Procurement Authority (2013) assertion that frauds can be traced in public procurement and shows up in the form of contractor-client payoffs often referred to in the local parlance as kickbacks and as well as enticement culminating into shoddy contracts with its adverse effect on the society at large. This finding is further corroborated by (Lengwiler and Wolfstetter, 2006) who observed that public procurement has been seen as an area of fraud and unwanted.

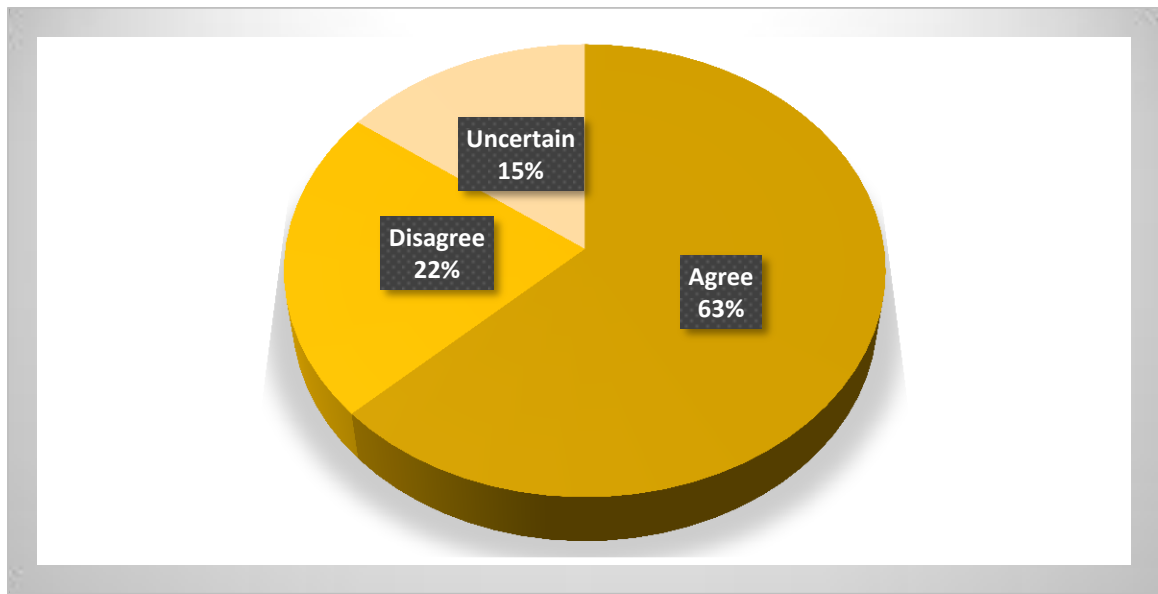


Figure 4.11: Existence of Bribery and Corruption in Public Procurement

Source: Field Work, 2015

The analysis showed that, 8 percent of respondents were uncertain that procuring entities and staff are held accountable for their actions and 22 percent agrees that procuring entities and staff are held accountable for their actions. However, 70.4 disagree with assertion. The findings from the study indicated that our laws governing public procurement have not been strengthened enough to ensure procurement professional or

entities that those who violate the lay down procedure are reprimanded. This was corroborated by Gikonyo (2014) study on corporate governance in Africa which indicated that Ghana and Nigeria in addition to other nations suffer from feeble law enforcement contrivance. According to Zubcic and Sim (2011) strict adherence to the laws can be achieved through the enhancement of punishment. Accountability is necessary for the society in general to enjoy the benefit of public procurement.

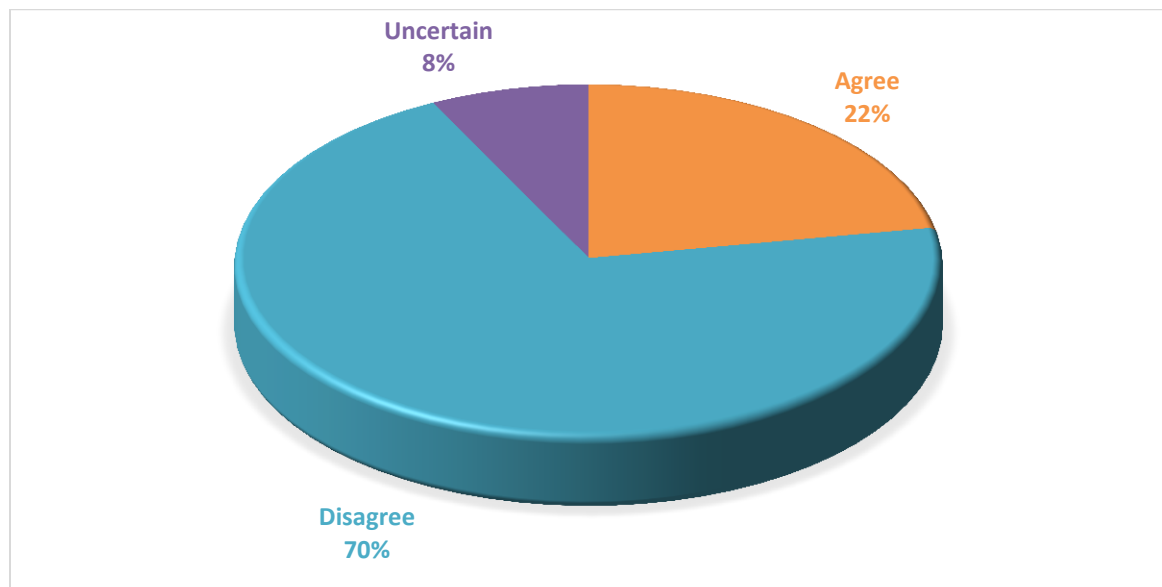


Figure 4.12: Procuring Entities and Staff are Held Accountable for Their Actions

Source: Field Work, 2015

From Figure 4.13, it is evident that 9 percent of the respondents indicated they obtain items requested for very early (within the first two weeks that the contract has been award for the supply of the goods), whilst 44.7 percent and 31 percent of respondents indicated quite early (goods supplied not late and not very early as well) and very late (delay in supplying the goods) respectively. This finding is quite impressive, it will go a long to ensure that the procurement Act stands the test of time. Sixty-six percent

of the respondents who stated that their schools get suppliers late cited lack of suppliers' capacity as the reason for the delay. This implies that the inability of schools to have funds released to them on time could result in their inability to give suppliers' mobilization and the award of contract based on the lowest bidder rather than their ability to deliver. Suppliers may be constrained financially in executing contracts which will have negative impact on the quality of goods supplied. Also, the award of contract to the lowest bidder has the tendency of affecting the quality since the lowest bidder may not have the capacity to deliver as expected.

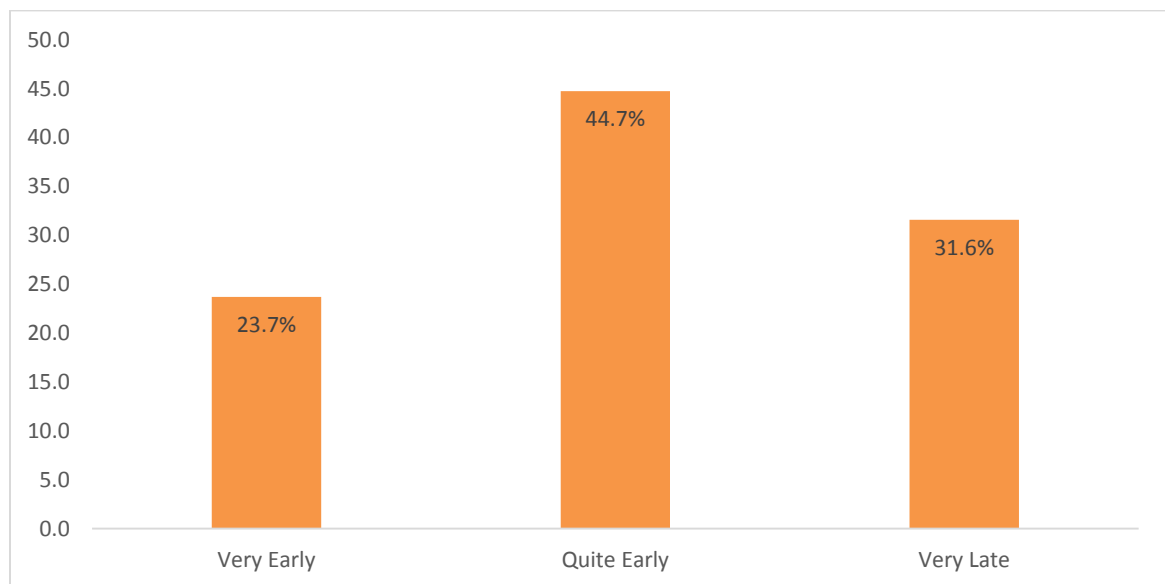


Figure 4.13: Supply of Items Requested

Source: Field Work, 2015

This study uncovered that there was inadequate monitoring and sanctioning of procurement entities and activities. This is depicted in Figure 4.14. The result implies that these schools' procurements are often not monitored let alone talk about sanctioning offenders if there are omissions. It is not an overstatement to opine that this gives

officials in charge of procurement the laxity to disregard some of the rules of the Act with impunity. According to Gunningham and Kangan (2005), the awareness of the total implementation benefits to organizations will awakens entities and individuals of the consequences of infringing on the law and ensure adherence to guidelines, and the risk of been rebuked is essential in having the laws obeyed.

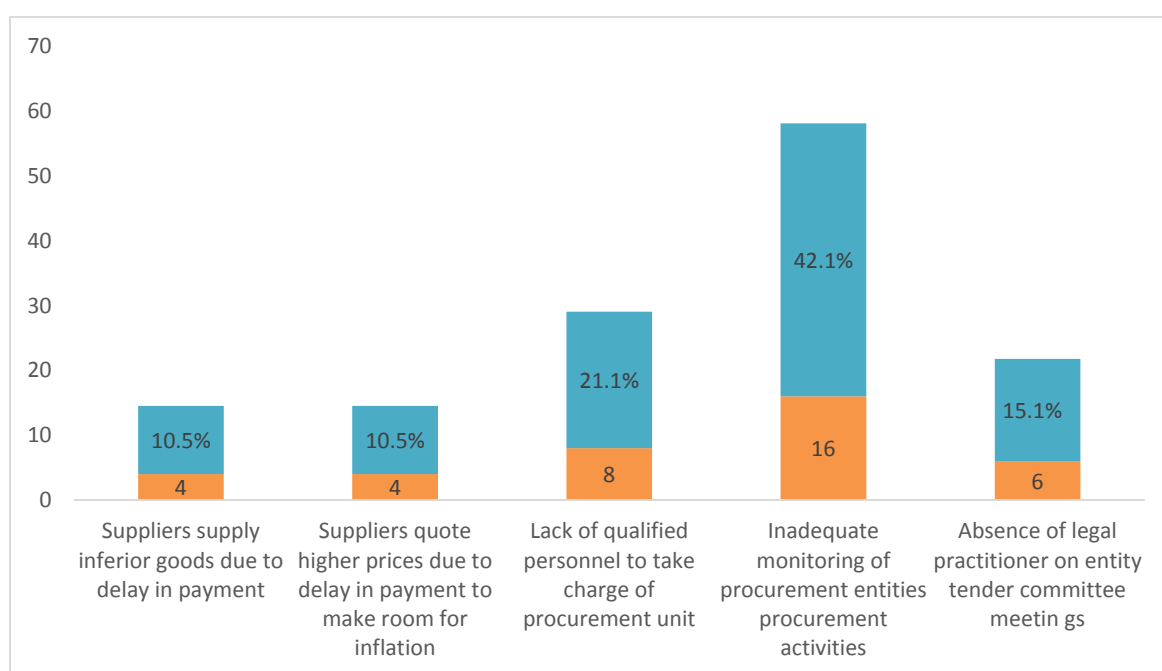


Figure 4.14: Other Challenges to Public Procurement in Senior High Schools

Source: Field Work, 2015

The result from the study as shown in Figure 4.15 indicated that 10.5 percent cited the appointment of procurement official, 13.2 percent and 26.3 percent cited prompt release of fund by government and regular monitoring and sanctioning of procurement entities procurement activities respectively. However, 50.0 percent cited the regular

review of the thresholds to meet prevailing economic conditions as the innovation that can be adopted to ensure effective and efficient public procurement in public Senior High Schools. This finding was corroborated by the result from the suppliers where 63.0 percent of the respondents cited the regular review of the thresholds as the major innovation that can bring effectiveness and efficiency in public procurement. Also, since the enactment of the procurement Act in 2003, the Ghana Cedis have experienced a great depreciation. However, the financial verge for procurement approaches, appraisal and authorization of these procurement approaches as stated in the procurement law under schedule 3 have not been re-examined (Osei-Afoakwa, 2013).

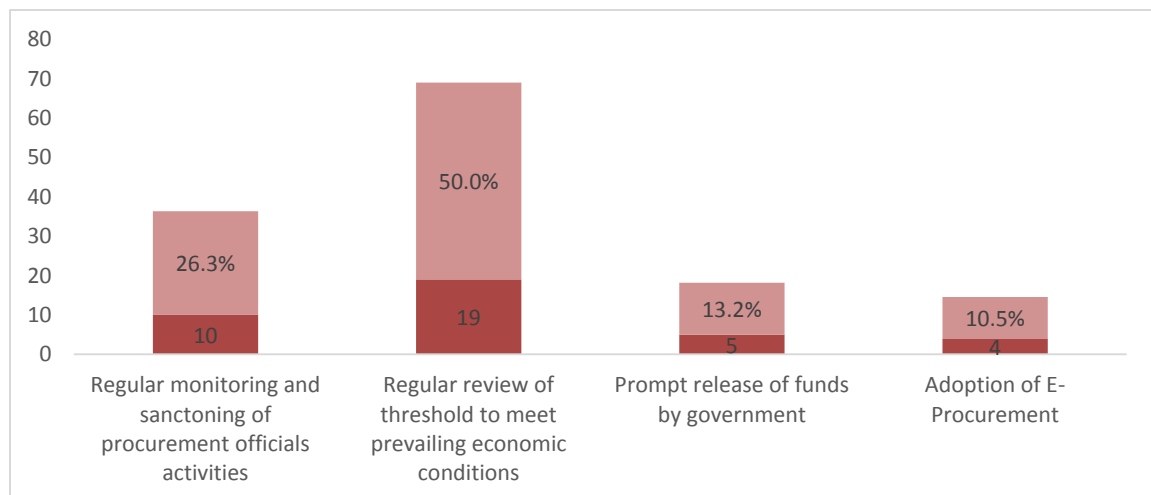


Figure 4.15: Measures that can Adopted to make Public Procurement Efficient and Effective

Source: Field Work, 2015

4.5.0 Suppliers Experience with Public Procurement

The Table 4.10 shows that 74 percent of the respondents indicated that they ever participated in public Senior High School contract whilst 26 percent respondents in negative. In terms of the number of contracts that respondents bid for within the year, 7.4 percent of them stated that they bid for 11 and above contract, 40.7 percent stated 6 to 10 contracts whilst 51.9 percent said they bid for 1 to 5 contracts. The finding from this study implies that greater number of suppliers who register with the schools participate in bidding for contracts from these schools.

Table 4.10: Respondents' Participation in Public Senior High Schools Contracts within the District

Variables	Frequency	Percent
Yes	20	74
No	7	26
Total	27	100.0

Source: Field Work, 2015

Results from the study further revealed that (as shown in Figure 4.16), 20 percent the respondents stated that they were satisfied with the whole process leading to the award of the contract the after month, 35 percent indicated they were quite satisfied whilst 45.0 percent stated that they were not satisfied. Respondents ascribed a number of reasons why they were not satisfied. As regards debriefing, 11 percent of the respondents

said they were not satisfied with the way it was conducted, 33.4 percent stated that their dissatisfaction had to do with their competitive nature whilst 55.6 percent cited difficulties in understanding the rules and procedures governing public procurement as a reason for them not being satisfied. This implies that suppliers are somewhat contend with the manner in which procurement activities are carried in the schools despite a few challenges such as difficulty in understanding some of the rules governing public procurement.

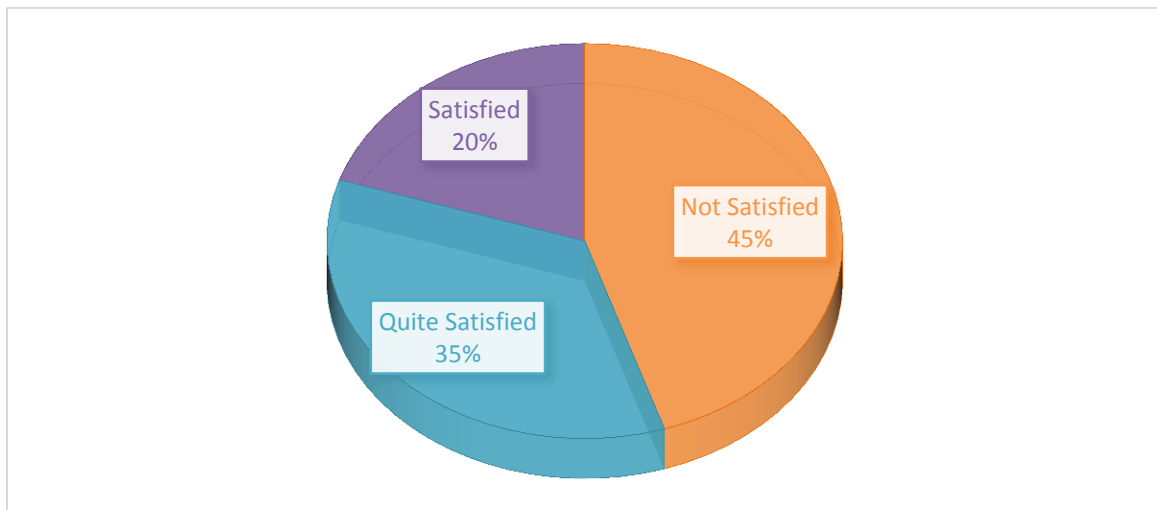


Figure 4.16: Suppliers Levels of Satisfaction with Contracts

Source: Field Work, 2015

Also, 33 percent of the respondents who stated that they never participated in public Senior High School procurement said they never did so because they were unsuccessful in the past whilst 67 percent cited difficult public procurement rules and procedure as the reason for their non-participation in public senior school procurement. The findings from the study implies that suppliers are unable to participate in public Senior High Schools procurement due to procedural challenges in the procurement.

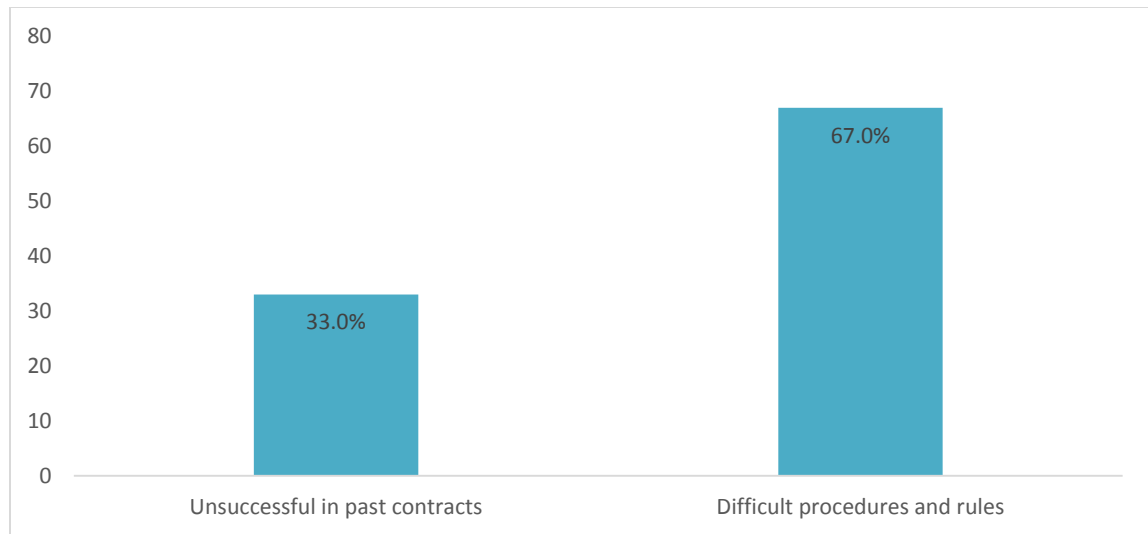


Figure 4.17: Reasons for Respondents Non-participation in SHS Tenders

Source: Field Work, 2015

It is clear from Table 4.11 that 100 percent respondents disclosed they never asked for a review or made an appeal when they were dissatisfied with the outcome. Giving reasons why they did not ask for a review, 22 percent cited that they were not having confidence in the system for reviewing decision whilst 78 percent cited fear of not winning future contracts as the reasons for not asking for a review or an appeal even though they were dissatisfied.

Table 4.11: Review When Dissatisfied with the Outcome

Variable	Frequency	Percent
No	9	100.0

Source: Field Work, 2015

CHAPTER FIVE

SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

5.0 Introduction

This chapter presents the summary of the study, conclusions that have been arrived at and recommendations. Also presented in this chapter are areas for further research which were identified in the process of conducting of the study.

5.1 Summary of Findings

5.1.1 Operationalization of Public Procurement in Public Senior High Schools

Public Entities are supposed to prepare and submit annual procurement plans to PPA. These plans must also be posted at PPA website. The study has established that this legal requirement has not been complied with. Only the Queen of Peace S.H.S out of the three schools prepares its annual procurement plan for approval by the school tender committee, but it does use the public procurement software. The plans are not also posted on PPA website as mandated.

Senior High Schools are not able to comply with all rules and regulations regarding public procurement. This is attributable to lack of knowledge of procurement procedures by staff of the schools and the cumbersome nature of procurement process or procedures.

The schools were found to be applying the appropriate procurement methods as specified in schedule 3 of Act 663. Request by quotation was often used based on the selection of the lowest bidder. However, sole sourcing was used for items that are

technical in nature. The Tender Committee of these Senior High Schools within the District meet quarterly as required by the Act. This is in line with Section 18 of the Public Procurement Act 663. Tenders are submitted in tender box and publicly opened at the end of the tender period as required by Section 56 of the Public Procurement Act 663. This enhances transparency in the procurement process.

Unsuccessful bidders are expected to be debriefed within reasonable time as stipulated in Section 65(9). The Senior High Schools under review do not debrief unsuccessful bidder within reasonable time. Contrary to Section 53(2) of the Act gives a period not exceeding four weeks, suppliers are often not given enough time to prepare and submit bid. However, most bidders are given two (2) weeks to prepare and submit bids.

Advertisement of tenders help ensure transparency in the procurement process. Contracts are supposed to be advertised for interested contractors/suppliers to bid for. Advertisement for supply of items is often done through the local radio.

5.1.2 Assessment of Procurement Entities Officials' Knowledge on Public Procurement

Procurement staff at the schools are not knowledgeable about the demands of Public Procurement Act 663. This is reflected in the fact that procurement activities are handled by other professionals (Teachers) who are not professional procurement staff. Staff who are engaged in procurement activities lacks the necessary training needed to

ensure smooth operation of procurement activities. From chapter four only 34.2 percent respondents indicated they ever had training once, twice or thrice.

5.1.3. Challenges of Public Procurement

Public Senior High Schools in the District experience delay in the release of funds from the central government. The delay makes these schools defy the application of the appropriate procurement methods as outlined in the Act. They rather give contract to suppliers who understand their plight in terms of delay in the release of funds. The delay in paying suppliers does have adverse effect on their operations. Their operating capital is often locked up and it also makes their money to lose its value.

The study established that procurement units do not exist in Senior High Schools as stated by 80.2 of the respondents. The Public Procurement Act 663 specific the establishment of procurement structures and the procurement unit happened to be one. These structures are meant to support and strengthen the execution and supervision of procurement functions. St. Basilide's Vocational Institute in particular does not have Evaluation Panel. The absence of procurement units makes other functional department to take charge of procurement without technical expertise to carryout procurement activities to ensure value for money.

Delays in the award of contract are not caused by the implementation of the Public Procurement Act 663. These delays are attributable to administrative lapses within the various schools. The cost of public procurement of works and goods is too expensive. This cost emanates from advertisement of tenders, the payment of allowances for ETC and EPM and the other costs incurred prior to the award of contracts.

Political interference is barely visible in the procurement activities of Senior High Schools. Contracts are mostly awarded not based on any political influence. Bribery and corruption exist in the procurement of goods and works in public Senior High Schools. Procurement entities and staff are not held accountable for their actions. In most cases procuring entities that flout procurement rules and regulations are only summoned by the Public Account Committee for them to answer for the actions. However, legal actions are not often taken to recover the losses or have offenders punished for their actions to serve as deterrent to others.

The Senior High Schools understudy get items requested from suppliers on time. Most suppliers are able to supply items requested by schools quite early. Senior High Schools within the District face other challenges such as suppliers supplying inferior goods, suppliers quoting higher prices to cater for inflation, lack of qualified procurement personnel to take charge of procurement unit, inadequate monitoring of procurement entities procurement activities and absence of legal practitioners on entity tender committee meeting. However, inadequate monitoring of procurement entities procurement activities was paramount among them.

Innovation can bring about efficiency and effective in public procurement. Respondents mentioned the adoption of E-procurement, prompt release of funds by government to the schools, regular review of the threshold to meet prevailing economic conditions and regular monitoring and sanctioning of procurement official activities.

5.1.4. Suppliers' Experience with Public Procurement in Senior High Schools

Out of the 27 suppliers on whom the questionnaires were administered, seventy-four percent of them bid for contracts. Respondents who did not participate in public Senior High School's tenders stated that they were unsuccessful in the past which deterred them and cumbersome public procurement rules and process as reasons for their non-participation. As to whether suppliers were satisfied or not when they bid, four-five percent of the suppliers indicated they were not satisfied either because contracts were not awarded on a purely competitive bases or difficulties in understanding the rules and procedures. Furthermore, those unsatisfied tenders never made an appeal because they do not have confidence in the system for reviewing decisions and fear of not winning future contracts.

5.2 Conclusion

As revealed in the findings, public Senior High Schools are faced with a number of challenges. The study established that the absence of the procurement units which serves as the implementation arm at these public SHS has greatly affected the execution of procurement activities and functions. There is high inclination towards the use of less competitive procurement method (request for quotation) for procuring goods and service contracts at these Public Senior High Schools (SHS). This is attributable to low thresholds.

The absence of proficient staff to take charge of procurement activities has led to the dispersal of procurement activities in other administrative activities. Hence expertise is not often emphasized. Personnel in charge of procurement in these Senior High School

lacks regular training on the current trend in procurement. Procurement units do not prepare annual procurement plans demanded by the Public Procurement Authority. Instances where annual procurement plans are prepared, they are not forwarded to the Public Procurement Authority for approval.

Cost of procurement in the Senior High Schools is high. Often the tendency to procure in bit is high in these schools. This led to the cost of obtaining goods and services to be higher than the cost of the items being procured. The procurement Act.2003 (663) over a decade has not being reviewed. As a result, the thresholds do not meet prevailing economic conditions.

Finally, there has being delays in the release of fund by the central government. This often results in suppliers quoting higher prices to offset loses that are sustained due to delay in payment for goods supplier. Punitive sanctions have not been imposed on offenders of Public Procurement Act 663 to serve as deterrent to others who may want to violate it. The adoption of ICT is still low in public Senior High Schools procurement especially E-procurement. This has the potential of doing away with the much paper work thereby enhancing it efficiency.

5.3 Recommendations

At this section, some recommendations are made herein:

To begin with, as a matter of urgency, procurement units and tender evaluation panels should be created in all Senior High Schools and managed by qualified personnel with necessary and requisite procurement training and competence. To achieve this, procurement practitioners should be given in-service training and opportunities should be

created for the attainment of professional procurement qualification by sponsoring some of the teachers who have assumed the duties of procurement officials.

To curb the high cost of procurement, SHS should ensure that tenders are advertised in bulk within a particular period to avoid repetitive advertisements which comes with extra cost. Also, the preparation of tender documents should be carefully done to avoid mistakes that could lead to a repeat of the tendering process thereby incurring extra cost. That aside, Heads of Entities should monitor the evaluation process of tenders where most evaluators exaggerate the siting period to get more allowances when they could use few days to do the evaluation.

To tackle the threat of corruption on public procurement in SHS, there needs to be concerted effort to ensure strict enforcement of laws to achieve the purpose for which those laws were enacted. There is the need to strengthen the institutional infrastructures and also ensure effective monitoring mechanisms. If procurement laws and regulations are not enforced to the letter, issues of corruption will continue to cover headlines in both the print and electronic media. The need for institutional transformation and the development of effective legislative and regulatory framework as mentioned by Transparency International is therefore a wakeup call in the right direction. Also, there should be audit implementation committee in each public institution to ensure audit recommendations are implemented to forestall future occurrence of past corrupt practices. Besides, there should be a clear statement in the law declaring that in the performance of their functions, the entity tender committees and evaluation panel members not subject to the control of any spending authority.

In addition, the threshold for the various approval levels should be reviewed as early as possible. Where procurement goes beyond the entity threshold, it is often sent to the Review Boards for approval. This often results in bureaucracy which leads to the delay in procuring items. To minimize this challenge, the threshold of entities should be reviewed upwards to match the prevailing economic conditions. This will enable them to handle most procurement at their levels instead of constantly seeking for approval from the approving authorities. However, there should be some amount of monitoring of the processes. Besides, the PPA could be given the mandate to review the thresholds periodically and get parliament informed of the adjustments

It is recommended that the media and other non-governmental organizations especially those with anti-corruption interest should support the Public Procurement Authority in ensuring that procuring entities especially Senior High Schools annual procurement plans and contracts are posted or published appropriately in Public Procurement Authority website, newspapers, television, radios, the entities website and the like. These civil societies can do this by facilitating the publishing of these entities procurement activities as well as monitoring these entities to ensure that those who do not publish their activities are brought to the spotlight. This will enhance compliance and transparency.

Also procurement professionals should be recruited as procurement officers for the various Senior High Schools. Graduate who have acquired Higher National Diploma in Purchasing and Supply should be employed to take charge of procurement units of these schools. The introduction of procurement and supply chain management at the masters' level by University for Development Studies and other universities will also

contribute immensely toward the training of procurement professional to handle procurement activities in public entities.

Finally, there is the need for governments to ensure that funds are released on time to public Senior High Schools to run their procurement activities. Strong political will is required by government to ensuring that priority is given to issues on education. Funds should always be released at least two (2) weeks before reopening of schools. This will avoid instances where schools delay in the award of contract and payment of suppliers their due. In effect, it enhances the procuring entity-suppliers relationship.

5.4.0 Suggestion for Future Research

Further research should be undertaken on the implementation challenges of E-procurement in public Senior High Schools. E-procurement has the potentials of eliminating the much paper work often associated with public procurement thereby making it more efficient. Also, the effects of sustainable procurement in Ghana's public procurement should be further researched on. Sustainable Procurement is concerned with the balancing of economic development, social development and environmental protection are against business needs. It has the potential of cutting down costs, reducing timescales, improving stakeholder relationships, increase sales, reduce risks, enhance reputation and improve profit margins of firms.

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APPENDIX I**UNIVERSITY FOR DEVELOPMENT STUDIES****SCHOOL OF BUSINESS AND LAW**

Thesis topic: Public procurement regulations in Public Senior High Schools of Nadowli/
Kaleo District

Questionnaires for Suppliers of Senior High Schools

The research is part of a survey being conducted in partial fulfillment of the award of Masters of Commerce from University for Development Studies (UDS). Any information provided would be treated as confidential and be used for only academic purposes. The information is needed to enable the researcher assess the impact of the Public Procurement regulations in public Senior High Schools of Nadowli/ Kaleo District

For the Interviewer:

Name of Interviewer:.....

Date of interview:.....

Starting time:.....

Time ended:.....

For the Respondent:

Name of respondent (optional).....

Name of Organization

Name of District/Metropolis.....

Telephone number (optional)/.....

SECTION A: PERSONAL DATA**1. Gender/Sex**

Male []

Female []

2. Age Group

16-30yrs [], 31-45yrs [], 46-60yrs [], 61yrs and above []

3. Level of education

a. Junior High Sch. []

b. Senior High Sch. []

c. Diploma []

d. First Degree []

e. Masters []

f. Others, Specify.....

**SECTION B: THE OPERATIONALIZATION OF THE PROCUREMENT ACT
IN SENIOR HIGH SCHOOLS****4. What items do you supply?**

.....

.....

.....

5. Does calls for tender advertisement help to bring transparency in procurement process?

a. Yes []

b. No []

6. If Yes to Q5, which media?

a. National Newspaper [] b. Website of PPA [] c. Local radio []

d. Journal [] e. Telephone []

7. Does procuring entity give you enough time to prepare for bidding and to obtain documents?

a. Yes []

b. No []

8. What is the length of time given to you to prepare for bidding and to obtain documents?

a. One week []

b. Two weeks []

c. four weeks []

9. Are you convinced that procuring entities apply appropriate procurement procedures?

- a. Yes [] b. No []

10. Which method is commonly used by procuring entities?

- a. National competitive tendering [] b. Request for Quotation []
c. Sole Sourcing [] d. Restricted Tendering []

11. Do the bidders who are unsuccessful debriefed within reasonable time?

- b. Yes [] b. No [] c. Uncertain []

SECTION C: POTENTIAL CHALLENGES OF THE PUBLIC PROCUREMENT ACT 663

12. Do you think the award of public tender in Senior High Schools is fair and non-discriminatory?

- a. Yes [] b. No []

13. Do you receive prompt payment after execution of contract?

- a. Yes [] b. No []

14. If No to Q13, why?

- a. Many payment steps [] b. Centralized payment system []
c. Unavailability of fund []

15. Are you affected in any way by the delay in payment?

- a. Yes [] b. No []

16. If yes to Q15, in which way are you affected?

- a. Operating capital is locked up []
b. Time value of money []
c. Others,
specify.....

17. How long does it take for you to get paid after execution of contract?

- a. One month []
b. Four month []
c. Six month []

d. One year []

18. Do you agree that the delays in awarding contracts are caused by the procurement Act 663?

(Circle the number that most closely approximates your agreement)

Agree	Disagree	Uncertain
1	2	3

19. Do you share the view that corruption exist in senior high school procurement activities?

(Circle the number that most closely approximates your agreement)

Agree	Disagree	Uncertain
1	2	3

20. What other factors could serve as challenges to public procurement

.....

.....

.....

.....

.....

.....

SECTION D: SUPPLIERS EXPERIENCE WITH PUBLIC PROCUREMENT

21. Have you ever participated in any public senior high school contract?

a. Yes []

b. No []

22. Could you tell if you are satisfied with the result?

b. Not satisfied []

c. Quite Satisfied []

d. Satisfied []

23. If you were not satisfied, please give the reason why

a. Contract not awarded on a purely competitive bases

[]

- b. Not properly informed of the reasons for bid not being successful/rejected
[]
- c. Some or all the rules and procedures are too difficult to understand
/comply []
- d. Lack of information on calls for tender
[]

24. If you have not participated in any public tender, why have you not done so?

- a. Difficult public procurement rule and procedures []
- b. Insufficient advertising of call for tender []
- c. Lack of fairness in public procurement []
- d. Unsuccessful in the past []
- e. Others []

25. Have you ever asked for review/ made an appeal when you were dissatisfied with the outcome?

- a. Yes []
- b. No []

26. If Yes to **Q25**, what step did you take?

- a. Lodged a claim with the procurement review board []
- b. Made an appeal to a high court []
- c. Made a claim with the Public Procurement Authority []

27. If No to **Q25**, why?

- a. No confidence in the system for reviewing decisions []
- b. Fears that you might win future contracts from the school whose decision you have challenged []
- c. Slow review system []
- d. No opportunity to appeal as the contract was already signed when learn of the decision []
- e. Possible legal cost []

28. How many public Senior High Schools contracts per year has your company bid for?

- a. One to five []
- b. Six to ten []
- c. Eleven and above []

29. Has your organization received training on public procurement?

- a. Yes [] b. No []

SECTION E: GENERAL

30. Do you agree that procuring entities and staff are held accountable for their actions?

(Circle the number that most closely approximates your agreement)

Agree	Disagree	Uncertain
1	2	3

31. What innovation do you think can be adopted to promote effective and efficient public procurement in public Senior High Schools?

.....

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.....

.....

Thank you.

APPENDIX II

UNIVERSITY FOR DEVELOPMENT STUDIES

SCHOOL OF BUSINESS AND LAW

Thesis topic: Public procurement regulations in Public Senior High Schools of Nadowli/
Kaleo District

Questionnaires for Tender Committee Members

The research is part of a survey being conducted in partial fulfillment of the award of Masters of Commerce from University for Development Studies (UDS). Any information provided would be treated as confidential and be used for only academic purposes. The information is needed to enable the researcher assess the impact of Public Procurement regulations in public Senior High Schools of Nadowli/ Kaleo District

For the Interviewer:

Name of Interviewer:.....
Date of interview:.....
Starting time:.....
Time ended:.....

For the Respondent:

Name of respondent (optional).....
Name of school.....
Name of District/Metropolis.....
Telephone number (optional).....

SECTION A: PERSONAL DATA**1. Gender/Sex**

Male []

Female []

2. Age Group

16-30yrs [], 31-45yrs [], 46-60yrs [], 61yrs and above []

3. Level of education

a. Junior High Sch. []

b. Senior High Sch. []

c. Diploma []

d. First Degree []

e. Masters []

f. Others,

specify.....

4. Occupation.....

.....

5. Which level of procurement do you belong to?

a. H.O.D []

b. Entity Tender Committee []

c. Evaluation Panel []

d. Others, (Specify).....

**SECTION B: THE OPERATIONALIZATION OF THE PROCUREMENT ACT
IN SENIOR HIGH SCHOOLS OF NADOWLI/KALEO DISTRICT****6. Does your institution undertake procurement activities?**

a. Yes []

b. No []

7. Does your institution prepare and post annual procurement plans at PPA Website?

a. Yes []

b. No []

8. In preparing these plans, do you use the Procurement planning software?

a. Yes []

b. No []

**9. Does your institution comply with the rules and regulations regarding
procurement processes?**

a. Yes []

b. No []

10. If No to **Q9**, give your

reason(s).....

11. Have you been posting your tender advertisement and contract awards at PPA website?

a. Yes []

b. No []

12. Does your institution open tenders immediately after deadline?

a. Yes []

b. No []

13. If No to **Q12**, what could be the reason(s)?

a. Some tenderer may submit their tenders later []

b. Evaluation Panel need time to prepare []

c. Some tenderers may not be available immediately after deadline []

d. Others, specify.....

14. Are tenders opening conducted in the public?

a. Yes []

b. No []

15. Does your institution always apply the appropriate procurement methods?

a. Yes []

b. No []

16. What procurement method is often used by your institution?

a. Sole sourcing []

b. Request for Quotation

[]

c. Restricted method []

c. National Competitive Tendering

[]

17. Why the preference for that method? (use **Q16** above)

.....

18. How often does the tender committee meet?

Monthly [] Quarterly [] Every six month [] Yearly []

**SECTION C: ASSESSMENT OF THE KNOWLEDGE OF
PROCUREMENT OFFICIALS ABOUT PUBLIC PROCUREMENT
PRACTICES IN SENIOR HIGH SECHOOOL IN NADOWLI/KALEO
DISTRICT**

19. Are the procurement practices and procedures known to you?

a. Yes []

b. No []

20. Do you agree that procurement staff at the schools are knowledgeable about the demands of the Public Procurement Act 2003 (Act 663)?

(Circle the number that most closely approximates your agreement)

Agree	Disagree	Uncertain
1	2	3

21. Have you received any training on public procurement for the past five years?

a. Yes []

b. No []

22. Indicate the number of times you have received training on Act 663?

b. Once []

b. Twice []

c. Three times []

c. More than three times []

**SECTION D: POTENTIAL CHALLENGES IN THE IMPLEMENTATION
OF THE PUBLIC PROCUREMENT ACT**

23. Do Senior High Schools experience delays with fund release? Yes [] No []

24. If yes, how does that affect your procurement activities (use reasons in Q23 above)

.....

25. Does your institution have the required procurement structures to carry out procurement activities as stipulated in the Act?

Yes [] No []

26. If No to **Q23**, indicate whether your institution have the following committee/panel or not

a. Procurement Unit Yes [] No []

b. Entity Tender Committee Yes [] No []

c. Evaluation Panel Yes [] No []

27. Are the level of approvals of procurement necessary? Yes [] No []

28. The general perception is that public procurement process is too long. Yes []
No []

29. Are the cost of public procurement of works and goods too expensive? Yes []
No []

30. Do you experience delay in the payment of suppliers? Yes [] No []

31. If yes to **Q30**, what are some of the causes of the delay in paying suppliers?

.....
.....
.....
.....

32. Do you experience any political interference in the award of contract? Yes []
No []

33. How early do you get items requested for delivered?

Very Early [], Quite Early [], Very Late []

34. What do you think could be the reason(s) for delay in getting items from suppliers? If your answer is **Very late** from **Q33**

.....
.....
.....
.....

35. What other factors could serve as challenges to public procurement in your institution?

- i).....
- ii).....
- iii).....
- iv).....

36. What innovations do you think can be adopted to promote effective and efficient public procurement in public Senior High Schools?

- i).....
- ii).....
- iii).....
- v).....

Thank you for your time

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APPENDIX III**UNIVERSITY FOR DEVELOPMENT STUDIES****SCHOOL OF BUSINESS AND LAW**

Thesis topic: Public procurement regulations in Public Senior High Schools of Nadowli/
Kaleo District

Questionnaires for Heads of Departments of Senior High Schools

The research is part of a survey being conducted in partial fulfillment of the award of Masters of Commerce from University for Development Studies (UDS). Any information provided would be treated as confidential and be used for only academic purposes. The information is needed to enable the researcher assess the impact of the Public procurement regulations in public Senior High Schools of Nadowli/ Kaleo District

For the Interviewer:

Name of Interviewer:.....

Date of interview:.....

Starting time:.....

Time ended:.....

For the Respondent:

Name of respondent (optional).....

Name of school.....

Name of District/Metropolis.....

Telephone number (optional)/.....

SECTION A: PERSONAL DATA**1. Gender/Sex**Male [☐]Female [☐]**2. Age Group**16-30yrs [☐], 31-45yrs [☐], 46-60yrs [☐], 61yrs and above [☐]**3. Level of education**a. Junior High. Sch. [☐]b. Senior High. Sch. [☐]c. Diploma [☐]d. First Degree [☐]e. Masters [☐]

f. Others,

specify.....

4. Occupation.....

.....

5. Which level of procurement do you belong to?a. H.O.D [☐]b. Entity Tender Committee [☐]c. Evaluation Panel [☐]

d. Others, (Specify).....

**SECTION B: THE OPERATIONALIZATION OF THE PROCUREMENT ACT
IN SENIOR HIGH SCHOOLS****6. Does your institution undertake procurement activities?**a. Yes [☐]b. No [☐]**7. Does your institution prepare and post annual procurement plans at PPA Website?**a. Yes [☐]b. No [☐]**8. In preparing these plans, do you use the Procurement planning software?**a. Yes [☐]b. No [☐]**9. Does your institution comply with the rules and regulations regarding
procurement processes?**c. Yes [☐]b. No [☐]

10. If No to **Q9**, give your

reason(s).....

11. Have you been posting your tender advertisement and contract awards at PPA website?

a. Yes [] b. No []

12. Does your institution open tenders immediately after deadline?

a. Yes [] b. No []

13. If No to **Q12**, what could be the reason(s)?

a. Some tenderer may submit their tenders later []
 b. Evaluation Panel need time to prepare []
 c. Some tenderers may not be available immediately after deadline []
 d. Others,
 specify.....

14. Are tenders opening conducted in the public?

a. Yes [] b. No []

15. Does your institution always apply the appropriate procurement methods?

a. Yes [] b. No []

16. What procurement method is often used by your institution?

a. Sole sourcing [] b. Request for Quotation []
 d. Restricted method [] c. National Competitive Tendering []

17. Why the preference for that method? (use **Q16** above)

.....

18. How often does the tender committee meet?

Monthly [] Quarterly [] Every six month [] Yearly []

**SECTION C: ASSESSMENT OF THE KNOWLEDGE OF
PROCUREMENT OFFICIALS ABOUT PUBLIC PROCUREMENT
PRACTICES IN SENIOR HIGH SECHOOL IN NADOWLI/KALEO
DISTRICT**

19. Are the procurement practices and procedures known to you?

a. Yes []

b. No []

20. Do you agree that procurement staff at the schools are knowledgeable about the demands of the Public Procurement Act 2003 (Act 663)?

(Circle the number that most closely approximates your agreement)

Agree	Disagree	Uncertain
1	2	3

21. Have you received any training on public procurement for the past five years?

a. Yes []

b. No []

22. Indicate the number of times you have received training on Act 663?

d. Once []

b. Twice []

d. Three times []

c. More than three times []

**SECTION D: POTENTIAL CHALLENGES IN THE IMPLEMENTATION
OF THE PUBLIC PROCUREMENT ACT**

23. Do Senior High Schools experience delays with fund release? Yes [] No []

24. If yes, how does that affect your procurement activities (use reasons in Q23 above)

.....
.....
.....
.....

25. Does your institution have the required procurement structures to carry out procurement activities as stipulated in the Act? Yes [] No []

26. If No to **Q23**, indicate whether your institution have the following committee/panel or not

- | | | |
|----------------------------|---------|--------|
| c. Procurement Unit | Yes [] | No [] |
| d. Entity Tender Committee | Yes [] | No [] |
| d. Evaluation Panel | Yes [] | No [] |

27. Are the level of approvals of procurement necessary? Yes [] No []

28. The general perception is that public procurement process is too long. Yes []
No []

29. Are the cost of public procurement of works and goods too expensive? Yes []
No []

30. Do you experience delay in the payment of suppliers? Yes [] No []

31. If yes to **Q31**, what are some of the causes of the delay in paying suppliers?

.....

.....

.....

.....

32. Do you experience any political interference in the award of contract? Yes []
No []

33. How early do you get items requested for delivered?

Very Early [], Quite Early [], Very Late []

34. What do you think could be the reason(s) for delay in getting items from suppliers? If your answer is **Very late** from **Q35**

.....

.....

.....

.....

35. What other factors could serve as challenges to public procurement in your institution?

- i).....
- ii).....

- i).....
- iv).....
-

36. What innovations do you think can be adopted to promote effective and efficient public procurement in public Senior High Schools?

- i.....
- ii.....i
- ii.....i
- v.....
-

Thank you for your time

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APPENDIX IV**UNIVERSITY FOR DEVELOPMENT STUDIES****SCHOOL OF BUSINESS AND LAW**

Thesis topic: Public procurement regulations in Public Senior High Schools of Nadowli/
Kaleo District

Questionnaires for Evaluation Panel Members of Senior High Schools

The research is part of a survey being conducted in partial fulfillment of the award of Master of Commerce from University for Development Studies (UDS). Any information provided would be treated as confidential and be used for only academic purposes. The information is needed to enable the researcher assess the impact of the Public procurement regulations in public Senior High Schools of Nadowli/ Kaleo District

For the Interviewer:

Name of Interviewer:.....

Date of interview:.....

Starting time:.....

Time ended:.....

For the Respondent:

Name of respondent (optional).....

Name of school

Name of District/Metropolis.....

Telephone number (optional).....

SECTION A: PERSONAL DATA**2. Gender/Sex**Male [☐]Female [☐]**3. Age Group**16-30yrs [☐], 31-45yrs [☐], 46-60yrs [☐], 61yrs and above [☐]**4. Level of education**e. Junior High. Sch. [☐]f. Senior High. Sch. [☐]g. Diploma [☐]h. First Degree [☐]i. Masters [☐]

j. Others,

specify.....

5. Occupation.....

.....

6. Which level of procurement do you belong to?a. H.O.D [☐]b. Entity Tender Committee [☐]c. Evaluation Panel [☐]

d. Others, (Specify).....

**SECTION B: THE OPERATIONALIZATION OF THE PROCUREMENT ACT
IN SENIOR HIGH SCHOOLS****7. Does your institution prepare annual procurement plans?**a. Yes [☐]b. No [☐]**8. If yes to Q6, do you use the Procurement planning software and post them on PPA website?**a. Yes [☐]b. No [☐]**9. Have you been posting your tender advertisement and contract awards at PPA website?**a. Yes [☐]b. No [☐]**10. Does your institution comply with the rules and regulations regarding procurement processes?**

a. Yes []

b. No []

11. If No to Q9, give your reason(s).....

12. Does your institution open tenders immediately after deadline?

a. Yes []

b. No []

13. If No to Q12, what could be the reason(s)?

a. Some tenderer may submit their tenders later []

b. Evaluation Panel need time to prepare []

c. Some tenderers may not be available immediately after deadline []

d. Others,
specify.....

14. Are tenders opening conducted in the public?

a. Yes []

b. No []

15. Does your institution always apply the appropriate procurement methods?

a. Yes []

b. No []

16. What procurement method is often used by your institution?

a. Sole sourcing []

b. Request for Quotation

[]

e. Restricted method []

c. National Competitive Tendering

[]

17. Why the preference for that method? (use Q16 above)

.....

18. How often does the tender committee meet?

Monthly[] Quarterly [] Every six month [] Yearly[]

b. Entity Tender Committee Yes [] No []

e. Evaluation Panel Yes [] No []

26. The general perception is that public procurement process is too long. Yes []
No []

27. Are the cost of public procurement of works and goods too expensive? Yes []
No []

28. Do you experience any political interference in the award of contract? Yes []
No []

29. How early do you get items requested for delivered?

Very Early [], Quite Early [], Very Late []

30. What do you think could be the reason(s) for delay in getting items from
suppliers? If your answer is **Very late** from Q29

.....
.....
.....
.....

31. What other factors could serve as challenges to public procurement in your
institution?

i).....
ii).....
iii).....
iv).....

32. What innovations do you think can be adopted to promote effective and efficient
public procurement in public Senior High Schools?

i.....
ii.....
iii.....
iv.....

Thank you for your time