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## Evaluation of the Pre-Qualification Criteria and Use of Tender Document in the Award of Building Contracts in Federal Universities in North Central, Nigeria

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### ABSTRACT

*This study evaluates the implementation of pre-qualification criteria and the use of a tender document in the award of building contracts in Federal Universities in North Central, Nigeria. Two research questions and two null hypotheses guided the study. The study employed a descriptive survey research design. The population for the study was 71 respondents which consist of 17 bureau of public procurement staff and 54 procuring entities in Federal Universities in North Central. The instrument used for data collection was a 17 items questionnaire with a four-point rating scale and has response options of Adequately Implemented (AI), Implemented (I), Not Implemented (NI) and Highly Not Implemented (HNI). To ensure the validity of the instrument it was subjected to content validity by three subject matter experts after which their suggestions and corrections were reflected on the final copy of the instrument that was used for data collection. The reliability coefficient of the instrument was established to be 0.86 using the Cronbach Alpha formula. Data collected were analyzed using mean and standard deviation for answering research questions and t-test statistics for testing the null hypotheses at a 0.05 level of significance. Findings revealed that building contractors in the Universities are not adequately pre-qualified and contractors documents are not tendered as spelt out in PPA of 2007. Based on the findings, it is therefore recommended that contractors in the building industry should aspire to understand the essence of tendering document in the award of building contracts and thereafter ensure that their document meet the requirement of every building contract provision before tendering such document for building contract bidding in the University.*

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### INTRODUCTION

Construction procurement implementation process tend to contribute to corruption in governance, in light of this the Federal Government was moved to introduce acceptable international standard practices in the regulation of public procurement in Nigeria. This action commissioned the World Bank in conjunction with some Nigerians to assist the country with the process of enthrone efficiency,

accountability and transparency in Government Procurement and Financial Management Systems. This led to the production of Nigeria's Country Procurement Assessment Report (CPAR) by the World Bank which revealed that Nigeria was losing an average of \$10 Billion (Ten Billion United States Dollars) annually due to various abuses associated with public procurement and contract awards (Ekpenkhio, 2003).



The Government accepted the CPAR report in its entirety and the outcome of their report has made tremendous efforts to reform the procurement processes and procedures in the country resulting in the establishment of the Public Procurement Act (PPA) 2007, Bureau of Public Procurement, Procurement Officers Cadre in the Public Service as well as Public Procurement Regulations on goods, works and consultancy services, with standard bidding documents (Okafor, 2005; FRN, 2007).

PPA of 2007 was enacted to push towards “zero tolerance” of corrupt practices, which is an effort to give the government of Nigeria a way to address the real and perceived weaknesses in the public procurement of goods, works and services. Public Procurement Act is a structured procedural programme of action designed to consult the market for government purchase/construction of infrastructure (works), goods and services for the operations of public institutions. Organisation for Economic Co-operation and Development (OECD, 2005) noted that the purchase of goods, works and services by governments is an area that warrants special attention in the fight against corruption because public procurement has very high exposure to corruption. It estimates procurement-related corruption at typically about 15% of GDP in OECD countries. It also adds that it is easy to tempt both public and private actors to divert goods and or money for their personal use. The African Development Bank (AFDB, 2012) estimated that public procurement accounts for as much as 70% of the budgets of African governments. This underscores the importance of public procurement. As such strengthening of procurement systems is crucial to minimizing the potential effects of financial/economic crises and restoring a level of economic growth and development sufficient to reduce poverty. It is not possible to achieve these objectives without securing the efficiency and integrity of procurement systems.

Generally, procurement is the complete action or process of identifying, defining and acquiring or obtaining personnel, material, services, works needed by means authorized in pertinent directives. More specifically, public procurement is the action or process of acquiring

or obtaining material, property, or services for public operation. The procurement process, therefore, involves planning, purchasing, contracting, and negotiating directly with the source of supply. The primary objective of procurement is to promote transparency, accountability and value for money in the procurement of services, goods and works for public operations. It is however noted that the Public Procurement Acts of most nations (Nigeria inclusive) have not achieved the purpose for which it was established due to challenges (such as interference by the government) faced by the stakeholders in the implementation process (Jacob, 2010). Olatunji (2007) observed that despite the new procurement regime, there are still reported cases of extensive corruption and political influence that associate the procurement act particularly in the award of the contract including buildings contracts.

A building contract is a contraction of two English words; building and contract. A building is a structure with walls and a roof standing more or less permanently in one place such as a factory or house and comes in a variety of sizes, shapes and functions depending on the individual, group or societal needs which it serves (Egenhofer and Mark, 2002). Primarily, the purpose of the building is to provide a living space that shelters inhabitants from weather, provides security and stores belongings or complexes for offices, schools, workshops. On the other hand, the contract is a voluntary arrangement between two or more parties that is enforceable by law as a binding legal agreement (Fergus, 2006). A building contract from the foregoing can be said to be a written agreement between two or more persons stating and declaring their common intention to execute a building construction project. Generally in procurements contract agreement inputs are categorized into goods, services or civil works contract to including bridge works, road works (highways), canals, dams, basic physical infrastructure and buildings contracts (Institute of Civil Engineering, 2007). In Nigeria, the mode of awarding building contracts varies. For the public sector, with the intent to avert corrupt practices and make bidding of building contracts transparent, the federal republic of Nigeria clearly



explained how the procurement procedure should be in the PPA of 2007.

These procurement procedures of building contracts contained in the PPA 2007 include some processes among which are pre-qualification and tendering documents. Prequalification is a process used to identify contractors who would be allowed to tender for a building contract (Tom, 2011). The essence of prequalification is to determine whether the contractor has the integrity, finance, skills and ability required to complete a building contract (Safeopedia, 2017). A contractor or company applying for prequalification has no expectation to be awarded the contract based on the application for prequalification. His expectation is only guaranteed when his company is identified to be qualified to pick bid or tender documents for a contract (Tom, 2011).

Tender documents are all contracts documents that are combined to form the basis of the Contract. And a possible list of documents that make up the tender documents includes; the Contract or agreement to be used by the parties, conditions of the Contract which define the legal rights and obligations of the parties, bill of quantities that lists quantities of the various items and the material to be included in the Contract, all drawings required in building the structure (contract plans including Architectural and Structural), all specifications that set out the technical requirements of the work. It is recommended that both parties to the Contract execute or endorse complete sets of all Contract documents and these should be intact as it helps to curtail corrupt practices that associates contracts awards by ensuring that building contracts particularly in Federal Universities are awarded to contractors that have the integrity, finance, skills and ability required to complete a building contract thereby enhancing the quality and timely delivery of building construction (Knight, Harland, Telgen, Thai & Callender (2008).

Despite the introduction of the PPA, 2007, substandard public building structures still exist, abandoned building projects that litter the environment, misappropriation and diversion of public building project funds for self-interest and above all failures in building contracts resulting in

incessant collapse/shortage of buildings facilities are yet manifest in the Universities and construction industries in Nigeria at large (Olatunji, 2007; Chinwokwu, 2000, and Okeye, *et al*, (2016). This situation calls to question the level of implementation of the PPA, 2007 particularly the pre-qualification criterion and use of the tender document. In this regard, it becomes necessary to ascertain the state of the act. Hence evaluation of the implementation of pre-qualification criteria and use of the tender document in the award of building contracts in Federal Universities in North Central, Nigeria becomes necessary.

#### **Aim and Objectives of the Study**

The study aims to evaluate the implementation of pre-qualification criteria and the use of a tender document in the award of building contracts in Federal Universities in North Central, Nigeria. Specifically, the study will determine the;

1. the extent to which the pre-qualification criterion for the award of building contracts in the University is being implemented as spelt out in PPA of 2007.
2. extent to which the use of tender document for award of building contracts in the University is being implemented as contained in PPA of 2007.

#### **Research Questions**

1. To what extent does the pre-qualification criterion for the award of building contracts in the University is being implemented as spelt out in PPA of 2007?
2. To what extent does the use of tender document for the award of building contracts in the University is being implemented as contained in PPA of 2007?

#### **Hypotheses**

HO<sub>1</sub>: There is no significance difference in the mean response between procuring entities officers and BPP staff regarding the extent which the pre-



qualification criterion for the award of building contracts in the University.  
 HO<sub>2</sub>: There is no significance difference in the mean response between procuring entities officers and BPP staff on the extent which the use of tender document for the award of building contracts in the University.

### METHODOLOGY

The study employed descriptive survey research design. The population for the study was 71 respondents which consist of 17 Bureau of public procurement staff and 54 procuring entities in North Central Federal Universities. The instrument used for data collection was questionnaire that consists of section A and B. Section A has 9 questions and solicits information on the extent which the pre-qualification criterion for the award of building contracts is being implemented in line with Public

Procurement Act, 2007. Section B consists of 8 items and seeks opinion of respondents on the extent to which the use of tender document for the award of building contracts is being implemented as contained in PPA, 2007. The instrument used for the collection of data was a four point rating scale questionnaire with the response options of Adequately Implemented (AI), Implemented (I), Not Implemented (NI) and Highly Not Implemented (HNI). To ensure the validity of the instrument it was subjected to content validity by three experts after which their suggestions and corrections were reflected on the final copy of the instrument that was used for data collection. The reliability coefficient of the instrument was established to be 0.86 using Cronbach Alpha formula. Data collected were analyzed using mean and standard deviation for answering research questions and t-test statistics for testing the null hypotheses at 0.05 level of significance.

### RESULTS

**Table 1:** Mean and Standard Deviation of Respondents on the Extent which Pre-qualification Criterion for the Award of Building Contracts in the University is being Implemented

S/N	The extent which Pre-qualification Criterion for Award of Building Contracts in the University is being Implemented	$\bar{X}_1$	SD <sub>1</sub>	$\bar{X}_2$	SD <sub>2</sub>	$\bar{X}_t$	SD <sub>t</sub>	Dec
1	The University considers bidders solicitation documents (BSD) that shows the necessary professional and technical qualifications to carry out particular building contract	2.41	0.81	2.12	0.69	2.34	0.79	NI
2	The University considers BSD that shows they possesses the necessary financial capability	2.94	0.45	2.65	1.22	2.87	0.72	I
3	The University considered BSD that shows they possesses the necessary Equipment and other relevant infrastructure.	1.56	0.77	1.94	0.83	1.65	0.79	NI
4	The University considered BSD that shows they have adequate personnel to perform the obligations of building contracts	2.28	0.96	2.18	0.64	2.25	0.89	NI
5	The University considers BSD that shows they possess the legal capacity to enter in to the building contract	2.70	0.96	2.35	0.49	2.62	0.88	I
6	The University considered BSD that shows they are not in receivership to the subject of any form of in solvency or bankruptcy proceedings or the subject of any form of winding up petition or proceedings.	2.93	0.67	1.59	0.71	2.61	0.88	I



7	The University considers BSD that shows they have fulfilled all its obligations to pay taxes, pensions and social security contributions.	1.80	0.68	1.59	0.71	1.75	0.69	NI
8	The University considers BSD that shows they does not have any direct or who has been convicted in any country for any criminal offence relating to fraud or financial impropriety or criminal misrepresentation or falsification of facts relating to any matter.	2.28	0.74	2.12	0.78	2.24	0.75	NI
9	The University considers BSD that shows they accompany every bid with an affidavit disclosing whether or not any officer of the relevant committees of the University or Bureau, is a former or present director or shareholder or has any pecuniary interest in the bidder and confirm that all information presented in its bid are true and correctional particulars.	1.50	0.61	2.12	0.86	1.65	0.72	NI

Contained in Table 1 are the mean scores of the extent which pre-qualification criterion for the award of building contracts. The mean result of the items revealed that 3 items which are number 2, 5, and 6 are Implemented while the other 6 items (1, 3, 4, 7, 8 and 9) are Not Implemented. The items

standard deviation ranges from 0.69 to 0.88. This indicates that the respondents' responses deviation from their means was insignificant. The outcome of the standard deviation added some validity to the means. As revealed only 3 items are implemented.

**Table 2:** Mean and Standard Deviation of Respondents on the Extent which the use of Tender Document for Award of Building Contracts in the University is being Implemented

S/N	The Extent of use of Tender Document for Award of Building Contracts in the University	$\bar{X}_1$	SD <sub>1</sub>	$\bar{X}_2$	SD <sub>2</sub>	$\bar{X}_t$	SD <sub>t</sub>	Dec
1	The University issues out tender document to bidders in an approved stipulated format.	2.54	0.77	2.00	0.70	2.41	0.79	NI
2	The University ensures that bidders official authorized to bind the bid to a contract and placed in a sealed envelope signs their tender document.	1.33	0.61	1.59	0.71	1.39	0.64	HNI
3	The University ensures that the values in procurement documents are stated in Nigerian currency and where stated in a foreign currency are converted to Nigerian currency using the exchange rate of the Central Bank of Nigeria valid on the day of opening a tender or bid.	2.20	0.65	3.47	0.51	2.50	0.83	I
4	The University ensures that the period of validity for a bid is specified in the tender document.	2.98	0.14	3.59	0.51	3.13	0.38	I
5	The University request contractors to extend the period of validity for an additional specified period of time.	2.89	0.50	3.41	0.82	3.01	0.57	I
6	Where the university intends to allow for domestic preferences, the bidding documents clearly indicate preference to be granted to domestic	1.93	0.67	3.24	0.75	2.24	0.89	NI

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	suppliers and contractors and the information required to establish the eligibility of a bid for such preference.								
7	The University applies margins of preference, only to tenders under international competitive bidding. (ICB)	1.35	0.65	3.18	0.73	1.79	1.03	NI	
8	The University ensures that all communications and documents issued by it and the Bureau are written in English Language.	2.80	0.96	3.88	0.33	3.06	0.97	I	

Result on the extent which the use of tender document for award of building contracts is being implemented presented in Table 2 revealed that 4 items (1, 4, 5 and 8) are Implement, 3 items (3, 6 and 7) are Not Implement and 1 item (number 2) Highly Not Implemented. The items standard deviation ranges from 0.38 to 1.03. This indicates that the respondents' responses deviation from their mean was insignificant. Hence only 4 items are substantially agreed implement and 4 not implemented.

**Table 3:** t-test Analysis of the Extent which Pre-qualification Criterion for the Award of Building Contracts in the University is being Implemented

	Levene's Test for Equality of Variances		t-test for Equality of Means						
	F	Sig.	T	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	95% Confidence Interval of the Difference	
								Lower	Upper
Equal variances assumed	0.33	0.57	0.00	69	0.99	0.03	5.33	-10.61	10.68
Equal variances not assumed			0.00		0.99	0.03	5.72	-11.77	11.83

Table 3 shows the t-test analysis of the extent which pre-qualification criterion for the award of building contracts is being implemented. The result showed that the significant criterion (sig.) of the Levene's test for equality of variance was 0.57, which is greater than 0.05 confidence level. Since 0.57 is greater than 0.05, the difference is not significant hence the null hypothesis was accepted. Thus, there was no significance difference in the mean response between procuring entities officers and BPP staff regarding the extent which the pre-qualification criterion for the award of building contracts.



**Table 4:** t-test Analysis of the Extent which the use of Tender Document for Award of Building Contracts in the University is being Implemented

	Levene's Test for Equality of Variances		t-test for Equality of Means						
	F	Sig.	t	df	Sig. (2- tailed)	Mean Difference	Std. Error Difference	95% Confidence Interval of the Difference	
								Lower	Upper
Equal variances assumed	4.63	0.35	-6.19	69	0.00	-6.83	1.10	-9.03	-4.63
Equal variances not assumed					0.00	-6.83	1.27	-9.46	-4.20

Table 4 shows the t-test analysis of the extent which the use of tender document for award of building contracts. The result of the analysis showed that the significant criterion (sig.) of the Levene's test for equality of variance was 0.35. This value is greater than 0.05 confidence level. Since 0.35 is greater than 0.05, the difference is not significant hence the null hypothesis was accepted. Thus there was no significance difference in the mean response of procuring entity officer and BPP staff on extent which the use of tender document for award of building contracts is being implemented.

#### FINDINGS

1. Finding on the extent which pre-qualification criterion for award of building contracts in the University is being implemented as spelt out in PPA of 2007 shows that three items are implemented while five are not implemented. Among those not implemented are the bidders solicitation documents that shows the necessary professional and technical qualifications to carry out particular building contract, documents that shows necessary equipment and other relevant infrastructure, fulfillment of all taxes obligations, pensions and social security contributions, proof that they have not been convicted in any country for any criminal offence relating to fraud or financial impropriety or criminal misrepresentation or falsification of facts relating to any matter,

- affidavit disclosing whether or not any officer of the relevant committees of the University or Bureau, is a former or present director or shareholder or has any.
2. Finding on the extent which the use of tender document for award of building contracts in the University is being implemented shows that four items are implemented while others not implemented include the University does not issue out tender document to bidders in an approved stipulated format, the University does not ensures that bidders official authorized to bind the bid to a contract and placed in a sealed envelope signs their tender document, where the university intends to allow for domestic preferences, the bidding documents does not clearly indicate preference to be granted to domestic suppliers and contractors and the information required to establish the eligibility of a bid for such preference and the University does not applies margins of preference, only to tenders under international competitive bidding.
  3. There was no significance difference in the mean response between procuring entities officers and BPP staff regarding the extent which the pre-qualification criterion for the award of building contracts in the University.
  4. There was no significance difference between the mean response of procuring

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entity officer and BPP staff on extent which the use of tender document for award of building contracts in the university is being implemented.

## DISCUSSION

Finding on the extent which pre-qualification criterion for award of building contracts in the University is being implemented provides the extent which the procurement process used to identify contractors who would be allowed to tender for a building contract is put to practice. The essence of prequalification is to determine whether contractor has the integrity, finance, skills and ability required to complete a building contract (Safeopedia, 2017). For the purpose of clarity and avoidance of contradiction that may result to awarding building contracts to contractors that are not responsive, Part V Section 23 of PPA provides that contractors' documents be prequalified to determine whether or not the contractor is qualified to bid. Given this provisions, the University is required to adequately prequalify potential bidders. Emerging evidence from the finding on extent which pre-qualification criterion for award of building contracts in the University is being implemented revealed that the University only implements some prequalification conditions which are: the University considers bidders solicitation documents; that shows they possesses the necessary financial capability, that shows they possess the legal capacity to enter in to the building contract, and that shows they are not in receivership to the subject of any form of insolvency or bankruptcy proceedings or the subject of any form of winding up petition or proceedings.

On the contrary, the University prequalification process does not consider bidders solicitation documents that shows: the necessary professional and technical qualifications to carry out particular building contract, that the contractor possesses the necessary Equipment and other relevant infrastructure, they have adequate personnel to perform the obligations of building contracts, they have fulfilled all its obligations to pay taxes, pensions and social security contributions, they have not been convicted in any country for any criminal offence

relating to fraud or financial impropriety or criminal misrepresentation or falsification of facts relating to any matter, they accompany every bid with an affidavit disclosing whether or not any officer of the relevant committees of the University or Bureau, is a former or present director or shareholder or has any. This finding supports Akinola, Okolie and Akinola (2013) who found out that University procured projects are not prequalified but are rather procured on traditional method of design-bid-construct, which is not proactive in meeting project objectives. Contrary to Akinola, Okolie and Akinola (2013) findings, Jiya (2012) findings showed that 58% of the organisation conducts building contracts prequalification criteria. In the nutshell, the outcome of this finding that showed that bidders are not prequalified on solicitation documents that shows the necessary professional and technical qualifications to carry out particular building contract and solicitation documents that shows that they possess the necessary Equipment, personnel and other relevant infrastructure to enter the contract have often result in awarding building contracts to contractors that has no integrity, finance, skills and above the ability to complete the contracts hence, building project abandonment and uncompleted building is the order of the day.

Similarly, the t-test analysis of the extent which pre-qualification criterion for award of building contracts in the University is being implemented revealed that the significant criterion (sig.) of the Levene's test for equality of variance was 0.57, which is greater than 0.05 confidence level. The difference is not significant hence the null hypothesis was upheld. This result indicate a no significance difference in the mean response of procuring entity officer and BPP staff on extent which pre-qualification criterion for award of building contracts in the University is being implemented. This is affirmation the respondents unanimously agreed with results in Table 3 to be the extent which pre-qualification criterion for award of building contracts in the University is being implemented.

Finding on the extent which the use of tender document for the award of building contracts in the University is being implemented provides the state which all the documents which



PPA specifies as criteria for building project contracts are implemented. The purpose of tendering document is for the avoidance of awarding building projects to ghost contractors and contractors that does not have the ability to enter the contract. As such tender document is an essential procurement process that requires adequate realization. Emerging results on the extent which the used of tender document for the award of building contract is being implemented however showed that only some of the tender document provisions are attained. The finding revealed that the University issues out tender document to bidders in an approved stipulated format, the University ensure that the values in procurement documents are stated in Nigerian currency and where stated in a foreign currency are converted to Nigerian currency using the exchange rate of the Central Bank of Nigeria valid on the day of opening a tender or bid, the University ensures that the period of validity for a bid is specified in the tender document, the University request contractors to extend the period of validity for an additional specified period of time and the University ensures that all communications and documents issued by it and the Bureau are written in English Language.

Conversely, it is revealed that the University does not ensures that bidders official authorized to bind the bid to a contract and placed in a sealed envelope signs their tender document, the University does not ensures that the values in procurement documents are stated in Nigerian currency and where stated in a foreign currency are converted to Nigerian currency using the exchange rate of the Central Bank of Nigeria valid on the day of opening a tender or bid, where the university intends to allow for domestic preferences, the bidding documents does not clearly indicate preference to be granted to domestic suppliers and contractors and the information required to establish the eligibility of a bid for such preference and the University does not applies margins of preference, only to tenders under international competitive bidding. Familoye, Ogunsemi, and Awodele (2015) in the same vein, affirm that the rule for bidding and tendering document for building contracts in universities and organisations at large does not follow the criteria that PPA provide. Chiefly most

organisation does not issue out tender document to bidders in an approved stipulated format (Familoye, Ogunsemi, and Awodele, 2015; FAO, 2016). The violation of the rule for bidding and tendering such as not issuing out tender document to bidders in an approved stipulated format and not applying margins of preference, only to tenders under international competitive bidding amongst others are tantamount to hinder true and open competition in tendering and contract award thereby increasing the chances of awarding ghost contracts.

In the same vein, the t-test analysis of the extent which the use of tender document for award of building contracts in the university is being implemented revealed that the significant criterion of the Levene's test for equality of variance was 0.35. This value is greater than 0.05 confidence level. Since 0.35 is greater than 0.05, the null hypothesis was accepted. The result shows that there was no significance difference in the mean response of procuring entity officer and BPP staff on extent which the use of tender document for award of building contracts in the university is being implemented. This result therefore confirmed that both respondents agreed that the outcome of this finding is the extent which the use of tender document for award of building contracts in the university is being adhered.

## CONCLUSION AND RECOMMENDATIONS

Given the nation's desire to achieving best international practices in public procurement, it is necessary that public procurement act is adequately implemented. Notwithstanding the expectations that the introduction of public procurement act should overcome the challenges associated unplanned budgeting of the military era, authorities still lament inefficient service delivery, diversion of government treasury thus questioning the extent which the public procurement act is being implemented. The outcome of the evaluation shows that the inefficient service delivery and diversion of government treasury that have resulted in shortage of facilities across universities in particular and public offices at large is due to inadequate implementation of the pre-qualification criterion and use of tender



document. Based on the findings of the study it is recommended that:

1. Since contractor performance depends on the strength of prequalification criteria used by the procuring entity, there is need for the University to consider all the criterion on the prequalification checklist and allocate threshold score to all criteria using a procurement designed software such that any contractor that does not measure up the threshold is automatically not prequalified. This will curtail awarding contracts to contractors without the requisite capacity to enter a contract.
2. Contractors in the building industry should aspire to understand the essence of tendering document in the award of building contracts and thereafter ensure that their document meet the requirement of every building contract provision before tendering such document for building contract bidding in the University.

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