

PROCEEDING 18

IMPACT OF PUBLIC PROCUREMENT REFORM ON CONSTRUCTION PROJECT DELIVERY IN KADUNA STATE

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This research examined the Impact of Public Procurement Reform on construction project delivery in Kaduna State with the objective of assessing the level of awareness of the Public Procurement reform in Kaduna State on the registered and unregistered construction professionals working in Government Ministries, Departments and Agencies, comprised of Quantity surveyors, Engineers. The study employed primary and secondary sources of data. A total of 130 research questionnaires were administered Builders, Architects and Estate surveyors in Kaduna, the study area. Out of these, 79 were properly filled and retrieved for analysis. The data collected included level of awareness of Public Procurement reform, rate of adoption of Public Procurement Reform, level of compliance with the provisions of the Public Procurement Act and public building projects executed from 1999 to 2014 amongst others. The data obtained were analysed using Mean Item Score (MIS) and T-test. The result of the analysis showed that the level of awareness was high (59.7%), whilst the rate of adoption of the Public Procurement Reform was 50.7%. The study also found that there was a slight increase in the level of cost overrun at the pre and post PPA eras. However, there was no evidence of cost performance of buildings to differ significantly over the two time periods examined (1999 - 2007 and 2008 - 2014). The research consequently concluded that there was slight increase in the level of cost overrun between the pre and post PPA eras. Based on this, the research recommends that the Bureau of Public Procurement should focus on measures to improve the schedule certainty of construction projects carried out under the PPA, amongst others.

Keywords: Construction, Project, Delivery, Public Procurement Reform.

INTRODUCTION

The Nigeria construction industry contributes significantly to the environmental development and the natural economy (Enshassi *et al.*, 2003). Its contribution to the latter is often referred to when considering the contributions of the various sectors of the economy to the Gross Domestic Products (GDP), Gross National Product and such like indices of economy measurement. Public procurement can simply be referred to as the process by which government acquires goods, works and services required in the course of governance (Anuku, 2011).

The procedure of award of construction contracts in the country is characterised with unethical and corrupt practices. However, the significance of this is noticed in the waste of public funds, abandoned projects and badly executed projects (Wahab, 2005). Public procurement has undoubtedly become an increasingly important issue in economic and business circles globally. This is clearly shown by the growing interest of donors, governments, civil society, professional organisations, the private sector and the general public on matters of public procurement (Odihambo and Kamau, 2003).

Public procurement is an important role of government for a lot of reasons (Callender and Mathews, 2014). Public procurement has been utilised as an important tool for achieving economic, social and other objectives (Arrow-smith, 1998; Thai, 2001).

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Federal and State Government Procurement Laws seek to ensure that public money is not wasted as a result of undue influence, favoritism or fraud. These rules ensure the belief that all suitors for public and private works contracts should be treated fairly yet on examination of public procurement system (BMPH, 2005). A survey conducted in year 2000 revealed that before 1999, Nigeria was losing an average of N40billion annually through various kinds of manipulations of the procedure for award and execution of public contracts (Wahab, 2006). The launching of the ambitious national development plan (1976-74) and the expedient use of contract awards for execution of national projects in breeding social ills in the economy was discovered (Ekpo, 2004). These include the culture of excessive costs, corrupt management and ill-considered contracts. From being a middle income country in the 1970s Nigeria has fallen to be amongst the poorest nations in the world. It should be noted that in the 1960s and early 1970s, Nigeria, Malaysia, Indonesia, Taiwan, Singapore and South Korea had similar income per capital, GDP growth rates and under-developed political structure (Ekpo, 2004). Obasanjo (2003) also stated that "the Due Process Mechanism has saved Nigeria over N102 billion in two years arising from various Federal Government's over-bloated contracts".

Statement of Problem

In the late 1990s, the failure of the existing procurement system to cope with the expansion in government procurement requirements and to deliver value for money had become generally acceptable among government and donor partners. In order to reduce the challenges of the contract procurement method, public procurement reform was introduced (Wittig, 1999). Each country has its own external environmental issues and public procurement face different types of challenges, or the same types of challenges but at different levels from their counterparts in other countries (Thai, 2006). Since the introduction of the of Public Procurement Reform, a lot of research has been carried out and it was discovered that some shortcomings on issues, such as the existence of abandoned and poorly executed projects in the country have continued to raise questions on the impact of the procurement process in the construction industry since its establishment (Adewunmi, 2011).

It has also been observed that there is abuse of the procurement process, for example, contracts are being awarded to companies other than the best evaluated bidder, retrospective approvals for contracts, inconsistencies in tender evaluation and interference in the contract award process by unauthorized parties (Adewunmi, 2011).

Research evidence shows that since the introduction of the Public Procurement Reform in Nigeria in 2007, there is still in existence the problem of abandoned and poorly executed projects particularly in Kaduna State. For instance, projects are not completed on time, within budget and within the required quality and these problems are attributed to the problems of the current procurement system hence, the need to evaluate the Impact of Public Procurement Reform on construction project delivery in Kaduna State. In this regard, this study has responded to the following questions:

- i. What is the level of awareness of Public Procurement Reform in Kaduna State?
- ii. What is the rate of adoption of the Public Procurement Reform in Kaduna State?
- iii. What is the level of compliance with the Provisions in the Public Procurement Act in Kaduna State?
- iv. What are the impacts of the Public Procurement Reform on time and cost delivery in Kaduna State?

LITERATURE REVIEW

Public Procurement in Nigeria

Contractor selection in the Nigerian building construction industry is an essential part of the construction development process (Anyadike, 1999). Some of the criteria for contractor selection have been found to be unsuitable and at other times unrealistic or even misapplied for some selfish reasons on the part of the client and/or consultant (Ormole, 2000). Ndah (2000) suggests that competitive tendering produces three things: the contractor, the contract price and the completion time for the project.

One method of improving construction performance suggested by Keameyer and White-McCoy (2002) is to pre-qualify contractors prior to the bidding process – i.e. – ensure that contractors are able to execute the assigned project in accordance with client and project objectives. Apart from the failures of the industry in the areas of cost and time targets, quality of construction works generally have also continued to decline while some projects are being abandoned because of inability of the contractor to perform. The proliferation of the construction industry by different categories of contractors has no doubt created problems in selecting suitable and competent contractors by clients and construction professionals.

According to Familoje *et al.* (2015) Nigeria joined the league of countries with procurement laws when the Public Procurement Act 2007 was signed into law on June 4, 2007 by the then President, Late Musa Yar' Adua. The purpose of the Act is to ensure transparency, competitiveness, value for money and professionalism in the public sector procurement system (Jacob, 2010). According to Eze Mundi (2012) the essence of the Act is to ensure that all the public procurements are conducted in a manner that is transparent, timely and equitable and based on the agreed guidelines, thresholds and standards. Krivish and Krekele (2013) state that the procurement law is to ensure openness of the procurement procedure, free competition of suppliers as well as equal and fair attitude thereto, effective use of state and local government funds and to reduce the risk of the commissioning party to the minimum. According to Fayomi (2013), Nigeria can be described as a country of irony as the socio-economic performance over the years remained superficial and unimpressive. This was largely attributed to high level of corruption or mismanagement of public resources closely linked up with the public sector procurement systems (Fayomi, 2013). The Act was therefore enacted to improve the procurement process and reduce the incidence of corruption in Nigeria.

Public Procurement Reforms in Nigeria: The Public Procurement Act, 2007

Contractors are one of the major players in the construction industry and the services they render are critical to the quality of the end product as well as meeting cost and time targets. In Nigeria, construction projects are mostly characterized by delays, substandard works, cost overruns, disputes, claims, and in extreme cases abandonment. These characteristics call to question the ability of the contractors involved in such cases, since it has been argued that the quality of a product to a large extent depends on the skills and experience as well as the competence of the producing agents. There has been almost universal criticism of failures of the construction industry to deliver projects in a timely manner as observed by Odeyinka and Yusuf (1997). This observation was corroborated by Ogunseun (2002) that cost and time overruns have become common occurrences in the Nigerian construction industry and have continued unabated.

The prequalification criteria under the "Due process" in Nigeria according to BMPIU (2004) and Molebiwala (2005) are categorized into two major groups. Basic fundamental criteria are those with zero score yet the absence of any one of them automatically disqualifies a candidate contractor from participating in the prequalification exercise. Main criteria are usually rated with scores and all respondents with scores of 70% and above are referred to as the competent bidders.

Impact of Public Procurement Reforms on Project Delivery

Olapde *et al.* (2015) view as unfortunate the fact that the Nigeria Public Procurement Act has not been able to achieve the primary objectives of transparency, accountability and value for money. Public Procurement Acts of most nations especially developing nations have not been able to achieve the purpose for which it was set to achieve. This is because of the challenges, among others, faced by the stakeholders in the implementation of the Acts due to the economic, social and political environment where the Act is operating. According to Jacob (2010), the greatest challenge for the enforcement of procurement law in Nigeria is the involvement of government functionaries in the procurement process and this is possible because government has not fully implemented the provisions of the Act. The Act is a threat to both the executive and the civil servants who argue that they must be involved in the procurement process in order to safeguard public resources (Jacob, 2010). According to Mahmood (2010), contract awards provide opportunity for procurement and there have been reported cases of extensive corruption, political influence and pressure from trade unions in the procurement process. Much as competition and transparency are necessary for any

efficient procurement process (Hunja, 2003), the stakeholders are not willing to relinquish their source of illegal avenue to make money which the procurement law set to block or reduce

Nigeria, like any other developing countries, faces the challenge of ensuring the successful operations of the Act. The continuous involvement of the Federal Executive Council in the award of public contracts violates the provisions of the Act. Jacob (2010) and Musanzikwa (2013) identify the involvement of government functionaries especially the executives in the procurement process as a challenge. According to Dza, *et al* (2013), the politicians lack the political will to commit fully to the reforms. The main function of government should be policy formulation rather than policy implementation (Musanzikwa, 2013).

Public procurement especially public contracts are an area of waste and corruption (Thai, 2005; Jones, 2007; Fayomi, 2013; Musanzikwa, 2013). The huge capital outlay in public procurement and the fact that public officials are poorly paid, corruption thrives among them especially in Nigeria. According to Jenny (2005), in some countries the alleged low level of income of civil servants may prompt them to engage more frequently the private sector employees in corrupt practices to achieve a level of earnings similar to the private sector. These poorly paid public officials are the executors of government policies who interact with private sector. This interface with the private concerns couple with urge by the private sector practitioners to secure the available scarce jobs breeds corruption. When contracts worth billions of Naira are won, these public officials still manage the construction process

Shwarka and Anigbogu (2012) pointed out that Public Procurement Reforms are introduced to provide a strong base to improve service delivery and foster economic growth. However, the findings of this Study revealed that the procurement reform has not been efficacious in redressing cost and time overruns and other irregularities public building projects in Nigeria as there is no statistically significant difference from the situation that existed before the procurement reform. The implication of this finding is that if focus is not placed on improving procedures that improve performance outcome, the reform would end like other past government policies with limited success. The Study also shows a greater consensus agreement that inadequate project budgeting plans by the client and the project team is the most constraining factors in the attainment of desired impact on public building projects delivery. This implies that the Ministries Departments and Agencies circumvent provisions of the Procurement Act which relate to proper project planning.

METHODOLOGY

The study employed primary and secondary sources of data. A total of 130 research questionnaires were administered Builders, Architects and Estate surveyors in Kaduna, the study area. Out of these, 70 were properly filled and retrieved for analysis. The data collected included level of awareness of Public Procurement reform, rate of adoption of Public Procurement Reform, level of compliance with the provisions in the Public Procurement Act and public building projects executed from 1999 to 2014 amongst others. The data obtained were analysed using Mean Item Score (MIS) and T-test

RESULTS

Level of Awareness of Public Procurement Act amongst Construction Professionals

This section was concerned with answering the first research question of the study, which was to determine the level of awareness of Public Procurement Act (PPA) amongst professionals in the construction industry. Respondents were asked to indicate the extent to which they were aware of the PPA, the responses to the survey were analyzed and presented in terms of the proportion of respondents that were aware of the PPA as well as the level of awareness

Table 1. Level of Awareness of Public Procurement Act

Degree of awareness	Mean score	%
Average level of awareness	1.41	34.8
Above average awareness	-	50.7
Below average awareness	-	14.5

The mean score for awareness that was computed was 3.41 on a scale of 5.0, this meant that sampled professionals possessed only an average level of awareness. However, further analysis of responses showed that respondents who claimed to have above-average awareness of the PPA comprised about 51% of the sample. It was worrisome that about 15% of sampled professionals professed below-average awareness of the PPA, since the PPA is one of the most important pieces of documentation in the construction industry.

Level of Adoption of Public Procurement Act by Construction Professionals

This section was concerned with answering the second research question of the study, which sought to determine the level of adoption of the Public Procurement Act (PPA) by professionals in the construction industry. Respondents were asked to indicate the extent to which they adopted the provisions of the PPA in their contractor selection activities, the responses to the survey were analyzed and presented in terms of the proportion of respondents that had adopted the PPA as well as the level of adoption.

The computed mean score for adoption of the PPA was 3.41 on a scale of 5.0, this value fell between 'indifferent' and 'always'. This meant that sampled professionals' adoption of the PPA was higher than 'sometimes', but below 'always'. This revealed that professionals did not always adopt the provisions of the PPA, even though 50.7% of the sample claimed to do so. It was however worrisome that 29% of sampled professionals professed to be indifferent to the adoption of the PPA.

These results were however in line with relevant literature on the subject matter that researched into the challenges faced by reform initiatives within the construction industry. Procurement reform is an especially prickly subject, touching as it does on the allocation of jobs within the construction industry.

Table 2. Level of Adoption of The Public Procurement Act

Degree of Adoption	Mean Score	%
Average level of adoption	3.41	
Indifferent to PPA adoption	-	29.0
Never adopted PPA	-	4.3
Sometimes adopt PPA	-	15.0
Always adopt PPA	-	50.7

Source: Computed by Author, (2017) from analysis of field survey data.

Level of Construction Professionals' Compliance with Public Procurement Act

This section was concerned with answering the third research question of the study, which was to determine the level of compliance with the specific provisions of Public Procurement Act (PPA) by professionals in the construction industry. Respondents were asked to indicate the extent to which they complied with named provisions of the PPA, the responses to the survey were analyzed and presented in terms of the mean level of compliance with the provisions of the PPA.

Ten compliance criteria were analyzed with the aid of the mean score technique. The extent to which professionals complied with each of the ten criteria was indicated by the mean score for the criteria, which was then used to rank all of the criteria. The highest ranked criteria, which indicated the criteria that was most complied with, was 'Advertisement which contains clear conditions for qualification of bidders in accordance with the Act'. This had a mean score (MS) of 3.68 and a standard deviation (SD) of 0.88. The criteria that was least complied with was 'Existence and functioning procurement planning' (MS = 3.46, SD = 0.92). It was observed that all of the ten criteria had mean scores within a narrow range of values (3.46 to 3.68). This meant nine of the criteria fell in the 'average to high' category, while the 10th was firmly average. These results were presented in Table 4.4.

Table 3: Level of Compliance with Specific Provisions of The Public Procurement Act

S/No	Compliance criteria	Mean Score	Std dev	Rank
1	Advertisement which contains clear conditions for qualification of bidders in accordance with the Act.	3.68	0.88	1
2	Implementation of procurement plans	3.67	0.82	2
3	Use of open competitive bidding	3.67	0.92	3
4	Transparency of bid evaluation process	3.65	0.92	4
5	Use of selective tendering	3.64	0.86	5
6	Level of public access to information	3.64	0.94	6
7	Existence and a functioning Tenders Board	3.58	0.86	7
8	Advert contain technical committee to Tenders Board	3.57	0.93	8
9	Appropriateness of procurement accordance with procurement plans	3.54	0.95	9
10	Existence and functioning procurement planning	3.46	0.92	10

Source: Computed by Author, (2017) from analysis of field survey data

Impact of the Public Procurement Act on the Delivery of Selected Types of Projects

This section was concerned with answering the fourth research question of the study, which was to determine the impact of the Public Procurement Act on the delivery of selected types of projects. This was done in two ways; first, mean values of percentage differences in cost and time performance of the projects in pre and post PPA era was tabulated. The cost and time performance of the projects was then analyzed using independent samples t-test in order to show if the two eras were significantly different. The results were presented in Tables 4.5 and 4.6.

Post-PPA time performance of the sampled projects was generally worse than that of the pre-PPA era. For example, institutional projects were completed at 7.8% more than the planned duration during the pre-PPA era. In the post-PPA era, the comparative value was 47% over planned schedules. Only commercial projects had an improvement in time performance in the post-PPA era as compared to the pre-PPA era (13.2% compared to 15.7% over budgeted time). However, commercial projects fared much worse when cost was considered; such projects were finished at 73.7% over cost budgets in post-PPA era, compared to cost overruns of 8.1% in pre-PPA era. A startling finding was for unclassified projects, where the cost overrun reduced from 8.9% in pre-PPA era to 0.4% in post-PPA era. Unclassified projects were those projects that could not be assigned to any of the three categories of commercial, institutional or residential, owing to relevant information not having been provided by the respondents.

Table 4: Variation in Cost and Time Performance of Different Types of Projects

Project types	% Difference in project time schedules		% Difference in project contract values	
	pre-PPA	post-PPA	pre-PPA	post-PPA
Commercial building projects	15.7	13.2	8.1	73.7
Institutional building projects	7.8	47.0	3.7	7.3
Residential building projects	5.6	16.9	5.5	7.1
Unclassified building projects	40.3	76.1	8.9	0.4

Source: Computed by Author, (2017) from analysis of field survey data

In order to provide definitive statistical proof of significant differences or otherwise in project cost and time performance between the two time periods (pre and post PPA era), independent samples t-tests were carried out. The results showed that differences in time performance of institutional and residential building projects were significantly different between the two time periods. This was based on the value of the F-statistic which was larger than the critical value of $F_{0.05}$ at the computed degrees of freedom. The values however lay within the negative rejection zone of the t-distribution. This finding appeared to support the notion that most of the projects that were covered by the PPA, and to which the Act was strictly applied, were institutional and residential buildings that were developed for the public sector. Commercial projects were mostly not bound by the PPA, since the Act covered only projects funded with public funds.

Table 5: Independent Samples T-test Results for Difference between the Time Performance of the Selected Types of Projects

Project type	x1	x2	Df	t	t _{0.05}	P	Remark
Commercial	Pre-PPA time performance	Post-PPA time performance	81	0.646	1.671	0.520	Non-significant difference
Institutional	Pre-PPA time performance	Post-PPA time performance	39.310	-2.422	1.684	0.020	Significant difference
Residential	Pre-PPA time performance	Post-PPA time performance	47.803	-2.601	1.684	0.012	Significant difference
Unclassified	Pre-PPA time performance	Post-PPA time performance	61	-0.307	1.671	0.760	Non-significant difference

Source: Computed by Author, (2017) from analysis of field survey data.

The situation was different for the cost performance of building projects between the two time periods (pre and post PPA era). None of the categories of projects were significantly different in the two time eras. All of the values of the F-statistic were smaller than the critical value of $F_{0.05}$ at the computed degrees of freedom. It was thus accepted that cost performance of buildings did not differ significantly between the pre and post PPA eras. In terms of cost, the finding in this study revealed two things: one, there was a slight increase in the level of cost overrun between the pre and post PPA eras. Two, the increase thus observed was not large or consistent enough to be statistically significant. Projects carried out under the PPA do not appear to have fared better in terms of cost than the projects that were carried out before the PPA came into effect.

Table 6: Independent Samples T-test Results for Difference between the Cost Performances of the Selected Types of Projects

Project type	x1	x2	Df	t	t _{0.05}	P	Remark
Commercial	Pre-PPA cost performance	Post-PPA cost performance	81	-0.659	1.671	0.512	Non-significant difference
Institutional	Pre-PPA cost performance	Post-PPA cost performance	37.159	-1.349	1.684	0.186	Non-significant difference
Residential	Pre-PPA cost performance	Post-PPA cost performance	75	0.177	1.671	0.860	Non-significant difference
Unclassified	Pre-PPA cost performance	Post-PPA cost performance	61	-0.014	1.671	0.989	Non-significant difference

Source: Computed by Author, (2017) from analysis of field survey data.

CONCLUSION

The average level of awareness of the Public Procurement Act (PPA) amongst professionals in the construction industry was not very high. 50.7% of the respondents have above-average awareness of the PPA, while 14.5% of sampled professionals professed below-average awareness of the PPA.

Statistical evidence has been provided that post-PPA time performance of the sampled projects was generally worse than that of the pre-PPA era, in the case of institutional and residential projects. However, although there was a slight increase in the level of cost overrun between the pre and post PPA eras, no conclusive evidence was found that the cost performance of buildings differed significantly over this period of time (1999 – 2015).

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