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**AN ASSESSMENT OF THE CHALLENGES FACING PUBLIC SERVICE
MANAGERS IN THE IMPLEMENTATION OF THE PUBLIC PROCUREMENT
ACTS 2003, ACT 663 WITHIN GHANA IMMIGRATION SERVICE (GIS)**

DANIEL KWAME TETTEY

2016



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ACTS 2003, ACT 663 WITHIN GHANA IMMIGRATION SERVICE (GIS)**

BY

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

AUGUST, 2016



DECLARATION

Student

I hereby declare that this thesis is the result of my own original work and that no part of it has been presented for another degree in this university or elsewhere:

Candidate's Signature..... Date.....

Name: Daniel Kwame Tettey

Supervisor

I hereby declare that the preparation and presentation of the thesis were supervised in accordance with the guidelines on supervision of thesis laid down by the University for Development Studies.

Principal Supervisor's Signature: Date.....

Name: Dr. Gordon Terkpeh Sabutey



ABSTRACT

The research seeks to explore the challenges facing public sector managers in the application of the Public Procurement Act 2003 (Act 663) within Ghana Immigration Service. Literature was reviewed in accordance with the study objectives and principal-agent theory was equally considered as the conceptual framework of the study. The research was quantitative in nature and questionnaire was the main instrument used and designed for a population of 100 respondents comprising procurement practitioners, GIS staff and service providers. Out of this population of 100 respondents, the researcher made use of a sample size of 50. A questionnaire was as the main data collection tool to gather information needed for the study. Descriptive statistics via Statistical Package for Social Sciences version 17 were used with the support of Microsoft Excel package 2013 as the main tool for analyzing the data. The findings revealed that there was lack of transparency in the procurement process. Aside that, the procurement processes were seen to be very cumbersome and findings were further strengthened by the fact that the lack of qualified staff to follow strictly the processes and procedures pose major challenges for procurement activities. In the light of the above findings, it can be concluded and recommended that government should speed up the amendment of the Public Procurement Act 2003 (Act 663) to address the various implementation challenges facing procurement managers; encourage the engagement of qualified procurement professionals; promote probity and accountability in all state departments to reduce corruption in procurement process and ensure continuous capacity development of procurement stakeholders at all levels.



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DEDICATION

I dedicate this work to God Almighty, my mother Grace, my wife Georgina and to my children Mawukonya, Honam, Mawugbe and Selorm for being there for me throughout the entire master's program.



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INTRODUCTION

1.0 Background of the Study

This is the opening chapter of the research which discusses the background, problem statement, general and specified objectives including the research questions. The research significance, scope as well as limitations are equally presented here. Key terms definitions and organization of the study are stated in the chapter.

Public procurement embraces the entire practices and procedures of procuring goods, works and services. It starts from a point where an outfit recognizes a need and determines on its procurement obligation. Procurement proceeds through the process of risk appraisal, price agreement, distribution and payment of goods, works and services. Procurement further expands to contract management and its thought of alternative action throughout the asset disposable period of its functional life (Waters, 2007).

The magnitude of Procurement is relatively substantial. It calls for a considerable amount of national requirements of goods, works and services for its development purposes. In reality, researchers such as Arrowsmith, 201 and Thai, 2001 confirmed that procurement system has improved the wellbeing of many communities/societies, companies and the nation as a whole worldwide.

Efficient Procurement system is a system that is defined as contribution of greater attitude of value for money, accountability and transparency in the submission of procurement financial statement. These are significant to poverty cutback, and support efficacy. Thus, various groups in the advancement course of action ought to have much attention in supporting these



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important pillars of high-quality control. In supporting these pillars of high-quality control, procurement managers in the public establishments need to be proactive in the discharges of their duties and responsibilities (Onyinkwa et al., 2013).

Worldwide, the activities of public service procurement managers have turned out to be a subject of open concentration, discussion and have been prone to change, reformation, convention and set of laws since public funds are utilized to procure goods, works and services. Executives worldwide apply public procurement guidelines and implementation mechanisms to address a number of issues together with budget implementation, service delivery, socio economic environment, human rights and wide-ranging developmental concerns. All are likely to be carried out by procurement managers at various levels of the procurement activities (World Bank, 2003a, Onyinkwa et al., 2013).

The primary role of procurement managers is to procure goods, works and services effectively and efficiently in array to have value for money for the best possible mixture of right quality and quantity, at the right place, price and time, and source of production, and in the right condition. However, in going through these processes and procedures, they are bedeviled with several challenges (Benslimane et al., 2005 and Caldwell et al., 2009).

According to Osei-Owusu et al. (2014), the decade between 1990 and in the early 2000, the role public service procurement managers played in the framework of Security Institutions was reasonably straightforward. They opined that procurement managers were in charge for finding the parts their Institutions required at the least conceivable expense cost, obviously considering elements like item quality and other essential measurements.

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Albeit many developing nations have found a way to equip their procurement professionals with some requisite knowledge and skills with enriched systems, the processes and procedures are still masked with secrecy, corruption, inefficiency, and undercutting as they continue to waste huge amount of Government resources (Onyinkwa et al., 2013).

Since the enactment of public procurement Law 2003, (Act 663) and implemented in 2004, there have been various civil arguments on the treatment of government tenders. Almost every major government project in the Security Services has generated controversy and such projects include procurement of uniforms for Fire Service in 2012. Therefore, procurement professionals in Security Institutions are froth with countless number of challenges which need to be addressed (Musanzikwa, 2013).

Ghana Immigration Service (GIS) as a Para-military Institution has many logistics, supply chain and procurement impediments which are not relatively different from the aforementioned procurement challenges of security services in the country.

This work identifies and assesses the specific challenges facing public service managers in the execution of the Public Procurement Act 2003, (Act 663) within Ghana Immigration Service and also proffers some solutions to address them.

1.1 Statement of the Problem

The Procurement role has not been given the acknowledgement it merits in developing nations, in most open elements, paying little attention to the exertion by the compliance such as the World Bank, World Trade Organization (WTO), International Trade Organization (ITO), United Nations Conference on Trade and Development (UNCTD) and many more. This may perhaps be deliberate or complete lack of awareness of the significance of procurement function to any organization advancement (Telgen et al., 1997).



Prior to 2002, procurement in the Service was carried out by the finance unit. During those period procurement was simply based on mere comparison of invoices and then a supplier with the least quotation was asked to supply without due consideration to quality and documentation of the process and procedures (GIS Annual Audit Report, 2004). Based on the recommendations of the Public Accounts Committee of Ghana in 2000, a Procurement Unit was established in the Service's headquarters to control all procurement activities.

In spite of the various procurement modifications and the coming into force of the Public Procurement Act 2003 (Act 663) to eliminate all stumbling blocks for smooth implementation of procurement system in Ghana, the public procurement managers' work has often been characterized with a lot of difficulties and challenges ranging from supply chain management issues, logistics, financial to legal impediments. There also appears to be lack of technical and human resource capabilities to strengthen the institution in the allocation of scarce resources, supervision, auditing, and control of actual spending (World Bank, 2010).

The general public on the other hand sometimes accuse procurement managers for pay off or bribery, wastefulness, delays in acquisition because of red-tapeism, absence of fairness, lack of transparency, corruption, financial malfeasance, and collecting ten percent (10%) from any given contract awarded to suppliers (Adjei, 2008). There are indications that miniature study has been undertaken on this subject and that GIS as a public institution might be going through all the aforementioned challenges.

World Bank (2004) report indicated that low salaries of procurement personnel, poor record keeping, and delays in payment of contractors are critical elements that test procurement



changes. Thai (2001) correspondingly noticed that lack of competence inhibits successful public procurement amendment.

Raymond (2008) conducted a study in utility administration suppliers in Volta River Authority (VRA) and noticed that, for government sector procurement to have good practices, emphasis must be placed on openness and responsibility. Schiele and McCue (2006) proffered that macro environment factors such as the ecology, economic situations, political, legal, and social-monetary components offer challenges in the implementation of open procurement.

The findings of Adu-Amoah and Campion (2012) indicated that procurement processes in Ghana Polytechnics, for example, face numerous bottlenecks with corrupt and fraudulent activities. Patrick, Mamati and Jonathan (2010) equally carried out a research in secondary schools to assess the impact of Open Procurement Act 2003 on procurement practices in Public Institutions in Ghana.

These numerous writers including Nkuah et al. (2014) scantily highlighted on the public procurement reforms implementation challenges, procurement process and procedures, and procurement principles but failed to give detailed explanation on each of them, throw more light on their impact and effect on sustainable procurement practices and strategies to curb implementation challenges as the public sector managers strive to have value for money in government spending.

Furthermore, as the administration of public procurement might extend from planning, scrutinizing and disposal of public assets. A study about various challenges of procurement

practices, procurement principles and methods emanating from these administrations have been conducted in GIS (Musanzikwa, 2013).

1.2 General Objective

The overall purpose of the study is to explore the challenges facing procurement managers in the Ghana Immigration Service (GIS).

1.2.1 Specific Objectives

1. Critically identify and assess the procurement processes and procedures as well as principles and methods observed in the GIS.
2. Analyze the effects of the Public Procurement Act 2003 (Act 663) and sustainable procurement practices on service delivery.
3. Ascertain the various challenges faced by the procurement managers in the GIS and how to address them.
4. Establish the strategies put in place to enhance procurement practices in GIS.

1.3 Research Questions

The study will attend to the subsequent questions:

1. What are the procurement processes and procedures as well as principles and methods observed in the GIS?
2. How are the effects of the Public Procurement Act 2003 (Act 663) and sustainable procurement practices on service delivery analyzed?
3. What are the various challenges faced by the procurement managers in the GIS and how to address them?
4. What are the appropriate strategies to be put in place to enhance procurement practices in GIS?



1.4 Significance of the Study

This study would be very valuable to various stakeholders of the GIS. The findings and recommendations from this research would be of immense help for the management of the GIS by ensuring that public funds allocated to the Service are used in accordance to the purpose for which it was intended and also manage the activities of the procurement unit.

Besides, the results and proposals of the examination would help government and policy makers to figure out and execute fitting audit activity plan for the public service procurement practitioners to ensure smooth implementation of the Act. The study would further generate knowledge to help and guide the government and the Policy makers in their public resources planning which in turn would help intended users of any development projects and be abreast with some of the challenges facing public service managers. Hence, the study would as well seek to broaden the knowledge base of potential future researchers or academicians.

1.5 Scope of the Study

There are many public institutions in the country where procurement manager's work, but the scope of the research is narrowed to Ghana Immigration Service. It is commendable to note that there are masses of researches carried out on public procurement reforms, public procurement laws and procurement professionals in developed and developing nations.

However, this study is centered on the assessment of challenges faced in the application of the Public Procurement Act 2003 by the procurement practitioners in Ghana Immigration Service. Again, Public Procurement Act 2003 basically classified procurement under three main headings, namely; Goods, Works and Services but due to the limited time at the disposal

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of the researcher as well as the financial constraints, this study was focused on the procurement of goods.

1.6 Limitation of the Study

Limitations encountered included funds, time, political sensitivity and unavailability of data and logistical constraints. The research focused on challenges facing public Service which directly affect GIS significantly. Challenges arising from the problem of coordinating and other operations may not be considered. Complex mathematical models were ignored due to lack of adequate knowledge and time.

Political sensitivity of some information might restrict the researcher access for detail research. Again, poor cooperation from respondents made the total number of persons to be interviewed became smaller than anticipated and the quality of their responses left much to be desired.

1.7 Definition of Relevant Key Terms

In most of a research work, relevant key terms are identified and well defined to give readers a fair idea about the subject matter which in a way edges or enhances the reader to find out what the researcher has.

1.7.1 Supply Chain and Supply Chain Management

A supply chain is a collection of organizations, persons, innovations, training, statistics and resources integrated in transporting things or service from suppliers to customers/clients. Supply chain movements change characteristics of resources, raw materials and components into finished products that are distributed or carried out to the final user. In sophisticated supply chain schemes, second-hand products can re-enter the supply chain at any stage where



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residual value is recyclable. Supply chains link value chain (Council of Supply Chain Management Professionals, 2009).

Coyle et al (2003) also define supply chain as the substantial, monetary, and information networks that engage the movement of equipment, money, and connected information throughout logistics practices from the purchase of raw materials to the release of completed goods to the final consumer. There are wide assortments of definition accessible for supply chain management. It incorporates those of: Institute for Supply Management (2007), which portrays supply chain management as the organization and administration of reliable, value added structures crosswise over authoritative limits to meet up the legitimate needs of the final user. The improvement and incorporation of individuals and mechanical assets are basic to effective supply chain mix.

The Council of Supply Chain Management Professionals (CSCMP 2009) also identifies supply chain management as follows: “Supply Chain Management encompasses the planning and management of all activities involved in sourcing and procurement, conversion, and all logistics management activities. Importantly, it also includes coordination and collaboration with channel partners, which can be suppliers, intermediaries, third-party service providers, and customers”. In real meaning, supply chain management integrates supply and demand management within and across corporations.

According to Weele (2000), the concept of supply chain can be expressed as the management of behaviors, data and economic resources allied with the course and conversion of goods and services up from the raw materials suppliers, components suppliers and supplementary suppliers in a way to meet the opportunities of the last consumer.

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The following are other definitions of supply chain management (SCM) from prominent writers: Oliver and Webber (1982) SCM stretches up from merchandize streams to supplier through assembling and conveyance distribution lines to the last customer. Jones and Riley (1987) SCM strategies manage the arrangement and direct of aggregate resources streams from suppliers to the last consumer. According to Ellram (1991), SCM is an integrative methodology in administration of the materials streams from suppliers to the final users.

On the other hand, Christopher (1992) defined SCM as the administration of an organization system through upstream and downstream relationship, detective procedures and movements that distribute quality products and services at the doors of the end clients. Ayers (2000) said SCM is the outline, support or operations of supply chain procedures for satisfaction of last users. Chopra and Meindl (2001) defined SCM as the involvement of the management of streams between and among stages in a supply chain to amplify absolute benefit.

1.7.2 Logistics Management

Logistics gives the methods by which items can reach the client or end client in the suitable condition and required area.

“Logistics is the positioning of resource at the right time, in the right place, at the right cost, at the right quantity” (UK Institute of Logistics and Transport, 1998)

According to CSCMP as stated in Murphy and Wood (2011), Logistics Management is that some portions of SCM which arranges, actualizes, controls the productive viable turn around stream and quality of merchandize, administration and allied data linking the point of inception and the point of consumption keeping in mind the end goal to meet up clients' prerequisite.

1.7.3 Logistics Process

- Materials management is apprehensive of the inbound development and storage space of raw materials, purchased components, and subassemblies inflowing and flowing through the change practices.
- Physical distribution concentrates on the outbound carrying and storage of finished products from point of manufacture to where consumers desire to obtain them.

1.7.4 Purchasing

Purchasing is the act of acquiring goods and services that a company needs to work and/or make things. Several people are unaware of the concept of purchasing. “Purchasing” as used in industries, commerce, corporations signify the act of and the economic responsibility for obtaining works, goods and services. It just depicts the procedure of buying. Nevertheless, it takes account of choosing necessities, deciding on supplier, touching on appropriate value, terms and conditions to ensure rightful delivery. It focuses on acquiring products in the right quantity, quality, price, time, supplier and delivering to the opportune dot (CSCMP 2009).

1.7.5 Procurement

According to Coyle et al (2003) Procurement is a multipart procedure complex to characterize, comprehend, and administer. In any case, to administer the procedure, it ought to be comprehended; to comprehend the procedure, it ought to be characterized. Contingent upon the situation procurement is characterized as the act of procuring works, goods and services for an organization.

The procurement procedures, be that as it may, is more than only finish of an action; it is the effective completion of a progression of exercises that frequently cut crosswise over

authoritative limits. To formalize the definition, then, procurement comprises of every one of those exercises important to procure goods and services steady with user prerequisites.

As per Sarpong (2007), Procurement is the administration of getting hold of merchandise, works and services to enhance worth for cash through an expert, checking and straightforward system. It was trusted that, high-quality procurement ought to cover up the accompanying standards; effectiveness and efficiency: all procurement role ought to go for accomplishing the right amount and quality at the base cost; Competitiveness: the procurement procedure ought to guarantee some opposition among the contending parties; Ethical methodology: procurement procedure ought to maintain a strategic distances from all practices that could prompt conceivable irreconcilable circumstances; Fairness: all procurement ought to go for accomplishing decency and guaranteeing that every single taking an interest bidder are given equivalent chance to offer; Transparency: the procurement procedure ought to be sufficiently open to obtain from giving focused bidders benefit above different bidders. High-quality procurement is basically ought to be in accordance with the World Bank standards of procurement.

Weele (2004) characterized procurement to be “All exercises necessary to get hold of item/benefit from a supplier to the last consumer”.

In a nutshell, procurement crosswise every exercise likes buying, stock keeping, transfer, inward bound check, quality control, invoicing and ecological maters for attainment. Procurement traverses supply chain and logistics administration to envelop organization benchmarks.



1.7.6 Public Procurement

Public procurement can be depicted as half-way arrangement legitimate procedures which are guided by political choices and essentially actualized by different nearby buyers. It ought to be recognized that public procurement has monetary and societal advantages, yet the societal advantages of public procurement are fundamentally perceived as backhanded constructive outcomes of financial reserve funds and natural changes (Björn and Wickenberg 2004).

It also broadly defined by Odhiambo and Kamau (2003) as buying, employing or getting by some contractual methods of services, goods, and works by the open division.

World Bank (1995) on the other hand characterize, Public Procurement as buying products and constricting development works and services if such purchase effected by funds from government financial plans, local authority spending plans, home loans or overseas loans assured by the executives, overseas aid and returns acknowledged out of financial action of the executives as the procuring body utilizes public resources.

As indicated by Waara (2007), Public Procurement is any acquiring carry out by an open power inside of the traditional segment or inside of the utilities segment. General Society Acquisition rules appropriate to acquiring elements likewise rely on upon whether the aggregate buy worth is more than or underneath definite supposed “threshold values”, vary respect products administrations plus development works. Procurement over threshold values applies acquirement orders should be publicized as addition to the authorized diary for open tenders. There are various diverse procurement measures to select from, depending on the type of acquisition either over or beneath the threshold standards. Numerous negligible buys are focus to supposed “straight procurement”, which are not openly publicized. Conversely, ethics of marketplace opposition, straight procurement needs not to obtain



repetitively, and purchases must not be separated into minor components to shun above the threshold values.

The Open Procurement Act 2003 (Act 663) on the other hand defines it as the procedure by which businesses get hold of supplies, facility and services using open resources. It comprises of scheduling, welcoming offers, giving contracts and administration of contracts.

1.7.7 Goods

Goods are objects of each kind and depiction including crude materials, foodstuffs, equipment and substance in strong, fluid or vaporous structure, and power, and additionally benefits accidental to the supply of the products if the estimation of those coincidental administrations does not surpass that of the products themselves. A **“Good”** is any material thing which can be economically evaluated (PPB Manual 2007).

1.7.8 Works

Works implies work related to the development, recreation, wreckages, repair or design of a structure, building, surface and incorporates sites readiness, unearthing, erection, get together, establishment of plant, settling of hardware and put down of materials, enhancement, completing, plus any coincidental movement beneath an acquisition contract. A **“Work”** means the results of building or structural designing works taken overall, which is adequate of itself to satisfy a monetary or specialized capacity (PPB Manual, 2007).

Works is any agreement in which the standard element of the expenses are development, repair work on-site, and resulting in production that is permanent at one place – house, road and rail network, trenches, and so on. An agreement to supply and introduce a generator would be measured as “goods” if the estimation of the generator (conveyed to the site) is



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higher than the expense of the work required introducing it (developing of establishments, lodging and so forth) (Abrams, 2013).

1.7.9 Services

Any “product” that is not a substantial item, (neither works nor goods). Services might be partition into expert administration in which the principle segment of expenses is the charges of experts staff, and physical administrations for example repair, transport and up keeping, solid waste gathering, and so on (Abrams, 2013).

1.8 Organization of the Study

The study is planned and convened in five key and leading units to certify conformism and sound arrangement. The introduction covers the background to the study, the problem statement, objective of the study, research questions, significance, scope, limitations, definition of relevant key terms and organization of the study concentrate on chapter one.

Literature review is a section that reviews all the current literature that bothers on the objectives of the research. It again gives the empirical experience of the study concerning already done on the subject matter in the past and their importance to the research and captured in chapter two. Research methodology which spells out how the data were collected forms chapter three.

Data presentation and analysis are found in chapter four. This is the analysis of the collected in the chapter four and finally, summary of findings, recommendations and conclusion of the research based on the data presentation and analysis are in chapter five.

LITERATURE REVIEW

2.0 Introduction

Here, the section aims at reviewing literatures/articles of some authors and to raise awareness and consensuses about issues and also serve as reference for the research. The researcher explored relevant and related literature in support of the support of the objectives of the study. A search of literature revealed that considerable number of studies has been done on challenges facing public service managers in the implementation of the public procurement. It is on critical theoretical review and procurement processes and procedures, procurement principles, procurement methods, good procurement practices and its effects on organization's performance, public procurement and its implementation challenges, challenges faced by public procurement managers.

2.1 Brief History of Procurement

Procurement refers to the acquisition of goods, works and services using public funds. It applies to public funded procurement or procurement paid for through the consolidated fund. The procurement cycle involves planning, sourcing, contracting, contract management, storing, distribution, disposal and evaluation. These set of laws could likewise be connected to the requirement for standardized measures and records, the partition of proprietors and directors in private segment organizations and the prerequisite for straightforwardness of open sector choice and functions (Callender, 2007).

Callender (2007) further argued that, until the technological developments of yesteryears, customary belief system viewed procurement as the practice-based organizational procedure of purchasing the products, works and services necessary to fulfill the useful needs of

supervisors. Rules, regulations, strategies and conventions were average of the procedure. Procurement staff position as monetary and working sentinels between the directors and their material prerequisites, unifying the supply undertaking and making administration control over spending. Procurement was both a commanding and in some cases despised position with its virtual control over acquirement.

A few analysts proposed that the present day advancement of procurement is differentiating by the important commerce and executive necessities of the occasion. For instance, Monczka, Trent, and Handfield (2002) proposed the advancement of procurement can be completed through different phases: rise around the mid-nineteenth century (in their perspective), through a time of acknowledgment prior to World War II, quick increment in erudition in acquisition amidst that War, trailed by a time of calm development. Nonetheless, in the most recent 35 years, the vocation has moved into a time of real change in materials administration and confronted the difficulties of globalization, mechanical change and the rise of production network administration.

By the late 1980s, the requests on procurement procedures were changing and, masterminded by changes in customary belief system and techniques. Procurement started to be specified as far as another idea called the supply chain (Oliver & Webber, 1982); and the significance of procurement was likewise acknowledged by Michael Porter's concept of the value chain (Porter 1990). These transforms were practically indistinct until the facility of computer technology got to be connected with the upheaval in procurement development.

As a component of the supply chain, procurement practitioners started to be seen as initiators inside of the procurement process. Combined with creating ideas, for example, complete quality management, customer service, supplier performance management and just-in-time



inventory management, inventive supply directors saw the chance to start to deal with their supply chains through the procurement process. In this way, as opposed to expecting their divided role of days passed by, procurement practitioners started to sight the whole stretched out big business and to, consequently, strategize with other key business capacities to meet managerial objectives and to enhance the procurement process.

On the facts finding of Wittig and Jeng (2005), emerging nations needing help now and again compelled to adjust several contending intrigues in the range of procurement change. To offer them some assistance with doing this, a clear acknowledgement of these hobbies is required. For instance, outer weight as conditions made a portion of credit or allows from benefactor organization is frequently the real purpose behind change endeavors. The objective execution level then turns out to be only to take out the contingency forced in the agreement. Such changes might be expected to better incorporate the nation into worldwide exchange system or trade network, however, it may not be the best method for building privately determined changes.

Wittig and Jeng (2005) on their fact findings further argued that, more noteworthy harmonization of contributor procurement tenets to be taken after would enhance the viable utilization of moderately real expert procurement staff. Benefactors frequently require that just their standard be taken after. While contributors have each privilege to set their own particular standard and conditions, enquiries of sway will exist to decide the life span of the changes. Sovereignty depicts a definitive power in the state, imperative in the universal arrange of duties. Aid-recipient nations surrender some sovereignty when they concert to conditions in advance and assertion. While benefitted for reasons, the condition still should be clarified at home. Customer nation needs to comprehend, archive and examine with neighborhood partners how the nearby economy has profited through changes forced in



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worldwide responsibilities. Our part is to offer them some assistance with documenting and clarify made progress (e.g. procuring temporary workers from outside the area or nation spared 'X' measure of cash that constructed 'Y' new schools).

Working with the administration of Ghana, the International Trade Centre (ITC) assisted to renovate its procurement framework for continuous developments in domestic infrastructure projects. Financed through World Bank program, The Ghana Public Procurement Authority (GPPA) was set up as the central point of convergence for development around there of public expenses.

In the year 2002, the World Bank as a team with the administration of Ghana, carry out a Nation Procurement Appraisal Survey and accomplished that Ghana did not have the four fundamental components that a nation needs to have a sound procurement framework, to be specific:

- A sufficient arrangement of approaches and measures (regulations/codes);
- A physically powerful or solid and successful procurement establishment;
- An adequate number of capable and devoted procurement staff; and
- An administrator and adjudicator to guarantee acquiescence.

On finishing point of the survey, a Country Procurement Assessment Report (CPAR) created suggesting changes of the procurement framework. This report prescribed, in addition to other things, measures to reinforce best practices, for example:

- A sound broad procurement policy to sustain the nation's capacity to convey administrations;
- A viable public sector procurement framework to impact both small scale and macroeconomic effectiveness;



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- Procurement procedures that guarantee objectivity, justice and openness or precision in the contract award. These are fundamental elements in keeping away from reason for accusation of bribery and in the meantime augment both admiration for public establishments and government proficiency; and
- Sound acquisition practices to pull in and assimilate outside venture and to take an interest in the development of global exchange.

These and among other things strengthened the idea and emerging vision of restructuring the procurement system in Ghana to meet the international standard both private and public sector procurement. It is of this measure; Ghana can also foster social, economic and good governance relationship among the developed and developing nations and serve as a gate way tool for national and international development.

2.2 Public Procurement in Ghana

Many professional bodies began to emerge as Ghana gained its freedom from the colonial masters on 6th March, 1957. Various foundations were shaped to empower procurement and supply chain experts to pick up the advantages of expert's participation and acknowledgement.

These professional bodies include Chartered Institute of Purchasing and Supply (CIPS)-UK, International Federation of Purchasing and Materials Management (IFPMM) which were shaped in 1974 through the amalgamation of the European Federation of Purchasing and the International Federation of Purchasing and many more to give a firmed recognition of procurement practitioners.

The expansion of experts bodies in both quality and shortcoming of the whole procurement and supply chain development. The presence of numerous organizations uncovers the fundamental inspiration of procurement professionals to advance their new calling at neighbourhood regional, national and worldwide levels (Callender, 2007).

Ghana as an independent country has built up substantial and important experience on public procurement under civil and military administrations. In the pre-independence era, that is prior to 1957 there was a public procurement policy in which public procurement was treated as part of the colonial administrative process in the British Empire. Since colonial administration, several institutions like Public Works Department (PWD), Crown Agents, and Ghana National Construction Corporation (GNCC), Ghana Supply Commission (GSC), Ghana National Procurement Agency (GNPA), Architectural and Engineering Services Corporation (AESC), Central, Regional and District Tender Boards were mandated to ensure successful procurement system for proper utilization of Government resources (World Bank, 2003).

According to Crown Agents (1998) there were no comprehensive guidance on the process and procedures for the procurement of goods, works and services in Ghana. The procurement had been regulated mainly through circular which harmonized measures developed by caucus from the Ministry of Finance. The classifications of contractors were seen to be excessively broad and out of date and the enrolment criteria, arrangement of contractual workers and money related limits were not consistently overhauled.

The Architectural and Engineering Services Corporation (AESC) and the Crown Agents were the latest institutions mandated to provide consultancy and supervisory services in all Government and World Bank administered projects in the country. In attempting to tackle



the flaws in the open procurement structure in Ghana, a course of numerous monetary and official instruments like administrative instructions, legislative instruments, constitution and financial circulars were passed.

Convincingly, the establishment of the National Procurement Agency and Ghana Supply Commission which concerned openly in frontier procurement consequently did not carry out supervision accountability to manage the flourishing execution of these laws. In view of the fact that there was no lawful organization to carry out supervision blame, the procurement structure was distinguished by uncertain permissible structure, absence of coordinated measures and rules and indistinct institution and managerial display mandatory in the administration of the open procurement.

Moreover, there were lacks of plainly distinct function, tasks of individual procurement bodies, autonomous petition body with authority to tackle grievance from distressed bidders, and offer remedial solutions. Also, there was the lack of power to set out of open possessions and no autonomous inspection function to make certain proficient responsibility.

2.2.1 Public Procurement Act 2003 (Act 663)

The Government, in 1960, passed the Ghana Supply Commission Act. Around the same time, Contracts Act, Act 25 of 1960 was additionally enacted. In 1976, the National Procurement Agency Decree SMCD 55 was endorsed by the Supreme Military Council.

In 1979, another law, the Financial Administration Decree SMCD 221 was in addition passed. In 1990, PNDC law 245 was passed to review the Ghana Supply Commission Act. These laws, decrees and instruments were intended to give a thorough system of managerial authorities to control the actions of procurement inside the public segment (Adjei, 2008). Be



that as it may, despite the aforementioned attempts by the various Governments, there were shortcomings in the public procurement system.

It therefore turns out to be clear that there was the need to seriously look at the procedures and methods of public segment procurement to guarantee operational productivity and institutional ability to address the different weaknesses.

The Procurement Law 2003 (Act 663) is a complete enactment intended to remove the inadequacies and managerial limitations which were intrinsic in public procurement system of Ghana. The legislature of Ghana, in conference with its advancement accomplices had recognized the public procurement system as a region that required earnest considerations in perspective of the far reaching view of generate practices and inefficiencies, and to put up trust in the acquisition framework. As per the World Bank (2003) accounted that around 50-70% of the national spending plan (after individual remittances) is procurement associated. Hence, a proficiency open procurement structure might guarantee value for money in government spending, which is fundamental to a nation confronting gigantic formative difficulties.

Ministry of Finance (2003) report states that, in 1996, Government of Ghana set out upon a comprehensive activity to change the Public Procurement System for which is an essential part of a more extensive Public Financial Management Reform Programme (PUFMARP). The activity was to enhance the general open financial administration in the nation. In the year 1999, the Public Procurement Oversight Group was created by then Government of the republic of Ghana to control the advancement of a complete public procurement modification program.



The reform exercise as a whole identifies a number of shortcomings and managerial limitations inbuilt in the nation's procurement structure. These comprise absence of a complete open procurement strategy and the absence of a complete lawful system to protect the reliability of the open procurement structure. Others are the nonattendance of a focal body with the essential capability, specialized mastery and skills to build up a rational open acquisition strategy (Ministry of Finance, 2003).

Ministry of Finance (2003) went further to say that, for an effective and efficient process, standards and policies are mandatory requirements to control, direct, prepare and sufficiently screen public procurement. The nonappearance of plainly characterized parts and obligations of individual procurement bodies to address complaints from aggrieved bidders were also a major problem. Once more, absence of an obviously characterized power to permit procurement bodies to attempt the acquisition of goods, works and services with assets assigned to them destabilized the structure. The lack of power to discard public resources and absence of procurement inspection task by autonomous command authorities and selected specialist to guarantee productive responsibility was likewise an oversight.

In order to reduce the various deficiencies and managerial shortcomings in the public procurement procedures, it became attractive to pass a complete Procurement Act which will be supported with standard tender documents to promote managerial, institutional cause of action and an oversight body to manage the public procurement framework.

On the move of getting another structure to advance the utilization of public procurement as a device for national improvement to harmonize the use of procurement associated issues, a Bill which provides for a comprehensive public procurement system was passed by Ghana Parliament of the forth republic to foster competition, efficiency, transparency, value for



money, accountability and equivalent contact for every national to take an interest in the open procurement procedures. The passage of the bill led to the establishment of the Public Procurement Board to oversee the smooth implementation of the Act.

Finally, the Public Procurement Bill which seeks to revoke the District Tender Board Regulations, 1995 (L.I.1606) and repeals the Ghana National Procurement Agency Decree 1976 (SMCD 55) and the Ghana Supply Commission Law, 1990 (PNDCL 245) was passed. These and many more aforementioned challenges promulgated the enactment of Public Procurement Act 2003 (Act 663) which was implemented in 2004.

2.2.2 Public Procurement Authority

The Public Procurement Act 2003 (PPA) (Part I, Sections 1-13 of Act 663) the Act set up the Public Procurement Board (the Board) as the administrative body for public procurement in Ghana. Procurement bodies are defined as consisting of Ministries, Departments, Agencies (MDAs), District Assemblies (DAs) and all para-statal institutions that utilize public resources (s.14).

A tender committee in each procurement body offers a one-stop shop for simultaneous approvals, awards and management of contracts to predefined value thresholds (s.17). The tender committee may make use of outside consultants in the performance of its tasks. The tender committee shall submit any procurement beyond its value threshold to the suitable tender review board at the district, regional, ministerial or central government level.

The tender review board reviews all procurement activities for conformity with the PPA, provides simultaneous approval or otherwise of procurement recommendations, hears



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complaints and raises uncertain issues to the Board (s.20). The Board was established to undertake various capacities to control public procurement in Ghana. Its capacities include:

- Policy: for example, providing details regarding the public procurement structure and giving advice to Government on all matters identifying with procurement. It is likewise in charge of advancing against anti-corruption activities and creating measures to protect the environment.
- Monitoring: for example, checking consistence with the Act and Regulations by procuring unit, suggesting any remedial activities required and submitting breaks to the important supervision and law authorization bodies, where suitable.
- Regulation and Standards: for example suggesting regulations and issuing standards tender documents, delaying providers and dealing with the grievances and claims process.
- Capacity-Building and Expert Improvement: for example, coordinating refinement and limit building exercises in the part of procurement, set proficiency measures and build up procurement staff.
- Information Administration and Distribution: for example keeping up a database of prospective suppliers, gathering and investigating insights on public procurement and keeping up a site for distribution of tender notices and further procurement information.

It is of these backgrounds, a firmed mission and vision were clearly defined for Public Procurement Authority as a guide to various procurement reform decisions that bind procurement managers for the smooth execution of their functions (PPB, 2006).

The idea of the PPA is a world-class, effective, obvious, and responsible and competently administers open segment procurement structure in Ghana, which appreciates high-quality commerce assurance, guarantees stable accomplishment of best worth for cash in the acquirement of merchandise, works and services, backing of general improvement and financial approaches.



It intends to synchronize the procedure of procurement in the public service to secure a wise monetary and effective utilization of open assets to guarantee that public procurement is completed in a reasonable, clear and equal way while advancing a competitive Local Industry.

2.2.3 Legal Framework of Public Procurement in Ghana

As indicated by World Bank (2003) and Public Procurement Act 2003 (Act 663) a solid and well-working procurement framework would be one that is represented by unmistakable lawful system setting up the tenets for transparency, productivity and instrument of requirement, combined with an institutional plan that guarantees consistency in general approach, definition and usage. An expert unit of staff that implements and deals with the procurement task was additionally important to strengthen the legal frame work in all contractual agreement.

Studies and assessments of procurement systems during the pre-independence era in various developing countries, though, have consistently indicated flaws in the majority if not all of the aforementioned parts. In respect of these and many challenges bedeviled then procurement system prompted the Ministry of Finance to plan Public Procurement Bill, which was passed into law by Parliament in 2003.

The Public Procurement Law 2003 (Act 663) and its implementation by the procurement professionals are keys to establish a reliable legal structure for public procurement and to make advancement in public procurement practices. The Act places accountability and responsibility for procurement on Heads of Procuring Entities and other public officials to



whom Government has placed responsibility for carrying out government programs and use of public funds.

The Public Procurement Law harmonizes Government and Development Partner procedures and reduces cost of transactions and areas of conflict. It is of these backgrounds, various procurement reforms that bind procurement professionals were established for the smooth execution of their functions. The Public Procurement Act which places out the lawful, institutional and administrative structure to secure financial transparent and open accountability in Ghana's procurement framework set up five essential pillars which the public procurement is based. The five pillars are: the legal and institutional framework, standardized procurement procedures, and tender documents, independent control system, proficient procurement staff and anti-corruption measures (World Bank 2003).

Table 2.1 Legal Framework of Procurement Act 2003

LEGAL FRAMEWORK	DETAILS
Public Procurement Act, 2003 (Act 663)	Make available an extensive legal administration to synchronize and protect public procurement
Public Procurement Manual	Make available practical guidance and step-by-step procedures for undertaking procurement in accordance with the Act.
Standard Tender Documents (STD)	They consist of standard invitation and contract documents for procurement of all values. There are separate standard tender documents for goods, works and services.
Public Procurement Regulations	They include detailed set of laws and measures for all aspects of the procurement system, the functions of PPA and procurement bodies and the manner of procurement activities.



Guidelines	set by the Public Procurement Authority (PPA) which offers complementary guidance on disposal, single source procurement, margins of preference, framework contract agreements, public procurement (PP) etc.
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Source: PPA Regulations (2003)/PPB (2007) Procurement Training Manual

2.3 The Role of Procurement in the Public Service

Historically, the main role of public procurement was to obtain goods and services to the military (Matthews, 2005) and that public procurement must follow prescribed procedure that give a major weight on fairness and equity and is subjected to oversight by the legislature and public audit. Several attempts are being made to regulate global procurement practices. Among them are WTO and Government Procurement Agreement (GPA) made towards voluntary agreement to extend most-favored-nation and national treatment rules to government purchases of specified government agencies.

As per Lewis and Roehrich (2009), demanded that acquisition is an important movement in the inventory network. Procurement can essentially impact the general achievement of an emergency response relying upon how it is overseen. In many organizations, procurement stands for a very huge amount of the total spend and ought to be managed successfully to attain the desired objectives. Procurement works like a spin in the inner supply chain process pivoting demands into genuine items or services to satisfy the requirements (Caldwell, Roehrich, & Davies, 2009). Caldwell et al. (2009) further contend that public procurement serves three levels of clients to be specific; inward clients, programs in light of crisis and continuous projects and preposition of stocks, for both inside clients and program needs.



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Benslimane and Plaisent (2005) contend that the general point and target of procurement is to do exercises identified with procurement in a manner that the goods and services so secured are of the right quality, p from the right source, are at the right cost and can be conveyed in the right amounts, to the perfect spot and at the ideal time. There are ‘six rights’ in procurement and they can be accomplished through after particular targets of procurement (Benslimane & Plaisent, 2005). These particular goals are to: purchase quality materials, things and services inexpensively from dependable sources; guarantee convenient conveyance through the determination of competent and proficient suppliers persistently find, assess and create prudent and dependable supply sources distinguish the most dependable wellsprings of supply through either open tender, direct procurement, pre-qualifying suppliers and holding just those that are fit for meeting the organization’s necessities key sourcing and constrained tendering research the accessibility of new materials and screen patterns in business sector cost and purchase as per organizations strategies.

There are three essential principles of procurement (Caldwell, Roehrich, & Davies, 2009). The first principle is transparency which underscore that the procurement procedure ought to be reasonable and precisely acknowledged. The next principle is accountability to agents who might require that specific tenets and measures ought to be trailed by recipients of the money they have provided. At last, there is the principle of effectiveness and efficiency and these principles are concerning gathering the ‘six rights’ of supply; value, right time, right amount, quality services, and deliverance to the required stops and from the most reasonable source.

Procurement has a vital part to play and each association ought to set up compelling frameworks of procurement to defend shareholders reserves. In state funded universities,

procurement is vital for the reason that they are recipients of public resources or taxpayers' money that should be fittingly represented and it is consequently that the procurement task shapes a key portion of administration methodology. The specific elements of procurement are the financial plan included, the recurrence of exercises and procedural difficulty of the tasks. Procurement action must, hence, be considered as an inward part of the business setting up procedure and should identify with the advantage administration methodology.

2.4 The Procurement Process

Conventionally, purchasing was overseen as a three-stage process chain; this was the Distinguishing proof Stage, the Requesting Stage, and the Post-requesting Stage. According to Lysons & Farrington (2006), the inefficiencies of these customary measures incorporated: "A sequence of non-value adding clerical activities, excessive documentation, and excessive time in processing orders both internally and externally, excessive cost on purely clerical work" (p.77). This is to say that the process involves the receipt of demand, requesting for quotations, arranging with suppliers, putting request, receipt of supplies and lastly making instalment (Lysons& Farrington 2006).

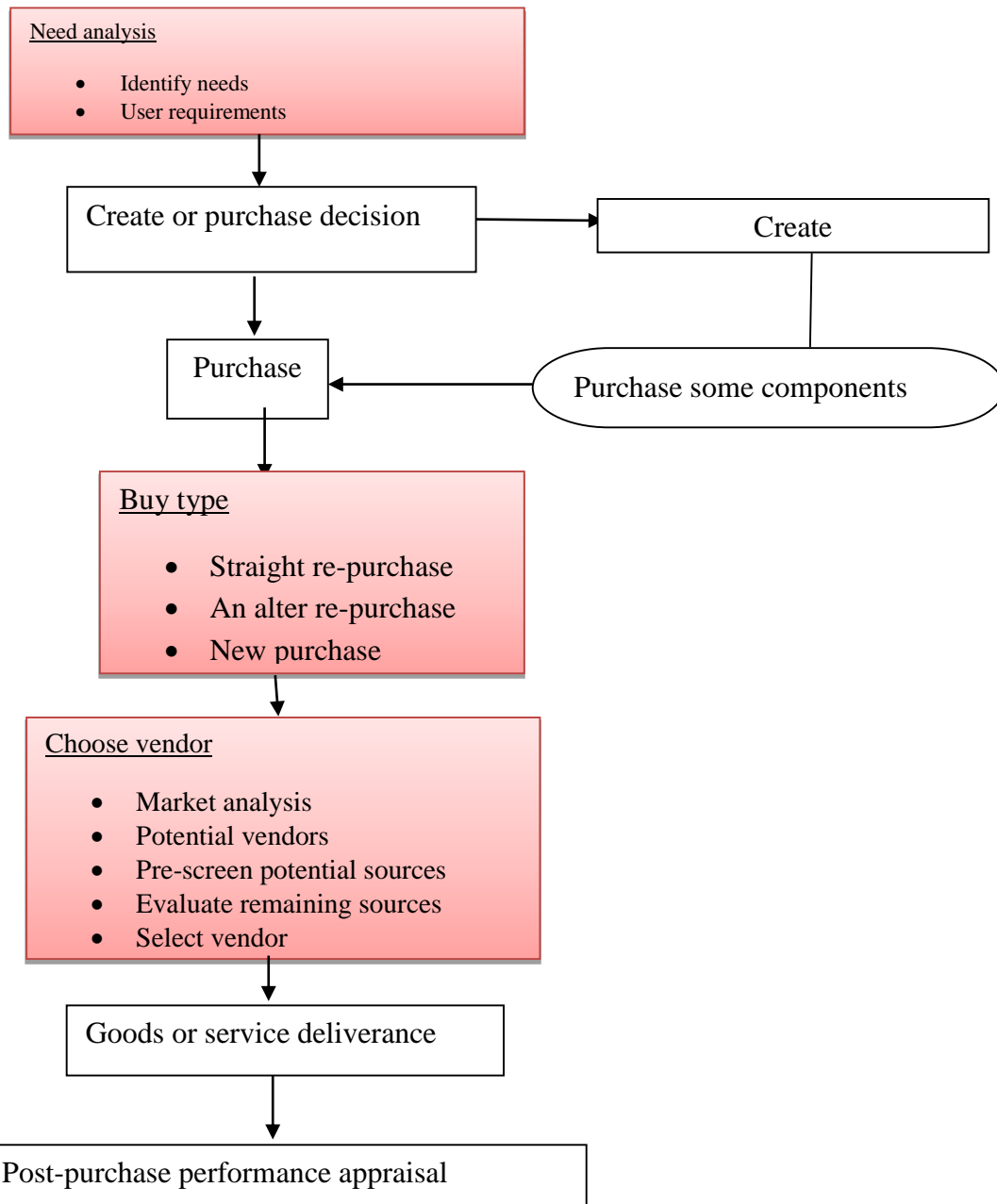
Procurement is currently seen as the procedure that incorporates all exercises required to get a thing (be it a manufactured goods or service) from the supplier to the last destination (for example client) which also includes the traditional purchasing steps and the roles of supply management (Brenner & Hamm 1996).

Coyle et al. (2007) contends that, the activities that follow for the procurement practice apply to the buy of both products and services in the modern markets. These activities regularly cut crosswise over useful limits (intra-firm) and organizational limits (inter-firm) and cannot be adequately finished without input from all parties concerned in the contract. The fruitful



culmination of these activities expands worth for both the purchasing and offering organisations, along these lines maximises value for the inventory network.

Figure 2.1: Procurement Process



Source: Coyle et al. (2007)

• **Identify or evaluate needs.** A procurement business is typically started in light of either another or a current need of a client (by an individual or section inside the purchaser's firm). In either case, once the need is identified, the procurement business can start (Coyle et al., 2007).



- **Define and assess client needs.** Once the need has been resolute, its necessity must be characterized by some kind of estimation criteria. Utilizing these criteria, the procurement experts can commune the client's needs to prospective suppliers (Coyle et al., 2007).
- **Decide whether to create or purchase.** Before outside suppliers are requested, the purchasing firm should choose whether it will create or purchase the item or service to suit the client's needs. Indeed, even with a 'create' choice, nonetheless, the purchasing firm will as a rule needs to buy a few sorts of inputs from outside suppliers (Coyle et al., 2007).
- **Identify kind of procurement.** The kind of procurement important to suit the client's needs may decide the measure of time required for the procurement procedure and the multifaceted nature of the procedure. The three sorts of purchases, from minimum measure of time and many-sided quality to most measure of time and many-sided quality, are (1) a straight re-purchase or a normal buy; (2) an alter re-purchase, which requires a change to a current supply or information; and (3) another purchase which comes about because of another client need (Coyle et al., 2007).
- **Conduct a business sector investigation.** A wellspring of supply can work in a simply competitive market where there are numerous suppliers; an oligopolistic market where there are couple of bigger suppliers; and a monopolistic market with a single supplier. Knowing the kind of business sector will offer the procurement proficient some assistance with determining the quantity of suppliers in the business sector, where the force parity untruths, and which technique for purchasing may be best transactions, and competitive bidding, among others (Coyle et al., 2007).
- **Identify every single possible supplier.** This exercise includes classification of all potential suppliers that might be able to please the user's needs. It is vital at this point to comprise potential suppliers that the wholesale firm has not utilized beforehand (Coyle et al., 2007).



- **Pre-screen every possible source.** Whenever characterizing and assessing client prerequisites (as portrayed in the second action), it is essential to separate in the middle of requests and yearnings. Requests for an item or administration are those attributes that are basic to the client; cravings are those that are not as basic and are accordingly debatable. Pre-screening diminishes the pool of possible suppliers to those that can fulfil the client's interest (Coyle et al., 2007).
- **Assess the outstanding supplier base.** Through the possible poll of suppliers decreased to those that know how to assemble the client's requests, it is currently possible to figure out which supplier and suppliers know how to most excellent assemble the client's debatable necessities, and needs. This exercise might be expert using competitive bidding if the procurement thing or things are genuinely straightforward or benchmark and there are adequate statistics of potential merchants (Coyle et al., 2007).
- **Select a supplier.** The selection of supplier likewise decides the relationship that subsist between the purchasing and supplying firms and how the 'mechanics' of this association will be organized and executed. This movement likewise decides how the associations with the non-chose suppliers will be kept up. The decision will be supported in the lead of decisive factor such as excellence, dependability, whole required value, and so forth (Coyle et al., 2007).
- **Take delivery of the goods or service.** This movement happens with the main endeavor by the supplier or suppliers to suit the client's needs. The finishing point of this movement likewise starts the era of presentation information to be utilized for the following action (Coyle et al., 2007).
- **Make a post purchase presentation assessment.** Once the service has been carried out and the manufactured goods conveyed, the supplier's execution must be assessed to figure out if it has genuinely fulfilled the client's needs. This likewise is the 'control' action. On the off that the suppliers' execution did not suit the client's needs, the foundations for this



difference must be strong-minded and the best possible remedial activities actualized (Coyle et al., 2007).

The majority of the exercises recognized in this above are reliable to impact outside the ability to control of the procurement director. These impacts can decide how adequately every action can be performed. They incorporate intra-authorities and between the hierarchical components and outer variables, for example administrative impacts.

Cole et al. (2007) further stated that the procurement process frequently commences when the purchaser begins to look for the marketplace for bidders. After classifying the suppliers, a request for bids, proposals, quotes, and information can be made. After selecting the appropriate bidders, an eminence check is vital in order to validate the appropriateness of the goods in question. The next action would negotiation of the terms, conditions, and quality and deliverance schedules. Logistics and payment are the next two essential processes that establish the secure deliverance and reimburse of goods.

According to Public Procurement Manual (2006) the procurement process involves planning, inviting offers, and evaluating offers, awarding contracts and managing contracts. The public procurement Act 2003, Act (663) was established and passed into law on 31st December 2003. Part 1, section 1 of the Public Procurement Act, Act (663) established the Public Procurement Board, with an object to streamline and harmonize public procurement process to secure judicious, economic and efficient use of public funds and ensure that public procurement will be carried out in a fair, transparent and non-discriminatory manner.



2.5 Public Procurement Procedure

2.5.1 Planning Procurement

By and large, planning empowers organizations to, in addition to other things, decide execution guidelines, set up general course, foresee and keep away from future issues and lessen the dangers of vulnerability, distinguish and submit assets towards the accomplishment of objectives, decide and create execution measures, and adequately facilitate different exercises in the organization (PPB Manual, 2005).

The Public Procurement Act 663 accommodates the action of planning under Part 3 section 21.

What the prior means is that it is basic that acquisition elements would need to plan their obtainment for the coming year by the 30th of November of the former year. The planning would be checked on and affirmed by their Entity Tender Committees (ETCs), after which the plans are overhauled each quarter. The rundown of elements who presented their procurement plans are distributed in the Public Procurement Bulletin. In 2010, just 164 bodies out of more 1000 entities over the nation presented their yearly procurement plans. As at October, 2011 only 199 bodies presented their plan to Public Procurement Authority (PPA Procurement Bulletin 2010; 2011).

2.5.2 Tendering procedure

The necessity to promote the expectation to purchase products and works is spelt out by the Section 47 of Act 663 for procurement using International and National Competitive Tendering. Promoting is required for welcomes to delicate if there is no pre-qualification. The object of promoting is to give wide and convenient notice of tendering open doors to acquire most extreme rivalry by illuminating all potential tenderers and to manage the cost of equivalent chances to all qualified and qualified tenderers without segregation.



For reasons of transparency, fairness and impartiality, tender documents ought to be accommodating all qualified tenderers by the obtaining body. Procurement entities are to give tender documents to suppliers and contractors as per strategies and necessities that were expressed in the advertisement. The cost at which the tender document is sold ought to be sufficient to recoup the expense of printing and the archive being made accessible to suppliers and contractors. Adequate amounts of tender documents ought to be made accessible the same number as tenderers.

It is an offense to deny any supplier or contractor the chance to take part in any tender basically in light of the fact that supplies of archives are depleted. Tenders ought to be opened quickly after the end of tenders. The Procurement Unit should guarantee smooth operation of the procedures, get ready minutes of the opening and instruct the administrator concerning the opening session on procedural issues if asked.

A Tender Opening Committee is normally constituted and is comprised of not less than three persons including Chairperson. The Chairman of the Tender Opening Committee controls and coordinates the Tender Opening and does not permit tenderers delegates to meddle with the work of the Board. Any complaints by a Tenderer to the methodology and choices of the tender opening ought to be made in keeping in touch with the Head of the Procurement Entity.

Section 55 of the Act expresses that the procurement of tender security is required for all International and National competitive tenders for acquirement of goods, and works. On accounts of Procurement of consultant services tender security is not required. The utilization of security is vital, specifically, in international trade where the Buyer may not know the



Tenderer or Supplier's expert capacity, budgetary position and believability. Consequently, it is typical for the buyer to request that the Tenderer's capacity to perform as per the guidelines and contractual commitments be secured with a financial guarantee.

2.5.3 Contracts Management

An official contract report would be drawn up, utilizing the concurred terms and conditions and signed by both sides. Easier necessities might utilize a buy request and where existing system contract exist, contracting might comprise of submitting a cancel request under the current contract. The granted contract should then be overseen, to guarantee that both the purchaser and the supplier perform their contractual commitment.

Exercises might incorporate speeding up conveyance, organizing examination or cargo sending, checking bank ensures, building up letters of credit, making game plans for receipt and establishment of product, confirming documentation and making installments. Works contracts will frequently require specialized supervision by an architect/venture administration group to guarantee quality, time calendar and cost.

Contracts for consultancy benefits regularly require the immediate interest of the purchaser or customer association, as the beneficiary of preparing or specialized guidance or in reacting to studies or reports. As per PPA Yearly Report (2009) contract fulfillment rate for the year is around 68%. This connoted contract administration is a noteworthy test for general substances.

2.5.4 Monitoring and Evaluation

Controlling the execution of the procurement process and guaranteeing its productivity and viability is essential to the administration of the procurement process. It is indispensable to



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assess how well the procurement process has gone, recognize any shortcomings, issues and concurred activities to counteract comparable issues later on. Assessment might incorporate a formal procurement review.

Procurement checking is a key portion of procurement administration and control connected to consistence with Act 663 and execution results, for example, esteem for cash concerning value for money, demonstrable skill, and set of principles in procurement. This will include the administration of substance, staff of PPA, private segment, oversight bodies who are both inside and outer reviewers, common society like NGOs, venture recipients, and media (PPA Yearly Report, 2008).

2.5.5 Appeals and Complaints

Part VII - Review- Section 78 of Act 663 reviewed that, any supplier, contractor and specialist/consultant that claims to have endured, or that might endure misfortune or harm because of a break of an obligation forced on the procurement substance/entity, might look for audit as per this Part.

Procurement decision-making process should be appropriately taken after and recorded so grumblings can be researched inside of the strict time period. Those included in review and in the indictment/prosecution of procurement related offenses might have the capacity to give cases of where sanctions could not be connected as an after effect of poor or insufficient procurement records.

In Ghana, the Authority built up seven (7) member Appeals and Complaints Board/Panel involving legitimate obtainment/procurement specialists/experts, and agents/representatives from the private and open/public segments/sectors which were inaugurated in 2007. Around



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the same time the Board effectively finished up fourteen (14) cases out of twenty (20) cases got (PPA Yearly report, 2007). The offer and grumbles systems permitted building firms with the opportunity to demonstrate their objection before the procurement procedure is finished, and additionally from that point (Alam, 1995).

2.6 Sustainable Procurement Practices

Public procurement is the general procedure of securing products, works and services for the benefit of a public authority (Hilse 1996; IISD 2007). It is generally an issue of coordinating supply and demand, pretty much as with any private procurement system. Public contracting authorities be that as it may, need to practice uncommon alert when honoring contracts, since they handle open subsidizes and are responsible to citizens.

Public Procurement Laws and strategies can contrast from nation to nation furthermore between national governments, state-possessed endeavors and nearby governments. There are for the most part two basic standards to be seen inside of public procurement. These standards are best esteem for cash by guaranteeing cost-proficiency through rivalry, and reasonableness to guarantee a level applying so as to play field for business sector member's methods that defend non-separation, measure up to treatment, straightforwardness, and proportionality (Hilse 1996; IISD 2007; European Commission 2011 b).

In 2002, the World Summit on Sustainable Development recognized that public procurement can add to accomplishing sustainable development objectives and the Johannesburg Plan of Implementation successfully initiates SPP as a crosscutting issue (WSSD, 2002). The arrangement supports public procurement rehearses that fortify improvement and dissemination of earth sound products and benefits and advances the coordination of the three

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mainstays of sustainable development/maintainable advancement which are economic development, social development and environmental/ecology protection.

These pillars are associated and commonly fortifying segments. Hence, an idea portrayed as linkage by McCrudden (2004) has turned out to be progressively critical for general society area. A linkage is the demonstration of taking an interest in the business sector as a buyer and controlling using its buying energy to accomplish natural objectives or social equity (McCrudden, 2004).

Government of Ghana is mindful and responsible to give public goods, works and services. To satisfy this obligation, the Government needs to secure and procure. Governments commission highway works, construct lorry stations and airplane terminals, take off utility systems, and build hospitals facilities, schools, and affordable houses. They likewise contract cooking and landscaping administrations, purchase paper, computers and furniture for public workplaces. Government of Ghana procurement constitutes more than half of the administration budget/spending plan.

The goods, services and works governments obtain have financial, social and ecological effects. The Government will in this manner have any kind of effect and add to reasonable advancement on the off chance that it purchases products, works and services that have been composed, created and supplied having calculated in ecological and social dangers.

In accomplishing manageable or sustainable procurement goals can be applied toward the beginning of the procurement process. Amid the preliminary phase of procurement, the fundamental standards overseeing the whole procurement procedure are built up: what to buy and how to buy (NL-Agency, 2011). Preparing for the procurement process (NL-



Agency, 2011) Sustainability strategies should be applied to identify potential sustainable procurement options. Sustainable strategies include adequacy, consistency and effectiveness (Schaltegger & Petersen, 2010).

The adequacy system implies that the need ought to be distinguished to dodge superfluous buys. The consistency system identifies with the level of advancement to convey maintainable arrangements. Statistical surveying ought to be led to figure out whether new advances, new items, new inventive suppliers or advances in supportable business concept or idea for mainstreaming Sustainable Public Procurement in developing countries practices could meet the operational requirements. The productivity technique alludes to expanding process proficiency. A decent approach to utilize a productivity system is to build up a procurement cooperative to bring similar purchasers together or use structure understandings to influence ecological, social, and specialized and showcase learning.

The productivity system may likewise bolster expanded supplier assorted qualities. For instance, contracts can be separated or divided into littler parcels to make public procurement more available for little and medium ventures or enterprises. Brammer and Walker (2007) prescribed that the legislatures needs to give clear administrative and regulatory backing for Sustainable Procurement (SP), furthermore give adequate budgetary adaptability to associations to make interests in SP that might be monetarily effective just when seen from a long-run viewpoint.

Boomsma (2009) explored on maintainable/sustainable procurement in developing nations. The nations under study were Sierra Leone, Mali and South Africa. The examination found that absence of specialized and administration limit, social coordination, financing for venture new businesses, early incorporation of little makers, straightforwardness and



equivalent dissemination of force/power were a percentage of the viewpoints referred to as upsetting sustainable procurement by the writer.

Boomsma (2009) reasoned that maintainable sourcing needs multi partner process, and also the essential worth chain on-screen characters, partner specialists, government, bolster offices, keeping in mind the end goal to be effectively executed. The writer further highlighted the need to make cooperative energy/synergy among these partners to oversee clashes and intrigues as to guarantee that all performers pick up. Boomsma (2009) prescribed that the three parts of sustainability/supportability (effectiveness, high caliber and social obligation) should be considered in the structure of an association and its store network to increase the value of the chain. General society area, bolster organizations and benefactors ought to effectively and mindfully bolster this procedure. In ineffectively incorporated chains, a facilitator might be expected to organize and inspect the procedure towards a reasonable chain organization.

2.7 Challenges faced by Procurement Managers

The difficulties to the systematization of national laws are pervasive in developing nations, Ghana not being a special case. The sheer greatness of procurement costs greatly affects the economy and should be all around overseen. To be sure, in all nations on the planet, evaluations of the budgetary exercises of government procurement executives are accepted to be in the request of 10% – 30 % of Gross domestic product (Callender& Mathews, 2000).

Proficiently taking care of this size of procurement expenses has been a strategy and administration worry and additionally a test for open procurement professionals. Public procurement has been used as a critical device for accomplishing monetary, social and different destinations (Arrowsmith, 2003; Thai, 2001). In its report to the Congress, the



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Commission on Government Procurement expresses: The magnitude of the Government's expenses for procurement and stipends makes open doors for executing those national arrangements" (Federal Acquisition Institute, 1999). Because of various reasons (counting more prominent investigation of citizens and contending merchants), public procurement has been seen as a range of waste and debasement/corruption (Nakamura, 2004).

Debasements/corruption and rewards/bribes are across the board in government contracts (www.transparency.org). Recent scandals, such as the "Woyome saga", which cost Ghana over GH¢ 51 million in connection with corruption in public procurement is worrying (Africa watch, February, 2012). Comparable daily paper reports can be found in numerous nations. Defeating the negative observation and the goal reality, to a specific degree is one of the greatest difficulties out in the public procurement.


The same number of nations has moved to a territorial as well as worldwide economy, public procurement professionals countenance an additional test that is, the means by which to consent to their administration's procurement regulations and social and financial procurement objectives without disregarding local and/or international exchange agreements. For instance, how to follow national financial arrangements in supporting household/domestic firms, without managing unreasonably with foreign firms as gave in local exchange understandings and/or the World Trade Organization (WTO) agreements is difficult, which requires a cautious investigation of exchange agreements so as to take focal points of exceptional procurements.

World Trade Organization's general guideline requiring that agreements are publicized for a period time not less than 40 days from the date of distribution/publication of the notification to the tender submission due date. The 40-day necessity would frustrate a fast procurement.

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(GPA Article XI.3.). Ghana stays a standout amongst the most degenerate/corrupt countries on the planet judging from the yearly Corruption Perception Index (CPI) discharged by Transparency International in 2012 (Transparency International, 2012). Though corruption is said to be available in all social orders (Sahr, 1998), Lengwiler and Wolfstetter (2006) uncovered that the quantum of cash changing hands through corruption public procurement is assessed between \$390-400 billion for per annum everywhere throughout the world.

Notwithstanding, it is evaluated that corruption in Sub-Saharan Africa exist in around 70% of open contracts and results in around 20-30% ascent in contract wholes. The expense of corruption in Africa is evaluated at around \$148 billion a year (Mawenya, 2008). Corruption happens all through the procurement process and venture cycle, through the activities and inactions of political officers, public workers, customers, advisors, contractors and suppliers (Osei-Tutu, Badu and Owusu-Manu, 2009). There is no proof that the passage of the Public Procurement Law and its usage has had any huge effect in checking corruption out in the public procurement in Ghana.



As per the 2010 and 2011 yearly Corruption Perception Indices (CPI) discharged by Transparency International, Ghana positioned the 62nd and 69th most degenerate/corrupt nation separately, out of 183 nations around the world (Transparency International, 2012). It was set up further that, paying little respect to the exertion by focal government and its related offices to overcome execution/implementation challenges, and a comprehension of the worth including capability of procurement offices/departments, countless clients follow up on their own and every now and again sidestep the procuring division.

The Nation Procurement Assessment Report of Ghana created in 2003, uncovered that most staff members/individuals Ministries, Departments and Agencies (MDAs) and District

Assemblies (DAs) in charge of procurement were not procurement capable, despite the fact that they have been prepared. Relevance of the PPA and the Standard Tender and Contract Records will not be effective without expansive preparing and 'refresher' programs for officials in charge of procurement. Also Forgor (2007) concurs that absence of appropriate preparing of directors on the procurement procedure is a test that goes up against procurement changes. These backings the attestation that poor spread of procurement law is one of the difficulties confronting the smooth execution of public procurement laws (Azeem, 2007).

Political obstruction with the procurement process represents a test to the usage procedure and open procurement changes. A decent number of legislators surmise that they have the privilege to mediate in the procurement procedures accordingly prompting impulsive procurement choices (World Bank, 2004). The absence of vocation advancement way and low pay rates of procurement work force additionally militate against procurement changes usage (World Bank, 2003b). Poor record keeping (World Bank, 2003b), delays in installment of contractual workers and suppliers are additionally referred to as a portion of the essential variables that test/challenge procurement changes usage/execution (Azeem, 2007).

In a comparative vein, low level or nonappearance of limit working for administration suppliers has been distinguished as one of the elements hindering effective public procurement changes/reforms. Numerous bidders are constrained in different limit issues including absence of essential learning of the law, deficient ability to welcome the standard tender documents/records, poor access to tender data/information and inadequate specialized and administrative aptitudes to be focused or competitive in the tendering procedure (ODPP annual Report, 2007). Deficiency of qualified staff/personnel, absence of satisfactory budgetary assets, absence of sufficient office space, resistance with a few procurements of



the law, poor records administration by substances and overpricing of products, works and administrations by bidders.

a) Political Environment

During a democratic atmosphere, numerous people, gatherings, and associations in the private division including exchange affiliations, proficient affiliations, and business firms or organizations (regularly known as vested parties) are effectively included in all parts of public procurement framework. Having different intrigues, goals and convictions, vested parties are included in public procurement framework in a few routes, for example, campaigning legislative bodies to pass or change procurement statutes, affecting usage of these statutes, and impacting spending plan approval and allotments forms.

Typically, an administration program that is in the long run embraced is a tradeoff among various perspectives of interest groups/parties, policy makers and administration. In this democratic environment, there are instances of a solid coalition of strategy producers, officials and interest parties in their push to get their projects adopted/acknowledged. This coalition has prompted the idea of the "iron triangle" which is extremely famous in the in the area defense of procurement (Thai, 2001).

b) Ethical Standards of Public Sector Procurement

Dedicated, energetic, and ethical employees are always hard to find, and hiring individuals with special skills is even harder (Lan, Riley, &Cayer, 2005). The requirements to educate professionals and equip them with new and higher-level skills have consequently become urgent (Sauber et al., 2008). The doctrine and practice of ethical behavior is complicated (Callender and Matthews, 2000) and difficult to assess. Public sector engages in all stages of



the procurement projects. The successful execution of such projects relies on how well they have been conceived, drafted, offered, supervised and constructed (Mlinga, 2008).

This has a bearing on the type of professional, technical and ethical conduct of the procurement workforce involved in the procurement process. Even though, government procurement suffers fraud, corruption and similar unethical practices, ethics are the foundation of an effective and professional procurement function. Ensuring standard ethics implies an exemplary approach within the procurement process that cannot be questioned or criticized.

Professional ethical conduct goes beyond legal technicalities and is concerned with moral standards and values that direct attitude, proceedings and choices. These characteristics are a set of principles and kinds of character dispositions that govern the manner the profession is practiced and developed. The guiding principles of ethical behavior in Ghana's procurement system are impartiality, independence, integrity, compliance with legislative requirements and public policies.

c) Corruption as Challenge in Procurement

Corruption is the abuse of depended force for private addition (Transparency International, 2006). The World Bank Venture Study gives an indication of the pertinence of dishonesty in government acquisition. Upwards of 38 percent of the organizations secured by the overview in sub-Saharan Africa reacted that they were relied upon to give a blessing to secure an administration contract (World Bank, 2010). Dishonesty in open procurement makes the authorities or the government officials in control to buy merchandise or administrations from the best briber, rather than picking the value quality blend (Søreide, 2002).



Raymond (2008) expressed that procurement related corruption has a tendency to be a significant issue in developing nations instead of in developed nations. As expressed by Hui et al. (2011), public acquisition corruption could debilitate authenticity and in that capacity, the arrangements and systems ought to be made to control any conceivable corruption deeds and improve straightforwardness, responsibility and honesty.

Corruption in broad daylight procurement is a critical snag to advancement. For instance, the firm in charge of building another school may not offer the best value quality mix, but rather will be somewhat the best briber of government authorities. The result might be more costly; however mediocre school contrasted with what generally would have been the situation (Tanzi & Davoodi, 1997). The misallocation of assets lessens the assets accessible for other open administrations. Corruption has thusly guide negative effect on administration conveyance to nationals. Corruption can likewise diminish the gainfulness of doing lawful business and, in this way, give motivators to degenerate exercises (Andvig & Moene, 1990).

Further, corruption can prompt a negligence of laws and strategies. It became clear that corruption had invaded in the procurement system on the grounds that the law has numerous loopholes and the recommended practices are carelessly or unfeasible to implement. Obanda (2010) likewise discovered that acquiescence is esteemed to generously check corruption public procurement. OECD (2007) likewise opined that the foundation of clear guidelines and controls supplemented by significant and viably implemented punishments, connected by open organizations and courts, are viewed as the best hindrances to bribery and corruption in public procurement.



d) Inadequate Market Support as a Challenge

Musanzikwa (2013) revealed that most tenders are awarded without adequate enquiry on the market. This weakness resulted in City of Harare losing a huge number of dollars in the development of Air terminal Streets. The delicate was for the construction of the 20km street was won by Augur Investments at an expense of \$80 million. Notwithstanding, it was uncovered by the Service of Transport and Infrastructural Advancement that normal expense of street development is \$0.5 million for each kilometer and this implies the expense of building the street ought to have been around \$10 million.

The Economic situations impact open procurement practitioners push to augment rivalry. The business operates with socio-economic objectives that do not only favor the objective of the procurement entities in terms of timeliness, costs of purchased and quality of goods works and services. The profit motive of the market seriously relegates to the background the procurement objectives of timeliness, quality and cost. A balance between the two forces must come into play and this depend on the how organized the procurement entities are to meet this challenge as they operate inside the confines of the Open Procurement Act, 2003 (Act 663).

A percentage of the determinants of the African markets as said by Thai (2001) are correspondence, coin trade rates and installment, traditions regulations, lead-time, outside government regulations, exchange assertion, and transportation. In this way before setting out on an outside acquiring program, public procurement specialists should painstakingly evaluate the aggregate cost suggestions and contrast them with local or residential costs (National Institute of Governmental Purchasing, Inc., 1999). Monetarily know-how procurement relies upon a master's aptitudes to assurance that purchasing requirements are reliably determined, fitting agreement systems are produced, indentures are very much



oversaw and chances are held to secure the most excellent planning at the perfect point in time and at the precise expenditure.

e) Lack of Proper Knowledge, Skills and Capacity

As indicated by Sheoraj (2007), abilities and limit insufficiency have been known as the solitary most significant hindrance to the accomplishment of public procurement in South Africa. Migiro and Ambe (2008) declare that numerous procurement performing artists in the South African public circle have gone to various preparing workshops on procurement, yet despite everything they do not have the suitable information for appropriate execution.

McCarthy (2006) observed that there is an absence of limit and learning by procurement performers to handle acquisition forms that have prompted awful administration. Similarly, Forgor (2007) concurred the absence of legitimate preparing supervisors on the procurement procedure as difficult that stands up to procurement changes. These backings attest that insufficient dispersal of procurement law is single of the difficulties confronting smooth usage of open procurement law (Azeem, 2007).

Musanzikwa (2013) said that the vast majority tasked with the obligation to get assets are inept. For instance, it was affirmed that the settling procedure of thee tender to supply ZESA with paid ahead of time (paid-ahead) was imperfect. Nonetheless, SPB could not turn around procedures since it was its panel of adjudicators who were at deficiency, the minister added. The acquiring exercises are being executed by individuals who are not experts or competent on the ground. Subsequently, erroneous choices which are unreasonable to the associations are dependably the request of the day and along these lines denying quality support of the planned benefiter. This is because the procurement function represents commitment of organizational funds in anticipation to a positive contribution a reasonable rate of return.



f) Challenges of Procurement Procedures

Llyod and McCue (2004) claimed that dysfunctions in procurement system naturally occur when so many rules exist. They have supported their arguments by indicating that public procurement was saturated with “a sea of paperwork”, and hence, giving unreasonable workload condition to the personnel. For that reason, some might rationalize themselves to get their own reward, namely, by justifying action that creates challenges.

2.8 Benefits of Public Procurement Practices

From advancement perspective, open procurement approaches are critical. Diminishing neediness and attaining health, training, and different targets amongst the electorate necessitates that the restricted open assets accessible for open procurement of products, administrations, and works are legitimately overseen. By and large, the productive, viable and proficient use of public procurement laws can contribute towards sound administration of public disbursement (Hunja, 2003).

Public Procurement has been a disregarded range of scholarly instruction and examination, despite the fact that open procurement is claimed as a noteworthy capacity of government and despite the fact that administrative elements, policy makers and public procurement experts have paid a lot of thoughtfulness regarding procurement advancement or changes (Thai, 2001). Public procurement has a lengthy history. It was composed on a red earth tablet, which originated in Syria, the most primitive procurement request dates from somewhere around 2400 and 2800 B.C. The request was for-50 jugs of fragrant smooth oil for 600 little weights in grain (Coe, 1989).

Other confirmation of historical procurement contains the advancement of the silk exchange in the middle of China and a Greek settlement in 800 B.C. (Thai, 2001). There is presently exceptionally restricted uncertainty among arrangement creators, supervisors, experts and scholastics about the significance of open acquisition in encouraging government operations in both urbanized and developing nations.

Effective government procurement practices prompt the recognizable proof of real asset expenditures, which thus facilitates financial plan and allotment choice making of acquisition professionals. It is difficult in any case, to imagine how public can convey noteworthy improvements in the wellbeing of its citizens without reasonable administration of public spending that accentuation on successful and proficient acquisition strategies. This acknowledgment in this manner records incompletely for the expanding fixation on public acquisition laws and rehearsals and the probable outcomes of their changes.

Besides, there is a developing energy about the linkages between particular public sector targets and public procurement rehearses. For example, open procurement issues are frequently a focal center of projects to manage corruption and to guarantee that fitting endowed force for private increase by open authorities are controlled (Evenett, et al., 2005).

What's more, open acquisition exercises are expecting developing access to global markets. Global exchange transactions, whether respective, territorial, or multilateral-are an instrument through which governments in created and creating nations address the terms whereupon universal organizations can contend in residential government acquisition markets. Government acquisition has expanded benefactor trust out in the open frameworks and has enhanced in contributor subsidizing, concedes and credits, and overseas direct interest in Ghana.



Procurement arrangements are indispensable from an improvement point of view. A proficient open procurement rehearses contribute towards the sound administration of open spending all the more for the most part (Hunja, 2003). Procurement arranging empowers the distinguishing proof of real asset consumptions, which thus encourages budgetary choice making. Likewise, the successful procurement of open administrations frequently requires the organized conveyance of materials and so forth, which the state obtaining device must achieve.

There is additionally a developing valuation for the linkages between particular national goals and open procurement rehearsals. For example, state contracting is regularly a focal center of crusades to handle defilement and to guarantee that proper separation is kept between government authorities and the private part. Acquisition arrangements might be a piece of a modern approach or an instrument to achieve social targets (e.g., support for little and medium estimated undertakings, minority-possessioned organizations, burdened ethnic gatherings, or certain geographic areas) through set-asides and inclination strategies. The way in which a state executes its open acquisition approaches has suggestions for the accomplishment of such targets, and for the expense of doing as such. To be sure, these arrangements might say a lot about various other national needs, practices, and concerns (McCrudden, 2004).

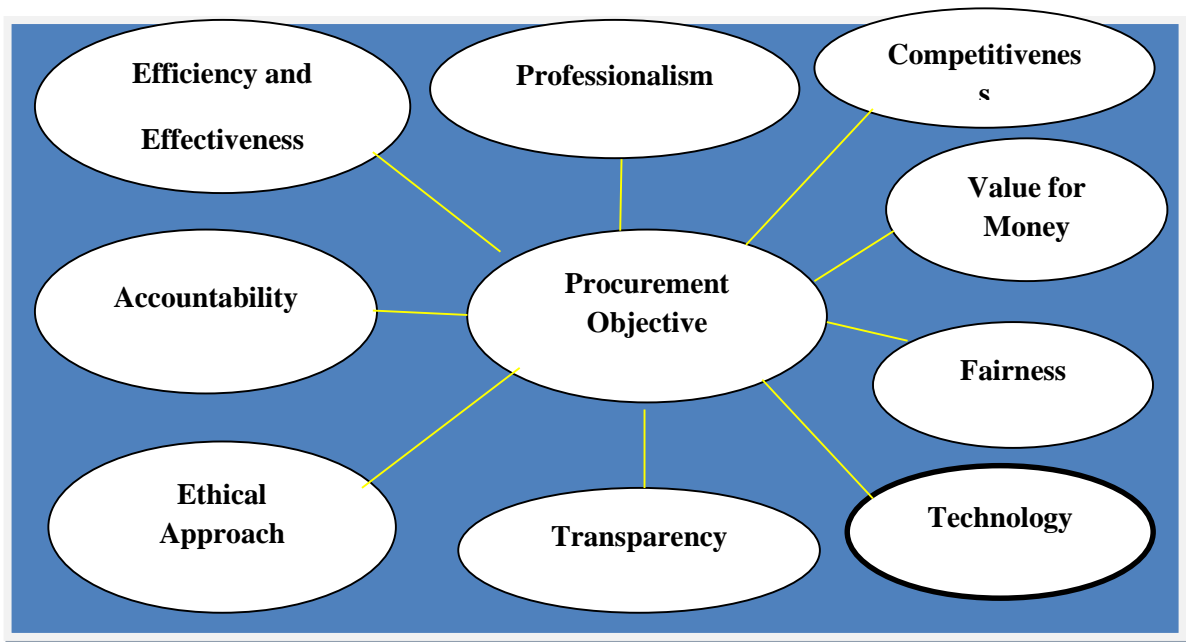
2.9 Procurement Principles Upsetting Compliance

The Public Procurement Act recognizes the subsequent principles and standards influencing the accomplishment and conformity of good procurement goals. It is the investigator's view that conforming to these standards will bring about accomplishing consistence with the Public Procurement amendment. In accomplishing the goals of high-quality procurement



structure, the following elements are most extreme significance: “Professionalism, Transparency, and Value for money, Competitiveness and Accountability. Additional elements incorporate Fairness, Efficiency and effectiveness, Technology and ethical approach to the demeanour of procurement capacities”.

Figure 2.2: Procurement Principles



Source: Arrowsmith, M. (2003). Principles of Procurement in the Public Sector, PPB (2006) TrainingManual.

2.9.1 Professionalism and Transparency in Public Procurement

Transparency in executive procurement gives affirmation to home and overseas shareholder that contracts are awarded in a reasonable and even handed way. In business sectors, nonappearance of transparency as well as information on principles and practice could work as obstructions to exchange and might influence overseas suppliers additional than neighborhood ones (Arrowsmith, 2003). In the event that the workforce is not sufficiently taught in procurement matters, grave results; including, breaks of sets of accepted rules happen.



As per Adjei (2006), procurement professionalism alludes to the career whereby taught, experienced and mindful procurement officers settle on educated choices with respect to procurement of works, sustenance and administrations and contends that procurement experts responsibility in the acquisition arrangement in Ghanaian economy is basic to the nation monetary improvement. In an acknowledgment, critical objectives were made by the Public Procurement Board to advance professionalism in procurement and gives experts improvement, support people and MDAs who are occupied with open acquisition. The Board is to guarantee adherence to moral norms via prepared persons in procurement forms.

As per Pillary (2004) referred to in Raymond (2008), there are around 500,000 expert procurement individuals in the United States and just 10 percent of these are affiliates to an expert body and the rest are not by any means mindful that there are moral and lawful benchmarks incorporated in procurement. Additionally, Raymond (2008) connected the absence of a high level of professionalism in public acquisition to corruption, which at last blocks acquiescence. The acquisition officers must be prepared and mindful about all directions in connection to procurement and related measures (Hui et al., 2011).

Rossi (2010) attested that, moral code is an obstruction of off base conduct as well as an empowering influence for all individuals from the association to protect the moral legacy of the firm.

Transparency in acquisition then again implies making procurement procedures unlock to suppliers and temporary workers of merchandise, works and services. This goes to ensure that procurement modus operandi is open to partners and invested individuals to observe.

Also, Adjei (2006) transparency requires the invention of open and reasonable technique for procurement of goods, works and services. Straightforwardness prompts development of internal savings and competitiveness, and the general society division is seen as dependable commerce associate. Transparency is viewed as one of the greatest impediments to bribery and gives admittance to data or intelligence to people in general.

2.9.2 Value for Money and Competitiveness in Public Procurement

Value for money alludes to the ideal blend of "whole life cost" and "quality" to meet up client or end-clients necessity to secure goods, works and services in thought and typically mirror in the cost of the thing obtained. Worth for Cash is the most imperative standard of procurement. Worth for Cash in the public division involves thought of commitment made to propel management approaches and needs whilst accomplishing most excellent takings and execution for cash being used up (Bauld & McGuinness, 2006). The Public Procurement Board (PPB) aim is to synchronize procedures of procurement in the government departments in order to safe fiscal, careful and productive utilization of the nation assets in open acquisition to confirm the worth for cash standard of the acquisition framework (Public Procurement Act, 663).

Competitiveness alludes to the dynamic investment of the personal segment as well as providers in the acquisition procedure during accessibility of acquisition data to everybody; during tender publications; audits sourcing; prequalification and selection of straightforward techniques in the acquisition frameworks. Competitiveness advantages could not be over underscored and incorporates possible investment funds for the country; increments in the provider stand; and advancement of the home commercial enterprises inside of the economy and in this manner inevitably prompting monetary improvement and destitution diminishment (PPB, 2006).



2.9.3 Accountability, Fairness and Efficiency in Public Procurement

The accountability, fairness, and productivity are three fundamental columns acquisition changes look for to accomplish reasonable and responsible acquisition framework which motivate the productive use of the government assets prudently.

Barrows (2003) wrap up that acquisition experts ought to be reasonably flaxen as they work with suppliers, potential bidders and the general public to gain the trust of the different performing artists inside of the procurement framework. Thompson (1991) characterized accountability as the procedure of holding an individual or an association completely in charge of activities and capacities being occupied with above which authority to practice are determined. Thompson (1991) summarized advantages of accountability and fairness as take after:

- Fortifying of the view of straightforwardness and reasonableness;
- Lessening of the occurrence of debasement or bribery; and
- Improvement of common trust and the way that techniques are held fast to in all phases of the procurement system.

2.9.4 Efficiency and Effectiveness

Efficiency and effectiveness are equally among the basic principles in public procurement framework that works to it successful goals. They are both elements which works in an auspicious way, with a base administration, while being receptive to the necessities of definitive clients of the merchandise or offices secured. Efficiency and effectiveness are characterized barely as far as worth for cash is deemed vital in the administration of private and public procurement structure (PPB, 2006).



In this perspective, efficiency and effectiveness is most excellent safe during public competition, reforms in procurement, and empowering additional reform system. A more extensive meaning of efficiency and effectiveness are considered improvement picks up nearby price and high-quality guarantee that acquisition assumes to better degree parts for neediness diminishment (McDonald, 2008). In Ghana to be efficient and effective a powerful public procurement is to do acquisition exercises in an expert and straightforward environment with an unmistakable arrangement of predefined standards to encourage upgraded rivalry in this manner invigorating effectiveness and advancement amongst bidders. There is a superior usage of subsidizing, expanded allure to private segment and enhanced consumer loyalty (PPA, 2008).

As indicated by Cloete (1998), efficiency and effectiveness in the public sector implies fulfilling the most vital needs of the group to the best conceivable degree utilizing the restricted assets that are accessible for this reason. Accordingly, public body ought to be spoken to by skilled or competent personnel fit for putting the public procurement Act 2013 (Act 663) into practice to accomplish effectiveness and efficiency in the gear toward value for money syndrome.

2.9.5 Ethical Standards in Public Procurement

Ethics defined as morals is another critical standard of government acquisition. Procurement expert is seized to upper guidelines of moral manner than individuals of different callings, however others hardly comprehend what is anticipated from the group. Morals need to do with maintaining moral standards and qualities which impacts an individual's convictions, activities and choices. It includes driving a certain way of life particularly inside of the expert area.



Schapper et al. (2006) noticed the following imperative moral principles and contemplations in the procurement framework:

- Acquisition personnel are their association delegates asked to manage providers in compared central operators hypothesis;
- Outstanding moral manner displayed in managing providers and temporary workers;
- Making a decent purchaser provider affiliation;
- Acquisition staff usually presented high moral standard differently from other workers (Public Procurement Act 663, 2003).

To guarantee good morals, accumulate set of accepted rules for acquisition exercises has being mandated in Section 86 of the Public Procurement Act 663, 2003.

As per the Law, authorities and their direct relations are obliged not to offer merchandise and administrations to their own particular organization because of moral grounds. Morals oblige authorities not to uncover to any outsider secret or exclusive data. Additionally, authorities maintain a strategic distance from strife between their own budgetary interest and bureaucrat obligations and are not to acknowledge directly or indirectly any blessing and gift from any individual or substance which has or tries to acquire an agreement with their own office, section and service (Public Procurement Act 663, 2003).

Section 32(2) states that, a procurement unit might report any such endeavour in its report of procedures and instantly advise the Public Procurement Board leading group of some endeavour to influence an honour of contract or execution of an agreement (Public Procurement Act 663, 2003).

The Act 663 without a doubt has alerts against corruption in public procurement between acquisition officers and suppliers, contractors and consultants basically in light of the fact



that corruption builds the expense of procurement to citizen and the procurement substance. The private departments are not excused from obligation to behave morally and plainly in procurement procedures with the Legislature of Ghana. Consequently, the Act obliges tenders to sign a formal announcement before being permitted to take part in some acquisition procedure (Public Procurement Act 663, 2003).

2.9.6 Technology and Procurement

E-procurement could be built straightforward and have technical proficiency with minimal preference to rivalry. Furthermore, due to its transparency as well as to productive enhancement, the advantages of e-procurement comprise expansion of agreement consistence, utilizing acquisition expend, expanded association officials, and reduce handling expenses. The absence of business e-procurement framework of open segment elements implies hardness to scrutinize consumption on large scale financial stage (Saunders, 2007).

Mechanical advancements encompass another measurement of possible acquisition changes in growing and modern countries. E-procurement proffers guarantee of reducing expenses, abridging managerial methodology and assuring creative systems for actualization. Brazil purportedly prompted noteworthy cost investment funds and expanded straightforward and responsible executive institutions.

Additionally, E-procurement bolsters enhanced factual coverage, improved straightforwardness. In any case, executing these advancements in Ghana involves costs of infrastructure improvement, preparing, and training staff in public entities among others. In developing utilization of information technology in procurement framework, Ghana can collect such information and make accessible procurement data, (PPB Training Manual,



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2006), “procurement arrangement template, standard tender documents, contract awards, dispute and complain resolutions, quarterly procurement release or bulletin, and so forth on the web” (p. 34).

Understanding the inundate advantages of e-procurement; PPA is endeavoring to execute the e-Government procurement (e-GP) framework in Ghana. The e-Government procurement (e-GP) is being realized as one of the frameworks under the e-Ghana venture being bolstered with subsidizing from the World Bank. Usage of e-GP started with a progression of gatherings with a group from the World Bank, PPA and e-Ghana. The motivation behind these gatherings was to draw up a usage plan or arrangement for e-GP foundation in Ghana. In June 2011, the group finished work on the last Terms of Reference (TOR) to be utilized for the engagement of an Advisor for the Orderly Improvement of Electronic Government procurement (e-GP) in Ghana. It is anticipated that assessment will be finished after October 28, and a pertinent contract marked for work to start in November 2011.

2.10 Threshold for Procurement Methods

According to PPB Training Manual (2006), there are different standardized techniques for tendering as given in the Procurement Act 663 of Ghana for use by the various procurement units in the country. The decision of specific technique depends on the sum included (threshold) and the circumstances encompassing the procurement of products, works and consultancy administrations. The methods for tendering available in the Public Procurement Act 2003 (Act 663) Section 35-77 incorporate the following:

2.10.1 Request for Quotations

This is where Procurement entities Request for Quotations of things to be purchased and are promptly accessible for specialized administrations not uniquely supplied or manufactured

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to specific procurement unit. The Act obliges that contractors, consultants and suppliers from whom citations are asked for ought to be educated any extra costs separated from the expense of the merchandise or administration. For example; insurance cost, taxes, transportations, custom obligations and so forth. This framework required every supplier to provide one and only value citation and arrangement is not permitted to occur between the procurement body and the contractor or supplier before assessment of quotations (PPB Training Manual, 2006).

2.10.2 Restricted Tendering

It is a procurement strategy by restricted rivalry. Recognized techniques itemizing request to tender document which are issued to short-recorded providers chosen as per the requirements of the Public Procurement Act. A most extreme of six and at least three short-recorded suppliers are required for this tendering. To apply this technique an acquisition unit requires particular endorsement from the PPA.

The Law additionally requires that, a notification of choosing tendering award ought to be in print in bulletin of public procurement and national daily papers. This strategy is connected essentially where acquisition necessity is an exceptional type and sufficient confirmation demonstrates restricted possible providers. Likewise be connected wherever a necessity is open wellbeing and defence in nature, again because of its exigency public competitive tendering is not handy (PPB Training Manual, 2006).

2.10.3 Request for Proposals

In this regard, procurement departments or units ought to take part in Solicitation for proposals where they are purchasing consultancy services. Two-staged methodology ought to be received for the solicitation or appeal for application if the threshold passes what specified in Schedule 3 of the Act 663 of Ghana. In a circumstance like this, a procurement

body should request consulting services by causing notification looking for articulation of enthusiasm for presenting a proposition to be distributed in the bulletin of public procurement as demand by law.

Where constrained or coordinated request is fundamental for monetary and effectiveness reasons the procurement unit with PPA endorsement, can utilize limited or restricted tendering or sole sourcing methodology for getting proposition from previous successful specialists (PPB Training Manual, 2006).

2.10.4 Two-Staged Tendering

The technique suggested a possible situation where procurement department or unit cannot figure itemize order of merchandise or works to be purchased. On account for services, utilizing to get proposition or offers for different intends in meeting acquisition necessities. The design welcome tenderers at the introductory phase contributing point by point determination for the correct details to be arranged issued to choose providers at last phase. A procurement body should likewise take part in the two-staged tendering possibly when attempt to go into an agreement of examination, investigation, learning, project work and improvement reasons (PPB Training Manual, 2006).

2.10.5 Single Source Tendering

This includes procurement from a supplier to bid for goods or works with no opposition. It is regularly utilized for acquisition of sole or single sourced prerequisites and is subject to approval by the PPA. The law permits this technique where: procurement is for reasonably pressing things, necessities must be supplied by one source, extra prerequisites for purposes of homogeny, purposes for exploration, trial, study or improvement, and acquisition that worries national security (PPB Training Manual, 2006).



2.10.6 Price Quotation

This is otherwise called "Shopping" and depends on looking at citations or quotations got from a few registered suppliers on your suppliers list, ordinarily no less than three to guarantee competitive costs. It applies to low purchases whose threshold is up to GH¢20,000.00 (PPB Training Manual, 2006).

2.10.7 Competitive Tendering

The Law and Regulations embrace the utilization of competitive tendering strategy in an esteem acquisition for products, works and consultancy administrations. It marks the best strategy in the Act and supports greatest rivalry of the acquisition framework. It includes utilization of standard tender document to sketch tender archives welcoming possible providers/contractual workers/advisors to tender for open acquisition chances. These chances or open doors are constantly publicized and opened to every one of the tenderers interested either in the national or international newspapers or journals. There are basically two sorts of competitive tendering technique (PPB Training Manual, 2006).

The National Competitive Tendering (NCT) is pertinent at the time estimation of acquisition is moderately less and way of acquisition is unrealistic in pulling overseas rivalry. It is likewise suitable for merchandise, works and services whose values or cost are inside of the limits or threshold expressed in the schedule 3 of the public procurement law 2003 of Ghana (i.e. Goods = Gh¢20,000.00, Works = Gh¢50, 000.00 and Services = Gh¢20,000.00). In this method there ought to be two (2) weeks advertisement publicized in at least two daily papers in Ghana and in the PPA's website or Bulletin (PPB Training Manual, 2006).



The International Competitive Tendering (ICT) method on the other hand ordinarily utilized in esteem and multifaceted acquisition, especially at the time acquisition is unrealistic in pulling sufficient rivalry locally and worth likewise over the threshold expressed in Schedule 3 of Act 663 of 2003. The thresholds for international tendering are Goods = GH¢1,500,000, works = GH¢2, 000,000.00 and Services = GH¢200,000.00. Tender invitations are sent to foreign embassies or consulates and High Commissions in Ghana and the public procurement Bulletin or PPA's website. By law, advertisement last for a time of six (6) weeks taking after the date of the first appearance (PPB Training Manual, 2006).

2.11 Strategies to Enhance Procurement Practices

Amos and Weathington (2008) noted that the effective way to maintain ethical awareness is through ethical training and seminars on parts, for example, procurement procedures, record keeping and inventory, records administration and responsibility and managerial law. They further noted that regular audits of procurement process and financial records could influence the model of procurement process positively.

Albeit no Public Procurement framework will probably ever be completely free of corruption and other related deficiency (Amos & Weathinton, 2008). It requires a framework that advances straightforwardness, competency, equality and answerability so that dishonesty actions will turn out to be complex to hide. Price Water House Coopers (2010) also suggested comprehensive channel of effective whistle policy response.

According to Greene (2013), preventive strategy may begin with a thorough procurement and corporate policy that create awareness among the employees. He also suggested layered procedures and countermeasures for contract that involve a large sum of money. Enhanced training motivates procurement advisory group members to work hard for better results. This



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further expands their performance and the achievement of organizations goals (Greene, 2013). Contemplates have found that exceptionally prepared staff or personnel had better performance as a result of an enhanced aptitude or skills to manage the difficulties (Black & Lynch, 1997).

2.11.1 Open Notification and Transparency

Exposure and transparency are urgent for sound and public procurement practices. These standards additionally go about as impediments to corruption in broad daylight procurement. In the same way, specialists recommended that the absence of open notification and transparency make a sanctuary for corruption. Publicized and transparent procurement methodology permits a wide assortment of partners to scrutinize public officers and contractors' execution and choices.

This examination, notwithstanding different components, keeps authorities and temporary workers responsible. In outlining guidelines and systems, genuine reflection must be given to clear up what sort of data is required to be unveiled, and when and to whom the data is made accessible. In any case, upgraded transparency ought not to expand the degree for anticompetitive practices, which might hence support conspiracy and corruption among bidders.

2.11.2 Preparing of Procurement Work Force

Preparing might apply to different parts of the procurement process. Procurement work force might be familiarized with the principles and regulations appropriate to open procurement and also against corruption measures. Specialists noticed the significance for procurement staff to be very much prepared in procurement systems and in comprehension of the

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significance of guidelines. To guarantee that sufficient principles are connected, preparing might incorporate clarifications of the helpfulness and the explanations behind the tenets.

Preparing might likewise sharpen and sensitize procurement authorities and their work force to the inconvenient impacts of corruption and the advantages of morals for the contracting bodies and authorities. Also, authorities might sign moral codes. Prosecutors consider that albeit interior codes do not as a matter of course averts corruption, they might be valuable amid examinations as they pick up time. The necessities to teach experts and furnish them with new and larger amount abilities have subsequently gotten to be pressing (Sauber et al., 2008).

An expertise is the capacity to perform particular behavioural assignment or the capacity to perform particular subjective procedure that identified with specific undertaking (Peterson & Van Armada, 2004). In any case, Lan, Riley and Cayer, (2005) reported that discovering; enlisting, holding devoted, vigorous, and moral workers with uncommon abilities is constantly tough. whilst comprehend polished methodology as key instruments and essential focuses of institutional, the exact part of callings and expert administration firms in procedures of institutional change stay under-estimated (Hwang & Powell, 2009; Scott, 2008).

2.11.3 Good practices

It is likewise important that the organization contrast itself with other tantamount to associations incompletely to experiment that worth for cash is been accomplished, additionally, as a major aspect of the procedure looking for consistent change and recognizable proof of high-quality practice. This is regularly completed through benchmarking procedure (Maurer, 2004). The basic role of benchmarking is to enhance



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execution of the organization, examine its performances, whether accomplishing improved execution and rate at which execution is moving forward. Without measuring the organization's execution, it is impractical to check whether the objectives that the organization has set are being accomplished. Benchmarking is in this way basic to the procedure of constant change. The organization among different pointers can utilize such correlation as cost, time, and quality (Shaw, 2010).

Experts also highlighted on necessitate in making procurement authorities and procurement officers acquainted with best practices. In addition, personal resource presentation or declaration, characterizing standards of behavior and implementing the "four eyes" principles in the offer selection and attribution in addition to the revolution of staff in key positions. Specialists suggested the foundation of motivation to search out misrepresentation or corruption within procurement bodies. The fundamental criteria for assessing the execution performance of procurement specialists are the speed of setting up an agreement and the velocity of getting the great or administration (OECD, 2007).

2.11.4 Encouraging and Empowering Reporting

Specialists noticed that the beginning stage of an examination quite often originates from a record protestation, and from data given by private people, communication from delegates of the contending parties or considerably daily paper articles. Shriek blowing strategies and different components that permit individuals to approach and alert authorities to conceivable suspicious acts can be exceptionally successful in distinguishing pay off and corruption. The need of reporting was raised and in addition the need to make public authorities mindful of their commitment to report inconsistencies (Greene, 2013).

Clear standards on reporting necessities of corruption of which public authorities get to be mindful while directing the procurement procedure are important. In reality, authorities who watch indications of wrongdoing ought to have a chance to report internally and externally. Public procurement grumbling or appeal instruments, where contenders can document challenges if there should incase an occurrence of infringement of assorted types (e.g. bid challenges) are likewise thought to be extremely useful (OECD, 2007).

2.11.5 Teamwork

According to Greene (2013), preventive strategy may begin with a thorough procurement and corporate policy that create awareness among the employees. He also suggested lay down procedures and countermeasures for contract that involve a large sum of money. Adding up, organizations should constantly get value for money to boost their credentials. Previously, organizations have typically established that worth for cash was accomplished by way of tolerating most reduced cost offered by dealers of merchandise and administrations. Of late, there is accentuation on premise of general worth for cash offered, including thought for nonmonetary figures and not on premise of most reduced cost alone (Shaw, 2010).

Advancing contacts and correspondence between authorities from various government organizations might be a way to improve common comprehension and forestall enticement. This might likewise enhance discovery and enforcement of anticorruption laws. Contracting authorities for the most part have authoritative forces. Legal authorities can guarantee that examinations occur and that coercive forces are connected (OECD, 2004). The assortment of abilities and practices required to reveal bribery or gift that might call for multidisciplinary co-operation. It might be reviewed that the formation of national systems of public procurement workplaces, rivalry or corruption authorities and legal bodies to battle bribery



in broad daylight acquisition was among the conclusions which left the OECD 2004 Worldwide Gathering examinations (OECD, 2007).

2.11.6 Successful Regulations and Sanctions

Inquiries were raised in the matter of whether corruption dangers are expanded by more grounded regulations or by more adaptable techniques, which are defended by more prominent business sector proficiency in spite of the way that they give more carefulness to the authority in the attribution of tenders (OECD, 2007). Overregulated frameworks might produce corruption as principles are every now and again neglected, broken, or connected misleadingly so as to support a particular bidder or to avoid others.

Cases again demonstrated that less controlled situations were defenseless to higher corruption. In any case, working public procurement in an adaptable situation was viewed as best given that extreme obstructions and endorses apply in the event of infringement. More adaptable acquisition arrangements call for improved trustworthiness by authorities and a solid and very much upheld enactment, coordinated by reporting commitments and successful reporting components. Without these components, corruption much of the time thrives. Different cases outline the unfavorable impacts of exceptions from, or the non-utilization of, approvals. These might concern both managerial punishments in connection to procurement guidelines or criminal law requirements. Case in point, persons included in "national security" arranged contracts might consider that they run just a slight danger of being recognized and authorized, and accordingly will probably take part in pay off and kickbacks (OECD, 2007).



2.11.7 Staff Awareness and Procurement Regulations

Numerous individual company boards of Africa, particularly publicly owned organizations, have restricted comprehension of their parts, and normally open to control by administrators, and primary shareholders. Non-executive administrators of Africa need to assume significant part in guaranteeing consistence. Nevertheless, numerous just go about as elastic stamps for choices taken outdoor the board (Charles & Oludele, 2003). Within this point of view, consistence emerges from lively harmony amongst different forces of the executive and considerate what their parts may be (Fisher, 2004).

As indicated by De Boer and Telgen (1998) cited by Gelderman et al. (2006), most single issues causing inconsistency in procurement rules is the stage of consciousness of procurement rules. De Boer and Telgen (1998) further emphasized that, amidst beginning of the origin of public procurement rules in the Netherlands, numerous regions were not acquainted with the usage of the rules. Gelderman et al. (2006) affirmed this perception in a review of consistence with European Union procurement mandates.

2.11.8 Policy Design

One conceivable area of worry is “conflict of Interest”. Accordingly, Mangan et al. (2008) and Caldwell et al. (2009) proposed that associations ought to contain clear composed rules that characterize when officials must announce an individual attention that might esteem to be in disagreement with their workplace. Shaw (2010) articulated that acquisition strategies changes amongst associations yet are the managerial standards and rules administering acquisition strategies.



The strategies decide diverse parts of procurement practice in a business and how individuals functioning in the acquisition ought to act. Also, internal control affirmation unit should be established as the internal audit department, which can ensure that proper and appropriate inside controls and techniques are consented to. Internal audit reports ought to be made accessible to the Chief Executive Officer (CEO) instead of the practical executive to help with keeping up the autonomy and objectivity of the administration (Shaw, 2010).

2.12 Conceptual Framework of the Study

This piece highlights on some core conceptual framework of the exploratory material got from literature that are chosen foundation for the study to learn whether there are considerable connections between the autonomous variables and the dependent variable. It concentrates on the determinant variables distinguished, which are connected with the implementation difficulties and acquiescence of Public Procurement Act of Ghana.

The principal-agency theory is the supporting theory used to set up the framework for this study. Numerous studies (Eisenhardt 1988; Bergen et al., 1992; and Rokkan and Buvik, 2003) have added to the literature on principal-agent theory. Nearly, these commitments have one fundamental subject which is the relationship between a principal and a representative. The principal-agent theory doubted with the course of action that exists when one individual (the agent) follows up for the benefit of another (the Principal). For instance, shareholders of an organization (principals) choose administration (agent) to follow up for their benefit, and speculators (principals) pick reserve supervisors (specialists) to deal with their advantages. For this situation the government of Ghana (Principal) draws in PEs and PPA (specialists) to carry out public procurement and implementing the Public Procurement Act 2003 (Act 663) on its sake. With this relationship, the principal engages the specialist who acts and settles on choices in the interest of the principal (Eisenhardt, 1989; Bergen et al., 1992). This



relationship functions admirably when the representative is a specialist at settling on the important choices, however does not function admirably when the interests of the principal and representative vary significantly.

When all is said and done, an agreement is utilized to determine the terms of a principal-representative relationship. Agency theory, as indicated by Eisenhardt, (1989) is coordinated at the pervasive agency relationship in which one gathering (the principal) delegates work or assignments to another gathering (the representative or the agent) who performs that work. Agency theory depicts this kind of relationship utilizing the similitude of an agreement (Jensen & Meckling, 1976). Agency relationships are established in a more extensive social setting for the implementation of strategies about adjusting motivating forces keeping in mind the end goal to demoralize self-centered conduct by open sector directors and lessening organization costs.

The political arrangement of any developing nation can obviously be comprehended as an intricate system of principal-representative relationships made of residents, governments and their specialists, Ministries, Departments and Institutions, District Assemblies, chose authorities, the legal, the lawmaking body and the media. These performing artists simultaneously assume principal and specialist parts inside and crosswise over political associations.

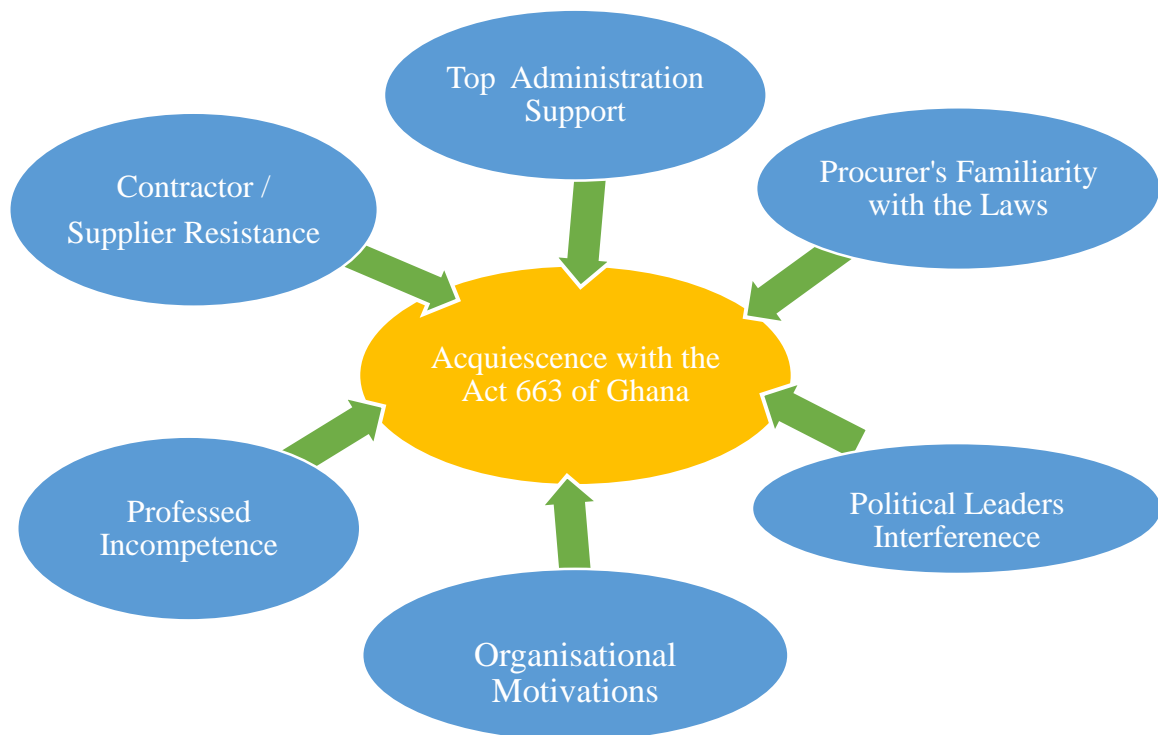
The framework had elaborated about evaluating implementation challenges upon acquiescence with procurement orders (Gelderman et al., 2006) and, given its moderately broad surrounding, gives a helpful system to surveying usage challenges on the extent to which any part of public acquisition approach deciphers into great practice.



2.12.1 Components of Conceptual Framework

The conceptual framework classified the procurer's familiarity with the procurement laws; the top administration support to the procurement system; the political leaders interference of the procurement procedures; the professed incompetence in the public procurement; the organizational motivation and the contractor/supplier resistance intended to result in acquiescence with the Act 663 of Ghana.

Figure 2.3: Conceptual Framework Components



Source: Gelderman, Ghijzen, & Brugman, (2006); Walker & Brammer (2007)

Procurer's Familiarity with the Laws

According to De Boer and Telgen (1998) in a study reported that numerous open organizations were not acquainted with the legitimate commitments to take after the



stipulations of public acquisition laws in this manner prompting resistance with the law. Furthermore, both the principal and specialist are roused by their own particular self-interest when going into contractual relationship and intend to augment advantages and utility for themselves paying little mind to the results.

To numerous specialists, the acquisition laws are not precisely clear and in this manner experience different types of application difficulties. Gelderman et al. (2006) kept up that public supervisors will consent to the laws on the off chance that they see them as clear. They mentioned that the straightforward truth that the administration of a public institution is acquainted with the substance of the EU guidelines and controls could work as a managerial motivator to go along. It is further contended that Lack of clarity is accepted to build the potential outcomes for (UN) conscious resistance. Instructing and preparing public acquisition directors will be a powerful apparatus for expanding the acquiescence with the orders (Gelderman et al., 2006).

In this way, familiarity with the laws by both procurement supervisors and suppliers will impact or power the chance that public agents and specialist will consent to the laws. This prompts the thought that there exist a relationship between recognition with the acquisition laws, its standards and techniques, couple with its acquiescence and difficulties arrangements or resolutions that prompts positive effect of the general population procurement specifically and the economy of Ghana when all is said in done.

Top Administration Support

Rossi (2010) opined that formal controls should first be characterized, concurred, and connected top-down inside an association in the event that they are to be powerful. Hui et al. (2011) similarly stipulated that productive administration is a standout amongst the best



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preventive systems for it advances straightforwardness and responsibility, encourages oversight and gives a decent premise to avert bribery. An institution with a genuine responsibility to legitimate acquiescence is confirmed by top administration's commitment to moral corporate conduct (Krawiec, 2003).

As cited in Heneghan and O'Donnell (2007), an acquiescence culture in an organization must begin in the meeting room and ought to be reflected and proved in executive's own particular practices and mentalities. In a related contention, Obanda (2010) stipulated that sturdy institutional backing at top levels of government is required by acquisition personnel keeping in mind the end goal to advance trustworthiness, screen procurement process and procedures, comprehend implementation challenges and their related dangers and, apply procurement law fittingly. This prompts the accompanying recommendation that; top administration support enhanced public procurement acquiescence, advances sustainable procurement administration and viable service delivery.

Political Leaders Interference

Furthermore, Schapper et al. (2006) supported that, public acquisition is viewed as a naturally a politically touchy action. Bolton (2006) asserted that out in the public acquisition, supervisors tackle the part of specialist for chose delegates. Nonetheless, Pillary (2004) contends that senior authorities and political leaders use public office for private gains and this has debilitated the inspiration to stay fair. Raymond (2008) likewise opined that ministers and political parties get stealthy installments in government procurement. This at last meddles with the procurement process and procedures and hamper acquiescence which consequently generate diverse forms of implementation difficulties of the Procurement Act.

This is additionally re-reverberated by Lodhia and Burritt (2004), who perceived that social and political influences have a critical bearing on public division reforms. In developing nations; one of the significant deterrents to the procurement framework is ministerial meddling with the tender procedure where ministers intercede and influence tender grants. The risk of being suspended and terminated has much of the time threatened public officers into obeying illicit ministerial orders prompting non-cooperation (Akech, 2005).

In backing of this, Hui et al. (2011) declared that meddling from the local lawmakers, businesspersons, individuals from parliament and extremely persuasive top administration people has interfered with the acquisition procedures and discouraged straightforwardness. Lodhia and Burritt (2004) further expressed that political impact out in the open sector administration limits data, straightforwardness and support is stretched out without administration being considered responsible. The study consequently affirmed that Political leaders' interference pessimistically affects the implementation of the Public Procurement Act 2003 which needs much consideration so as to pick up worth for states assets.

Professed Incompetence

Additionally, Sutinen and Kuperan (1999) said that, the ability to understand and consent as a result of good commitment and social impact is based, among others on the professed authenticity of the powers charged of executing the policy and directions. Moreover, the theoretical model shows that there is a professed incompetence in the procurement policy use in the organization of the acquisition system in Ghana. The Public Procurement Act, 2003 (Act 663) identifies various policies and directives, lawful and moral behaviour for the entire procurement processes and procedures.



These policies and directives mean to keep away from favoritism, enable management of risks in the award of contract and guarantee straightforwardness and responsibility through the acquisition procedure and strategies. Be that as it may, the policies and directives have been censured on the premises that they are not in accordance with best practices in connection to worldwide acquisition practices both in public and private divisions. The study makes the relational word that there is a professed incompetence linkage amongst policies and directives, lawful, moral commitment and social impact in the execution difficulties and acquiescence of the Public Procurement Act 2003 of Ghana.

Organizational Motivations

Besides, organizational motivating forces can bring about implementation challenges and noncompliance with the procurement laws. It is further contended by Teutemann, (1990) that administrators in public division attempt to deplete completely their acquisition spending plan in order to maintain a strategic distance from decreases in their future spending plan. To these administrators, cost decreases because of competitive acquisition systems in one year don't inexorably bring about expansion in consequent spending plans. Absence of procurement professionalism in the public division is an impediment for acquiescence with the public procurement law (De Boer & Telgen, 1998).

Gelderman et al. (2006) further declared that more effect on procurement acquiescence can be normal from the inner incentives built up by the institution. Parker and Hartley (2003) highlighted that military staff don't as a matter of course carry on proficiently, in light of the fact that they neither offer in any benefits from productive conduct or experience misfortunes from poor execution. From this, government institutions are not prone to consent to the orders of the public procurement law not to talk of guaranteeing sustainable acquisition practices. In the public division, acquisition officers are the representatives who follow up in the



interest of the principal (the government) to understand the objectives and targets of the government on procurement.

Along these lines, the objectives of the representative must be in congruity with that of the principal (the government) keeping in mind the end goal to accomplish productive change and value for money in the public procurement programmes. The study along these lines suggests that; organizational motivating forces contribute in the revelation of implementation difficulties and reception of key arrangements that will prompt an enhance acquiescence with public procurement.

Contractor /Supplier Resistance

Adding up, acknowledgment of supplier and contractors resistance is vital for acquiescence with the acquisition policies and directions and, sharp recognizable proof of implementation difficulties defying proficiency in administration conveyance.

To stay away from non-cooperation with the procurement Act 663 of Ghana, the law charges all suppliers to report examples of misuse on the off chance that they feel distressed at the award of agreement (PPA 2010). Then again, the ability of public bodies to listen and adequately address the worries of wronged suppliers and also the chance to make a move against open procurers is prone to impact private division investment and acquiescence with the acquisition policies and directives.

Acquiescence with the Act 663 of Ghana

Eventually, implementation difficulties most at times frustrate acquiescence with the Public Procurement Act, 2003 (Act 663). Successful flow of public procurement system can be accomplished when public division specialists carry on in a way that is reliable with the



targets and objectives of their principal (the government); at the point when acquisition experts and suppliers are acquainted with the procurement procedures and techniques, sustainable procurement practices, procurement law implementation challenges and their impacts, principles and methods and, conceivable methodologies to improve acquisition practices; at the point when acquisition supervisors and suppliers are learned and sufficiently gutsy to oppose any type of obstruction and misuse in the procurement procedure and techniques.

2.13 Summary of Literature Review

In perspective of the above literature review, it is apparent that procurement practice in Ghana is subject to the Public Procurement Act, 2003 (Act 663) that set up the Public Procurement Authority to act as statutory advisory, planning and coordinating body on procurement. Since the emergence of the procurement practices in Ghana particularly, public procurement, there have been various issues illustrated as the fundamental zones of difficulties confronting organizations in their routine of procurement.

The writing survey outline these difficulties extending from political environment, ethical standards issues, and sustainable issues, preparing and training for qualified and inexperienced persons who are into the zone of procurement.

The GIS as procurement entities should put structure in place to make the GIS a potential Procurement Entity. Again a potential Procurement Entity needs to observe the procurement methods enshrined in the Public Procurement Act that has been reviewed in the Public Procurement Board Manual. Challenges in one way or the other, are indispensable in procurement project however, the legal statutory procedure to be observed are there to help the GIS find their way through without breach of the legal procedures.



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A Procurement Entity with its leadership is responsible for any procurement flaws that are punishable by the laws of Ghana. It is therefore obligatory on the part of the GIS as Procurement Entities to ensure procurement officers have the requisite knowledge to enable them practice as such, as the saying goes “the ignorance of the law is no excuse”.

CHAPTER THREE

METHODOLOGY

3.0 Introduction

The chapter provides detailed account of the technique that was used in arriving at the findings and conclusions. This chapter therefore comprises the Research Design, Research Data Sources, Target Population, Sampling Procedures, Data Collection Procedures and Tools, Profile of the study area and Procurement Unit of GIS.

3.1 Research Design

A research design is the basic plan which directs the data collection and analysis stages of the research project (Creswell, 2007). It is the frame work which specifies the kind of information to be collected, the source of data, and the data collection procedures (Kinnear, et al., 1991). For the purpose of establishing the reality on the ground, the researcher contracted with Officers and Men of the Service in finding out what is happening, to search for new bits of knowledge and more information about an existing situation in order to gain familiarity with the issue at hand.

The measure is a modification of different instruments that are utilized to gather information on the challenges associated with the public procurement of goods in GIS. A semi-structured questionnaire was designed to be administered to two different types of respondents (officers and suppliers) involved in the study and investigations of records (assessment of reports and contract documents) accessible at the Procurement Unit. Some exploratory questions were posed to each respondent.

Questions posed can be categorized into those that sought to investigate the general nature of the procurement process and procedures, its sustainability practices, and the existence of procurement principles prevailing in GIS; those seeking to explore the challenges involved in the preparation of procurement plan, sourcing of invoices, legal, financial and human resource challenges associated with the procurement of goods and some possible strategies to enhance procurement practices in GIS. A survey method of collecting data was basically employed using structured questionnaire and interviews as a design for the study in order to gain a wealthy understanding of the research.

3.2 Data and Sources of Data

In order to accomplish the objectives of this study, the researcher employed primary and secondary data sources using quantitative and qualitative method of assessment.

Quantitative research inspects connections between variables, which are measured numerically and analyzed utilizing variety of statistical techniques. It often incorporates controls to guarantee the validity of information as in an experimental plan (Saunders, et al., 2007).

Qualitative research on the other hand, gives adaptability and affords the researcher the chance to conduct an in-depth research. It produces non-numerical insight. The primary reason is to enhance thought of primary intentions and motivations. It additionally offers an instinct into the circumstances of a precarious and consequently creates contemplations, aids to grasp social behaviour and the points of interest late it (Saunders, et al., 2007).

The researcher employed both quantitative and qualitative methods of assessment in order to quantify data and simplify results from a sample to the interest population as well as develop an in-depth understanding and meaning in the minds of possible readers of this study.

3.2.2 Primary Data

Primary Data are those which are collected afresh and for the first time, and thus happen to be original in character. Saunders, et al. (2007) defines primary data as data collected specifically for the purpose of that particular research. The primary data was obtained through the use of structured questionnaire and interview. This source of data was considered vital for this study as it provided definite information to the researcher.



3.2.3 Secondary Data

As per Saunders et al. (2007) secondary data are those which have already been gathered by organizations, and researchers which have previously been processed. Secondary data therefore is the type of data which has previously been collected by some organization and researchers to pursue their own needs and purpose but it is used by the unit under reference for an entirely different reasons. The secondary data were collected from the GIS and other institutions news letters, diaries, website (such as Ebscohost, Social Science Research Network, questia, academia), articles and journals to provide factual reference basis for the study.

3.3 Target Population

The complete set of persons and items having some common characteristics are referred to as the universe (Hayes, 2011). Kintchenham et al. (2002) mentioned that, target population is the collection or the persons to whom the survey relates and those collections or persons who are in a position to answer the questions and to whom the outcome of the survey relates. The population for this study comprised members of staff who are involved in public procurement activities in the GIS. The survey covered a population of one hundred (100) people comprising seventy (70) direct partners of the national security - (GIS) and thirty (30) key suppliers of the GIS.

The target population for this research centered on three categories of people for information, namely:

- The personnel of the GIS procurement unit and other relevant units.
- The suppliers of the GIS.
- The procurement committee members.



3.4 Sampling Type and Procedure

Saunders et al. (2007) posited that sampling techniques gives a scope of methods that allows a researcher to gather enough data from a subgroup instead of every conceivable case and component. In conducting an examination study, it is practically not possible, lengthy and also costly to test each person of the whole populace. Thus smaller masses of unit test are selected to stand for the applicable features of the entire units.

Due to time constrains all the staff mentioned above, could not be interviewed therefore purposive sampling procedures were utilized for the purpose of gathering primary data for this research. Purposive sampling method was finally employed because the study focused on people who are most likely to have knowledge, experience and insights into the procurement process and procedures, and some challenges faced by the public procurement managers in the implementation of the procurement Act of Ghana.

The subject matter of this study is very technical, therefore relevant personnel of the institution with the requisite information and knowledge required to accomplish this study were given questionnaire. Respondents were mainly drawn from the Procurement Unit, Finance/Accounts Section, Internal Audit Unit, Entity Tender committee and Key Suppliers of GIS. They (suppliers) where contacted through a business directory which contained their addresses to find out their views.

The sample size was computed using Slovin's formula with response to the deVaus extent approach (deVaus, 2002).

$$n = \frac{N}{1+N(e)^2}$$

n = Sample Size

N = Total population



e = Error tolerance

$$n = 100 / (1 + 100(0.1)^2)$$

Therefore, n = 50 (Sample size)

Utilizing the equation above on a population of 100, 50 individuals were viewed as suitable and representative enough for the study sample size with 90% confidence level and 10% error tolerance.

The study engaged members of entity Management and Tender Committees, Management Staff, Procurement Staff, Stores and user Department, suppliers/contractors and consultants. In all thirty-eight (38) staff of GIS including procurement committee members were selected. Twelve (12) key suppliers of GIS were also interviewed.

Table 3.1: Cataloging of Respondents and Sample Size

Category of Respondents	Population	Sample Size	Confidence Level	Error Tolerance
Management & Tender Committees	18	10	80%	20%
Management Staff	12	04	60%	40%
Procurement Staff	10	06	75%	25%
Suppliers/Contractors and Consultants	30	12	78%	22%
Stores and user Department	30	18	86%	14%
Total	100	50	90%	10%

3.5 Data Collection Procedures and Tools

The major data collection method employed in this study was semi-structured questionnaire and interviews administered (by the researcher and some recruited officers) at GIS and the business premises of some key suppliers. The questionnaire was based on the research



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questions and other relevant areas of the public procurement and its associated challenges (See Appendix for samples of questionnaire used). The items on the respondents' questionnaire had options from which respondent's ticked appropriate answers.

Respondents were chosen after they had been confirmed as key persons involved in procurement and its related activities. They were mainly from the Procurement Unit, Finance/Accounts Section, Internal Audit Unit, Entity Tender committee, and etc. Some key suppliers of the Ghana Immigration Service were also given questionnaire on procurement and its related issues.

3.6 Data Collection Quality Assurance and Ethical Considerations

This section consists of dependability, validity and ethics of the study.

3.6.1 Dependability

Dependable information is controlled by how the measures are directed. For the measures to be reliable, it is vital that the investigator is precise. For dependability to be high there must in like manner be a depiction of how the measures are directed and that they ought to be correct and precise. An additional condition is that the analyst needs to document everything done. This is because in the light of current circumstances researchers will have the ability to use the data amassed for examination purposes. So, unwavering quality is the means by which reliable an investigator's judgments are (Cook & Campbell, 1979).

3.6.2 Validity

The validity of information is controlled or determined by the nature of conclusions, implications and recommendations (Cook and Campbell, 1979). Data is measured with a particular final objective to have relevance and legitimacy for the issue that is investigated.



It is about seeing whether the data assembled or aggregated is germane to the issue being investigated and whether the investigation conducted gave a reaction to the issue.

In this investigation, the researcher guaranteed that the theoretical perception of procurement procedures and strategies are identical to the operational sense and that there was a maximum degree of consistency. The investigator also ensured that there was a reasonable connection between the hypothetical and useful idea of procurement processes and its effects on the Service.

3.6.3 Ethics

The researcher ensured that the highest levels of ethical considerations were employed in conducting this study. Among other things, the privacy and confidentiality of respondents were maintained; the researcher sought the permission to interview respondents from the management of the Service.

3.7 Data Presentation and Analysis

In this study, the search for information was through both quantitative and qualitative techniques. The Statistical Package for Social Sciences (SPSS) version 17 and Microsoft Excel expectations were utilized for data entry and examination of the information gathered. Information and data preparation was the beginning stride to change over raw data into organized set-up that was more appropriate for the examination.

Responsibilities in this phase incorporated data altering, data coding and data entry, frequency distribution, percentages, and descriptive investigation of evaluating the impact of public procurement change on the Paramilitary institution like GIS. The outcomes from these investigations gave the premise to discover what pattern and common trends run through the



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responses with respect to public procurement plans. The premise for deviations from the normal patterns running through the responses was likewise settled from the study using SPSS and Microsoft Excel of analyzing data.

To ensure that the data collection instruments were actually measuring the intended purpose, initial queries and consultations were made with the head of procurement unit of GIS, procurement officers of other institutions, course mates, friends in research departments and research supervisor.

3.8 Profile of the Study Area

The Ghana Immigration Service (GIS) began as Immigration and Passport Unit of the Colonial police force under the dominion of Mr. Neville C. Hill. The office was situated alongside the Customs Long Room at James Town in Accra. In 1960, the Convention Peoples Party (CPP) government realized that the function of Immigration differed from that of the Police, and in May 1960; the Immigration Unit was set up as a department under the Ministry of the Interior. Soon after key restructuring, the issue of passports which was formerly an Immigration function was assigned to the Ministry of Foreign Affairs.

As a result of Ghana's involvement in the African liberation struggle and the economic boom that was experienced after attainment of independence in 6th March, 1957, the country was flooded with foreign business men and women, tourists, and African aliens there by precipitating the need for new legislation. The Aliens Act of 1963 (Act 160) was therefore promulgated to give legal backing to the functions of the newly structured Immigration Department. The Immigration Department being the first point of contact for foreigners has under gone several restructuring to meet international standard and attract foreign investment.

In December 1989, PNDC Law 226 established the Ghana Immigration Service (GIS) as one of the Security Institutions of Ghana with a Supervisory Board and a Director as the head to oversee everyday administration of the Service. As per constitutional demand, GIS is being classified as one of the Public Services of Ghana by the 1992 Constitution (Art 190 section 1). GIS derive its mandates from Immigration Service Act, 2000 (Act 573) which was amended in 8th March, 2016 and Regulations 2001, LI 1691 to control and check the admission, residence, employment and the exit of foreign persons in the nation not excluding all travelers moving across the country's borders. The mandates further subject GIS to the laws of the land and understanding of the various intercontinental meetings, set of rules, directions and treaties of which Ghana has endorsed.

In November 2006, the Service was mandated to assume full control of the nation's borders, hence the creation of the Border Patrol Unit (BPU) to take up the responsibilities of patrolling the borders. The BPU of the Service acts as the first line of defense against external aggressors for Ghana Army by physically patrolling the approved and unapproved routes of the borders of Ghana.

GIS as a bureau of the Interior Ministry, mandated to give advice and guarantee the successful execution of all laws and regulations relating to migration and allied matters has a Director as the leader who operates as a principal adviser to Immigration Board and Minister of Interior. The Board made up of seven (7) members with the Director and Ministers representative serving as members.

3.9 Procurement Unit of the GIS

Prior to 2002, procurement in the Service was carried out by the finance unit. During those period procurement was simply based on mere comparison of invoices and then a supplier with the least quotation was asked to supply without due consideration to quality and documentation of the process.

In 2002, a Procurement Unit (PU) was set up to handle all procurement activities independent from the Finance Section of GIS. With the passage of the Procurement Act 2003 (Act 663), an Entity Tender Committee (ETC) was composed in line with the Act including external representatives. Procurement plan is normally prepared and approved by ETC based on budget for the ensuing year and submitted to the Public Procurement Authority (PPA) to be published in the PPA website. The plan indicates specific procurement activities and the method to be used.

Procurement activities are grouped by the Act into goods, works and consultancy services. The Act gives approval to each procurement activity groupings based on amount thresholds. In accordance with the provision of public procurement Act 2003, (Act 663) almost all State Institutions have established procurement units responsible for coordinating and undertaking all detailed procurement activities. GIS as a Para-military institution has a procurement policy centered in buying the right product under fair and open competitive processes and procedures, guarding against corruption and achieving value for money as enshrined in public procurement Act of Ghana.

Procurement unit of GIS ensures acquisition of goods, works and services are in accordance of the Public Procurement Act 2003, (Act 663) of the forth republic of Ghana. Below are



various phases of PU activities as enshrined in the GIS, Standard Operating Procedures (SOPs) (2013).

Procedures

- Budget and procurement planning
- Procurement process
- Tender
- Contract
- Implementation of contract
- Breach of contract
- Payment for contract delivery.

C. Disposal of assets

D. Reporting

When goods are needed and the amount involved is above the threshold of the section/unit, below is the process a user section/unit is expected to go through before goods are procured as enshrined in the GIS financial and stores regulations:

- The head of user section/unit collects three (3) pro-forma invoices with competitive prices from credible, reputable and competitive suppliers.
- The head of the user section/unit makes a request to procure the items by presenting the three (3) pro-forma invoices to the procurement officer.
- The procurement officer checks from the section/unit's budget if the item to be procured has been budgeted for. The procurement officer will then satisfy himself if the user section/unit has enough funds to meet the cost of the item.
- The procurement officer then submits together with the three pro-forma invoices to the procurement committee for consideration.
- The procurement committee which meets every fortnightly invites the head of the user section/unit or his representative to justify the need for that material.



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- The procurement committee with the head or his representative discusses and agrees on which supplier to procure the goods from after considering the price, quality, specification, the total value and whether or not the supplier is a VAT registered.
- The procurement committee forwards the minutes of the meeting to the Deputy Director of Finance and Administration (DD/F&A) for approval.
- Local purchase order (LPO) is prepared together with the three (3) pro-forma invoices, then the procurement committee places order.
- Goods received with VAT invoices and the LPO are shown to the GIS Internal Audit staff for verification and use. The goods received voucher and payment voucher are then prepared to that effect.

All memorandums, contracts, write-ups generated by the Procurement Unit are submitted to Deputy Director of Finance and Administration (DD/F&A) who may refer issues with legal ramifications to Deputy Director of Legal (DD/L) for advice.



RESULTS AND DISCUSSIONS

4.0 Introduction

This chapter focuses on the analysis, discussions and presentations of the data accumulated from the field by means of questionnaires. It captures analysis on the background of the respondents, procurement processes and procedures as well as principle and methods observed in GIS, effects on Public Procurement Act 2003 on public service manager and sustainable procurement practices on service delivery, challenges faced by the procurement managers in the GIS and strategies put in place to enhance procurement practices in GIS.

It was however important to consider issues that worried execution, growth and other related difficulties confronting the Service in the area of procurement. Statistical Package for Social Sciences (SPSS) version 17 and Microsoft Excel 2010 software were used to analyze the results in the form of frequency and descriptive tables.

4.1 Background of Respondents

Fifty (50) questionnaires were administered to key suppliers and staff of Immigration Service, all of which were recovered and legitimate for data analysis. The legitimate questionnaires utilized for examination yielded 100% reaction rate. It goes to demonstrate that, the reaction rate was tranquil and mirrors perspectives of the whole population.

Table 4.1: Categories of Respondents



Respondents	Frequency	Percentage (%)
Tender Committees	10	20
Management Staff	04	8
Procurement Staff	06	12
Suppliers/Contractors	12	24
Stores and user Department	18	36
Total	50	100

Source: Field Survey, May 2016

Table 4.2: Gender and Respondents' Age Group

Description	Male	Female	Frequency	Percentage (%)
20-30 years	12	4	16	32
31-40 years	10	5	15	30
41-50 years	12	6	18	36
51 years and above	1	0	01	02
Total	35(70)%	15(30)%	50	100%

Source: Field Work, May 2016

Table 4.2 demonstrates the gender and age group of the respondents sampled for the reading. Out of the 50 sample reactions acquired, 35 were male representing 70 percent and 15 female representing 30 percent. The skewed result supported male dominant may be ascribed to the purposive sampling technique utilized for the choice of the respondents furthermore the nature of work associated with procurement and security at large. By and by, it ought to additionally be notice that, transversely all sections or units the samples were taken, male officers greatly dominated.

Moreover, 32 percent of the respondents are in the age group of 20-30 whilst 30 percent are in the 31-40 age groups. 36 percent are those who are purely inclined in the procurement



affairs with a high spirit of commitment to tasks of the Service and only 2 percent falls in the age group of 51 years and above. In a whole, there is a clear understanding that GIS procurement affairs are neither left solely in the hands of the youth nor the matured but are evenly represented among the very middle working force.

Table 4.3: Educational Background of Respondents

Description	Frequency	Percentage (%)
Certificate (SHS)	4	8
HND/Diploma	17	34
Graduate	20	40
Post-Graduate	7	14
Professional (CILT)	2	4
Total	50	100

Source: Field Work, May 2016

Table 4.3 illustrates that the respondents chosen were all knowledgeable. This was expected as respondents worked in an institution which has mandatory minimum entry qualification for both recruitment and selection. From the table 4.3, it was established that, greater parts of respondents were holders of college degree, signifying 40 percent. This was trailed by Diploma holders with frequency of 17 representing 34 percent.

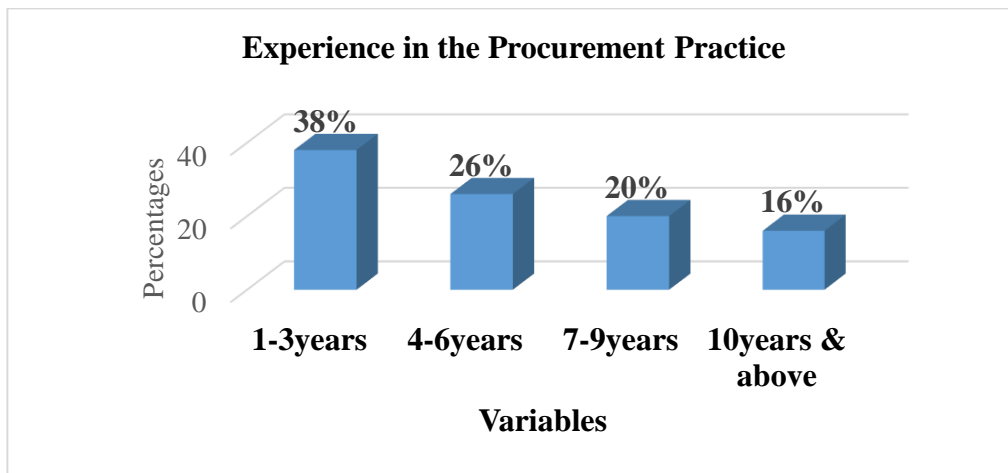
Post Graduates had a frequency of 7 representing 14 percent whilst Certificate holders got a frequency of 4 representing 8 percent. Again, a frequency of 2 with a percentage of 4 was attributed to CILT/CIPS. All the respondents are one way or the other regularly involved in public procurement activities and could truly give great appraisal of the impact or effect of the procurement reform, its challenges and how to enhance acquiescence of the Public Procurement Act 2003.



4.2 Procurement Processes and Procedures, Principles and Methods in GIS

4.2.1 Procurement Processes and Procedures in GIS

Figure 4.1: Working Experience in the Procurement Practice



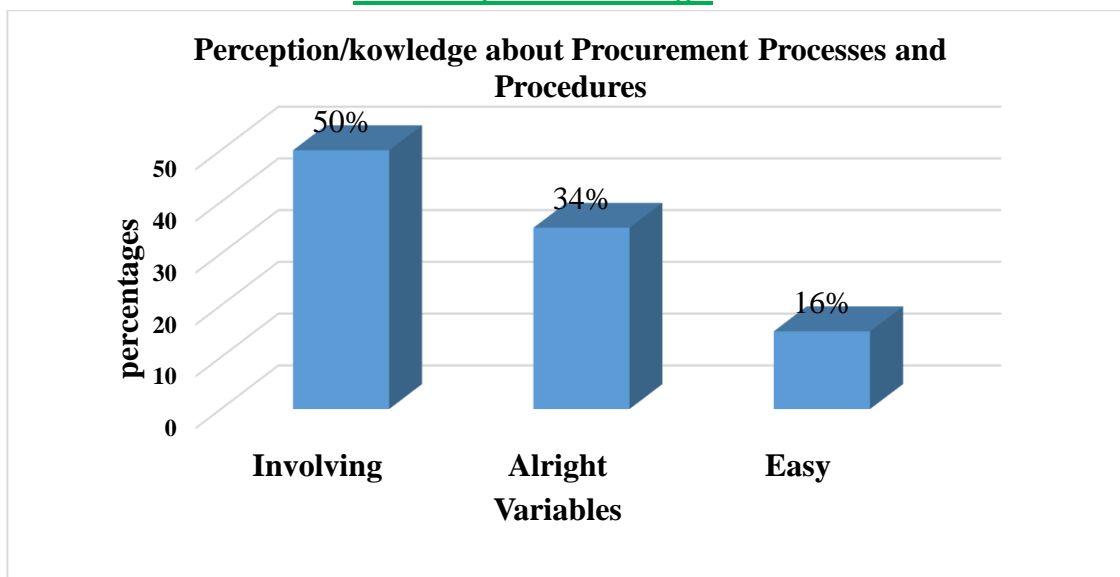
Source: Field Survey, May 2016

The responses as presented in Figure 4.1 above showed that 38% (frequency of 19) which represented majority of the respondents pointed out that they had ‘1-3 years’ experience in the procurement practices. This was followed by 26%, 20% and 16% of the respondents who had ‘4-6 years’ experience, ‘7-9 years’ and ‘10 years and above’ experience on the procurement practices respectively.

Respondents were further asked whether they had taken part in any tendering process before. The responses showed that frequency of 30 representing 60 percent had actively participated in the tendering process whilst 40 percent (frequency of 20) of the respondents had never taken part in their life and had no much experience in the Public procurement tendering processes

Figure 4.2: Employee knowledge about Procurement Processes and Procedures

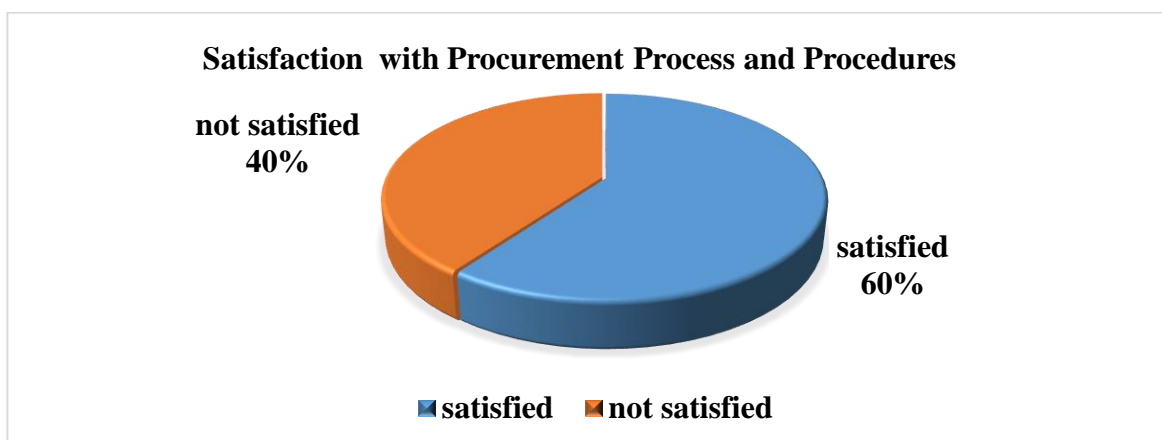




Source: Field Work, May 2016

Three variables including “Easy”, “Alright”, and “Involving” were used to test employees’ perception of the procurement processes and procedures as to the level of knowledge or otherwise. Figure 4.2 showed that 50 percent representing 25 frequencies of the respondents noted the process is involving, 34 percent (frequency of 17) were of the view that the procurement process is alright. However, 16 percent (frequency of 8) of the respondents affirmed that the process was easy.

Figure 4.3: Level of Satisfaction of Procurement Process and Procedures in GIS

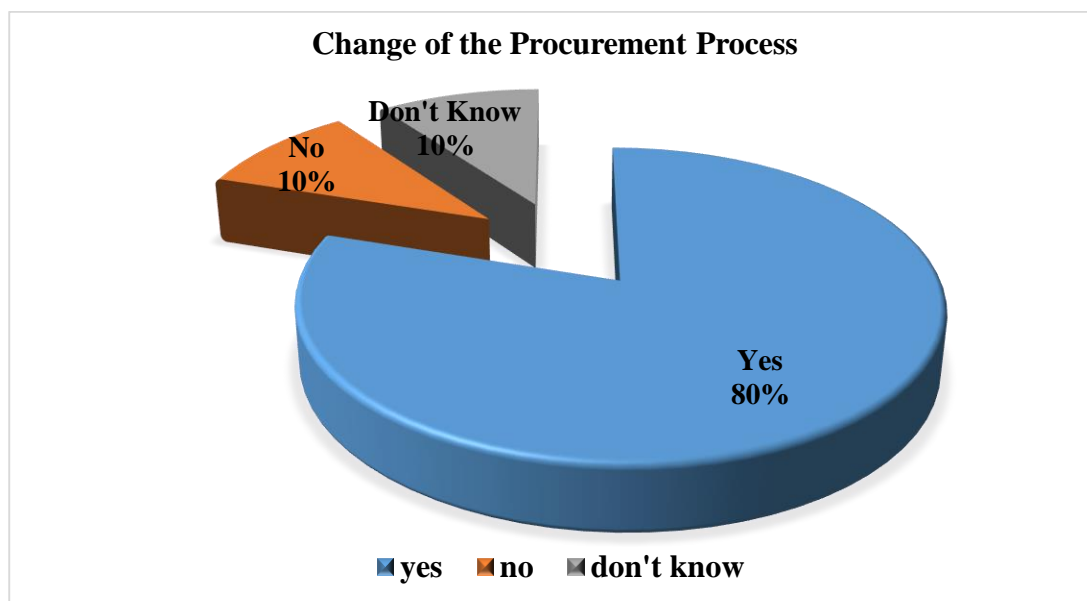


Source: Field Work, May 2016

Processes and procedures were ways or steps to follow to procure goods on behalf of government for the various government agencies and department including GIS. The respondents noted that the procurement processes and procedures as applied in GIS were partly not the best for performance in the Service.

Therefore, in Figure 4.3, 40% of the respondents representing a frequency of 20 said, they were not satisfied with the procurement processes and procedures as enshrined in the Procurement Act of 2003. Meanwhile, 60 percent of the respondents representing 30 frequencies also said, they were satisfied with the procurement procedures and processes as prescribed by the Procurement Act of 2003.

Figure 4.4: Should the Process Be Changed?



Source: Field Work, 2016

Figure 4.4 portrayed that, the process has to be altered for public sector workers involved in the procurement process. Most of the respondents of up to 80 percent representing 40 frequencies agreed that the process should be changed.



4.2.2 Principles of the Public Procurement Act of 2003

Below are factors affecting performance and compliance of the procurement Act of 2003 which had been analyzed based on the perceptions of the respondents.

Professionalism: Professionalism talks about the instruction or preparing and limit improvement of work force to settle on educated choices in regards to acquisition operations.

Table 4.4: Professionalism Assessment of Procurement staff

Statement	Agree		Disagree		Neutral	
	F	%	f	%	F	%
Procurement Staff are inexperienced to handle Procurement Process	40	80	-	-	10	20
Procurement officers and committee members sometime bias in the discharge of their duties	38	76	7	14	5	10
Tender Evaluation is directed by persons with practically no mastery in evaluation process	35	70	5	10	10	20

Source: Field Work, May 2016

The statements under the professionalism assessment scored a high percentage rate with insignificant number of disagreement and neutral which indicated that, in all the statement of professionalism, respondents by and large agreed to the stuff that procurement staffs are inexperience in handling procurement successfully. A frequency scored of 40, 38 and 35 independently explained a high satisfaction for the things.

All around, statements in connection with professionalism were positively responded. It demonstrated an expert ineffectiveness in handling procurement procedures. PPA had been mandated by law to build up vocation ways to pull in skilled staff and to give them chances



to increase proficiency procurement capabilities. Just 20% of procurement staff acquired capabilities in procurement and logistics. These and many more affirmed the point held by (EOCD/DAC, 2007) in a reading that some procurement authorities did not have some level of aptitudes and information to deal with the procurement phase adequately.

Transparency: Transparency portrayed as the mirror for public procurement procedures which trust was developed for the procedures. Consequently, the Act underwrites utilization of Standard Tender Documents (STDs), promoting acquisition chances, public gap, distribution of agreement recompenses, determining debate and powerful observing.

Table 4.5: Transparency in Procurement Practice

Statement	Agree		Disagree		Neutral	
	F	%	F	%	F	%
Procurement opportunities are advertised using the appropriate medium	44	88	-	-	6	12
Publicly opening of bid documents	37	74	3	6	10	20
Contract awards are posted on PPA website and losers debriefed	40	80	-	-	10	20
Effective monitoring and auditing of procurement activities	10	20	35	70	5	10
Fairness and prompt protest and dispute resolution	30	60	10	20	10	20

Source: Field Work, 2016

The researcher for this situation needed to see if similar rules pertained to suppliers of merchandise and whether these rules exposed the premise of acquisition decision. The responses gathered on the statements were collectively settled upon by respondents. The investigation disclosed few endeavors of transparency for example advertising using the



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appropriate medium had a frequency of 44 representing 88 percent and neutral frequency of 6 representing 12 percent.

The use of the PPA site for notification and questioning of unsuccessful bidders also had a frequency of 40 representing 80 percent and 20 percent neutral which showed that the utilization of PPA website is on the higher rank. Publicly opening of bid documents had agreed frequency of 37 representing 74 percent, 6 percent disagreed and 20 percent neutral representing a frequency of 3 and 10 respectively. Dispute resolution had 30 agreed 10 disagreed and 10 neutral frequencies representing 60, 20, and 20 percent respectively. These aforementioned items were in agreement with PPA progressions on public procurement practices.

However, a frequency of 35 representing 70 percent from table 4.5 illustrated respondents differ on effective monitoring and auditing of procurement activities.

It was observed that the Act made provision for uncompetitive technique of procurement (Price Quotation, Sole source and so forth) to be enthusiastically observed and assessed by PPA and inspection bureau to guarantee transparency.

In summary, transparency was rated high in some accounts which give much confirmation to the conviction of transparency in public procurement practice in the Service. However, the concentrate equally settled that much need to be done to improve transparency in all aspect of public procurement processes and procedures bringing about expanded rivalry, pulling in more investments, and enhancement of tax payments for the security institutions.

Efficiency and Value for Money: The investigator proposed to uncover whether GIS as a security institution showed worried in practicing their obligation effectively to accomplish worth for cash in procurement.

Table 4.6: Efficiency and Value for Money in procurement practice

Statement	Agree		Disagree		Neutral	
	F	%	f	%	f	%
There is greater efficiency in public procurement	6	12	42	84	2	4
Better utilization of funds	7	14	40	80	3	6
There is effective contract management and reporting	-	-	38	76	12	24
There is value for money in government projects in the service	5	10	35	70	10	20
Projects are completed on schedule and within cost	-	-	40	80	10	20

Source: Field Work, May 2016

The statement items of Table 4.6 indicated a great disagreement and dissatisfaction on each item. As low as 6 frequency representing 12 percent agreed to whether there was a greater efficiency in public procurement and frequency of 42 representing 84 percent were in disagreement with a frequency of 2 holding 4 percent. The respondents' views on better utilization of public funds disagreed to the assertion with 40 frequencies representing 80 percent and 6 percent neutral with only 14 percent in agreement. Disagreed frequency of 38 with 76 percent, neutral of 12 frequencies with 24 percent showed therefore that, poor contract management and poor execution of government projects prevailed in the public procurement system.

Respondents likewise differ that there was worth for cash out of public procurement. The investigation uncovered efficiency and value for money with high disagreement frequencies



of 42 and 35, representing 84 percent and 70 percent respectively confirming general non-duty toward accomplishing efficiency and value for money. Despite the fact that the Act that procurement regulatory system ought to determine buying proficiency and viability keeping in mind the end goal to change from responsive to proactive to achieve high execution level in departments. The GIS compliance level demonstrated that different sections were receptive instead of proactive in gathering their acquisition requirements.

Competitiveness and Fairness: This part planned gauging whether State departments exhibited decency and whether they were effectively reassuring more noteworthy supplier investment in the tendering procedure through straightforwardness and collaboration with the individual part to craft competitiveness in the procurement procedures.

Table 4.7: Competitiveness and Fairness in Procurement

Statement	Agree		Disagree		Neutral	
	F	%	F	%	F	%
More companies compete for public contracts	30	60	5		15	30
The Public Procurement Act has stimulated private sector growth	35	70	10	20	5	10
Unit interacts with the private sector to enhance their performance	33	66	7	14	10	20

Source: Field Work, May 2016

Competitiveness and fairness were essential standards of the open acquisition rule that permitted a significant number of suppliers or contractors contended for public projects to encourage competition among bidders. Three things were measured based on GIS procurement practices. The agreed frequencies and percentages scored of the things of table 4.7 indicated that there were competition and fairness in the GIS procurement system.



All the statement items had a high frequency and corresponding high percentage score demonstrating dominant part of the respondents were in an aggregate assertion and satisfied. The examination built up that more suppliers vie for open contracts with a normal investment rate per every tender chance publicized. It further affirmed that the Act 663 of Ghana guarantees expanded rivalry and extended private part with some outside organizations going into joint endeavor with neighborhood organizations to vie for contracts.

Accountability

Table 4.8: Accountability in Procurement Practice

Statement	Agree		Disagree		Neutral	
	F	%	F	%	F	%
Procurement officers are held responsible for their proceedings	45	90	-	-	5	10
Procurement entity or staff are sanction all the time	5	10	40	80	5	10

Source: Field Survey, May 2016

Amongst the statements, responsibility was one of the maximum measures taken by the experts of the Act. Table 4.8 demonstrated the assertion that, procurement officials were held responsible for their proceedings concurred with 45 frequencies representing 90 percent and frequency of 5 representing 10 percent neutral. However, regarding administration of sanction against entity or staff all the time recorded dissatisfaction frequency of 40 representing 80 percent which affirmed that, taking affirmative action's and sanctions against officials are scarcely done.

4.2.3 Public Procurement Methods

Table 4.9: Procurement Methods



Method	Frequent	Not frequent	Don't know
National Competitive Bidding (NCB)	35	10	5
Price Quotation	30	8	12
Shopping	10	2	38
Single Source	40	-	10
Limited International Bidding (LIB)	5	-	45
International Competitive Bidding (ICB)	15	30	5

Source: Field Survey, May 2016

Table 4.9 showed the type of methods frequently used in procuring goods by GIS.

Among the methods, respondents rated Single Source Method as the one frequently used by the entity followed by NCB and finally by the Price Quotation. “Not frequent” on the other hand was rated for ICB. “Don’t know” was rated for LIB and Shopping. It implies that the Unit did not use international competitive bidding, limited international bidding and shopping as national competitive bidding.

4.3 Effects of the Public Procurement Act and Sustainable Procurement Practices on Service Delivery

4.3.1 Effects of the Public Procurement Act 2003 (Act 663) on GIS

The Public Procurement Act 2003 was assessed to see whether it has positive or negative effects on the acquisition of goods in the public institutions like GIS. Since it is the first of its kind, people’s knowledge and experience about the Act was looked at. The effects of the Act were further examined by ten (10) variables as seen in table 4.10 beneath.

Table 4.10: Effects of the Public Procurement Act 2003 on GIS

Variables	Frequency	Percentage
Reduces cost	48	96



Enhance the work of Auditors	35	70
Makes procurement more easier	20	40
Reduces corruption	25	50
Enhances effectiveness	30	60
Leads to ethical behaviour	40	80
Leads to transparency	42	84
Leads to Professionalism	47	94
Leads to accountability	39	78
Leads to fairness and competitiveness	46	92

Source: Field Survey, May 2016

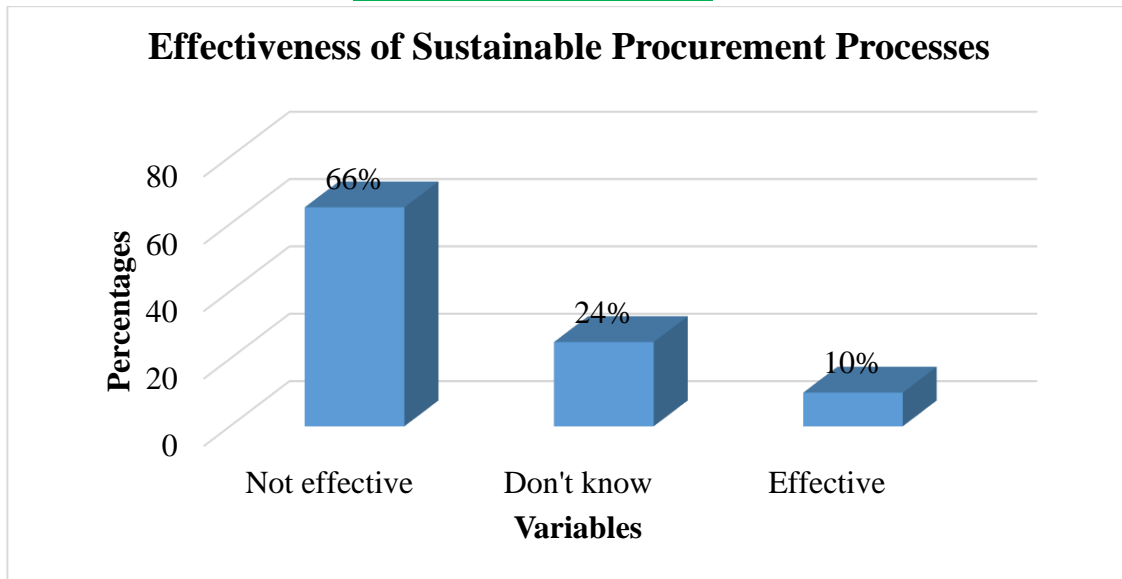
N=50.

Here the respondents were asked to tick all factors that have effects on the GIS in terms of the Procurement Act 2003. Ten (10) factors were used to determine the effects of the Procurement Act 2003. The data as captured in the above table 4.10 showed that:

Reduces corruption, ethical behavior, Professionalism, leads to fairness and competitiveness, leads to transparency, makes procurement easier, Enhance the work of Auditors, and promote the most important procurement principle of value for money.

4.3.2 Sustainable Procurement Practices on Service Delivery

Figure 4.5: Effectiveness of Sustainable Procurement Processes

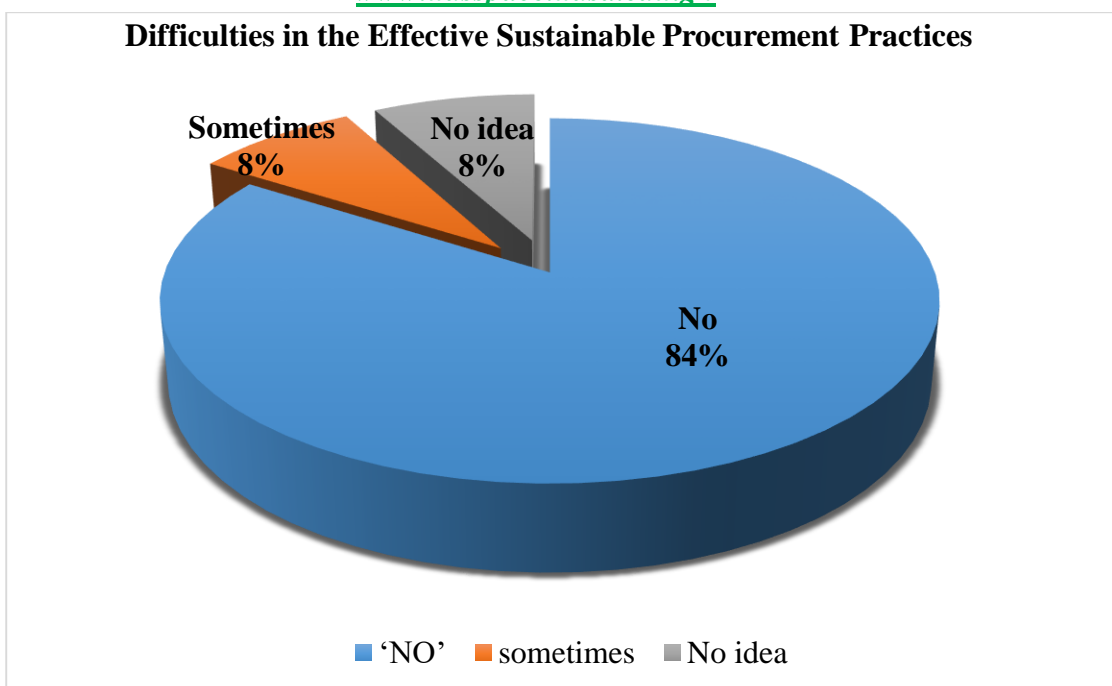


Source: Field Survey, May 2016

Sustainability eventually leads to quality of delivery. However, a large number of the responses amounting to 66 percent representing 33 frequencies said it was “not effective”, whilst 24 percent (frequency of 12) responded “don’t know”. The two “not effective” and “don’t know” signified that it was not effective. Meanwhile, insignificant percent (10%) representing a frequency of 5 said it was effective. This data can help policy makers to frame and amend the Procurement Act 2003 (Act 663) in favour of Sustainable Public Procurement.

Figure 4.6: Does GIS face Difficulties in the Effective Sustainable Procurement Practices?





Source: Field Survey, May 2016

The respondents of the above figure 4.6 were asked about the challenges faced in the implementation of sustainable procurement practices at GIS. From the answered questionnaires, 42 of the respondents said 'No' representing 84%, 4 respondents said 'Sometimes' representing 8% and 4 respondents also said 'No idea' representing 8%. This simply means that majority of the respondents concluded the unit did not face challenges of sustainable procurement practices because; they were not practicing sustainable procurement in the best of their knowledge.

4.4 Challenges faced by the Procurement Managers in the GIS

Taking after the literature review, various difficulties impeding the implementation of procurement planning among GIS's were recognized. The respondents were requested to rate how noteworthy these difficulties are by exploiting the Likert Scale. Table 4.11 below demonstrated the aftereffects of the examination.



Every reform confronts with some kind of difficulties and how they influence the operation of sections or units. The study seeks to distinguish the difficulties facing practitioners/managers in the application of the Public Procurement Act and its impact on performance.

Table 4.11 Implementation Challenges of Public Procurement

Statement	Agree		Disagree		Neutral	
	F	%	F	%	F	%
Understanding of the law overseeing procurement ought to be simplified	48	96	-	-	2	4
Low level of knowledge of legal structure due to poor spreading of the procurement Act and Regulation	46	92	-	-	4	8
Inadequate and erratic releases of funding for procurement activities	45	90	-	-	5	10
Lack of appropriate punishment to public officials who breach provisions of the regulations and the Act	43	86	5	10	2	4
Poor supervisory and monitoring of procurement activities by responsible officers	42	84	-	-	8	16
Delays in confirmation of availability of funds for emergency procurement	40	80	-	-	10	20
Lengthy and complex procedures for emergency procurement	39	78	3	6	8	16
Absence of sufficient qualified officers in their right numbers to man the procurement unit	37	74	10	20	3	6
Poor handling of suppliers complaints by procurement entity	36	72	4	8	10	20
Delays or poor communication of the procurement time frame	34	68	-	-	26	32
Poor formation of unified procurement unit to comply with decentralization system	33	66	-	-	17	44
Failure to present procurement requirements in time by sections/units	32	64	10	20	8	16



Difficulties in carrying out effective market survey	29	58	13	26	8	16
Inadequate record management systems for the procurement process	28	56	10	20	12	24
Poor facilitation and commitment to planning officers	27	54	8	16	15	30

Source: Field Survey, May 2016

The highest measure was the understanding of the law overseeing procurement ought to be simplified. It was observed that, a frequency of 48 with a percentage of 96 agreed to have the law to be simplified. On the other hand, frequencies of 2 with a percentage of 4 were neutral to the opinion. This shows that a significant number of respondents affirmed that the law should be amended. Low level of knowledge of legal structure due to poor spreading of the procurement Act and Regulation had a response frequency of 46 with a corresponding percentage of 92 while a frequency of 4 had 8 percent respondents.

This implies that a large number of respondents expected the managers to have adequate knowledge on the subject. About 90 percent with a frequency of 45 agreed on the inadequate and erratic releases of funding for procurement activities. On the other hand, frequencies of 5 with a percentage of 10 were neutral to the idea. This implies that, greater number of respondents expected adequate funds to be released for procurement activities in order to avoid shortage of security logistics.

It could be observed from table 4.11 that, respondents did agree to the various statements such as lack of appropriate punishment to public officials who breach provisions of the regulations and the Act, poor supervisory and monitoring of procurement activities by responsible officers, delays in confirmation of availability of funds for emergency procurement, lengthy and complex procedures for emergency procurement, absence of



sufficient qualified officers in their right numbers to man the procurement unit, poor handling of suppliers complaints by procurement entity, poor formation of unified procurement unit to comply with decentralization system, failure to present procurement requirements in time by sections/units, difficulties in carrying out effective market survey, inadequate record management systems for the procurement process and poor facilitation and commitment to planning officers which had percentages above 50. This showed that, the finding agreed with the study of Arrowsmith, Linarelli and Wallace (2000).

Table 4.12: Other Difficulties in the Implementation of the Act

Statement	Agree		Disagree		Neutral	
	f	%	f	%	f	%
There are weaknesses in public procurement system	47	94	-	-	3	6
Public Procurement procedure is too long and costly	40	80	5	10	5	10
Absence of structures and office accommodations to simplicity procurement procedures	43	86	-	-	7	14
High cost of public procurement of works and merchandise	38	76	-	-	12	24
PPA enhancement training programmes are usually short and not practical	45	90	-	-	5	10

Source: Field Survey, May 2016

Ultimately, and obviously, Public Procurement Act 2003 of Ghana was likewise observed not to be a special case, the accounts of difficulties in the execution were incredibly settled upon to be noteworthy test in the implementation of state projects. Some of these difficulties included, weaknesses in the procurement system had 94 percent with 47 as its corresponding frequency and a frequency of 3 with 6 percent remained neutral to the statement.

Public procurement procedures being too long and costly also had frequency of 40 with percentage of 80 agreed to the statement and frequency of 5 with 10 percent each disagreed and neutral respectively. Invariably, absence of structures and office accommodations to



simplicity procurement procedures stood high with a frequency of 43 and 86 percent responding positively with only 14 percent neutral. The high cost of public procurement of works and merchandise, PPA enhancement training programmes usually short and not practical were significantly affirmed amongst the leading challenges of the whole practice having a minority of the respondents being neutral.

All the challenges listed in table 4.12 were very much approved as part of the variables employed to measure the consequence of the Public Procurement Act. The investigation ended with most of the respondents admitting the existence of countless challenges on the face of executing the Act 663 of Ghana which needed the state maximum attention.

4.5. Measures to Address Implementation Challenges

The researcher adopted and analyzed the following outstanding creative measures to address Public Procurement Act 2003 implementation challenges.

Table 4.13 Possible Measure Statements Addressing Implementation challenges

Statement	Agree		Disagree		Neutral	
	F	%	F	%	F	%
1. The PPA should increase awareness and application of procurement rules and controls and cultivate better understanding among professionals of the detrimental effect of bribery and corruption	45	90	2	4	3	6
2. Act 663 should be reviewed to limit the number of steps in procurement process to reduce the level of bureaucracy in the system	48	96	1	2	1	2



3. Government should lift the current ban on employment especially employment of procurement professionals into the public sector	46	92	3	6	1	2
4. All entities should set up a single procurement unit to undertake and co-ordinate all procurement activities within the entity	45	90	4	8	1	2
5. Government should provide adequate office accommodation and appropriate training environment to PPA to enhance its activities	47	94	1	2	2	4
6. Procurement practitioners and entity heads should be adequately trained in complaint handling practices and procedures	45	90	4	8	1	2
7. Procurement entities should ensure that evaluation panel members have the requisite knowledge, skills and experience in tender evaluation	46	92	3	6	1	2
8. Procurement entities that limit competition refusing to print more tender documents to prospective bidders should cancel affected procurement process	45	90	4	8	1	2
9. Procurement entities should be empowered to conduct rate reasonability tests on unrealistic rates submitted by bidders	45	90	1	2	4	8
10. Government should conduct a need assessment and resource polytechnics and universities to train more procurement professionals	47	94	1	2	2	4
11. To reduce cost of advertisement, procurement opportunities should be advertised only at PA website,	42	84	4	8	4	8



procurement bulletins, entity websites and notice boards						
12. Public officials and service providers who breach provisions of the Act and regulations should be severely punished to serve as a deterrent	47	94	2	4	1	2
13. The PPA should intensify its education programs to sensitize the public and politicians on the consequences of interfering in procurement process	46	92	1	2	3	6
14. Stakeholders such as civil society organizations should be involved in the evaluation and adjudication process	45	90	3	6	2	4
15. Method thresholds for GIS should be different from other public agencies because they handle high value contracts	42	84	3	6	5	10
16. GIS should be empowered to award all contracts without approval from review boards, because they are self-financing commercially oriented and operate in private sector environments.	43	86	3	6	4	8
17. Entities should ensure that adequate funds are available before contracts are awarded	42	84	5	10	3	6
18. Method thresholds in the Act 663 are unrealistic and should be reviewed to conform to the prevailing market trends	48	96	1	2	1	2
19. Government should set up a special revolving fund to develop the capacities of local service providers to compete against their international counterparts	45	90	4	8	1	2
20. Procurement malpractices can be limited through the involvement of						



stakeholders such as civil society organizations in the procurement	42	84	5	10	3	6
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Source: Field Survey, May 2016

From table 4.13 above, it can be inferred that a significant number of respondents agreed that the above 20 statements (captured in the table 4.13) were positive to minimizing or eradicating the implementation challenges that the public procurement process was bedeviled with. This was evidence by the responses between 42 – 48 signifying 84% – 96% of the respondents agreeing with the 20 statements in the table 4.13.

On the other hand, an insignificant amount representing between 1 – 5 signifying 2% – 10% of the respondents had either disagreed or indifferent (neutral) about whether the 20 statements stated above were positive in resolving the challenges of the public procurement process.

4.5.1 Revision of the Public Procurement Act of Ghana

Regardless of numerous difficulties of the Act 663, it was imperative for the researcher to set up the degree to which users of the Act consented to the proposed revision of the Public Procurement Act 2003.

Table 4.14: Revision of the Public Procurement Act 2003(Act 663)

Statement	Agree		Disagree		Neutral	
	F	%	F	%	F	%
Do you consider the revision of the Act	47	94	-	-	3	6
Are you mindful of revision recommendations to survey the piece of ETCs/TRBs and thresholds	45	90	-	-	5	10



Do you believe the proposed revision can help address the procurement difficulties	40	80	-	-	10	20
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Source: Field Survey, 2016

From table 4.14, it was discovered that, the individual things portrayed were profoundly affirmed by the respondents. Shockingly, revision of the Act had a frequency of 47 and 94 percent which demonstrated that, all things considered, every one of the users of the Act concurred that it ought to be revised to address the difficulties in the procurement procedures to bring productivity and also enhance consistence out in the public entities.

What more, respondents' learning of the recommended survey and whether the revision could alleviate the procurement difficulties were all high. All in all, respondents were exceptionally hopeful of the way that, the revision of the Act would settle the vast majority of the difficulties they confronted in the execution of the Act. In a nutshell, there was an indication for the endorsement responses of the Act revision to enhance its execution by entities.

4.5.2 Compliance with Public Procurement Act (Act 663)

The Public Procurement Authority (PPA) was commanded by Sections 3(d) 13(e) and 3(h) of the Public Procurement Act, 2003 (Act 663) to survey execution of every entity to guarantee compliance with the provisions of Act 663. The investigator wanted to know whether GIS as a state security institution complied with the administrative structure of the procurement transformation.

Table 4.15: Compliance with Regulatory Framework

Statement	Agree	Disagree	Neutral
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	F	%	F	%	F	%
Do you believe GIS act in accordance with the public procurement Act	48	96	-	-	2	4
Procurement unit applied fitting acquisition methods for suitable thresholds in procurement	46	92	-	-	4	8
Units utilized PPA Standard Tender Documents in procurement	44	88	-	-	6	12
Unit post their tender adverts and contract awards at PPA site or bulletin	42	84	-	-	8	16
Unit prepare and post their Annual Procurement Plans on PPA site	5	10	35	70	10	20

Source: Field Survey, May 2016

As indicated in table 4.15, respondents thought and agreed that GIS complied with the Public Procurement Act with a percentage of 96 and frequency of 48. On the other hand, 4 percent of the respondents with a frequency of 2 were neutral to the statement. This implies that greater number of the respondents were of the view that GIS complied with the Act. Procurement Unit applied fitting procurement methods for suitable thresholds that had a frequency of 46 and 92 percent while a frequency of 4 and a percentage of 8 were neutral meaning, fitting procurement methods were used.

About a frequency of 44 and a percentage of 88 were favoring units used Standard Tender Documents from PPA in procurement while a frequency of 6 with a corresponding percentage of 8 were neutral to the issue hence units used standard documents from PPA according to the majority of the respondents.

A frequency of 42 with a percentage 84 respondents supported units posting their tender advert and contract awards at PPA website whilst a frequency of 8 and a percentage of 16



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were neutral respectively. This means that a greater number of respondents agreed to the posting of tender advert and others on PPA website.

It could be observed from the above table that, a frequency of 5 and percentage of 10; a frequency of 35 and 70 percent and a frequency of 10 and a percentage of 20 agreed, disagreed and neutral respectively. This implies that, significant number of respondents disagreed with units preparing and posting their Annual Procurement Plans on PPA site.



SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

5.0 Introduction

This chapter highlights the main findings of the study. The findings are summarized in direct focus to the specific objectives. The conclusion was provided based on the literature and findings of this current study. Eventually, recommendations have been given to enhance managerial processes, techniques, execution and approaches of Public Procurement Act with the general point of enhancing implementation level in the Ghana Immigration Service as an entity.

5.1 Summary of Findings

The study uncovered that, GIS as a public entity had to a great extent maintain the provisions of the Act 663 despite the existence of many administrative challenges and other lawful necessities.

5.1.1 The Procurement Processes and Procedures as well as Principles and Methods Observed in GIS

The Public Procurement Act 2003 (Act 663) determined foundation of procurement structures that would bolster and fortify implementation and supervision of the procurement capacities. These structures comprised Procurement Unit, Entity Tender Committee (ETC), Evaluation Panel and Head of Entity. The structures had various exercises to carry out in the procurement process. The study built up that, these structures particularly Procurement Units and so forth did not exist in all the major controls of GIS.



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These were factors affecting performance/compliance with the procurement Act 2003, for professionalism, all sub components were having a percentage more than 65. Again, transparency was having five components which four agreed with a least percentage of 60 supporting the existence of transparency in the procurement practices whereas 70 percentage was in disagreement with the effective monitoring and auditing of procurement activities. For efficiency and value for money, the study further unveiled that there was no commitment in achieving value for money in all aspect of procurement practices whilst competitiveness and fairness and accountability equally carried the same vain.

Also, out of six methods which were tested, the Single Source, National Competitive Bidding (NCB), and Price Quotation were appreciated by the practitioners because of their highest frequency scored than others.

As a result, compelled for example Training Unit, Accounts Section, Operation Section, Finance and Administration department to hold the forth for the non-existing procurement units. In spite of the fact that greater part of staff in these offices experienced some little training in procurement, they did not have the specialized mastery to execute procurement activities proficiently and viably to accomplish value for money. Nevertheless, the Service now had Procurement Unit at its headquarters only, mandated to spearhead the institution acquisition issues.

5.1.2 The Effects of the Public Procurement Act 2003 (Act 663) and Sustainable Procurement Practices on Service Delivery

In evaluating the effects of the Public Procurement Act 2003 (Act 663) on the GIS, almost all staff and suppliers said they were aware of its existence because as significant as 96 percent responses was “Yes”. Again out of 10 items that were tested to see the effect of

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Public Procurement Act of 2003, cost reduction factor stood stronger of up to 96 percent. Also, procurement process made easy factor had the weakest impact of 40 percent. Reduces cost, enhance the work of auditors, makes procurement easier, reduces corruption enhances effectiveness, and leads to ethical behavior were having a significant impact/effect on the Service.

This study also revealed that there were no sustainable procurement practices in GIS since 90 percent of the respondents' believed it was not effective. This implies that sustainable procurement did not exist since it was not practiced in the entity hence no challenges could be determined. Practitioners at GIS should identify sustainability factors in public procurement and apply it in such a way that it would have positive effects on GIS procurement.

5.1.3 The Various Challenges Faced by the Procurement Managers in the GIS

The level of achievements for the different classifications of the Performance Assessment System demonstrated that there were a number of areas that should have been enhanced in the practice of procurement in the Service. The primary difficulties that had been distinguished for development included: the law governing procurement having a percentage rate of 96, "low level of knowledge of legal framework due to poor spreading of the Procurement Act and Regulation" with a percentage of 92.

At the same time as poor facilitation and commitment to planning officers was the least challenge in public procurement out of the 15 items as challenges. Again, other difficulties were also considered in the implementation of the Act which were equally rated high. These were "weaknesses in public procurement system, public procurement procedures being too long and costly, absence of structures and office accommodations to simplicity procurement

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procedures, high cost of public procurement of works and merchandise, and PPA enhancement training programmes were usually short and not practical". It was determined that, all the challenges were highly rated with more than 50 percent. Hence, much attention should be given to address them.

5.1.4 The Strategies put in Place to Enhance Procurement Practices in GIS

On strategies to mitigate the challenges, a greater number of the respondents thought the Amendment of the Public Procurement Act (Act 663) should be motivated for its implementation without any delay. Greater number of the respondents was of the view that, proposed amendment could help address the procurement challenges and would support the compliance of the regulatory framework.

5.2 Conclusion

The fundamental aim of this research was to identify and assess challenges faced by procurement managers at GIS in the execution of public procurement Act of Ghana. The impact of New Public Management (NPM) rationalities of working in the public sector has been grasped procedurally by government offices.

Numerous public procurement exercises experience the ill effects of disregard, absence of heading, poor co-appointment, absence of open rivalry and straightforwardness, contrasting levels of bribery and in particular not having a cadre of prepared and qualified acquisition authorities who are equipped to direct and oversee such acquisitions in an expert, auspicious and cost effective way.

Resolute and bureaucratic frameworks of acquisition add to unsuitable contract delays, expanded costs, the potential for control of agreement grants and absence of reasonable



rivalry, all of which make the discernment in the populace everywhere, that open consumption is moderate, inadequate, costly and frequently fraudulent.

The outcomes of the investigation uncovered that; the need for a well-working public procurement framework is basic for the enhanced conveyance of decentralized goods. To achieve the objectives of an effective and efficient procurement system, the study has argued that procurement processes, procedures and principles play a significant role in a successful service delivery.

Therefore, the study identified some challenges faced by the public service managers, determined the impact of the challenges on public sector and established appropriate measures and strategies to manage and curb the challenges in the public sector. Hence, it is incumbent on the stakeholders of the public service to manage those challenges to the barest minimum to the extent of educating all the stakeholders completely. This would go a long way to help the public service in Ghana to remain responsive and conversant with the Public Procurement Act and use or apply the Act accordingly.

5.3 Recommendations

Public Procurement Authority as the main regulatory body of the Public Procurement Act should be effective and efficient in managing the challenges faced by the players of the Act.

In the first place, the Authority should do its possible best to push for the amendment of the Act 663 in order to address the various shortfalls and pitfalls enshrined in the Act.

Secondly, the Act should express the employment status of procurement experts and professionals to be selected in all the government entities. Here, recruiting personnel with



competencies in procurement background, experience, knowledge and qualification would help in reducing and eliminating the various challenges outlined in the study.

Thirdly, training and all forms of workshops or seminars should be held or given from time to time to update all stakeholders in the procurement processes to build and develop their capabilities.

Again, e-procurement should be introduced and enforced in all sectors so that timeliness in procurement processes would be ensured and would in turn reduce cost of procurement in all sectors.

Additionally, the Authority should enforce probity and accountability in all sectors especially among the key and major players in the process. This would keep all stakeholders up and doing and be conscious with their operations with the Act hence reducing corruption.

Furthermore, recognized procurement units or departments should be created in all the public sectors solely for procurement activities devoid of political or any external influences.

Also, Public Procurement Authority should build commitment and trust among all procurement players. It could be observed that, some players of the Act especially public sectors had bad attitudes and negligently committed huge lost hence, it is suggested that all players should be fully committed to the entire procurement processes to ensure long term survival. Government must ensure that the Authority operates as a real corporate entity devoid of political interference. It should be made to operate as any limited liability company with its board appointment and removal are subject to competencies, experiences and other

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yardsticks not on political influences. This would bring on board competent, expertise and other skillful people who may not be politically influenced on their activities.

Finally, the study is subject to reviewed for students, academia and professionals pursuing further studies on the same field and would be served as a source of reference.



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APPENDIX
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GRADUATE SCHOOL
SCHOOL OF BUSINESS AND LAW

This is a research being conducted in partial fulfillment of the requirement for the award of master's degree on the topic “**An Assessment of the Challenges Facing Public Service Managers in the Implementation of the Public Procurement Acts 2003, Act 663 Within Ghana Immigration Service (GIS)**”

Respondents are assured of confidentiality and anonymity of information they provide. You are further assured that any information you provide is purely for academic purpose.

INSTRUCTIONS: Kindly tick in the appropriate box

QUESTIONNAIRE GUIDE FOR PROCUREMENT PRACTITIONERS

SECTION A

BACKGROUND OF THE RESPONDENTS

Gender	Tick
Male	
Female	

Age (in years)	Tick
20-30 years	
31-40 years	
41-50 years	
51 years and above	

Educational Background	Tick
Certificate (SHS)	
HND/Diploma	
First Degree (Graduate)	
Second Degree (Post-Graduate)	
Professional (CILT)	

Marital Status	Tick
Single	
Married	
Divorce	
Widowed	



SECTION B

PROCUREMENT PROCESSES AND PROCEDURES IN GIS.

Please, kindly tick in the appropriate box

(a). Working Experience in the Procurement Practice	Tick
1-3 years	
4-6 years	
7-9 years	
10 years and above	

(b). Employee perception/knowledge about procurement process and procedures	Involving	Alright	Easy
How is the preparation of the procurement plan			
Public procurement procedures and documentation are clear to fulfill			
How effective to get the information about the published tenders			
Inspection of goods received from suppliers takes much time			

(c). Level of Satisfaction of procurement process and procedures	Satisfied	Not Satisfied
Tenders are opened publicly to promote transparency among all suppliers or stakeholders		
Does Procurement Unit always work within the tender validity period as specified in the tender documents		
GIS takes a shorter time to sign a contract with supplier after notification of award is dispatched to the supplier		
GIS standardized system of procuring items		

(d). Should the procurement process and procedures be changed	Yes	Don't know	No
Too short time span to prepare procurement plan for ensuing year			
Difficulties in getting standing inspection team on time			
Too high administrative burdens			
Informal payment or services are needed before one gets procurement contract			



Awareness of administrative review provision in Act 2003 of Ghana			
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SECTION C

PRINCIPLES OF THE PROCUREMENT ACT OF 2003

On the scale of 1-3 answer the following questions

Scale: 1= Neutral, 2= Disagree, 3=Agree

(a). Principles of Procurement	1	2	3
Professionalism			
Procurement staff are inexperienced to handle procurement process			
Procurement officers and committee members sometimes bias in the discharge of their duties			
Tender Evaluation is directed by persons with practically no mastery in evaluation process.			
Transparency			
Publicly opening of bid documents			
Procurement opportunities are advertised using the appropriate medium.			
Contract awards are posted on PPA website and losers debriefed			
Effective monitoring and auditing of procurement activities			
Fairness and prompt protest and dispute resolution			
Efficiency and Value for Money			
There is greater efficiency in public procurement			
Better utilization of funds			
There is effective contract management and reporting			
There is value for money in government projects in the service			
Projects are completed on schedule and within cost			
Competitiveness			
More companies compete for public contracts			
The Public Procurement Reform has stimulated private sector growth.			
Unit interacts with the private sector to enhance their performance			
Accountability			
Procurement officers are held responsible for their proceedings			
Procurement entity or staff are sanction all the time			
Ethics and Compliance with Regulatory Framework			
All stakeholders uphold code of ethics			
Do you think public entities comply with the Public Procurement Act			
Procurement Entities applied appropriate procurement methods for appropriate thresholds in procurement			
Entities used Standard Tender Documents from PPA in procurement			



Public Entities prepare and post their Annual Procurement Plans on PPA website			
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(b). Procurement Methods

Which of the following public procurement method are often used by the Procurement Unit?	Tick
Single Sourcing	
Price Quotation-RFQ	
National Competitive bidding-NCB	
International Competitive Tendering-ICT	
Limited International bidding-LIB	
International Competitive Bidding-ICB	

SECTION D

EFFECT OF THE PUBLIC PROCUREMENT ACT 2003 (ACT 663)

(a). The impact of Procurement Act of 2003 on GIS	Positive	Negative
Reduces cost		
Enhance the work of Auditors		
Makes procurement more easier		
Reduces corruption		
Enhances effectiveness		
Leads to ethical behavior		
Leads to transparency		
Leads to Professionalism		
Leads to accountability		
Leads to fairness and competitiveness		

SECTION E

SUSTAINABLE PROCUREMENT PRACTICES ON SERVICE DELIVERY

Please, kindly tick in the appropriate box



(a). Effectiveness of Sustainable Procurement Processes	Effective	Not Effective	Don't Know
GIS has a stronger evaluation and inspection team for all procurement activities			
High practices of work safety at GIS operational areas			
GIS organizes environmental management programs annually			
GIS practices sustainability procurement system			

(b). Does GIS Faces Difficulties in the Effective Sustainable Procurement Practices	Sometimes	No	Don't Know
Does GIS practices contract management system			
Does GIS practices disposal system of procurement			
Knowledge of sustainable procurement is widespread			
High rate of technical know-how effects on sustainable procurement			



SECTION F

CHALLENGES FACED BY THE PROCUREMENT MANAGERS IN THE GIS

Please indicate whether you (1) neutral, (2) disagree, or (3) agree with each of the following implementation challenges to public procurement Act 2003 (Act 663).

(Please, kindly tick the appropriate cell) **Scale: 3 = Agree, 2 = Disagree, 1 = Neutral**



	(a). Implementation Challenges	Scale		
		1	2	3
1	Delays in confirmation of availability of funds for emergency procurement			
2	Absence of sufficient qualified officer in the right numbers to man the procurement unit			
3	Low level of knowledge of legal structure due to poor spreading of the procurement Act and Regulation			
4	Inadequate and erratic releases of funding for procurement activities			
5	Lack of appropriate punishment to public officials who breach provisions of the regulations and the Act			
6	Failure to present procurement requirements in time by sections/units			
7	Understanding of the law overseeing procurement ought to be simplified			
8	Inadequate record management systems for the procurement process			
9	Poor supervisory and monitoring of procurement activities by responsible officers			
10	Lengthy and complex procedures for emergency procurement			
11	Poor facilitation and commitment to planning officers			
12	Poor handling of suppliers complaints by procurement entity			
13	Difficulties in carrying out effective market survey			
14	Delays or poor communication of the procurement time frame			
15	Poor formation of unified procurement unit to comply with decentralization system			

(b). Other Difficulties in the Implementation of the Act	Agree	Disagree	Neutral
There are weaknesses in public procurement system			
Public Procurement procedure is too long and costly			
Absence of structures and office accommodations to simplicity procurement procedures			
High cost of public procurement of works and merchandise			

PPA enhancement training programmes are usually short and not practical			
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SECTION G

MEASURES TO ADDRESS IMPLEMENTATION CHALLENGES

Please indicate whether you; Neutral = 1, Disagree = 2, Agree = 3 with

The following measures to address the implementation challenges.

Please tick appropriate cell

	Statement	1	2	3
1	The PPA should increase awareness and application of procurement rules and controls and cultivate better understanding among professionals of the detrimental effect of bribery and corruption			
2	Act 663 should be reviewed to limit the number of steps in procurement process to reduce the level of bureaucracy in the system			
3	Government should lift the current ban on employment especially employment of procurement professionals into the public sector			
4	All entities should set up a single procurement unit to undertake and co-ordinate all procurement activities within the entity			
5	Government should provide adequate office accommodation and appropriate training environment to PPA to enhance its activities			
6	Procurement practitioners and entity heads should be adequately trained in complaint handling practices and procedures			
7	Procurement entities should ensure that evaluation panel members have the requisite knowledge, skills and experience in tender evaluation			
8	Procurement entities that limit competition refusing to print more tender documents to prospective bidders should cancel affected procurement process			
9	Procurement entities should be empowered to conduct rate reasonability tests on unrealistic rates submitted by bidders			
10	Government should conduct a need assessment and resource polytechnics and universities to train more procurement professionals			
11	To reduce cost of advertisement, procurement opportunities should be advertised only at PA website, procurement bulletins, entity websites and notice boards			
12	Public officials and service providers who breach provisions of the Act and regulations should be severely punished to serve as a deterrent			
13	The PPA should intensify its education programs to sensitize the public and politicians on the consequences of interfering in procurement process			



14	Stake holders such as civil society organizations should be involved in the evaluation and adjudication process			
15	Method thresholds for GIS should be different from other public agencies because they handle high value contracts			
16	GIS should be empowered to award all contracts without approval from review boards, because they are self-financing commercially oriented and operate in private sector environments.			
18	Entities should ensure that adequate funds are available before contracts are awarded			
19	Method thresholds in the Act 663 are unrealistic and should be reviewed to conform to the prevailing market trends			
20	Government should set up a special revolving fund to develop the capacities of local service providers to compete against their international counterparts			
21	Procurement malpractices can be limited through the involvement of stakeholders such as civil society organizations in the procurement			

(b). Revision of the Public Procurement Act 2003(Act 663)

Statement	1	2	3
Do you consider the revision of the Act			
Are you mindful of revision recommendations to survey the piece of ETCs/TRBs and thresholds			
Do you believe the proposed revision can help address the procurement difficulties			

(c). Compliance with Regulatory Framework

Statement	1	2	3
Do you believe GIS act in accordance with public procurement Act			
Procurement unit applied fitting acquisition methods for suitable thresholds in procurement			
Units utilized PPA Standard Tender Documents in procurement			
Unit post their tender adverts and contract awards at PPA site and bulletin			



Unit prepare and post their Annual Procurement Plans on PPA site			
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