EFFECTS OF DUE PROCESS ON MECHANISM FOR SUSTAINABLE FUNDING OF RURAL ENGINEERING INFRASTRUCTURES IN SELECTED LOCAL GOVERNMENTS AREAS OF OGUN STATE, NIGERIA

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ABSTRACT
T*he traditional procurement methods have been used in the award of public contract in Nigeria. This method has been criticized for its non-performance in project execution and delivery. To avoid the adverse effects of this contract procurement methods, the Due Process mechanism was introduced by the Federal government in 2001. This study investigated the effectiveness of Due Process on contract awards by the Local Government Areas in Ogun State with the view of evaluating its effect on the development of rural infrastructures in the areas under investigation. The survey was carried out by administering structured questionnaires to professionals involved in contract award, supervision and certification in the selected Local Government Areas of Ogun State. The professionals considered for the administration of questionaires are Engineers, Builders, Quantity Surveyors,and Accountants who functions as Client's representatives, Consultant's, Contractors and Contractor's representatives. The data collected were analyzed with the use of Relative Importance Index (RII). The study reveals that the core objectives of the Due Process - Economy and Efficiency, Competition, Value for money and Transparency have been achieved to a great extent. Conclusively it can be stated that the Due Process policy, from evaluation and analysis, has laid necessary foundation for producing beneficial change in the process of awarding contract in Local Government Areas of Ogun State. Consequently, it has enhanced the strategies for sustainable funding of rural engineering infrastructures in the areas considered in this study.*

Key Words*:* Due Process, Mechanism, Sustainable Funding, Rural, Engineering, Infrastructures

1.0 INTRODUCTION:

The term rural area refers to small settlements or commuities with few houses, low population densities. They are more often agrarian commuities with little or no facilities such as portable water, good road, power supply and other ammenities that makes life easier to live. According to Olayiwola and Adeleye (2005), they are inhabited by the bulk of the nations population and are responsible for the production of the nations food and fibre, engage in primary activities that form the foundation for economic development. Olatunbosun (1975) in Olayiwola and Adeleye (2005) stated stated that they are the sources of capital formation for the nation as well as the principal market for domestic manufacturers. In E/2009/29-E/CN, it was highlighted that the challenges facing the rural communities in developing countries are related to access to basic services, economic opportunities and some degree of incoherence with regard to planning related to rural-urban divide. Therefore, sustainable funding and provision of rural engineering infrastructures is germane to all round development of Nigeria. Prior

to the introduction of Due Process by the Federal government of Nigeria, all the three tiers of Government has been bedeviled by large-scale corruption. This has resulted in major setback to the infrastructural development of the rural areas of the country. This is because the paltry sum that tricles into the pulse of the Local Government Areas are embezzled by corrupt officials of the government leading to failed or abandoned project.

MECHANISM FOR SUSTAINABLE FUNDING OF ENGINEERING INFRASTRUCTURES IN THE RURALAREAS OF NIGERIA

Previous Procurement Method

According to Mshelbwala, (2005) in Ayangade (2009), there are wide range of problems confronting the construction industry in Nigeria today which include high cost of procurement, substandard products, project collapse and abandonment. Various procurement methods have been used for procuring projects hitherto. Over the years, the public procurement system in Nigeria has been grossly abused. One of such abuses is a situation where some professionals perform dual roles on the same project contrary to professional ethics. Such abuses often lead to huge losses of resources, inflation of costs, project delay, poor quality of work, award of contracts to friends, relations and associates with little or no regards to merits, effective completion and other public priorities. Diversion of public funds to private pockets through proliferation of white elephant projects and creation of ghost contract is another sharp practice hitherto.. This situation was a sources of poor image of country which also created all kinds of credibility problems for mode of awarding contracts.

Nweke (2008) stated that in the previous methods, government officials at the state and local government level venture into financial expenditure, award contracts, procure materials and commit much of the government's funds without reference to any rule or committee consultations. This, according to the author has led to the misappropriation of huge sums of money in many institutions both private and public. It was further stated that thelocal governments have been victims of this kind of misappropriation through the executive direction by state governors on funds remitted for the grassroots development in Nigeria

Defects of Previous Procurement Methods

Esenwa (2004) highlighted eight (8) major defects of previous procurement systems which include

(a) Lack of efficient and effective project monitoring aimed at ascertaining compliance with original project plans and target.

(b) Budget proposals from ministries/parastatals are unrelated to justifiable needs.

(c) Budgetary processes lacked up to date plans, in-fact it was simply wish list officials.

(d) There is lack/or absence of economic cost/benefit analysis of projects.

(e) There is lack of competition and transparency in project procurement leading to high cost of projects and where advertisement was made, the applicable rules were tilted in favour of a predetermined winner; (f) Projects were not prioritized and harmonized, consequently several ministries were pursuing supposed needs simultaneously.

(g) Unjustifiable gab exit between budget and actual fund release leading to underfunding thereby leading to delayed completion, price fluctuation and project

abandonment.

(h) Preference for new projects at the expertise for refurbishment and completion of existing projects.

Due Process Mechanism

The Due Process Policy is a popular public procurement reform in Nigeria which was enacted in 2002 and later to Nigerian Public Procurement Law of 2007. The goal of this procedure is to entrench an effective contractor selection model that is based on world's best practices by adopting the ethos of transparency, objectivity and accountability in value-based public procurement systems. (Abdul-Aziz, 1995; Wong and Holt, 2004; Salama et al, 2006). According to Ezekwesilli (2005) and Obasanjo (2003), Due Process is a mechanism that certifies only the projects that have passed the test of proper implementation packaging with stringent adherence to the international competitive bid approach in the award process for public funding. Olatunji (2008) submitted that the reform is aimed at ensuring that Due Process procedures are complied with at all levels in which case the culture of openness in public procurement will be institutionized. It was further stated that the some of the challenges faced by government in financing engineering infrastructures before the introduction of the processing includes implication of project failures on the image of the Nigerian construction industry in terms of project abandonment, delay in project delivery, cost inflation, poor quality of work, high initial cost of projects etc.

Objectives of the Due Process

According to Oguonu (2005), the core objectives of the Due Process are:

1. Economy and Efficiency
2. Competition
3. Value for money
4. Transparency

While the specific objectives of Due Processes are:

- To harmonize and update all Federal Government policies and practices on public procurement and, by extension or implication, those of the state and local governments.
- To ensure that project conceptualization and packaging match the defined priorities and targets as set in Annual Appropriations.
- To strictly enforce the Due Process principles of transparency, competition and efficiency and value-for-money in the procurement of public goods, works and services.
- To ensure efficient and integrity-based monitoring of the implementation of all Federal Government Projects and by extension those of the state and local governments, in line with Due Process Principles.
- To prevent extra budgetary spending by ministries, departments and agencies by ensuring that only projects with due Appropriation by the National Assembly and, by extension, the State House of Assembly and the Local Government Councils are certified and thus funded for execution.
- To prevent contract inflation by ensuring cost reasonableness, accuracy and comparability of all public contracts with national, regional, and global costs.

Functions of Due Process

The Due Process Unit performs the following functions:

(a) Regulates and sets standards to enforce harmonized Bidding and Tender Document for all Federal Government contracts.

(b) Upholds professional ethics and reports erring procurement personnel, public officials, departments and private sector companies and their personnel to relevant authorities for appropriate application of prescribed sanctions.

(c) Develops, updates, maintains relevant system wide database and technology.

(d) Monitors prices of tendered items and provides price database advisory services to the public sector.

(e) Sensitize, promote and educate the public on public procurement issues.

(f) Advise and provides relevant procurement and budget performance information to any interested parties and institutions.

Role of Local Government in Funding of Engineering Infrastructures

In the affirmation of Odion (2009) the Local Government being the closest arm of government to the peopleserves as the public affair organ. Stating further state that in the conception of the guidelines to the 1976 Local government reform in Nigeria, it is the government at the local level exercised through representative councils established by law to exercise specific powers within defined areas. It is a tool for political education and participation as well as provides the basis for dispensing services in line with local needs. Lawal & Oladunjoye (2010) opined that the fundamental function of the local government is to serve the rural communities, mobilize and harness local resources and ensure their effective utilization, with the support of the state and federal governments. Agagu (1997) quoted in Lawal & Oladunjoye (2010) conceives the local government as a government at the grassroots level of administration meant for meeting peculiar needs of the people. In his analysis, he viewed local government as a level of government which is supposed to have its greatest impact on the people of the grassroots. Ezeani (2004), also view local government generally as veritable agent of development and grassroots participation in the democratic process.

METHODOLOGY

Scope of the Study

The scope of the study is Ogun state in Nigeria which is considered as one of the nerve centers of commercial activities in Nigeria with relative high levels of construction workload as well as large concentration of building contractors and clients/property developers of various categories and sizes. The study was conducted in randomly selected Local Government Areas within the four (4) Geo-political Zones in Ogun state.[i.e ijebu, Remo, Abeokuta, and yewa awori]. Two (2) Local Government Area each were taken as a representative sample from each of the four (4) Geopolitical Zones in the State. The selected Local Government Areas from the geopolitical zones and their Local Government Area were therefore listed in Table 1

Table 3.1: List of Selected Local Government Areas in Ogun State Used for the Study

Geopolitical Zones	**Selected Local Government Area**
1. Egba	1. Abeokuta North LGA
	2. Ifo LGA
2. Yewa/Awori	1.Yewa South LGA
	2. Ayetoro LGA
3. Remo	1. Shagamu LGA
	2. Ikenne LGA
4. Ijebu	1. Ijebu Ode LGA
	2. Ijebu Igbo LGA

Research Design

Review of literature was carried out to establish those factors that contributes to the attainment of the core objectives of the Due Process mechanism. construction projects in Nigeria. A total of 40 factors were identified and grouped into the four core objectives of Economy and efficiency, Compitition, Value for money and Transparency. The research design adopted was the descriptive survey. A well-structured questionnaire which was divided into four sections and accompanied by a covering letter to introduce the topic and instructions to be followed by the respondents was administered for the collection of primary data. The research questionnaire consist of two (2) sections. Section 'A' contained sought information on the particulars of the respondents while section B contained the specific questions addressing the objectives of the study. Five point Likert scale ranging from ' Strongly agree' ' Agree' ' Strongly Disagree' ' Disagre' and ' Undecided'. The questionnaires were structurally designed and contain questions that can illicit answers on the four (4) key areas that bothered on the core procurement objectives. The respondents include architects, engineers, quantity surveyors and others related professionals.

3.4 Method of Data Analysis

The data were analyzed using both descriptive and inferential statistical techniques. The descriptive statistics adopted included frequency counts and percentage of frequency counts which provides statistical information describing the occurrence of the variables. On the other hand inferential statistics used to establish the level of understanding and importance of concepts of the Due Process mechanism by the respondents was the relative importance index technique. The level of importance of due process was measured by the use of relative importance index using equation (1).

Relative Importance Index (RII) $= \frac{5n_1 + 4n_2 + 3n_3 + 2n_4 + 1n_5}{5N}$ ….....(1)

$(0 < RII < 1)$

Where N = Total number of respondents

5 = Highest weight score (1, 2, 3, 4, 5) on scale of agreement

Whereas n_1 = number of respondent for Undecided

n_2 = number of respondent for Disagree

n_3 = number of respondent for Strongly Disagree

n_4 = number of respondent for Agree

n_5 = number of respondent for Strongly Agree

Results and Discussion

This section discusses the responses obtained from the respondents in the selected local Government Areas of Ogun State. A total of 80 questionnaires were administered in all the selected Local Government Areas consisting of 10 questionnaires from each of the selected Local Government Areas. Out of the 80 questionaires sent out, 73 questionnaires were returned by the respondents and 7 are outstanding.

Table 4.1: Gender Distribution of Questionaire Administration

SEX	Frequency	Percentage
Male	56	76.71%
Female	17	23.29%

Gender of Respondents

Table 4.1 shows that 76.71% of the respondents were male and 23.27% were female. This is a reflection of the trend of gender distribution in the Engineering and allied profession in general and the construction industry in particular.

Table 4.2: Age Distribution of Questionaire Administration

AGE	Frequency	Percentage
20-30 years	22	30.14%
31-40years	32	43.85%
40 years and above	19	26.03%

Age of Respondents

Table 4.2 shows the result of the age distribution of respondents. From the table it can be seen that 30.14% were in the range of 20-30years old, while 43.85% were within the range of 31-40years and 26.03% werw above 40 years old. This result shows that a total of 69.88% of the respondents are matured and experienced people and not minors or immatured people.

Table 4.3: Marital Status Distribution of Questionaire Administration

Marital status	Frequency	Percentage
Married	57	78.08%
Single	17	21.62%

Marital Status of Respondents

The marital status of the respondent as shown in Table 4.3 reveals that 78.08% of respondents are married while 21.62% of respondents are singles. This further reiterates the comment above that most respondents are matured people.

Table 4.4: Qualification Distribution of Questionaire Administration

Qualification	Frequency	Percentage
WAEC/GCE	3	4.11%
HND/Bsc	36	49.32%
Msc /Ph.D.	34	46.58%

Table 4.4 shows the distribution of the qualification of the respondents in which Hnd/Bsc holders constitutes 49.32% while 46.38% are Msc/Phd holders and 4.11% are WAEC/GCE holders. This shows that the respondent has high level of relevant educational qualification and as such their opinion on sought issues are reliable.

Role of Respondent On Project Execution

Table 4.5: Distribution of Questionaire Administration According to the Role of respondents on project execution

Role of respondent on project execution	Frequency	Percentage
Client's representative	28	38.36%
Consultant	24	32.88%
Contractor	18	24.66%
Contractor's representative	3	4.11%

In Table 4.5 which is on distribution of questionaire administration according to the role of respondents on project execution, Client's representative have the highest percentage of 38.36% followed by the Consultants with 32.88%, and then the Contracor's with 24.6% while thet Contracor's representatives has the least with 4.11%. This implies that the opinion of the major stakeholders in the construction industries were adequately represented in the information elicited from the respondents.

Professional background of respondents

Table 4.6 shows the professional background of the respondents in which Service Engineers constitutes 34.25% followed by Civil/Structural Engineers with 26.03%, Architect 23.29%, Quantity surveyor 9.59% and the least respondents was Accountant with 6.85%. This also implies that the opinion of various relevant professioals involved in the construction industries were adequately represented in the information elicited from the respondents.

Table: 4.6 Distribution of Questionaire Administration According to Professional

background of respondents

Professional background of respondent	Frequency	Percentage
Civil/Structural Engineer	19	26.03%
Service Engineer	25	34.25%
Architect	17	23.29%
Quantity surveyor	7	9.59%
Accountant	5	6.85%

Years of Experience of Respondents

Table 4.7: Distribution of Questionaire Administration According to Years of experience of respondents

Years of experience	Frequency	Percentage
1-5 years	17	23.29%
6-10 years	35	47.95%
11-15 years	8	10.96%
16-20 years	7	9.59%
20 and above	6	8.22%

The years of experience in service of the respondent are as shown in Table 4.7. Those respondent falls between years 6-10 were 47.95%, years 1-5 were 23.29% followed by 10.96% followed by 9.59% and the lease was 8.22%. It can be infered that respondents are not novices but people who have on the job experience.

Number of Projects Executed under Due Process Policy by Respondents

Table 4.8:Distribution of Questionaire Administration According to Number of projects executed under due process policy by Respondents

Number of projects executed under due process policy	Frequency	Percentage
1-5 projects	22	30.16%
6-10 projects	31	42.47%
11-15 projects	10	13.70%
16-20 projects	5	6.85%
20 and above	5	6.85%

Table 4.8 revealed that 6-10 project categories were 42.47%, followed by 1-5 project 30.14% followed by 11-15 project 13.70% followed by 16-20 projects 6.85%, followed by 20 and above which is 6.85%, which implies that the respondents were people that had been involved with project under the due process policy.

4.9 Category of Professional Membership of Respondents

Table 4.9 shows that 67.13% are people with are associate members of relevant professioal associations, while those with graduate membership constitutes 12.33% and responsdents with corporate membership constitutes 10.96%. 5.48% of respondenst are without any professioal registration and those who are fellows of relevant professioal associations are the least with 4.11%. It also implies that majority of the respondents belong to relevant professional assosiations.

Table 4.9:Distribution of Questionaire Administration According to the Category of Professional Membership of Respondents

The category of professional membership	Frequency	Percentage
Graduate	9	12.33%
Associate member	49	67.13%
Corporate member	8	10.96%
Fellow	3	4.11%
None	4	5.48%

Discussion on Responses to Questions on the Core Objectives of Due Process

Objective No 1 Competition:

In this section, responses by rrespondents to questions on the Core objective of due processesen are discussed. Ten (10) questions each were drawn to elicit information on how effectively the 4 Core objectives of due process has been adequately attained. The Relative Importance Index of the 10 questions drawn on each of the core objectives of the Due Process mechanism are presented in Tables 4.10 to 4.13.

From table 4.10, question 9 based on wether tenders document were submitted only by pre-qualified contractors ranked 1s with RII value of 0.652, while question 1 on the observation of the procurement processes by two credible persons from a relevant private sector professional and non-governmental anti-corruption organization ranked last with RII value of 0.422. The aggregate of the RII values of all the factors considered as the determinant of competitive bidding by contractors was 0.524 and the range of the values was 0.247. The implication is that all the factors are valid with respect to the first core objective of competition in the due process mechanism in all the Local Government Areas where the study was carried out. It also shows that all the projects executed under the Due Process mechanism in the study areas provide level playing ground for all the contracors that bidded for the award of the contracts.

Table 4.10 Relative Important Index on Competition among Contractors under the Due Process Mechanism

COMPETITION	RII	RANK
1. Procurement processes were always observed by two credible persons from a relevant private sector professional and non-governmental anti-corruption organization.	0.422	9
2. Advertisement for solicitation of bid were always made in National newspaper of Federal tender.	0.496	7
3. The organization provided level playing ground for all strata of bidders	0.592	2
4. Tendering procedures were always followed before the award of contracts.	0.567	4
5. Pre-qualified bidders have verified and adequate technical personnel to perform the obligations of contracts.	0.474	8
6 Successful bidders were financially capable to execute the contract.	0.405	10
7. The contractors have professional and technical qualifications to carryout particular procurement	0.535	5
8. The contractors possessed the legal capacity to enter into the procurements	0.575	3
9. Tenders document were submitted only by pre-qualified contractors	0.652	1
10. The contracts were always awarded to the lowest evaluated bidder	0.526	6

Objective No 2 Transparency:

Table 4.11: Relative Importance Index Values for Questions on Transparency of the Process of Contract Award under the Due Process Mechanism

TRANSPARENCY	RII	RANK
1.All bids were deposited in secured tamper-proof bid box	0.416	9
2. Bids received after deadline for the submission were not opened but were returned to the contractors	0.537	6
3. Bids were opened in public with bidders in attendance.	0.551	5
4. Bids were opened immediately following the deadline stipulated for submission.	0.578	4
5. Clear accountability and transparency requirements/record has put to check the circumenvention of due process in financial and non-financial activities.	0.414	10
6. Register of names and addresses of all those present at bid opening indicating the organizations they represent were always opened.	0.507	8
7. There were adequate records keeping to ensure transparency and to justify the procurement system	0.532	7
8. External auditor often visits the Local Government Council for audit activities.	0.622	1
9. The procurement Audits has extensively added good value to the project delivery	0.586	3
10. Clear accountability requirements in financial	0.60	2

management are in existence.		

Table 4.11 shows the RII values for questions that ellicit information on transparency of the process of contract award under the due process mechanism. While question 8 on visits of external auditor to the Local Government Council for audit activities ranked first with RII value of 0.622, question 1 on deposit of all bids in secured tamper-proof bid box ranked 10th with RII value of 0.416. However, the aggregate value of all the questions asked was 0.534 and the range was 0.206. It shows that all the questions asked were relevbant to the determination of the level of transparency of contract awards under the due process mechanism. It also reveals that there was transparency in all contract awarded by the various Local Government Areas sampled for the study.

Objective No3 Economy and Efficiency

From table 4.12, response to question 8 shows that the process of due process has accomplished the deserved performance in the delivering of project which was strongly agreed by the respondents and has the RII of 0.537 ranked 1st. Question 1 shows that there were no or insufficient clear approval by the authority before the contract are awarded to the contractors and was greatly disagreed by the respondent making the RII of 0.386 with ranking of 10th. The aggregate value of all the questions asked to asccertain the economy and efficiency of projects executed under the Due Process mechanism was o.485 with a range of 0.143. This implies the relevance of questions asked to the attainment of the third core objective of economy and efficiency. It also indiccates that the projects executed under the Due Process mechanism is efficient and economical.

Table 4.12 Relative Important Index of Questions on Economy and Efficiency of Projects Executed under the Due Process Mechanism.

Economy and efficiency	RII	RANK
1. There was clear approval by the authority before the contracts awarded to the contractors.	0.386	10
2. Certificate of no objection were always raised before the award of contracts	0.534	2
3. The project selection, packaging and procurement, contractors improve their project delivery method.	0.496	7
4. The performance assurance of contracts are greatly guaranteed	0.532	3
5. The overall rating, works and services of the contractors are adequate	0.529	4
6. The code of conduct for participant has been made compulsory for the contractors	0.526	5
7. The procurement Audits has extensively added good value to the project delivery	0.411	8
8. The process of due process have accomplished the desired performance in the delivery of project	0.537	1
9. There were cases of variations in the projects executed	0.507	6
10, The organization manages their resources to achieve	0.395	9

their specific purposes		

Value for Money

Ten (10) questions each were drawn to elicit response on how effectively the fourth core objective of value for of money have been accomplished. From table 4.13 shows the RII values of response to questions asked. The result shows that Question 6 on wether there were noticeable structural defects during the defect liability period which was stronglydisagrred by the respondents has the RII of 0.625 with ranking of 1st. On the other hand, question 9 on the quality of materials used has a high response of strongly agreed with the RII of 0.477 ranked 10th. This gave an aggregate score of 0.527 and a range of 0.148. The inferences from these are that question asked are relevant to the determination of the realization of the core objective of value for money. It is also an indication that value for mmoney was achieved in all the projects executed under the Due Process mechanism in all the Local Government Areas where the study was carried out.

Table 4.13 Relative Important Index on Value for Money of Projects Executed under Due Process Mechanism

Value for money	**RII**	**RANK**
1. The contracts always involve delayed/cost overrun.	0.501	7
2. There were cases of abandoned project since the commencement of the due process.	0.545	4
3. The project were always completed on or before the project duration.	0.562	2
4. Project delivery always meets the designed structural stability requirement.	0.482	9
5. There were cases of building collapse in the project executed so far.	0.537	5
6. There were noticeable structural defects during the defect liability period.	0.625	1
7. The project delivery meets the aesthetic value of the designer.	0.548	3
8. There was quality performance assurance in the project delivery.	0.512	6
9. Quality of materials used was okay.	0.477	10
10. There were sufficient equipments and other relevant machinery to perform the jobs.	0.485	8

Conclusion and Recommendation

Conclusion

Based on the information elicited from respondents, our findings shows that the projects does not require cost overrun and that there were clear approval by relevant authorities before the contracts were awarded to the contractors. This implies the resources allocated to the selected Local Government Areas for capital projects were judiciously utilized and that there were judicious implementation of the budget to achieve their specific purposes. Therefore, due process policy has great impact on economy and efficiency. Findings from the study also reveals that the use of fake documents like tax clearance certificate and VAT certificates by contractors were avoided, level playing ground for all strata of bids were provided and tendering procedures were always followed. This is an indication that the Due Process mechhanism has great impact on

transparency and competition. Information received from respondents also reveals that most of the projects were completed on or before the project duration and that there were no cases of abandoned project. Therefore the Due Process mechanism has great impact on value for money. Generally, the impact of Due Process policy has been largely positive on projects awarded and executed since the commencement of the Due Process regime.

Recommendation

From the study it has been discovered that due process has positive impact on project delivery in all selected Local Government Areas of Ogun State. It is therefore recommended that the reform be sustained . However, information obtained from respondents revealed that there were cases of delay in honouring valuation certificate for more than 60 days. It is therefore recommended that timely issuance of valuation certificate and disbussment of fund should be made to further strengthen the gains of the due process reform.

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