

**EFFECTS OF PROJECT SPONSORS ON THE LEVELS OF COMPLIANCE WITH PUBLIC
PROCUREMENT ACT, 2007 IN PROJECT DELIVERY BY PUBLIC TERTIARY
INSTITUTIONS IN SOUTHWEST, NIGERIA.**

Bamidele, E. O.
Department of Building Technology
The Federal Polytechnic, Ilaro.
Ogun State, Nigeria.
Email: ebenezer.bamidele@federalpolyilaro.edu.ng
bolutide11@yahoo.com
Phone Number 08036366306

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Ebenezer Olutide Bamidele
Building Technology Department, The Federal Polytechnic, Ilaro, Nigeria,
ebenezer.bamidele@federalpolyilaro.edu.ng
bolutide11@yahoo.com
Phone Number 08036366306

ABSTRACT

Public Procurement Act, (PPA) 2007 is the regulatory framework for all procurement made by government entities and functionaries in Nigeria. This study investigates the levels of compliance (LOC) with the Act by Public Tertiary Institutions (PTIs) in Southwest, Nigeria. The objectives are to evaluate and compare the LOC with the Act in PTIs and Tertiary Educational Trust Funds (TETFUND) sponsored projects. A questionnaire survey approach covering the entire 44 PTIs in Southwest, Nigeria was adopted. Data collected were subjected to descriptive statistics and t-test. The result reveals that the institutions did not comply with one provision of the Act while they recorded same levels of compliance in one other provision, however the LOC was generally low averaging 57%, and 55% for projects funded directly by PTIs and those funded by TETFUND respectively ($P < 0.05$). None of the institutions complied with the Provision of the Act that commanded unrestricted access to unclassified procurement records by the public. The result of test of research hypothesis revealed that the difference in the compliance levels by the two categories of sponsors differ significantly only in eight provisions of the Act. It is therefore concluded that PTIs did not perform to the expectation of the dictate of the provisions of the Act. The study therefore recommended an improved compliance generally in all the provisions particularly in areas where extreme low compliance was recorded by the PTIs.

Keywords: *Compliance, project delivery, project sponsor, public procurement act, public tertiary institutions.*

Introduction

Governments all over the world invest huge sums of money on project procurement of various types in the different sectors of their economies purposely for supporting government operations as well as providing public services for the benefit of the public. Such procurement may be in form of construction works, goods, and services (PPDC, 2012). In the same manner, Public Tertiary Institutions (PTIs) are arm of government being funded from the national treasury with the responsibility of impartation and dissemination of knowledge. In the performance of their responsibilities, these institutions procured a lot of learning infrastructure in the form of classrooms, lecture theatres, offices for the various personnel, workshops, laboratories, and roads. The importance of public procurement in national development cannot be over emphasized because of its role in the development process, the amount of resources it consumes, and its susceptibility to undue influences. Studies revealed that public procurement contributes to about 15% - 30% of GDP or more, offers more avenues for corruption as procurement-related corruption stands between 10% and 25%, and in some cases as high as 40 to 50%, of the contract value

(Transparency International, 2006). Procurement apart from its developmental function determines the success or failure of a nation's public investment and usually involves a lot of money (Odhiambo, 2015). Projects procurement in PTIs are sponsored through budgetary appropriations, internally generated revenues, Tertiary Education Trust Funds (TETFUND) etc., TETFUND being the largest contributor to the funding, allocate huge sums of money for procurement on yearly basis. These huge sum of money being proceed of tax payer money must be expended through a process that guarantee accountability and transparency (Hui, Othman, Normah, Rahman, and Haron, 2011).

PREVIOUS STUDIES

Construction project procurement refers to the entire processes and procedures right from the initiation of the works or services to be acquired or purchased, to obtaining and assessing tender offers, to award, execution contracts and ensuring compliance with relevant regulations (British Standard BS, 2010). The construction procurement process plays very prominent roles in the successful administration of a construction contract. It governs the delivery process of a construction project in many ways and it determines the success or failure of any particular project (Rajeh, Tookey and Rotimi, 2013; Mathousi and Thwala, 2012). Essentially, the objective of construction project procurement involves the selection of qualified contractors to carry out and complete the project to schedule, cost and required quality in accordance to specific regulations, laws and reforms. In addition to the above statement, in view of the enormous fund required in public procurement and for the reason that the fund used in public procurement are enormous being derived from tax payer money, there is need for transparency and accountability in administering the fund (Hui, et. al., 2011). Mismanagement of the procurement process could result into wasted effort and poor development and eventually impoverishment and erosion of social and economic rights of the citizenry. Public Procurement is defined as a process of acquiring or obtaining material, services or property from outside a government MDAs using public fund (PPDC 2012). It is vital to the developmental process of any nation (Mukura, Shalle, Kanda and Ngatia 2016) and determines the success or failure of public investments (Odhiambo, 2015; OECD, 2007). It involves a lot of resources and susceptible to mismanagement, undue influences and corruption (Odhiambo, 2015; OECD, 2007). Public procurement is governed by the principles of economy, transparency, fairness, competition and accountability among others (Public and Private Development Centre, 2012).

Tertiary institutions refer to entities or organizations that are responsible for knowledge dissemination and learning. They are considered very essential to the development of knowledge, economy and society in general (Hasbullah, Ismailand Yusoff, 2010). The contributions of Tertiary Institutions to the development and modernization of nations cannot be overemphasized. The Tertiary Institutions in Nigeria comprise of Universities, Polytechnics and Colleges of Education. Presently, Nigeria have 299 Public Tertiary Institutions (both Federal and State Tertiary Institutions) comprising of 43 Federal Universities, 48 State universities, 28 Federal Polytechnics, 41 State Polytechnics 22 Federal Colleges of Education and 47 State Colleges of Education (National University Commission NUC, 2019; National Board for Technical Education NBTE, 2018 & National Commission of Colleges of Education NCCE, 2019). These figures increase yearly as a result of demand by candidates for access to higher institutions. Moja (2009) maintained that the existing institutions are currently operating beyond their capacities. Hence the institutions need to procure more buildings and maintain the existing ones. Ewa (2013) affirmed that due to the importance of infrastructural facilities in the tertiary institutions and the increased student enrolments, the institutions embarked on enormous procurement from time to time especially since after

the civil war of 1966 and the period of oil swell of the 1970s to boost the educational sector and promote economic growth and development in the country.

Public Tertiary Institutions (PTIs) in Nigeria have Governing Councils that give them some autonomy through they establishes structures for procurement of projects. Procurement in PTIs are either funded by procuring entities through budgetary appropriation for public procurement as described in the Public Procurement Act 2007 (FGN,2007), internally generated revenue by PTIs or funds obtained through agencies like; Unesco, Tetfund, World Bank among others in form of loans, grants or donations. No matter the source of the funds whether within or outside the PTIs, a major challenge is that PTIs are bound to comply with the rules and regulations specified by the funder in the execution of the project. Where such rules and regulations are at variance with PPA 2007, the PTIs still have to comply with the PPA 2007 in carrying out the projects. Another major challenge by the PTIs in utilizing outside sourced funds without complying fully with the funders regulation is the fear of deprivation of further funds from the agencies by the PTIs. In a similar manner, non-compliance with the provisions of the PPA 2007 in projects procured by PTIs will result into the wrath of the procurement Act. PTIs are government agencies, and as such, they are expected to operate within the provision of Public Procurement Act (PPA), 2007 enacted by the National Assembly of the Federal Republic of Nigeria which stipulates a number of procedures for the procurement of projects by public procuring entities.

TETFUND contributes the highest funds for infrastructural developments in the institutions. The Tertiary Education Trust Fund came into being by Act of the Nigerian National Assembly in 2011. The TETFUND Act took the place of the former Education Tax Fund Act Cap E4 Laws of the Federation of Nigeria, 2004 and Education Tax Fund (Amendment) Act No 17. 2003. The Fund was set up with the aim of disbursing, managing and monitoring the 2% education taxes collected from companies registered in Nigeria to PTIs in Nigeria covered under the Act namely; universities, polytechnics and colleges of education. The responsibility of the collection of the tax is that of the Federal Inland Revenue Service (TETFUND, 2014). Since the establishment of TETFUND in 2011, by the Federal Government of Nigeria a colossal amount of TETFUND intervention funds have been disbursed into the institutions for capital infrastructures development. Indeed, the sum of grant allocated to the public Universities, Polytechnics, and Colleges of Education was NGN508,049,302,700.00, NGN 179, 635,263,502.00, and NGN 163,718,694,900.000, respectively between 2010 and 2019 (Oraka, Okenwa and Raymond, 2017 and Ebuka, 2017). There has been enormous construction of several infrastructural projects on-going in the institutions occasioned by their quest for expansion of access to Higher Education for teeming Nigerian youths who hitherto could not gain admission for the reason of low carrying capacities (Afolabi et al., 2017). The provisions of the Act for the procurement of capital projects bind the institutions being administered under government agencies using public funds. Baffa (2017) reported that non-compliance with the procurement Act of 2007, lack of knowledge of TETFUND intervention guidelines and wrong priorities by beneficiary Tertiary Institutions are some of the challenges facing the Tertiary Institutions in project implementation and assessment of fund intervention

Public Procurement Act 2007 is the regulatory framework for all projects procured in the public sector in Nigeria (BPP, 2011). Public procurement is done by governments all over the world to ensure the provision of goods, services and works for the benefit of its citizenry (World Bank, 1995). Funds for the procurement are usually derived from tax payer money which must be expended through a process that ensures accountability and transparency (Hui, Othman, Normah, Rahman, and Haron, 2011). It is for this reason that various nations globally instituted procurement reforms involving laws and regulations. However, these laws, reforms and regulations face several challenges especially that of inadequate compliance. De-Boer and Telgen, (1998) & Jibrin et al. (2014) confirmed that the issue of non-compliance is not limited to the third world countries but is also experienced in developed economies.

They identified the various challenges to the effective implementation and compliance with the Nigerian Public Procurement Act to include: lack of transparency in the handling of procurement by MDAs, inadequate technical competence and skills within MDAs, non-submission to the provisions of the Act by the Parliamentarians, poor ethical standards in the service, lack of professionalism and adequate skills on the part of officers required to supervise procurement among others. Gelderman, Ghijsen and Brugman (2006) also agreed with this position by declaring that the issue of non-compliance with regulation in public procurement is a major concern. Hui *et al.* (2011) believed that the issue of disobedience to procurement regulations and other forms of irregularity in the handling of procurement processes are the fault of procurement officers. Fibrin, Ejura and Augustine (2014) maintained that the problem of public procurement in Nigeria is considered to be that of poor administration and non-adherence with the procurement rules and regulations and not that of lack of procurement law. Yukl (1989) and Gelderman *et al.* (2006) declared that compliance refers to a situation where someone carries out an assignment and becomes apathetic rather than being enthusiastic, and puts in only a very little effort. Snell (2004) cited in Lisa (2010) maintained that compliance is a state of conformity or obedience to regulations and legislation. According to Mugo (2014), Public Tertiary Institutions, like other government establishments, are not left out of the menace of failed construction projects. Ewa (2013) and Uromi (2014) discovered that majority of construction projects procured in Public Tertiary Institutions in Nigeria like any other government establishments were abandoned due to compromise in the process adopted for the procurement of the contracts among other factors. This usually resulted into costly disputes, claims and abandonment of projects (Abdalla and Hussein, 2002; Kareem *et al.*, 2014). Hyacinth and Yibis (2017) maintained that Kaduna Polytechnic, Kaduna had a low level of compliance with the PPA, 2007 and that this compliance level was greatly caused by institution factors. Nigerian Presidency in its circular (Ref No. SGF50/S.52/11/469 of 2014) addressed to Ministries, Departments and Agencies (MDAs) observed that, from the series of Procurement Audits and project monitoring and inspection exercises carried out by the Bureau of Public Procurement (BPP), the MDAs had not complied with the relevant clauses of the Public Procurement Regulations for Goods, Works and Services. This happened against the mandate of BPP that all procuring entities should adopt the proper standard bidding documents developed by BPP and conditions of contract contained therein. The circular further observed that the non-observance of these requirements has exposed the government to unnecessary risk during project implementation. According to Kareem, Asa and Lawal (2014), the Nigerian government brought out a new procurement policy guideline for use in government Ministries, Departments and Agencies to ensure that public procurements are carried out in a manner that ensure value for money on projects procured without sacrificing quality or standards. Public procuring entities such as Public Tertiary Institutions are expected to comply with the provisions of Public Procurement Act 2007 in the award and execution of construction projects. This is to ensure proper accountability as public procurement involves a huge amount of money coupled with the fact that such money is tax payers' money (Hui *et al.*, 2011). Periods before year 2001 in Nigeria witnessed an absence of a reliable statutory provision and policy guidelines for public procurement. The available guideline then gives room for corruption of diverse magnitudes in public procurement process, subversion of due process and undue influence on existing rules, laws and regulations (Kareem *et al.*, 2014). . This prompted the Nigeria government to establish the Budget Monitoring and Price Intelligent Unit (BMPIU), issue a New Policy Guidelines in 2001 to curb open abuses of rules and procedures in the award and execution of contracts in public procurement. Due Process refers to the process whereby all government activities including procurement are carried out openly, economically and in a transparent manner without favouritism and corrupt tendency (Ezekwesilli, 2004).

The Budget Monitoring and Price Intelligence Unit (BMPIU) was later renamed as the Bureau of Public Procurement (BPP) in 2007 to ensure the implementation of the procurement regulations as one of the

transparency body in the Nigerian government economic reform activities. The National Assembly of the Federal Republic of Nigeria on the 4th day of June, 2007 enacted the Procurement Act, known as Public Procurement Act, 2007. The Act establishes the national council on public procurement (NCPC) and the bureau of public procurement (BPP) as the regulatory authorities responsible for the monitoring and oversight of public procurement, harmonization of the existing government policies and practices by regulating, setting standards and developing the legal framework and professional capacity for public procurement in Nigeria and for related matters (FGN, 2007). The Act replaces the Due Process Certification with Certificate of No Objection. The BPP in compliance with Section 6, Sub-Section (1) (c) of the public procurement Act, 2007, developed procedures on documentation prerequisite for the issuance of a certificate of No Objection to Contract Award to Public Procurement Entities: Ministries, Departments and Agencies (MDAs). Certificate of No Objection (CNO) is the certificate that confirms that due process was followed in the conduct of procurement processes and authorizes the procuring entity to enter into the relevant contract. However more than a decade after the enactment of the Act, appreciable compliance is yet to be achieved in the public sector.

In spite of existence of several studies on public procurement regulations, its reforms and benefits, there exists a dearth of studies on the level of compliance with PPA, 2007 by Public Tertiary Institutions in southwest, Nigeria despite the fact that evidences exist that these Institutions embarked on so many capital projects (Laryea, 2012) as a result of enormous fund disbursements in form of allocations from government and TEFUND intervention funds. Consequently, there is the need to ascertain the levels compliance with the Act by PTIs as well as the relationship between the level of compliance with the procurement Act and the projects procured and funded by the PTIs and TETFUND. The results on the levels of compliance with the PPA, 2007 will enable the fund providers to the institutions to have an overview of the performance of the funds provided for these institutions. Also it would assist the national assembly and the bureau of public procurement in identification of provisions most complied with and those suffering extreme compliance, this will in turn guide them in their subsequent review of the Act. Transparency organization will also be informed about the contribution of PTIs to corruption through procurement.

Materials and Methods

Southwest, one of the six geopolitical zones in Nigeria, constitute the study area for this research. The zone was divided into six States namely; Lagos, Ogun, Oyo, Osun, Ondo, and Ekiti States. In addition to tertiary institutions established and sponsored by the Federal Government, each State establishes and sponsors its own tertiary institutions. Altogether there are 44 Public Tertiary Institutions (PTIs) comprising 17 Universities, 17 Polytechnics/Colleges of Technology and 10 Colleges of Education Southwest Nigeria geopolitical zone. The population of the study is made up of the entire public tertiary institutions in Southwest, Nigeria and construction projects executed by the institutions. In view of the population frame, the entire 44 PTIs were selected as the sampling frame and sample size for the study. For this reason, census sampling technique was adopted in selecting the study sample. The respondents of the study are the head of each institution procurement department charged by the Act to administer and implement procurement for the institution. The procurement officers were either; Builders, Architects, Quantity Surveyors and Civil Engineers with sound knowledge of the procurement Act and its implementation.

The study made use of structured questionnaire as the data collection instrument for the survey. The test instrument was validated and the reliability coefficient (Cronbach alpha = 0.70-0.91) was obtained before its use for the survey. The test instrument equipped with structured questions sought respondents' knowledge of and compliance with or otherwise selected 39 provisions of the Public Procurement Act 2007 relevant to construction project procurement. In the attempt to compare the levels of compliance

with PPA, 2007 in TETFUND funded projects and institutional projects funded through budgetary appropriation by PTIs in Southwest, Nigeria and establish whether the Institution comply with the Act in one funding organ than the other, a research hypothesis was formulated. The hypothesis states that there is no significant difference in the levels of compliance with Public Procurement Act 2007 in project procured by PTIs based on TETFUND and PTIs sponsors. The results of the hypothesis are expected to reveal the significant similarities and differences in compliance with the Procurement Act by PTIs in the two project sponsors. The levels of compliance with the provisions of the PPA 2007 by each PTI was analysed as the percentage of PTIs that complied with the provision divided by total PTIs. The hypothesis of the study was tested using t test at p-value less than or equal to (≤ 0.05), the rule for the rejection of the hypothesis is that when the calculated p-value is less than or equal to (\leq) 0.05, the test rejects the hypothesis but when the calculated p-value is greater than (> 0.05), the test fails to reject the hypothesis Data collected were processed using Statistical Package for Social Sciences Version 20 software. Data collected were subject to t-test using SPSS version 20 (2016) and Microsoft Excel's Statistical Toolkit. The results are presented in Table 1.

Table 1: Levels of Compliance with Public Procurement Act 2007 in Project Funded by Government Appropriation and TETFUND in PTIs in Southwest, Nigeria

Provision of PPA 2007	Funding					f-value	Df	p-value
	Appropriation		Tetfund					
	N	Mean	N	Mean	N			
Compliance with:								
Funding of capital projects	6	33.0	38	42.0	44	-0.398	42	0.308
Values of projects for which CNO is obtained	6	17.0	38	26.0	44	-0.497	42	0.260
Basis for award of contract	6	100	38	79.0	44	1.236	42	0.002
Period when CNO to contract award is obtained	6	33.0	38	61.0	44	-1.243	42	0.510
Procedure of procurement of capital projects	6	83.0	38	84.0	44	-0.053	42	0.916
Time allowed for bidding before contract award	6	00.0	38	21.0	44	-1.236	42	0.002
Minimum bids received before contract award	6	33.0	38	76.0	44	-2.214	42	0.398
Payment procedure for contractors	6	100	38	89.0	44	0.821	42	0.070
Contractor selection procedure	6	57.0	38	54.0	44	0.265	42	0.092
Process for exclusion of bids from evaluation	6	0.00	38	21.0	44	-1.236	42	0.002
Bid & contract documentation language	6	100	38	92.0	44	0.701	42	0.133
Time to taken transmit proceedings to BPP	6	0.00	38	29.0	44	-1.528	42	0.001
Public access to procurement records	6	0.00	38	00.0	44	0.000	42	
Procedure for award of contract for projects	6	50.0	38	50.0	44	0.000	42	
Person for final selection of winning tender	6	100	38	87.0	44	0.932	42	0.034
Powers of Tender's Board	6	33.0	38	36.0	44	-0.128	42	0.785
Procedure for engagement of sub-contractor	6	100	38	79.0	44	1.236	42	0.002
Form of dispute resolution in contract	6	17.0	38	32.0	44	0.732	42	0.069
Currency for stating values in contract	6	100	38	97.0	44	0.393	42	0.423
Content of the procurement contract	6	39.0	38	50.0	44	-1.154	42	0.018
Approving authority to conduct procurement	6	100.0	38	50.0	44	2.393	42	0.635
Procurement planning procedure	6	53.0	38	48.0	44	0.482	42	0.750
Procedure for implementing procurement plan	6	60.0	38	62.0	44	-0.202	42	0.669
Procurement Planning Committee	6	67.0	38	68.0	44	-0.094	42	0.667
Procurement Planning committee members	6	69.0	38	54.0	44	1.083	42	0.528
Construction projects procurement procedure	6	80.0	38	74.0	44	0.435	42	0.060
Mode of bidding for construction projects	6	53.0	38	49.0	44	0.522	42	0.845
Activities performed during bid opening	6	83.0	38	60.0	44	2.078	42	0.859
Bid solicitation procedure	6	52.0	38	60.0	44	1.631	42	0.678
Margins of mobilization granted to contractors	6	50.0	38	21.0	44	1.528	42	0.097
Basis for granting mobilization to contractors	6	75.0	38	62.0	44	1.024	42	0.895
Proc. of payment for goods, works and services	6	33.0	38	32.0	44	0.166	42	0.684

Contents and treatment of procurement record	6	74.0	38	56.0	44	1.282	42	0.534
Recommended procurement bidding method	6	100.0	38	87.0	44	0.932	42	0.034
Procedure on restricted bidding	6	50.0	38	61.0	44	-0.477	42	0.609
Consultancy services value for soliciting open bidding	6	83.0	38	71.0	44	0.616	42	0.144
Procedure for procuring consultancy services	6	43.0	38	37.0	44	0.543	42	0.007
Procedure for evaluating bids	6	57.0	38	56.0	44	0.024	42	0.902
Procedure for selecting bids	6	45.0	38	38.0	44	0.995	42	0.213
Overall levels of procurement with PPA 2007	6	57.0	38	55.0	44	0.438	42	0.114

N = NO. of Respondents, Df = Degree of Freedom, Diff. = Differences, S = Significant, Proc. = Procedure, CNO = Certificate of No Objection, PPA = Public Procurement Act.

Level of compliance with PPA, 2007 in projects funded by TETFUND and PTIs

In order to evaluate and compare the Levels of Compliance (LOC) with Public Procurement Act (PPA) 2007 in projects procured by PTIs in Southwest, Nigeria, and funded either by PTIs or TETFUND, 39 provisions of PPA 2007 relevant to procurement of construction projects were selected. Respondents were requested to indicate 'Yes' for the provisions which they complied with and 'No' for the provisions which they did not comply with during procurement of construction projects using funds provided by TETFUND and funds provided by their Institutions from government appropriation. Data collected were analyzed to determine the level of compliance with PPA 2007 using percentage. Compliance level (%) = $\frac{\text{Number of Institutions complying with the Provision of the Act}}{\text{Total number of Institutions}} \times 100\%$ The results are presented in Table 1.

Table 1 revealed the compliance levels of PTIs with each of the selected 39 provisions of PPA 2007 based on the fund providers for the projects procured by the institutions. The results indicated that compliance varied among the different fund providers for the projects procured by the institutions as; fund from appropriation 0-100% and TETFUND 0-97%. In all the projects funded by both the institutions and TETFUND, zero compliance was recorded with the Provision of the Act on unrestricted public access to the institution's unclassified procurement records for scrutiny. The interpretation of this result is that the institutions contravene the provision of the Act that required every procurement entity to make information about their procurement to be accessible for inspection by the public (Part IV Section 16, sub section 1 PPA, 2007). Such contravention is not in line with the purpose of the Act in ensuring openness, transparency and probity in procurement (Federal Government of Nigeria, FGN, 2007).

Also, zero compliance was recorded in projects funded by PTIs in two provisions namely; time allowed for bidding before award of contract and process applicable to bids excluded from evaluation. Total compliance was also recorded in projects funded by PTIs in eight provisions namely; basis for the award of contract for construction projects; the procedure for payment of contractors/suppliers that handled capital projects/supplies; time require to prepare and transmit records of procurement proceedings and contract award for each financial year to Bureau of Public Procurement (BPP), person responsible for final selection of winning tender, engagement of subcontractor, currency in which the values in the procurement agreement are stated and recommended bidding method for procurement..

The institutions gravely violated the following provisions of the Procurement Act; funding of capital projects, values of projects for which 'Certificate of No Objection' is obtained from the Bureau of Public Procurement; time allowed for bidding before award of contract; process applicable to bids excluded from evaluation; time require to prepare and transmit records of procurement proceedings and contract award for each financial year to Bureau of Public Procurement; powers of tenders board; primary form of

dispute resolution in the procurement contract agreements and the procedure of payment of goods, works and services.

The institutions in the projects procured with the different categories of funding also recorded same levels of compliance in only one provision of the Act namely; procedure for award of capital projects. Also, Table 1 revealed the average overall compliance level in all the tertiary institutions surveyed as; 57%, and 55% for projects funded by the institutions from appropriation and those funded by TETFUND respectively.

The inference that could be drawn from the results is that the institutions show serious act of disobedience to the provisions of the Procurement Act to the extent that in some provisions they exhibited zero compliance. This is not expected from institutions that depend on government for appropriations consider the fact that the Procurement Act is an Act passed by the Parliament. Violation of the Act on provisions related to procedure and documentation in preparation for the issuance of Certificate of 'No Objection' to contract Award is a serious issue as Part IV Section 16, sub-section 4 of the Act stated clearly that any contract awarded without the issuance of Certificate of 'No Objection' to Contract Award rightly issued by the Bureau of Public Procurement shall be regarded as null and void (FGN, 2007). These results also suggest a negligent on the part of the Bureau of Public Procurement (BPP) in their oversight functions in accordance with Clause 16(13), part IV (Fundamental Principles for Procurements) of the 2007 Public Procurement Act that empowers the BPP to pay greater attention to procurement records of MDAs during post- procurement reviews (BPP, 2007). Abuse of bids selection and payment procedures, award of mobilization and procurement of works and services procedures by the institutions in different project categories procured by them together suggest that due process was not observed in their procurement process before award of contracts were done. In addition violation of the provision of the Act on unrestricted public access to the institution's unclassified procurement records for scrutiny by the public could be regarded as a shady and unethical practices that could result into corrupt practices that the Act intends to prevent which was the prevailing situation before it was enacted. These could also result to the institutions being sanctioned by the BPP a result of disobedient to various sections of the provisions of the procurement Act. The result also evidently showed that the institution abused the powers of Tenders Board as well as demonstrating unethical practices through non-adherence to the laid down Procurement Regulations. These may as well suggest that the procurement procedures and documentations the institutions were not checked, certified and cleared by BPP before contract award letters were issued to the contractors.

The institutions procurement officers may equally be blamed as the one in charge of administration and implementation of procurement in the institutions, these confirmed the discovery of Hui *et al.* (2011) that the issue of disobedience to procurement regulations and other forms of irregularity in the handling of procurement processes are most times the fault of procurement officers.

Difference in the levels of compliance with public procurement act 2007 between the projects funded by PTIs and TETFUND in public tertiary institutions in Southwest, Nigeria

Results in Table 1, reveals that the p-value for the test of difference in the levels of compliance with nine provisions of PPA 2007 in projects sponsored by PTIs and TETFUND is less than critical p-value (0.05). The eight provisions and their p-values are namely; basis for award of contract (0.002), time allowed for bidding before award of contract (0.002); process applicable to bids excluded from evaluation (0.002). Others are; time it takes to prepare and transmit records of procurement proceedings and contract awarded for each financial year to BPP (0.001); person responsible for final selection of winning tender (0.034),

engagement of subcontractor (0.002) content of procurement contract (0.018), bidding methods used for procurement (0.034) and procedure for procuring consultancy services (0.007).

Consequently, the test rejects the hypothesis that there is no significant difference in the levels of compliance with the nine provisions of PPA, 2007 based on the two project sponsors of the Institutions. The implication of the result is that there is a significant difference in the level of compliance with the nine provisions of PPA 2007 based on the two categories of project sponsors. Hence project sponsors in the institutions have effect on the levels of compliance with these nine provisions of the Act.

Table 1 further reveals that of the nine provisions of the Act that have a significant difference in levels of compliance with PPA, 2007, PTI complied more than TETFUND in five provisions of the Act in institutions sponsored projects. The four provisions are namely; basis for award of contract (PTI 100%, TETFUND 79%); person responsible for final selection of winning tender (PTIs 100%, TETFUND 87%); engagement of subcontractor (PTI 100%, TETFUND 79%) and; bidding methods used for procurement (PTIs 100%, TETFUND 87%). The Table also showed that PTIs complied more in TETFUND sponsored PTIs in four provisions of the Act. The four provisions include; time allowed for bidding before award of contract (PTIs 0%, TETFUND 21%); process applicable to bids excluded from evaluation (PTIs 0%, TETFUND 21%); time it takes to prepare and transmit records of procurement proceedings and contract awarded for each financial year to BPP (PTIs 0%, TETFUND 29%); content of procurement contract (PTIs 39%, TETFUND 50%) and; procedure for procuring consultancy services (PTIs 43%, TETFUND 37%).

Table 1 further shows that the p-values for the test of difference in the levels of compliance with the remaining 30 provisions of the Act between the two categories of project sponsors are greater than the critical p-value (0.05), therefore, the test fails to reject the hypothesis which states that there is no significant difference in the level of compliance with PPA, 2007 based on the two categories of project sponsors. This indicates that the level of compliance with the 30 provisions of the PPA, 2007 is the same between the two project sponsors. Hence, categories of PTIs have no effect on the levels of compliance with the remaining 30 provisions of PPA, 2007 based on the two categories of sponsors.

Conclusion

The study, have compared the levels of compliance with Public Procurement Act 2007 in projects funded through government appropriated fund and TETFUND funded projects in PTIs in Southwest, Nigeria. It concluded that the overall compliance with the Act by PTIs in projects funded by the two sponsoring bodies is unexpectedly low averaging 57% and 55% in government appropriated funds and TETFUND projects respectively. In many of the provisions of the Act, the PTIs compliance was very weak. There are some provisions where they do not even comply at all especially where they were required to provide an unrestricted access to the public for the scrutiny of their unclassified procurement records. Continuous recording of weak compliance and noncompliance with the provisions of the Act may result into very serious cases of corruption. This may result into crises and student unrests where a required structure is not provided due to the fund for infrastructural provision been mismanaged as a result of noncompliance with requirements for procurement by the institutions. It is hereby recommended that the institutions increased their compliance in areas where they recorded weak and noncompliance. The National Council on Public Procurement and the Bureau of Public Procurement as the regulatory body responsible for the monitoring and oversight of public procurement are advised to be update in their functions and ensure maintenance of compliance with the provisions of the Act by the PTIs.

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