

**INVESTIGATING THE LEVEL OF MUNICIPAL AND DISTRICT
ASSEMBLIES COMPLIANCE WITH ENVIRONMENTAL SUSTAINABILITY
PROVISIONS OF THE PUBLIC PROCUREMENT ACT IN THE UPPER WEST
REGION OF GHANA.**

By

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DECLARATION

I do hereby proclaim that this research, with the exception of identified quotations and duly acknowledged references are the outcome of my own research and effort. To state clearly, none of the materials contain herein have either been submitted or presented in either whole or part for another degree in Kwame Nkrumah University of Science and Technology, Kumasi or elsewhere.

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ABSTRACT

The study investigated the level of Municipal and District Assemblies (MDAs) compliance with environmental sustainability provisions of the Public Procurement Act in the Upper West Region of Ghana. A joint method approach which comprises of qualitative and quantitative method was employed for the study. Both primary and secondary data sources were adopted for the study. Purposive sample was employed to select key respondents for the study whilst simple random sampling technique was adopted to select six Municipal and District Assemblies in the Upper West Region. A total of 90 respondents were drawn from these Municipal and District Assemblies. A questionnaire was administered to all the 90 respondent, out of that 30 were also administered with interview guide. Key findings of the study revealed that respondents were able to identify the environmental sustainability provisions in the public procurement act. It was discovered that there is largely non-compliance of the environmental sustainability provision mainly because respondents view environment sustainability issues as trivial and non-significant. The study further revealed strict auditing of tender documents must be initiated at these stages; firstly, at district level, the designated unit in charge of procurement process must ensure that works, goods and services supplied are environmental friendly. Secondly, at the regional level, the public procurement authority must also monitor and review all procurement activities undertaken at the district level to ensure that they follow the environmental sustainability provisions of the public procurement act. Hence, the study recommends the commitment and the enforcement of the environmental sustainability provisions, the provision of budgetary allocation for supervision and monitoring and finally the continuous advocacy program on sustainable public procurement.

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LIST OF ABBREVIATIONS

CIDA	Canadian International Development Agency
CSR	Corporate Social Responsibility
DSW	Department of Social Welfare
EAP	Ghana Environmental Action Plan
EPA	Environmental Protection Agency
ERP	Economic Recovery Programme
GDP	Gross Domestic Product
GEMP	Ghana Environmental Management Project
GES	Ghana Education Service
GOG	Government of Ghana
MDAs	Metropolitan District Assemblies
MMDAs	Metropolitan Municipal District Assemblies
MTDP	Medium Term Development Plan
NADMO	National Disaster Management Organization
NGOs	Non-Governmental Organizations
OECD	Organization of Economic Cooperation and Development
PPA	Public Procurement Act
PPB	Public Procurement Board
SAP	Structural Adjustment Programme
SDGs	Sustainable Development Goals
SMEs	Small Medium Enterprise
SPP	Sustainable Public Procurement
SPSS	Statistical Package for Social Sciences

UNDP	United Nations Development Program
UNEP	United Nations Environment Programme
UWR	Upper West Region
WB	World Bank

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DEDICATION

This research work is entirely dedicated to my family especially my mother Hajia Aisha Salifu and my brother Mohammed Sahanun. They have always believed and have confidence in me.

CHAPTER ONE

INTRODUCTION

1.1 Background to the Study

Ghana's public procurement Act 633 (2003) was legislated and promulgated by the parliament of Ghana. The principal objective for the enactment of the Public Procurement Act was to promote fairness and align all public procurement by establishing agencies and bodies that will synchronise public procurement practices and activities. The public procurement act further aims at introducing cost efficiency, effectiveness, and ensure transparency as well as making the procurement process non-discriminatory (Peprah et al., 2018; Adjei- Bamfo, & Maloreh- Nyamekye, 2019). Globally, international development organization, scholars, Non-Governmental Organization (NGOs), and professionals have advocated, prescribed and recommended the inclusion as well as the integration of sustainability issues in public procurement (United Nations Environment Programme-UNEP, 2011; OECD, 2012; Walker et al, 2012; Ibid).

Roos (2012) explained that Sustainable Public Procurement (SPP) is progressively utilized and actualized as a strategic tool to bolster nation-wide, local as well as global strategies and projects planned for advancing sustainable growth. The European Union (EU) embraced a scope of legitimate and tactical tools to ensure the input of social and environmental benchmarks in state procurement in EU and has fixed high goal driven for EU member states. In the Australia, United States and Japan have initiated similar structures. At the local government level, several SPP initiatives have been initiated under the local Government for Sustainability as well as over SPP implementation support for 1200 non-profit association comprising local government organization.

Further, with Ghana's adoption of the Sustainable Development Goals (SDGs) in 2015, it was a requirement to align and streamline all its development priorities along the SDGs. As such, this led to the amendment of the Public Procurement Act 633 (2003) to include environmental friendly laws in the Public Procurement Amendment Act 2016 (Act 914) (Peprah et al, 2018). The inspiration for the promotion of environmental sustainability according to UNEP (2011) and OECD, (2012) is that the earth is undergoing serious environmental problems emanating from the depletion of the natural resources, climate change, development, population explosion, and monetary progress, strengthening of farming, rise in use of energy, and growth in transport etc. Hence, sustainable procurement has been a topical issue for the past decade.

The significance of the inclusion and integration of the environmental friendly regulations in the public procurement is to increase developing countries effort and capacity to achieve sustainable growth and poverty alleviation, manageable use of ecological wealth, and reasonable energy use. Further, sustainable public procurement is not just the way that government can utilize their authority in buying as a financial motivation for sustainable progress, and for sustainable utilization and production specifically, yet in addition that the choice of sustainable public procurement puts the governments in check in accomplishing sustainable development (Steurer et al., 2007). The thoughts of ecological sustainability have the possibility to internally endorse ecological externalities by integrating sustainable development necessities into monetary policy decisions, eminently through resources pricing and land usage (Ibid). As per Adjei, (2010) there is rising proof that switching to a green economy has solid monetary and social justification and the government and the private partners ought to try harder to take part to transform the economy as well as governments should provide a level playing ground for green goods by eliminating obsolete subsidies, improve policies and

offer new stimulus packages, fortifying business sector and market-based instruments, diversify public investment, and greening public procurement.

The rationale for undertaking this study is based on the fact that in recent times, there have been the urgent need for sustainable procurement which involves strict compliance with environmental sustainability provisions in the Public Procurement Act among public sector Agencies. This has become topical where organizations in meeting their needs of producing goods, services and utilities with the society tend to damage the environment which has effect on the future generation. Hence, scholars, international development agencies and professionals in the field of procurement are advocating for compliance with environmental sustainability provisions of the Public Procurement Act among Ministries, Department and Agencies in Ghana (Peprah et al, 2018; Adjei-Bamfo, & Maloreh- Nyamekye, 2019).

However, the study examined the level of adherence to the environmental sustainability provisions of the Public Procurement Act and the significance to comply with environmental sustainability provisions the Public Procurement Act 663 will generate for the country such as improving the social and environmental impacts, managing the supply and logistics processes to minimize waste, transport and other environmental impacts, and to support reverse logistics, recycling, re-use and other measures. It is in this light that the study was conducted to investigate the level of Municipal and District Assemblies compliance with environmental sustainability provisions of the Public Procurement Act in the Upper West Region of Ghana.

1.2 Problem Statement

Non adherence to the environmental sustainability provisions in the Public Procurement Act has the potential of derailing the achievement of sustainable procurement and SDGs in general. It is visible how industries within the communities engage in environmental pollution, damage and degradation from industrial activity. Waste products from production, packaging, end-of-life products are not properly disposed which threatens the life of individuals in the community. This is a results of the non-compliance with environmental sustainability provisions in the Public Procurement in Ghana. This has encouraged firms to design products which are not environmentally-friendly (Asante, 2009; Kusi et al, 2014). Despite this colossal environmental structure in Ghana, there is still proof of inadequate ecological awareness among partners in Metropolitan, Municipal, and District Assemblies particularly in the zones of laws managing sustainable procurement. For instance, in the physical development sector, obliteration of natural vegetation is common; in manufacturing there is unregulated waste discharge and poor storage and utilization of chemicals causing contamination and hurtful emissions; and in procurement, purchasing unfriendly ecological products just to make reference to a couple of them (Opintan-Baah et al., 2011).

According to Hope, (2017) governments around the globe have not been proactive in implementing procurement processes that promote environmental sustainability and this has resulted in destructive ecology, social and economic effects, bribery, and judgement debts on government resources. It is more alarming with governments in developing part of Africa aggressively undertaking development initiations to advance the well-being and standard of living of its citizens by procuring the services of companies without considering that their activities such as extraction of raw materials, production of product and services as well as creating employment can lead to unsustainable practices (Roos

2012). Economic Commission for Africa, (2012) clarified that in the setting of African, sustainable development is hampered by low human development and different factors, for example, absence of education and absence of suitable legitimate laws. The Public Procurement Act in Ghana is moderately novel, and limited and law implementation is exceptionally feeble in the domain of sustainable public procurement which green procurement is subset (UNEP, 2017).

Adetunji et al. (2008) unveil that public procurement processes have to a great extent been centred on cost, while the promise to ecological issues has been a demonstration of trust as opposed to a foreordained achievement (Poon et al., 2004). Also, Jaillon et al. (2009) find that the firms within the local government environment has given less consideration to ecological issues than different development needs. Thus, the negative effects on communities and social services from business operations is huge. Furthermore, there have been studies conducted to examine the effectiveness of the Public Procurement Act in Ghana, and these studies have assessed the effect of the Procurement Act in relation to financial management Sarfo, & Baah-Mintah, 2013; Kusi, et al., 2014; Osei-Tutu et al., 2010). Other studies examined the Procurement Act implementation in various sectors Ameyaw et al, 2012; Kusi et al, 2014). However, a search in the literature reveals that not much empirical studies have been done to investigate the level of Municipal and District Assemblies compliance with environmental sustainability provisions of the Public Procurement Act in the Upper West Region of Ghana. These studies were conducted to address this research gap.

1.3 Research Questions

1. What are the factors that leads to non – compliance with environmental sustainability provisions of the Public Procurement Act?
2. What is the level of compliance to the environmental sustainability provision in the Public Procurement Act?
3. What are the measures to ensure compliance to environmental sustainability provisions in the Public Procurement Act?

1.4 Aim

The aim of the study was to investigate the level of Municipal and District Assemblies compliance with environmental sustainability provisions of the Public Procurement Act in the Upper West Region of Ghana.

1.5 Specific objectives

To achieve this aim, the following objectives were set:

1. To identify the environmental sustainability provision in the Public Procurement Act;
2. To identify the factors that lead to non – compliance with environmental sustainability provisions of the Public Procurement Act; and,
3. To propose measures to ensure compliance to environmental sustainability provisions in the Public Procurement Act.

1.6 Methodology in summary

This employed mixed method approach to investigate the level of Municipal and District Assemblies compliance with environmental sustainability provisions of the Public Procurement Act in the Upper West Region of Ghana. Both primary and secondary data were employed for this study. The population of this study were drawn from the key officials of Municipal and District Assemblies in the Upper West Region of Ghana. The study employed purposive sampling techniques in soliciting data from respondents. Data for this study were collected using interview guide and questionnaires.

1.7 Significance and Justification of the Study

The significance of this study was explained in relation to practice, policy and knowledge building. In terms of practice, the findings of the research will inform procurement professionals at the national level including Public Procurement Agencies, Ministries, Department and Agencies as well as officials at the Metropolitan, Municipal and District Assemblies (MMDAs) to double their effort to remove the lapses that results in the non-compliance to the environmental sustainability provisions in the Public Procurement Act. In relation to Policy, the outcome of the study will guide policy makers at the local level to know the various reasons why the environmental sustainability provisions in the Public Procurement Act is not being adhered to. With reference to knowledge building, the study will add up to the bulk of published knowledge already available on compliance with environmental sustainability provisions of the Public Procurement Act in sub-Saharan Africa and other less developed countries. The study will specifically contribute to the limited knowledge on compliance on environmental sustainability provisions of the Public Procurement Act among Municipal and District Assemblies in Ghana. The study is intended to bridge the knowledge gap in

environmental sustainability provisions compliance of the Public Procurement Act in both public and private organizations in Ghana. Hence, the new knowledge that will be generated is expected to enrich theory building in the arena of public procurement.

A study by United Nations Environment Programme, (2017) states that Ghana has been slow in enforcing the laws on green procurement and this may have severe repercussions of the country's environment. The Ghana's Auditors General Reports in 2018 has also pinpointed out the level of impunity with regards to how Municipal and District Assemblies in the Upper West Regions flout the environmental sustainability regulations in the public procurement Act. The reports explained that local government Authorities who are responsible to oversee the sustainable development goals are achieved at the local level have failed in enforcing the environmental sustainability provisions in the law.

1.8 Composition of the Study

The study was organized into five main chapters. The first chapter introduces the study. Chapter two reviews related literature on sustainable development from the conceptual, theoretical and empirical perspectives. The third chapter offers a detailed description of the methodology of the study. It defines the study design including the case study design, study population specifying the unit of analysis, sampling technique, and procedure, research instruments. Chapter four presents the results and discussion of the findings. Chapter Five focuses on summary, conclusions, and recommendations for policy decision making and direction for future research.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter discusses the conceptual, empirical and theoretical literature relating to the study. This chapter is important because it unearths the bulk of knowledge that already exists through analysing the works of various scholars by determining the correlation between these scholarly works and as well as pinpointing the research gaps that are available in previous research.

2.2 Overview of Public Procurement

In a report of the World Bank (2013), the procedure by governments and public financed ministries, departments and agencies buy public goods, services and works to actualized public projects is termed public procurement. The World Bank explained that public procurement sums up to 15% of the global Gross domestic product (GDP) and the amount is even larger in Africa. In recent decades, the governments all over the globe are strategizing to reduce the expenditure on public goods and adopt means to ensure the judicious use of public resources. This makes public procurement a critical component of public expenditure. Sarfo (2011), explained that state procurement is an exercise adopted by agencies of government to purchase goods, services and works from external partners. This takes into account monies spent to render essential basic services to the citizens. Public procurement involves purchasing, rent out, hiring, or buying goods, manufacturing, and all types of services. It encompasses the list obligation, choosing, and offering agreements that relate to buying goods and services by the government for the wellbeing of constituents. Evolving academic evidence advocates that state procurement is becoming a medium to pursue critical public programs (Grandia &

Meehan, 2017). The World Bank (2012), explained that public procurement is intertwined with the fundamental tenants of prudent management namely improved distribution of state services, judicious resources use, and conducive atmosphere for the participation of the private sector. It is said that “the public sector in the UK spends over £150 billion a year on goods and services necessary to deliver public services” (European Commission, 2007). Kumak (2012), espoused that 70 to 80 percent of Ghana’s public expenditure entails public procurement.

In perspective on this, the Government of Ghana presented the Public Procurement Act in 2003 to bring rational into public procurement and guarantee that the country saved money by removing questionable practices. Public Procurement Act, 2003 (Act 663), additionally characterize procurement as a procedure of acquiring products, works and services at the most ideal expenditure for possession, in the correct amount and quality, at the ideal time, in the ideal spot for the immediate advantage or utilization of governments, companies, or people utilizing public financial resources.

2.3 Sustainable Public Procurement

Current writing on public procurement explained that is a requirement to evaluate tenders far from cost standards to draw on ecological and civic criteria that control the manufacturing and consumption conduct of traders (Gelderman et al, 2015; Keulemans and Van de Walle, 2017). The idea, is termed sustainable public procurement, is explained by Brammer and Walker (2011, p. 455) as “... the act of integrating a concern for broader social and environmental impacts within procurement undertaken by government or public sector bodies”. The definition recommends that the way of spending state resources on goods and services that advance sustainable procurement principles. In accordance with this thought and with the end goal of this research, the

idea is characterized as the consideration for long- term societal and ecological effects of goods while meeting the central standards of state procurement. SPP has received recognition in light of the real changes in the global corporate social responsibility (CSR) and supply chain arguments with goods usage, maintenance, and transfer are likewise evaluation (Geng and Doberstein, 2008). Additionally, the ecological facet—for the most part alluded to as green procurement—includes considering the ecological sensitivity and the managing frameworks of sellers (Geng and Doberstein, 2008; Preuss, 2007). Along these lines, suppliers are evaluated for the ecological consequence they present through the entire life cycle of their product in the procurement process (Bratt, Hallstedt, Robèrt, Broman, and Oldmark, 2013). This dimension is well known with the energy, automotive, electronics, and other related businesses that manage raw material extraction (Nagel, 2000; Wilhelm et al., 2016).

The social aspect of public procurement is additionally connected in various approaches to elevate social justice and to induce supplier exercises that advance human rights, welfare, and good working conditions for representatives (McCrudden, 2004). Despite its commitment towards advancing the interest of minority, for example, women, the handicapped, and small- and medium- scale enterprises (SMEs) (see Brammer and Walker, 2011; Patil, 2017; Walker and Brammer, 2012), the social variable is frequently hard to implement as they are for the most part not institutionalized contrasted with those of ecological nature (McCrudden, 2004; Wilhelm et al., 2016). To achieve environmental sustainability, these three dimensions' environment, social, and economic must be the main pillars of pursuing sustainable procurement. These are the element that must be mainstreamed into the procedure procurement.

2.3.1 Environment

The production of every goods or service brings environmental consequences via the life-cycle of the product beginning with mining of raw materials, the development of the product via its usage and dumping. These products are expected to be friendly with the environment in terms of its manufacturing, usage, or discard such that it will not adversely influence the environment. For instance, the adoption of the usage of energy saving lighting system as well as the prioritization of renewable energy such as solar and wind energy (Roos, 2012).

2.3.2 Social

According to Roos (2012), the activities of purchasing are characterised with social consequences, hence public procurement is effective in controlling social developments- for instance general working environments for publicly manufacture workers, easy access to public structures to disable people, work for marginalised persons, and elimination of child labour or promotion of Reasonable Trade. Again, for instance of social sustainability are goods that have been mass-produced under good environments and fairly traded.

2.3.3 Economic

By financial aspects it covers the expert purchase including use costs, for example, power and water utilization, support consumptions and transfer costs toward the part of the bargain. Once more, supportability in financial matters guarantees that there is a monetary advantage both to the network from which the item was made and to that wherein it was sold (Roos, 2012).

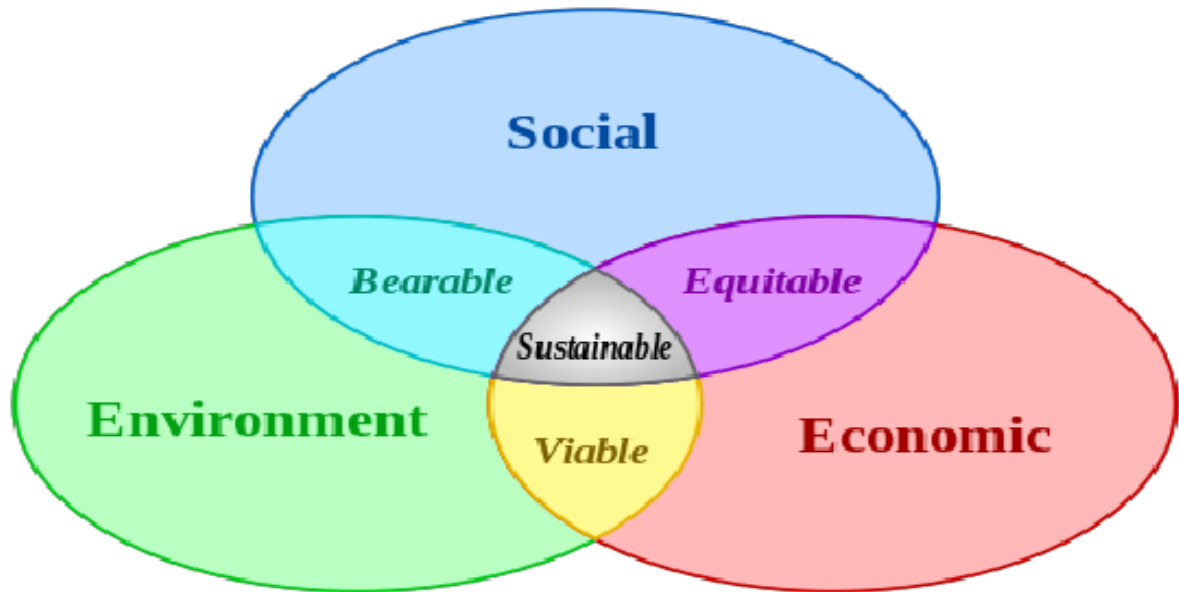


Figure 2.1 The Three Tenants of Sustainable Procurement

2.4 Approaches to Environmental Sustainable Public Procurement

Sustainable Public Procurement (SSP) has several entry points which can be grouped as the formulation and actualization of national SPP policies, inaugurating SPP in a public procuring entity, coordinating sustainability consideration through the procurement procedure; and guaranteeing abilities, practices and systems that ought to be set up to empower the effective execution of SPP. Base on the objective, various approaches are required. In reality, an all-encompassing approach should to be pursued resolving to all levels so as to adjust to the institution objectives and practices with national development destinations. Some great practices are briefly sketched out underneath.

United Nation Environmental Program's(UNEP) SPP Approach assist the formulation and execution of national SPP strategies and comprises of three foundation blocks: Assessment phase: Status assessment (online questionnaire); identification of policy priorities; review of the legislative framework to analyse the possibilities for integrating social and environmental criteria into procurement activities; market readiness analysis

to identify the potential responsiveness of the market to SPP tenders. Strategic planning phase: Development of a national SPP policy including priorities, capacity building and training. Implementation: Implementation in priority sectors/pilots; Market engagement; Procurement Cycle Management.

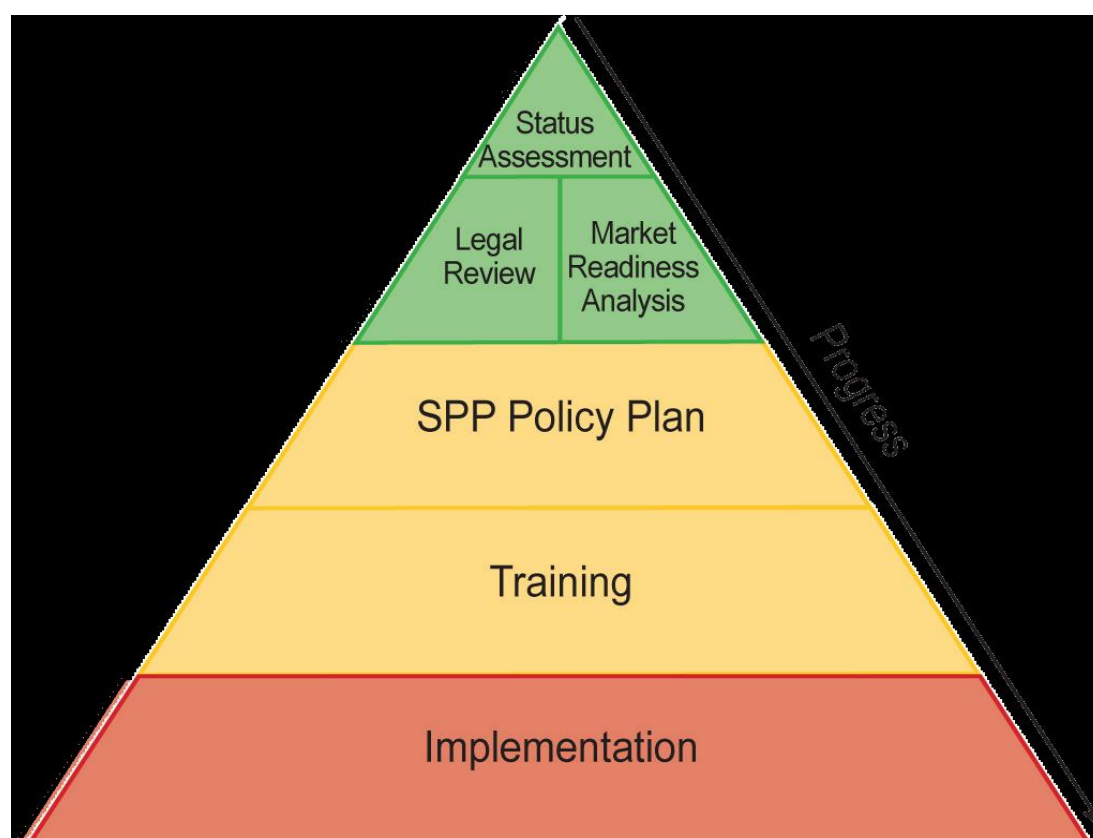


Figure 2.2 UNEP's SPP Approach

Adopted from Roos, (2012).

2.5 Developing Countries and Sustainable Procurement

The OECD-DAC Task Force on Procurement which involves delegates of creating nations and multilateral and respective development agencies worries in its ongoing announcement on Strong Procurement Systems for Effective States ("Cusco Declaration") that proficient and powerful public procurement is a central part of good administration, a key driver of financial development and improvement. It additionally perceives that most creating nations have occupied with acquirement changes, with certain nations gaining critical ground and others exhibiting a guarantee to improve their

acquisition frameworks. An increasingly itemized examination demonstrates that nations for the most part begin their procurement change process with legitimate and administrative change including supporting devices and reports, foundation of establishments, preparing of authorities, and activities to guarantee straightforwardness and access to data just as observing consistence, supposed "original changes". SPP plainly has a place with "second era changes" which go past the essential structures whereupon a framework depends, frequently including the utilization of innovation to improve productivity and viability, centre around execution estimation and the executives and on endeavours to convey to partners the commitment of acquirement to the accomplishment of government's needs. Until this point in time, just couple of creating nations have left on national SPP policies, albeit numerous nations are doing this somewhat through endeavours to create expanded contact to the marketplace or by thinking about ecological standards in some individual purchase exchanges. Despite the fact that it is too soon to draw exercises adapted, a few open doors are rising that could lead the route forward:

- UNEP at present evaluates the effects of SPP. This examination incorporates contextual investigations from created and creating nations and proof gave could be utilized to build mindfulness, responsibility and a superior comprehension of the "how to" and the "why" of SPP.
- Plans and tools planned for fortifying open acquisition frameworks all in all and projects supporting SPP could be better adjusted to be commonly strengthening. The incorporation of maintainability criteria ought to turn out to be great practice.
- Given the significance of multilateral and two-sided benefactors in open acquirement change forms, it ought to be additionally investigated how contributors could bolster SPP in creating nations.

2.6 Overview Sustainable Procurement in Ghana

Ghana joined MTF as part which is driven by the Switzerland in August 2010 to progress SPP in its procurement practices with the MTF framework (PPA, 2017). Since joining the MTF, Ghana has benefitted from a US\$2.7 million improvement help from the Swiss Government to energize its operations on this venture. In such way, numerous sensitisation and preparing activities have been sought after, bringing about the sectional revision of the Public Procurement Act 2003 (Act 663). This requests the Public Procurement Amendment Act 2016 (Act 914) to respond to the contemporary sustainability dialog of open acquisition and to address existing obstructions in the training. The Public Procurement Authority (PPA) and its Board (PPB) are accountable for spreading out the major institutional and definitive plans, systems for offering, observing consistence, and helping the capacity building of the in excess of 1,600 officers to whom the procurement capacity has been decentralized by the local government.

PPA has in this way set up a Ghana team on SPP from a multi partner agency, which was out-doored in December 2010. The group is accountable for helping the PPA to distinguish zones of need and sustainable benchmarks for execution in public procurement (UNEP, 2011). The agency is made out of individuals from exchange and industry, civil society, principles assessment bodies, engineers, government organizations, private organizations, and the scholarly community. Despite these activities, sustainable standards in the statement procurement exercise still appears to be casual in Ghana following 8 years of MTF support.

2.7 Environmental Sustainability and Local Government in Ghana

Ghana has other laws, regulations, policies that have been enacted to promote environmental sustainability and to ensure green procurement. Specifically, the Public Procurement Act 2003 (633) was amended into Public Procurement Amendment Act 914 in 2016 to integrate environmental and social consideration in public procurement. As such, the recent Public Procurement Act 2016 (Act 914) has elements of the idea of sustainable procurement which is part of government strategy to align all its procurement development programs, policies to the Sustainable Development Goals (SDGs). This is to ensure that the government conform to the international protocol mainstreaming sustainable development into development concern. The Public Procurement Authority (PPA) of Ghana has been organizing sensitization programs on new strategies, for example, the structural arrangements and maintainable public procurement activities; and as part of this awareness program the Public Procurement Authority has set up two zonal workplaces in Kumasi and Takoradi to offer guidance to agencies far from the National City.

In recent decades, there have been unprecedented destruction of the environment and this has prompted authorities to pay attention and increase public awareness of the environmental concerns in the field of procurement. The implementation of these educational programs over the years have radically expanded the public attention to ecological issues. This was made possible through the creation of a number of district assemblies, allocation of power, wealth and obligations from the national to the local level, initiating sensitization among the populace, physical growth with help from the District Assemblies Common Fund and expanded coordinated effort between the local and the development partners. These foundational have been laid over the years to ensure the grassroots are always part of the development process. The Metropolitan, Municipal

and District Assemblies are the effective conduit to pursue environmental sustainable policies of the government because they have the capacity to reach the masses at the local level.

The District Planning officer is delegated to integrate environmental friendly concerns into the Medium Term Development Plan which has a 4-year lifecycle reliant on accessible funds and the time duration for the programs. The Environmental Management Committee counter rapidly to reports on accusations of activities that harm the environment. Agyekwena (2010) expounded that the assistance of the Police Force in most cases required to re-establish law and order on environmental issues in the communities where need be. Such reports are gathered to permit the district to discuss and adopt suitable action. Agyekwena (2010), states that some members of the District Environmental Management team are the National Disaster Management Committee (NADMO), the Environmental Health and Sanitation Unit, District Community Development Officer, the Ghana Education Service (GES), the Department of Social Welfare, the Gender Desk office, the representatives of traditional rulers and the Town and Country Planning most of whom already have primary information about the environment and are given further training. The Community Environmental Management Committees are set up and undertake preparation under the Ghana Environmental Management Project (GEMP) which was initiated in 2008 and funded by the Canadian International Development Agency (CIDA).

Globally, there have been a rising call to promote sustainability (Bryde, 2011) pressure is growing on the government, companies and expectations are rapidly increasing for a more efficient and more sustainable means of providing goods, services and works across all sectors of the society as well as meeting official requirements (Grönroos, 2006; Walker and Brammer, 2011; Bryde and Meehan, 2010). It is presently a custom that

paying little respect to whether district, region or national, all accomplices from labourers and financial specialists to natives and administrative agencies are mentioning quality and fruitful procurement procedures and system which can be practical (Kalubanga, 2012). Ghana has likewise bought into the worldwide call with making arrangements on natural manageability as well as giving refinement projects to open associations, obtainment officials and acquirement board from national, nearby, local levels require re-plan of delicate reports, preparing proficient of acquisition and political help on supportable acquirement. Government is showing a drive to grasp sound tasks and techniques of practical approaches that will achieve more accomplishment in achieving maintainability in obtainment (Alliance for Development, 2014). Blome et al. (2013) clarified that both top organization backing and institution's market results prompts the acknowledgment of green acquisition. From the neighbourhood get-together's level, thoughtfulness regarding green acquirement is incredibly low anyway there are a couple of exercises from the focal government in making the nature with green condition through open acquisition. To lessen reputational harm and social hazard in inventory network, maintainable acquisition is progressively significant at this zone.

The UNDP Practice Series (2008) on environmental friendly (sustainable procurement) is aimed at integrating series of protections and checks in process of procurement that will help with guarding against the accidental breaches: work rights, negative environmental effects, supporting local enterprise, poverty reduction and governance however, conventional procurement generally centres around cost contemplations. The objective and problems of green purchasing globally is to incorporate ecological and societal issues into the procedure of purchasing with the objective of decreasing unfavourable effects well-being, societal conditions and the ecology. This will help the community and organization saving cost. Ghana has made the first effort in

acknowledging and inserting the environmental provisions in the public procurement acts. This move is expected to inform the decisions of development at national, local, and grassroots level. Environmental sustainability and social considerations is critical for government overall agenda to achieve the sustainable development goals.

2.8 Laws, Provisions, and Regulations of Environmental Sustainable Procurement at the District Level

In Ghana there are various systems, laws and rules that relate to the natural administration. There is explicit arrangement or laws explicitly on economical acquirement in Ghana's open acquisition law. Be that as it may, there are a few different laws and methodologies on corruption of land, water bodies, and creature protection among others which are related to economical acquisition and natural manageability by practices. The stress over land and environmental corruption has been imparted since the early long stretches of the twentieth century, noticeably since the 1930s (Agyepong, 1987; Benneh et al., 1990). Laws to guarantee the security of certain part of the land were set up in the early extensive stretches of the century. For instance, in 1901, the Wild Animals Preservation Ordinance was passed, following by the Rivers Ordinance in 1903. Backwoods reservation was begun in 1907, sought after a year by the foundation of the Forestry Department. The Mining Rights Regulations Ordinance was introduced in 1925.

Genuine debasement issues in the northern savannahs brought about the foundation of land arranging and soil disintegration measures in those zones. These displayed conservational practice in the usage of farming area, water, and brushing assets. The arranging and execution saw the consideration of the Departments of Agriculture and Forestry and the individuals at the neighbourhood level. The Land Planning and Soil Erosion Ordinance was passed in 1953, and altered in 1957, set up a perpetual sheets of

trustees of the areas doled out for arranging (Benneh, 1985). Ghana is the essential the main African country to make AKOBEN, an ecological presentation score and exposure activity of contamination by the Environmental Protection Agency (EPA), which offers access to information on the release of mining and other waste into regular habitat (Darko-Mensah and Okereke, 2013). The association in charge of verifying the earth in Ghana is the Environmental Protection Agency which was called Environmental Protection Council (EPC) at that point. The Environmental Protection Council (EPC) was set up as an open association with oversight obligation for indigenous habitat in 1974 through the National Redemption Council Decree, number 239 (NRCD 239) in Ghana.

Fragment 2 of the arrangements required notwithstanding different things, the Environmental Protection Council to ensure the acknowledgment of fitting security in the arranging and execution of all advancement tasks and projects including those that as of now exist are most likely going to meddle with the nature of the idea of the earth (Yeboah and Mensah, 2014). The enactment of the Environmental Protection Agency Act, 1994 (Act 490) was to make a corporate body called the Environmental Protection Agency (EPA) which replaced the EPC. This office has been in nearness and accountable for condition and environmental issues in Ghana to date. Among its obligations, the EPA was requested to "guarantee consistence with any set down natural appraisal systems in the arranging and execution of improvement ventures, incorporating consistence in regard of existing activities." As shown by the Environmental Protection Agency, there are Environmental Policy, Sustainable Development Policy and General Legislative Framework. The natural effects of the Structural Adjustment Program (SAP) and Economic Recovery Program (ERP) in the mid-1980s in Ghana prompted the improvement of the Ghana Environmental Action Plan (EAP), a lot of approach

activities, related ventures and institutional reinforcing exercises to make Ghana's advancement procedure all the more ecologically supportable.

The rising issues of the natural troubles has gotten unmistakable quality and its impact on the budget and the public have impelled Ghana to have second point of view on the state purchases structure as a monetary tool in dealing with the earth, society and the economy. The Public Procurement Authority in its command to assemble a proficient and proactive structure that the nation will accumulate a great deal of advantage from practicing sustainability issues in the Ghana's state procurement. These tries to determine ecological, social and financial impact of open acquirement exercises in Ghana (Public Procurement Amendment 2016, Act 914). The activity is to help the administration of Ghana in its exertion and obligation to accomplish the feasible advancement. Ghana's improvement pathways are that apply weight the regular habitat. The weight on Ghana's biological and eco-frameworks are colossal and subsequently the need to embrace appropriate intercessions to advance the ecological supportability and furthermore secure assets for who and what is to come.

2.9 Benefits of maintaining environmental Sustainability

According to Adjei (2010) the government the bigger but how and what the government purchase and procure in relations to product, service and projects led meaningfully to capacity to deliver sustainable development and to its sincerity with development partners. Public procurement undertaken clearly on the basis of cost considerations determines unsustainable economy, since the cost of ownership will far outshine the real cost. The control of what is manufactured and how it is manufactured is in the hands of the buyer.

Government regulate environmental sustainability procurement for every product, service or work it buyers from these companies. This means that every government

purchase means government is endorsing the company that manufactured it. Hence, government being the largest buyer can rely on this strength to control and promote environmental sustainability procurement at the national, regional and more effectively at the local level (Adjei 2010). The purchase of products from companies that degrade environment via their operations as well as companies that are involved in unsustainable activities means, the government supports and encourage them. The purchasing power of government should be used as a tool to promote companies that undertake environmentally responsible production. The consideration of sustainability concerns by government is the only means it can be assured of tangible value for money over the long time without undermining ecological and social duties. This would influence to achieve the production, goods and services without much destruction to people and the environment.

2.10 Challenges of implementing the environmental friendly procurement

Compliance to sustainable procurement as a policy and regulation has been challenging at the global, national, regional level and it will be more difficult to implement at the local level in developing countries. The acceptance and adoption of sustainable procurement means that one cannot underestimate the likelihood that there is some level of resistance by organization and entities to adhere to the provisions which can firmly impact the level of obedience of the environment considerations in the procurement laws of a country. This is particularly evident when a public agency seeks environmental by utilizing different various instruments or legislations that are unequivocally synergetic with ecological purchasing standard. The delivery aspect of the purchasing transactions plays a pivotal job in accessibility of reasonably delivered products and goods in that their activities and conduct are likely to breach environmental regulations. But the

responsibility lies within the preview of the receiving public agency to scrutinize and identify sustainable sources of supply and this can be very challenging (Lysons and Farrington, 2012). Challenges to executing and ensuring adherence to sustainable buying policy comprise: absence of ecological responsive product; costly or low ecological choices; incorrect research; absence of institutional assistance; and wrong or unproven ecological reports by producers and sellers. Law, administrative policies, directions, ecological administration structures or multi-lateral contracts usually need institutions to execute an ecological purchase policy (Mather, 2010).

It has been agreed among researchers that financial resources can place a firm on the spotlight of stakeholder. Furthermore, huge financial resources of an organization are also considered as the organizations weakness (Sharma, 2000; Bowen, 2000). Again, organizations with huge financial resources could have spotlight which can results to pressure from stakeholders. Stakeholders from outside the organization have the impression that firms with excess financial resources will be unlikely to adhere to environmental friendly procurement because they have the excess capacity to contest in every legal litigation specially on the supply side (Menguc et al., 2010). There is the high possibility that suppliers will resist or accept to comply with environmental friendly compliance. To keep away from conflict sellers might be obligated to give evidence of their pledge to protect the natural environment. This may appear as proclamations as mechanism instituted to minimize their effect on atmosphere, or to exhibit that there is no flouting of any legal provisions identifying with environmental sustainability (Saunders, 1997). Walker and Brammer (2009) demonstrated that the primary issue constraining acceptance of environmental friendly state procurement is challenge in contacting with sellers. Majority of environmental friendly public Procurement activities were observed to be disadvantaged by reluctance of sellers to coordinate (Lysons and

Farrington, 2012). The reluctance may be attributed to a several of factors comprising worries due to delicate data, bad seller activities, and asset problems. Bjorklund (2011) espoused that the degree through which assistance offered to green acquisition at top place levels in a firm and how much institutional procedures and structures bolster impede the advancement of practical manageable procurement. Top administration backing is basic to the achievement of an effectively sustainable procurement policy or failure of it. Bjorklund (2011) stated that importance environmental sustainable procurement among the administrative officials are significant drivers in the ecological acquisition. Inadequate assistance for staffs are regularly reluctant or incapable to track after environmental sustainable purchase activities (Ashenbaum, 2008). Ashenbaum (2008) referenced that as a rule, sustainable procurement is viewed as not genuine or fundamental activities for top administration or organization to resolve as the vital regulations are regularly observed as an extra cost with minimal advantage to the business.

The alternative element which poses as constraints to the level of compliance to environmental sustainable procurement exercise can be observe from the absence of well knowledgeable workforce to actualize sustainable purchasing programs. A large number of professionals, procurement sustainability laws are definitely not expressly clear and in many case their understanding is abstract. Along these lines, awareness with the principles by both purchasers and traders can impact the opportunity that public agents will agree to the laws. This creates the thought that there is a connection between similarity with the sustainable laws and its adherence. Scholars such as Bouwer et al. (2006) pointed out that working and additionally data instruments are crucial in building up ecological standards in state procurement while Walker and Brammer (2009) also notice absence of data about the genuine natural effects of the items, trouble in the

readiness of call for tenders what's more, buying, and absence of rules. Others like Bouwer et al. (2006) explained that data are crucial in instituting ecological standards in state procurement while Walker & Brammer (2009) also state inadequate data concerning the actual ecological effects of the goods, challenges in the publicising tenders and buying, and lack of guiding principle.

Gattiker et al. (2008) additionally explained absence of a simple description and assessment standards for green, sustainable and environmental friendly procurement as a boundary. Absence of comprehension of how to integrate ecological elements into purchasing: Cooper et al. (2000) attested that, a research state that professional of procurement are uncertain of ways to integrate ecological variables in their purchasing. Regarding social sustainable purchasing, it has been seen that: Notwithstanding the perceive importance of corporate social responsibility, various buying directors do not realize how to solidly and efficiently incorporate social and ecological concerns into procurement choices. Officers managing procurement possess limited expertise on procurement (Maignan et al., 2002).

Though, different scholars published proposals regarding how these difficulties can redress to ensuring compliance to environmental friendly and sustainable compliance, chief amongst these are Bouwer et al. (2006) explained that knowledge and skill in sustainability issues is vital to effective compliance enforcement and acceptance of sustainable procurement in the public space. Appropriately, authoritative researchers explained that the institutional perspective on legality (Sharma, 2000), recommend that greater monetary power will advance distribution aspect of ecological activities such as sustainable procurement (Shittu and Bake, 2010). Besides, expenditure progress activities are seriously unclear than fundamentals of environmental procurement expenditure. The expenses of capacity building have been prescribed by numerous

scholars as a powerful therapy against the absence environmental education (Carter and Dresner, 2001). In a research by Bouwer et al. (2006) confirmed expanded expenditure on sustainable goods juxtaposed with those not ecologically friendly as obstruction to acceptance and compliance with sustainability regulations.

In summary, there are entire part of difficulties confronting compliance procuring sustainably is largely attributed to non-availability of professional to the absence support from the state and the responsibility is the state to pioneer the process of achieving sustainable development, notwithstanding, minimal assistance is needed in the aspect of funding, and the promulgation of laws to facilitate mainstream ecological sustainable consideration into local government dealings (Ayarkwa et al., 2010) and the present sustainable procurement in the Public Procurement Amended Act 2016, the gravity of the difficulties on compliance on green procurement are critical to the rate environmental is degrading in Ghana. These difficulties are key to this research.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

The methodology of this study is discussed in this chapter. The research approach utilized in the study is presented here. The section further captured the study design, study population as well as the sample size. The sampling techniques, instruments of data collection, sources of data, data management and analysis and justification; ethical concerns were elaborated in this chapter.

3.2 Research approach

The critical purpose of the research approach is to improve the capacity of the researcher to acquire empirical evidence to support in deducing logical conclusion and to answer the research questions in order to address the research objectives. With the three research approaches to data collection, qualitative, quantitative and mixed method. This study adopted a mixed method approach which comprises of qualitative and a quantitative method. This approach to research used the integration of qualitative and quantitative data to give a better explanation to a research problem (Kothari, 2004). The mixed method approach provides the researcher degree and in-depth understanding and validation whereas equalising the flaws inherent in employing each approach. The benefit of adapting mixed method research is the opportunity for triangulation that is using different methods and data sources to investigate the same phenomenon. The qualitative strategic is appropriate for the study because it draws together people's knowledge, priorities and contemporary understanding of a particular phenomenon (Yin, 2013). In pursuance of achieving the research objective of investigating the level of compliance of environmental sustainability provisions of the public procurement act,

there is the urgent necessity to seek a deeper understanding of real life involvements of local Administrative actors in the Upper West Region of Ghana. The qualitative aspect of the mixed method makes it possible to seek the experiences and understanding of the officials of Municipal and District Assemblies especially the tender committees, evaluation panel members, and tender review board. The quantitative data also permit the use of statistical scores to measure the responses of respondents in order to answer the research questions.

3.3 Research Design

Research design is the technique, strategies, methods and appropriate tools employed by a researcher in gathering data to properly answer the research questions. The research design involves an intersection of philosophy, strategies of inquiry and specific methods (Creswell, 2009). A research design as an activity based and time based strategy which outline procedures and processes of carrying out an empirical study with the aim of scientifically collecting and analysing data on the study on the variables in order to answer the research questions (Erbynn 2007). For the purpose of this study, a descriptive survey design was used. Best and Khan (1998) explained that descriptive research as the relationships that exist, such as determining the nature of prevailing conditions, practices and attitudes; opinions that are held; processes that are going on; and/or trends that are developed. The purpose of adopting descriptive survey design is to describe and explain the characteristics of population or phenomenon under study.

Ahuja (2001) explained that descriptive research design offers an acumen and flexibility that allow the consideration of numerous diverse facets of a phenomenon. Descriptive design permits the in-depth interviews and the use of questionnaires to gather data from various respondents in the assemblies and from other stakeholders. Respondents were

drawn from the entities tender committees, evaluation panel members, tender review board, and procurement officers.

3.4 Sources of Data

Both primary and secondary data were employed for this study. Primary data was collected from key respondents through in-depth interviews using interview guide and questionnaires. The primary data represented the real life and professional experience of staff of Municipal and District Assemblies in the Upper West Region. Secondary data were gathered from District Medium Term Development Plans, District Annual Action Plans, and spending plans, entity tender committee reports and in addition to monitoring reports. The blend of these data sources gave enough credibility and validity to the work and empowered the researcher to interrogate every data or information assembled all through the study on the compliance of environmental sustainability provisions in the public procurement act. Such cross-checking was to build the reliability of findings. To ensure the credibility of data, secondary data were compared with primary data from field interview to examine consistency and disparity of existing data.

3.5 Study Population

The population of this study was drawn from the key officials of Municipal and District Assemblies in the Upper West Region of Ghana. These respondents include entities tender committees, evaluation panel members, procurement officers tender review board, Environmental Protection Agency (EPA) and supplier/contractors. These respondents were chosen because they involved in all procurement process within the Municipal and District Assembly in the Upper West Region. These category of respondents have the

requisite knowledge and understanding of the processes and environmental sustainability issues.

3.6 Sampling technique

Kothari (2004), contend that sample design refers to the technique or the procedure the researcher would employ in choosing respondents for the sample. Sampling design embodies the processes and technique engaged by a researcher in choosing participants and respondents in order to answer the research questions. According to Neuman (2014), stated that the reason for sampling is to scrutinize smaller case in detail and use the knowledge obtained from it to comprehend larger set of cases. Purposive sampling technique was employed for the study and simple random technique. Purposive sampling technique was employed to select officials who are knowledgeable on sustainable public and environmental sustainability compliance in the various municipal and district Assemblies in the Upper West Region. These include respondents from entities tender committees, evaluation panel members, procurement officers, tender review board, Environmental Protection Agency (EPA), consultants and supplier/contractors. Purposive sampling is appropriate because selected respondents have in-depth knowledge, experience, and understand the processes of procurement and the environmental sustainability provisions in the procurement Act. Simple Random sampling technique was adopted to select six (6) Municipal and District Assembly (Wa Municipal, Lawra Municipal, Tumu Municipal Assembly, Nandom District Assembly, Jirapa Assembly and Wa West Assembly) among the eleven (11) assemblies in the region.

3.7 Sampling Size

A sample size of 90 respondents were selected for the study through purposive sampling and simple random sampling was adopted to select the Municipal and District Assemblies. The 90 was derived as follows; at each Municipal and District Assembly 4 was selected from entity review committee, 4 evaluation panel members, 2 procurement officer, 4 tender review board members and 1 officer from the Environmental Protection Agency. In all 15 respondents each were selected from the six (6) Municipal and District Assembly in the Upper West Region making a total of (15×6) 90 respondents. The researcher issued out 90 questionnaires that is 15 each for Municipal and District Assembly. Out of the 90, 30 respondents were interviewed using the interview guide whiles the entire 90 participants were administered with questionnaires. Sampling distribution is as follows: 6 respondents were selected each from the Municipal and District Assemblies to take part in the in-depth interviews.

3.8 Instruments of Data collection

The main instruments employed to obtain data for the study were questionnaire and interview guide developed by the researcher. In the case of the questionnaire, both open-ended and close-ended questions were used to gather information from respondent's questions. This helped the respondents to express their views. The interview guide was also used to solicit information from respondents.

In-depth Interview

An in-depth interview is a qualitative research technique that involves the researcher to undertake an intense conversation aimed at obtaining information from respondents on a particular idea, program or situation (Boyce & Neale, 2006). As contended by Babbie

(2013), in-depth interviews are exceptionally fitting when researchers intend avoiding leading a situation. This instrument was utilized owing to the adaptability it offers in primary data gathering from respondents in municipal and district assemblies in the Upper West Region since not all questions were written early ahead of time and it enables the larger part of the questions to be asked during the interview period. In-depth Interviews were conducted with municipal and district assembly staff, and heads of decentralized departments in Upper West Region to collate their experiences, knowledge, and thoughts on the level of compliance of environmental sustainability provisions of the public procurement act. The in-depth interviews were utilized in light of the fact that they provided the researcher the platform to look for the perspectives and experiences of key informants who comprehend the dynamics of the municipal and district assembly structure and in addition to the functions of other vital cooperative agencies in investigating of the level of compliance of local authorities to the environmental sustainability provisions.

Questionnaire

Brehon (2001) is explained questionnaires as “a form that people fill out, used to obtain demographic information and views and interests of those questioned”. The researcher adopted questionnaire into the minds of respondents to elicit their views of the level of compliance of environmental sustainability provisions in the Public Procurement Act. The significant of employing the questionnaire is to deliver a quantifiable data to provide a vivid explanation of the phenomenon under study.

3.9 Data management and Analysis

The quantitative data was analysed using Statistical Package for Social Sciences (SPSS) as well as Microsoft Excel. This software was adopted because it provides the

opportunity for word processing and the analysis of data as well as presentation of data in a pictorial form. Data obtained from the questionnaires and other sources of information was analysed using tables, bar charts and charts. Each question on the questionnaire was considered as separate from the others and analysed independently. The data obtained through interview guide was analysed using the content analyses approach. Data collected from the in-depth interviews was transcribed and typed using word processing program. The transcriptions were categorized into themes, which were guided by the study objectives, and tables were drawn for each participant and the exact expressions without distortions or exaggerations. During the analysis process, direct quotations from respondents were occasionally used to show how important a respondents' view is to the study. Basically, qualitative data were analysed using thematic content analysis approach.

3.10 Ethical Consideration

The researcher took an introductory letter from the school which was presented to respondents even before introducing himself to them. The permission of participants was required before commencement of the study and the researcher explained the research objective to them and create their attention that the study is only for academic purpose.

All respondents were made to understand the purpose of the study and that the purpose is solely academic. Assurance was given to the respondents with regards to the confidentiality of the information to be collected and they were also made to know that the information gathered were to be used solely for the study and has no consequence on them whatsoever. In a nutshell, the researcher considered the issue of informed consent, confidentiality and anonymity. In the course of discussion, the direct identity of respondents was not disclosed.

CHAPTER FOUR

DATA PRESENTATION AND DISCUSSION OF FINDINGS

4.1 Introduction

This chapter of the study provides comprehensive presentation and discussions of data on investigating the level of Municipal and District Assemblies compliance with environmental sustainability provisions of the Public Procurement Act in the Upper West Region of Ghana. The chapter is structured in line with the research objectives and it is therefore analysed as follows; identify the environmental sustainability provision in the Public Procurement Act, identify the factors that leads to non – compliance with environmental sustainability provisions of the Public Procurement Act and propose measures to ensure compliance to environmental sustainability provisions in the Public Procurement Act.

4.2 Identify the environmental sustainability provision in the Public Procurement Act

All respondents admitted positively to the existence of the Public Procurement Act 2016(914). In a survey with the respondents in all the six Municipal and District Assembly, they indicated that the environmental sustainability provisions are not in detail to provide guidelines for the effective evaluation of tenders. This is illustrated in figure 4.1

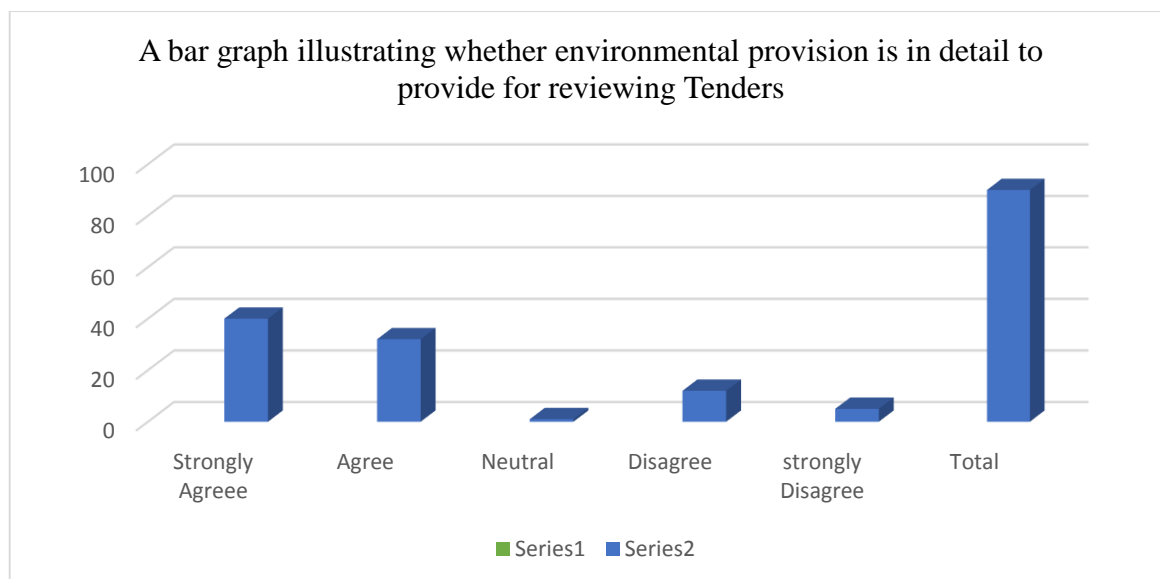


Fig. 4.1: Respondents view on the detail nature of the Public Procurement Act, 2016(914)

Source: Fieldwork, 2019

From a sample of 90 respondents, a total of 40 strongly agreed that the environmental sustainability provisions in the public procurement act is not detailed to provide specific guideline for evaluation of tenders whilst another 32 agreed to such claims, however, 12 disagreed whilst another 5 strongly disagreed but 1 respondent remained neutral. Deducing from the above data, respondents are of the view that the current environmental sustainability provisions in the public procurement act do not provide a series of specific guidelines for assessing and evaluating tenders by officials of the Municipal and District Assembly. Respondents added that the law made a generic statement that public procurement should be carried out with environmental consideration which is difficult to implement.

The study revealed that the act has stated that public institutions through their procurement unit must ensure that tenders are evaluated in the lenses of environmental and socially manner, it is rarely enforced. The study found out through the responses of the tender evaluation board members and procurement officers of the selected Municipal

and District Assemblies that not all procurement decisions have considered this environmental consideration with their awareness of the existence of the act especially section 2 of Public Procurement Act 2016(914). This section states that public institutions must ensure that “Public Procurement is carried out in an environmental and socially sustainable manner”. Respondents further asserted that the act was enacted to ensure that public procurements are carried out in an environmentally friendly manner in the quest to achieve the Sustainable Development Goals but much attention has not been given in the area of enforcement.

A Procurement Officer stated that:

“Well, the objective of the act is promoting environmental sustainability or environmental friendliness in the procurement process. But the issue is we hardly consider the environmental considerations in all the procurement decisions. Some of the procurement activities carried out in my Assembly have not all the time consider environmental friendly issues. It is often on minor procurement activities that we are usually strict on enforcing the environmental sustainability provisions”

A member of the Tender Review committee corroborated this statement by stating that:

“Environmental consideration is key in order to protect the environment. We hardly apply the act strictly on all the procurement review we undertake at the Assemblies. I think it is because we consider value for money instead of the environment”

A careful analysis of the data collected revealed that, the Tender Review Committee, Tender Evaluation Board and other officers at the district level who are mandated to ensure that the environmental provision is adhered to explained that, the law is only enforced when minor procurement activities of the Assembly is carried out. Findings of

the study indicate further that environmental sustainability provisions are only considered when procurement reviews and evaluations are being made when electrical appliances are being purchased. Again, it was revealed that procurement processes that are carried out on electronic gadgets consider whether they are bio-diversity, eco-labels usage and efficient.

A respondent underscore this point that;

“When the Assembly is making purchases for electrical appliances, we look out for energy efficient equipment and we make sure appliances have a reasonable carbon emission. For example, in procuring air conditioners we consider 3-5 stars. We are very strict on this and we consider energy efficient appliances”

The findings from this study drive home a similar observation by Bryde, & Meehan, (2011) who noted that sustainable public procurement is targeted at making environmental friendly procurement so as to safeguard the environment. They added largely that the laws on green procurement can only be effective when institutions mandated to enforce these acts in the interest of the state apply the law. According to Appiah, Abubakari, & Offei, (2014), the integration of environmental considerations in the process of public procurement have often been overlooked by sub-national authorities since more attention is paid to the financial impact of procurement. The governance approach to sustainable procurement must ensure that authorities give strict criteria for review of tenders such that all tenders go through environmental friendly screening (Adjei, 2010). The findings from this study corroborates a similar observation by Roos, (2012) who revealed that there are not guidelines for ensuring the sustainable procurement laws are followed to the latter. Mandated institutions apply it at their own discretion.

4.3 Compliance with environmental sustainability provisions of the Public

Procurement Act

The second objective sought to ascertain the factors that contribute to the non-compliance to the environmental sustainability provisions in the public procurement Act. A survey was conducted to know whether the non-compliance with the laws was on the basis of inadequate knowledge of the benefit of the environmental sustainability provisions to ensuring sustainable procurement. This is illustrated in figure 4.2

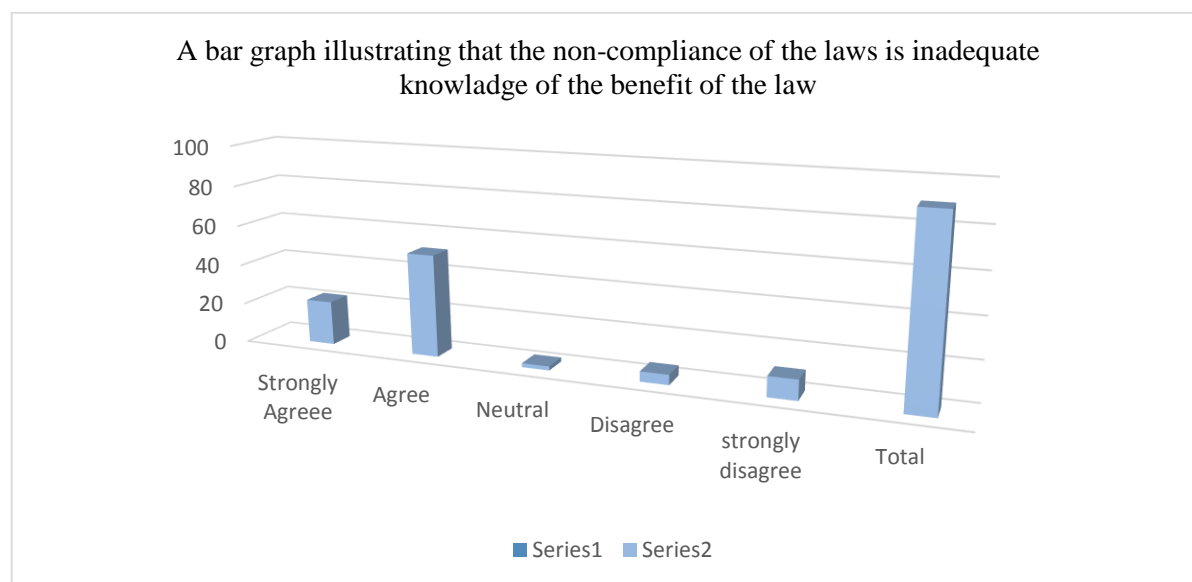


Fig. 4.2: Respondents view on the significance of the environmental sustainability provisions

Source: Fieldwork, 2019

From a sample of 90 respondents, a total of 22 strongly agreed that the environmental sustainability provisions in the public procurement act will have significant benefit to the state whilst another 51 agreed to such claims, however, 5 disagreed whilst another 10 strongly disagreed but 2 respondent remained neutral. A careful analysis of the above

data show that the officers implementing these laws do not firmly believe the law will have a positive impact on the life the people and the environment.

To achieve the purpose for which the public procurement Act was amended to include environmental sustainability provisions, there should be strict enforcement and compliance of the provisions. Findings of the study shows the officials in charge of ensuring compliance which comprises of these members: entities tender committees, evaluation panel members, procurement officers, tender review board, Environmental Protection Agency (EPA) have not been proactive in enforcing the laws because they are committed to sustainability issues. It was also discovered that the officers see environmental provisions in the public procurement act as a trivial issue. These account for the main reasons for the weak enforcement of the law on environmental sustainability in the public procurement act. Data from the findings revealed that there is no strict enforcement of the provisions. As such, organizations and institutions undertaking duties for the district assembly in the areas of procurement fail to consider environmental issues in their activities. There is largely non-compliance to the environmental provisions in public procurement Act in the local level. Findings of the study discovered that this situation transcend throughout the six Municipal and District Assemblies respondents were selected. The tender review committee and tender evaluation board members admitted they fail to review tenders through the environmental sustainability lenses.

A member of the Tender Review Committee had this to say:

“There is no adherence to the laws because of weak enforcement. Generally, we don’t enforce the environmental issues in the procurement process. Maybe I think it is because we have not considered it as important”

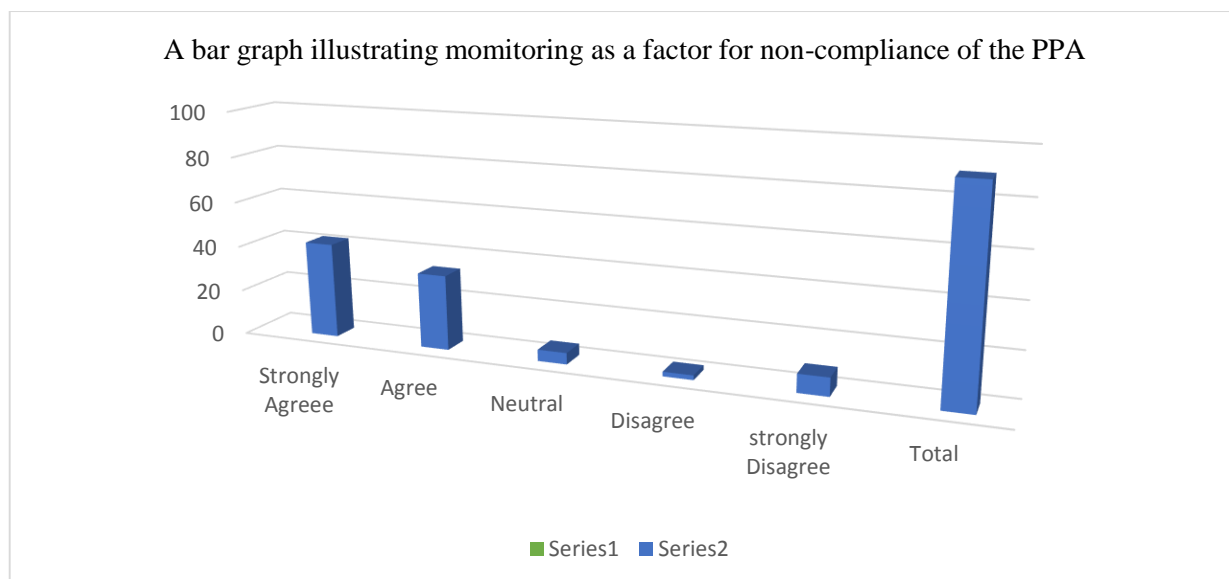


Fig. 4.3: Respondents view on monitoring as a reason for non-compliance of the environmental provisions of the PPA

Source: Fieldwork, 2019

From a sample of 90 respondents, a total of 42 strongly agreed that weak monitoring is a factor for the non-adherence to the environmental sustainability provisions in the public procurement act whilst another 33 agreed to such claims, however, 2 disagreed whilst another 8 strongly disagreed but 5 respondent remained neutral. The study further revealed that the few procurement tenders that has gone through environmental sustainability screening have not been monitored to identity whether implementing contractors, suppliers have adhered to environmental issues. There have been weak monitoring and supervision of contractors and suppliers to ensure that environmental provisions are strictly followed. Respondent agreed that the weak level of monitoring and supervision has resulted to the non-compliance of the environmental provisions in the public procurement Act. They admitted that the strict compliance would have led to the protection of the environment.

A Tender Review Board member explained that:

:" Because of financial constraints we hardly go on monitoring to ascertain what goes on in the field. We are aware that procurement has huge environmental impact that's why the act was amended to include the environmental friendly provisions but it is difficult to ensure that the law is enforced"

A respondent further added that:

"There is weak supervision on the part of the Assembly to ensure that environmental friendly procurement is done. It is in our own interest not to award contract without environmental considerations but this is not fully enforced"

According to Walker, & Brammer (2012) there are already several environmental laws within the jurisdiction of the environmental protection Agency to enforce but these laws have not been full adhered to hence there is the huge expectation that sustainable procurement may not be fully realised because of non-compliance. According to the accounts of Peprah et al., (2018), there are ineffective monitoring and supervision mechanism at the various district assemblies in Ghana, as such it will be very difficult to implement sustainable procurement at the local government level. This situation will further lead to non-compliance of the environmental provisions in the public procurement Act.

4.4 Measures to ensure compliance to environmental sustainability provisions in the PPA

The purpose of this objective is find out which strategies which when put in place will ensure that the environmental sustainability provisions are adhered to. Findings of the

study reveal that to achieve strict compliance to the environmental sustainability provisions in the public procurement act, there should be strict auditing of the tender documents by a higher agency before the award of procurement contracts in the assemblies. Respondents believe that when officers of the Public Procurement Authority put in place strict auditing systems such that every tender document from suppliers are audited to examine whether they meet the criteria of being environmentally friendly there will be some form of sanity in the system. Findings from respondents indicated that this contract auditing will prevent the procurement officers, Tender review member and Tender evaluation board from their duties of only ensuring that value for money is achieved but ensure that tenders are reviewed with strict consideration to the environmental provisions.

According to respondents, in order to ensure strict compliance with the environmental sustainability laws of the public procurement act, monitoring must be undertaken within two streams. Firstly, at district level, the designated unit in charge of procurement process must ensure that works carried out, goods and services supplied are environmental friendly. Secondly, at the regional level, the public procurement authority must also monitor and review all procurement activities undertaken at the district level to ensure that they follow the environmental sustainability provisions of the public procurement act.

An officer from a procurement unit explained:

“I think that we often do not screen the tenders strictly on environmental basis and those that have environmental considerations, we failed to make follow up to ensure that they are executed within the framework of provisions”

A tender review committee member narrated that:

“Our attention is always on the value for money hence we don’t monitor the contractors and suppliers after they are given the authorization to do the procurement. I think to ensure that the purpose for which the procurement is achieved there is the need to intensify monitoring and supervision by us so that suppliers don’t breach provisions”

From these observations, it was noted that monitoring to ensure that sustainable procurement has been carried out by the local government authority is not effective at all. This situation has led to the weak implementation of amended public procurement Act that seeks to achieve environmental sustainable through government procurements. If the narrative is not changed to ensure that the rightful is done this will affect the achievement of environmental friendly procurement (Adjei- Bamfo & Maloreh-Nyamekye 2019). In study a by Blome, Hollos, & Paulraj, (2013) shows that more often countries that are making progress in the implementation of the sustainable procurement has a strong monitoring mechanism to ensure that implementing agencies follow the laws of sustainable procurement. The findings of the study support a study by Bryde & Meehan (2011) who explained that weak enforcement of the implementation of the sustainable procurement stem from the failure of government agencies to monitor procurement processes.

CHAPTER FIVE

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This is the final chapter of the entire study. It presents a summary to the study and highlights the key study findings; it also presents major conclusions drawn from the findings. The chapter ends with some relevant recommendations to policy makers and practitioners.

5.2 Summary of findings

The main objective of the study is to investigate the level of Municipal and District Assemblies compliance with environmental sustainability provisions of the Public Procurement Act in the Upper West Region of Ghana. To achieve its objectives: A qualitative and quantitative case study was adapted for the study because it deemed appropriate for the study. The study used both primary and secondary data, primary data were collected from 30 respondents using interview guide and 90 questionnaires were administered across the six selected Municipal and District Assemblies in the Upper West Region. These Assemblies were selected using simple random technique. Qualitative thematic analysis was used to manage the interview data after transcriptions and quantitative data was managed using Statistical Package for Social Sciences (SPSS). With the first objective that sought to identify the environmental sustainability provision in the Public Procurement Act 2016(914), respondents from the six Municipal and District Assemblies admitted to the existence of the act that seeks to promote sustainable procurement. Findings from the study indicate that the law mandate public institution

through Municipal and District Assemblies must evaluate tenders within the parameters of environmental and socially sustainable manner. Respondents indicated that the enforcement of the environmental sustainability provisions are rarely implemented. It was discovered from the study that officials at the Municipal and District Assemblies do not subject all procurement processes through environmental friendly test. The study findings further show that the environmental provisions and laws are applied selectively especially when the Assemblies are procuring electrical appliances.

The second objective was to identified the factors that leads to non – compliance with environmental sustainability provisions of the Public Procurement Act. It was also discovered that the officers see environmental provisions in the public procurement act as a trivial issue. These account for the main reasons for the weak enforcement of the law on environmental sustainability in the public procurement act. This situation has resulted to non-compliance of the environmental sustainability provisions in the public procurement act. The final objective sought to propose measures to ensure compliance to environmental sustainability provisions in the Public Procurement Act. It was found out that to achieve compliance, there should be auditing of all tenders approved by Municipal and District Assemblies in the Upper West Region on the basis of its environmental friendliness. Findings indicates that this can be done effectively on the regional and the district level.

5.3 Conclusions

On the basis of the findings, the study draws the following conclusions;

Firstly, the study concludes that officers at the respective Municipal and District Assemblies in the Upper West Region are fully aware of the environmental provisions of the novel Public Procurement Act 2016(914). Respondents further understand the

mandate of the provisions which is to promote environmental friendly procurement in the public sector.

The study concludes further that there is widely low enforcement of the environmental sustainability provisions by the officials of the Municipal and District Assemblies. This weak enforcement regime has resulted the non-compliance of the provisions.

Thirdly, the study deduced that respondents consider environmental provisions as a trivial matter which has resulted to the weak enforcement regime. They do not consider the implementation of the environmental provisions as important as the value for money audit that is associated with public procurement. Lastly, the study concludes that the poor monitoring and supervision of the Municipal and District Assemblies in the Upper West Region has resulted in the non-compliance of the environmental sustainability provisions in the public procurement Act.

5.3.1 Recommendations

From the conclusions drawn above, the study makes the following four recommendations.

5.3.2 Commitment and Enforcement of the Law

First and foremost, there should be strict enforcement of the environmental provisions in the public procurement act. It is important and is in the interest of the constituent in the district that resulted in the formulation and insertion of the environmental friendly provisions in the new act. As such, it is important for the Municipal and District Assemblies in the Upper West Region to ensure strict enforcement of the provisions. Again, there should be a show of strong commitment of the leadership and officers of the Municipal and District Assemblies on the enforcement of the laws. This strong level of

commitment will ensure that environmental provisions in the public procurement act is strictly enforced to the latter.

5.3.3 Budgetary Constraints

Respondents indicated that the weak monitoring and supervision mechanism of the environmental provisions of the public procurement act is a result of budgetary constraints. As such, the researcher recommend that the procurement unit of the Municipal and District Assemblies should be given reasonable budgetary allocation to help it undertake its enforcement responsibilities. It is only when there is effective monitoring and supervision that the environmental provisions in the public procurement act can achieved.

5.3.4 Advocacy on Sustainable Public Procurement

A careful analysis of the response from study participants indicates that majority of the officers responsible for reviewing and evaluating tenders do not attach importance to sustainable procurement. Hence, they consider environmental provisions of the public procurement act as trivial issue. The researcher therefore recommends that there should be educational and advocacy programs for the officials of the Municipal and District Assemblies in the Upper West Region to drum home the essence of the amendment of the act not only consider value for money but pay critical attention to environmental friendly procurement at the local level.

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APPENDIXES

APPENDIX A: INTERVIEW GUIDE

KWAME NKRUMAH UNIVERSITY OF SCIENCE AND TECHNOLOGY

INTERVIEW GUIDE FOR ASSEMBLY OFFICIALS

SALIFU TIANI UMAR

Investigating the level of Municipal and District Assemblies compliance with environmental sustainability provisions of the Public Procurement Act in the Upper West Region of Ghana

This semi-structured interview guide is designed to collect opinions on investigating the level of Municipal and District Assemblies compliance with environmental sustainability provisions of the Public Procurement Act in the Upper West Region of Ghana. This research is in partial fulfilment of a Master of Science in Procurement. The research is purely an academic exercise and the researcher is not intended to probe into any person's private lives, neither is it intended to collect any information for the government or any of its agencies. It is an independent academic research designed and executed by the researcher. Any information provided shall be treated with strict confidentiality. Thanks for your cooperation.

A. Background Information of Respondent

- 1.NAME OF THE RESPONDENT.....
- 2.AGE OF THE RESPONDENT.....
- 3.SEX
- 4.NAME OF ORGANIZATION.....\
- 5.POSITION.....
- .

B. To identify the environmental sustainability provision in the Public Procurement Act 2016 (Act 914).

6. Which environmental friendly factors do you consider when procuring things for the assembly?
 - a. Which specification do you set for buying electrical gadgets?

b. How many stars do you consider?

7. What specific environmental friendly regulations do you use to evaluate and review tenders?

8. The following are the key and various environmental sustainability provisions of the Public Procurement Act. Please comment on them and mention others which have not been included

- Section 2 of the Public Procurement Act 2016(914) states that public institutions must ensure that “Public Procurement is carried out in an environmental and socially sustainable manner”
- In section 59 (clause 2g) states that the criteria for evaluation of Tenders shall consider “environmental and other characteristics of the subject matter of the procurement.
- Others.....

C. The factors that leads to non – compliance with environmental sustainability provisions of the Public Procurement Act.

9. Please, are you aware of the Public Procurement Act, 2003 (633)?

10. Please, tell me what you know about the concept of Sustainable Public Procurement?

11. Do know the Public Procurement Act, 2003 (633) have been amended to Public Procurement Act 2016 (Act 914) to include environmental and social sustainability issues?

12. Please, tell me what the environmental sustainability laws seeks to achieve?

9. In your own professional opinion, what do you think are the reasons for the non-compliance with the environmental sustainable laws in the Public Procurement Act 2016, (Act 914)?

D. Propose measures to ensure compliance with environmental sustainability provisions in the Public Procurement Act.

17. What are the key measures to be done to ensure that contractors and suppliers adhere to the environmental sustainability laws of PPA?

18. What do think can be done to ensure compliance with environmental sustainability provisions in the Public Procurement Act?

E. Recommendations

19. Please, what recommendations will you propose to ensure effective compliance with environmental sustainability provisions in the Public Procurement Act?

APPENDIX B: QUESTIONNAIRE

KWAME NKRUMAH UNIVERSITY OF SCIENCE AND TECHNOLOGY

QUESTIONNAIRE FOR ASSEMBLY OFFICIALS

SALIFU TIANI UMAR

0247479885

Investigating the level of Municipal and District Assemblies compliance with environmental sustainability provisions of the Public Procurement Act in the Upper West Region of Ghana

This questionnaire is designed to collect opinions on investigating the level of Municipal and District Assemblies compliance with environmental sustainability provisions of the Public Procurement Act in the Upper West Region of Ghana. This research is in partial fulfilment of a Master of Science in Procurement. The research is purely an academic exercise and the researcher is not intended to probe into any person's private lives, neither is it intended to collect any information for the government or any of its agencies. It is an independent academic research designed and executed by the researcher. Any information provided shall be treated with strict confidentiality. Thanks for your cooperation.

A.Background Information of Respondent

1.NAME OF THE RESPONDENT.....

2.AGE OF THE RESPONDENT.....

3.SEX

4.NAME OF ORGANIZATION

5.POSITION.....

Note: (SA-Strongly Agree), (A-Agree), (N-Neutral), (D-Disagree), (SD-Strongly Disagree)

No		SA	A	N	D	SD	
1	Environmental laws in PPA has led to environmental friendly procurement						
2	The environmental sustainability provision is clearly spelt out in the PPA to provide guidelines for evaluation of procurement						
3	Can we say that the non-compliance of the environmental sustainability provisions in the PPA is lack of monitoring?						
4	Can we attribute the non-compliance to inadequate of knowledge on the benefit of the environmental sustainability provisions in the PPA						
5	Have contractors and suppliers adhere to the environmental sustainability provisions in the PPA strictly						
6.	The environmental sustainability provisions in the PPA have promoted Sustainable Public Procurement.						