

KWAME NKRUMAH UNIVERSITY OF SCIENCE AND TECHNOLOGY

KUMASI - GHANA

DEPARTMENT OF BUILDING TECHNOLOGY

COLLEGE OF ART AND BUILT ENVIRONMENT

KNUST

**A STUDY INTO PUBLIC PROCUREMENT PROCEDURES IN COLLEGES
OF EDUCATION IN GHANA**

BY

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(Bachelor of Management Studies)

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DECLARATION

I hereby declare that this submission is my work towards Master of Science in (MSc.) Procurement Management and that, to the best of my knowledge, it contains no material previously published by another person, nor material which has been accepted for the award of any other degree of the University except where due acknowledgement has been made in the text.

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ABSTRACT

Procurement procedures, methods and processes are prescribed in the Public Procurement Law for the use by public procurement entities and the selection of a process is supported on the total amount concerned and the immediate conditions of the Procurement. Procurement is part of the fiscal policy directed towards achieving effective and efficient public financial management and national development. The main aim of this research is to evaluate a study into Public Procurement procedures in Colleges of Education in Ghana. An initial review of relevant literature was carried out and survey using the structured questionnaire approach to conduct the survey about the ideas of staff into procurement activities; two (2) Principal, twelve (12) procurement entity tender committee members, four (4) Tutors, two (2) Finance officers, five (5) other Staff of the two selected Colleges of Education (St. Francis and Jasikan Colleges of Education) in Volta Region. The study has revealed that preparation of annual procurement plans is very important. However, the study found that the percentage difference between those who said that procurement plans are prepared is just 12%, so taking the difference into account; the Colleges of Education have been preparing annual procurement plans. It has also been revealed by the respondents that appropriate procurement methods are applied in their institutions. This will in turn help in eliminating some operational errors in procurement activities. Thus, majority of the respondents intimated that National Competitive Tendering (NCT) method is what is mostly and effectively used in their institutions. The primary challenges this survey discovered was that there was no transparency in the procurement procedures. Another challenge revealed by the study was that the tenure of the tender evaluation panel was more of permanent rather than it been an ad hoc as specified by PPA Law. There should be a review of the procurement policies

for public procurement procedures so that the Colleges of Education and public institutions would be able to achieve value for money, accountability, transparency and also help to minimize over spending of stakeholders’ resources. The study is recommending that a strategy on procurement procedures is to be set out as a key issues and principles which would help to modernize procurement agenda and outlines support available for implementation throughout Colleges of Education in Ghana.



DEDICATION

I dedicate this work to my dearest Mother Regina Badu Sanney, my siblings and my lovely daughter Marian Okutu Majih for providing me the needed support to do this work.

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TABLE OF CONTENT

DECLARATION.....	ii
ABSTRACT	iii
DEDICATION.....	v
ACKNOWLEDGEMENT	vi
TABLE OF CONTENT	6
LIST OF TABLE	9
LIST OF FIGURES	10
ABBREVIATION AND ACRONYMS	11
CHAPTER ONE: INTRODUCTION.....	1
1.1 Background of the study	1
1.2 Statement of Problem	1
1.3 Research Questions.....	2
1.4 Aim and Objectives of the study	3
1.5 Significance of the Study.....	3
1.6 Scope of the Study	4
1.7 Research Methodology	4
1.8 Limitation	5
1.9 Organization of the Study	6
CHAPTER TWO: LITERATURE REVIEW	7
2.1 Introduction.....	7
2.2 Overview of Public Procurement.....	7
2.3 What Public Procurement Is	8
2.4 Key Principle of Procurement Concept (PPA Manual, 2007)	8
2.5 Legal and Public Framework Regulatory	10
2.5.1 The Public Procurement Act 2003, (Act 663)	11
2.6 Procurement Procedures, Methods and Processes in Public Procurement Act	12
2.7 Procurement Procedures	12
2.7.1 Procurement Planning (Public Procurement Act 2003, Act 663), section 21 ..	12
2.7.2 Selection of Procurement Methods.....	13
2.7.3 Tender Invitation	14

2.7.4 Tender Submission	14
2.7.5 Tender Opening	14
2.7.6 Formation of Tender Evaluation Panel.....	15
2.7.7 Proceedings of Tender Evaluation Panels	15
2.7.8 Tender Evaluation and Reporting.....	16
2.7.9 Submission of Tender Evaluation Report for Approval.....	16
2.7.10 Award of Contract and Notification of Contractors	16
2.7.11 Contract Documentation/Request for Approval	17
2.7.12 Signing of Contract.....	17
2.7.13 Notification of Unsuccessful Tenderers	17
2.7.14 Performance Compliance with Procurement Procedures	18
2.8 Procurement Methods.....	20
2.8.2 Two-stage Tendering	21
2.8.3 Restricted Tendering.....	21
2.8.4 Single Source	22
2.8.5 Request for Quotations	22
2.9 Procurement Processes	23
2.10 Challenges in procurement Processes.....	24
2.10.1 Environmental Factors.....	25
2.10.2 Political Environment.....	25
2.10.3 Public Procurement Reform	27
2.10.4 Conflicts of Interest in Public Procurement Procedures.....	27
2.11 Features of Good Procurement Practices.....	28
CHAPTER THREE: METHODOLOGY	31
3.1 Introduction.....	31
3.2 Research design	31
3.3 Population, Sample Size and sample selection.....	31
3.4 Sampling	33
3.5 Data Processing and Analysis.....	33
3.6 Background of the Study Area	33
CHAPTER FOUR: DATA ANALYSIS AND DISCUSSION	36
4.1 Introduction.....	36

4.2 Personal data of Respondents	36
4.3 Position of the Respondents.....	37
4.4 Procurement Methods and Procurement Procedures	40
4.5 Application of appropriate procurement method as required	41
4.6 Engagement of Consultant Services in Procurement.....	42
4.7 Procurement Challenges	46
4.8 Effective Compliance of Public Procurement Act.....	50
CHAPTER FIVE: SUMMARY OF FINDINGS, RECOMMENDATIONS AND CONCLUSION	54
5.1 Introduction.....	54
5.2 Summary of Findings	54
5.3 Recommendations.....	57
5.4 Conclusions	58
REFERENCES	60
APPENDIX.....	61

Appendix II	65
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LIST OF TABLE

Table 2.1: Compliance table of 2010 and 2011	19
Table 2.2 Procurement Processes	23
Table 4.1: Gender Distribution of Respondents	36
Table 4.2 Position of Respondents.....	37
Table 4.3: Years in Institution	38
Table 4.4: Years in Current Position.....	38
Table 4.5: Preparation of Procurement Plan	40
Table 4.6: Methods of Procurement.....	42
Table 4.7: Adherence to PPA Procedures in Procuring Goods and Services	43
Table 4.8: Records of Procurement Activities	43
Table 4.9: Publication of Contracts	44
Table 4.10: Advertisement of Contracts	44
Table 4.11: Duration Allowed to Obtain Tender Documents	45

Table 4.12: Tenderers Form Cartels to Share Projects	46
Table 4.13: Changes of Evaluation Panels	46
Table 4.14: Unnecessary Levels of Approval	47
Table 4.15: Unsuccessful Tenderers	47
Table 4.16 Delays Caused by Procurement Act	47
Table 4.17: Procurement Process Causes Delay of Payment to Contractors	48
Table 4.18: Duration used in paying contractors after completion of contracts	48
Table 4.19: Challenges in paying contractors after completion of contract	49
Table 4.20: Procurement Internal Quality Control Mechanisms	50
Table 4.21 Compliance with PPA Act 663(2003) In Terms of Rules and Procedures	51
Table 4.22: Conversant With PPA Act	51
Table 4.23: Appropriate Procurement Methods.....	52
Table 4.24: Entity Tender Committee Meetings.....	52
Table 4.25: Availability of Procurement Officer	52

LIST OF FIGURES

Figure 3.1: Organizational Structure.....	35
Figure 4.1: Position of Respondents	37
Figure 4.2: Level of Education	39
Figure 4.3: Respondent with Procurement Courses	40
Figure 4.4: Application of Procurement Methods	41
Figure 4.5: Engage Consultant Services in Procurement	42

ABBREVIATION AND ACRONYMS

EC	European Commission
GDP	Gross Domestic Product
GoG	Government of Ghana
ICT	International Competitive Tendering
NCT	National Competitive Tendering
OECD	Organization for Economic Co-operation and Development
PPA	Public Procurement Authority
PPB	Public Procurement Board
PU	Procurement Unit
SPSS	Statistical Package for Social Science
STDs	Tender Documents (STD)
TRBs	Tender Review Boards
VFM	Value for money

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CHAPTER ONE INTRODUCTION

1.1 Background of the study

The Public Procurement procedures and documentation stipulates that procedures must be followed for the sizing of tender packages, soliciting and evaluation of tenders and for the award of contracts. This procedure denotes that all contracts must be tendered on an open competitive basis and fairness. The implication is that all contracts must be out for every business entity to take advantage of the public sector as the right to use public money in the long-term public interest to avoid undermining people's health, opportunities and the environment. Ahmed et al, (2010) observed that public procurement represents 18.42% of the world GDP. They further claimed that procurement contributes to this and therefore delivers long-term value for money. Both developed and under - developed countries have instituted procurement reforms in order to make sure that sanity in the transaction of business in the interest of the public. However one cannot conclude in definite terms that are devoid of discrepancies.

1.2 Statement of Problem

As a result of the above the researcher wants to find out whether personal interest of the various players cannot be described as conflict of interest and therefore an impediment to genuine procurement. It is the opinion of the researcher that activities of the various players stifle the intentions of the act and therefore must be investigated. The opinion of researcher would be discussed in the various parts of the thesis and be supported with findings arising from questionnaire and the outcomes of various biddings from the targeted Colleges of Education.

A crucial review of the Public Procurement Law in this country reveals that, if care is not taken by the various key players therefore, the procurement procedures have become a mere formalities and a cover up.

The problems envisaged by the researcher would lead her to find out:

1. If bidding in the Colleges of Education follows proper procurement procedures
2. Whether representatives of the Public Procurement Authority (PPA) really monitor and supervise the Procurement process.
3. If the beneficiaries do not unduly collaborate with the various players for example;
 - i. The Public Procurement Authority (PPA)
 - ii. The suppliers who are supposed to supply goods to the institutions
 - iii. The consultants who normally facilitate the procurement processes
 - iv. The contractors who are to execute the works and services
 - v. Very important Personalities

1.3 Research Questions

This study seeks to answer the following research questions;

- i. How does the Public procurement Act influence the procurement regulations of (a) St Francis College of Education and (b) Jasikan College of Education?
- ii. What are the challenges associated with the procurement processes?
- iii. How does stakeholders' level of awareness influence compliance of procurement regulations in St Francis and Jasikan Colleges of Education?
- iv. To what extent has does procurement achieved transparency in the procurement processes in the Colleges?
- v. What measures can be the effective compliance of the Public Procurement

Act(663) ?

1.4 Aim and Objectives of the study

The research seeks to examine Public Procurement Procedures in Colleges of Education in Ghana, St. Francis and Jasikan Colleges of Education in the Volta Region

To achieve this aim the following specific objectives will be considered. Thus to:

- i. Identify procurement procedures and methods used in Colleges of Education.
- ii. Identify procurement challenges associated with the procurement processes in the Colleges of Education.
- iii. Identify effective compliance of the Public Procurement Law in Colleges of Education.
- iv. Discuss the features of good procurement practices in Colleges of Education in Ghana.

1.5 Significance of the Study

The findings of the lessons of the researcher would help all Procurement Practitioners such as procurement entity tender committee members, tenderers, suppliers, contractors and consultants. The findings of the study will also bring about the highest ethical standards during the tendering process of procurement activities. This would indicate that the procurement currently is facing with numerous implementation challenges threatening the compliance to the Public Procurement Act 663.

For the past 12 years when the Public Procurement Law was put in place, petty and significant loopholes have been printed out by various experts and interested parties.

Thus, it has been noticed that beneficiaries, consultants and contractors have personal interest in during and after the tendering stage. This study would try to identify a series of procurement processes and their short comings as a result of the attitudes and behaviours of some of the key players.

Furthermore, the study would point out behavioural attitudes which amount to traces of personal interest and conflict of interest. The study would come out with suggestions which would probably iron out some of the conflict of interest. This would enable the Public Procurement Authority to redefine some of the procedures and practices.

1.6 Scope of the Study

The study looks at St. Francis and Jasikan Colleges of Education in the Volta Region. Much concern on a study into Public procurement procedures has been discussed earlier for the need for Public Colleges of Education in Ghana. With this backdrop the study discussed the point to which Head of Entities, suppliers and contractors are involved in Procurement methods and procedures. To maintain the fight thoroughly assessment and discussion will be made with respect to some works, goods and services provided by suppliers and contractors in Colleges of Educations selected.

1.7 Research Methodology

This is a descriptive study on the management of public procurement procedures. A descriptive study would be used since the researcher aimed at collecting data base on questionnaire plan which states how data relating to a given problem should be

collected and analyzed. It would provide a systematic outline for the conduct of the investigation (Amedahe, 2002).

The data for the study would be collected by the use of questionnaire which would be used to address various issues by the researcher. These were chosen because they were techniques that best helped to gather relevant data and they had the ability of providing the required data.

For the purpose of this research, and in order to achieve the objectives both primary and secondary data will be used. The primary data was obtained directly from respondents through the administration of questionnaire. The secondary information was obtained from the library, internet, journal articles, newspapers and research reports.

The Questionnaire was made of open and closed ended questions. The open-ended questions of a qualitative design lead to more of an authentic understanding of people's experience of procurement laws. The flexibility in procedures allowed the researcher to get more information related to the subject.

1.8 Limitation

The research would look at the study into Public Procurement Procedures in the Colleges of Education in Ghana and also look at the challenges of Public Procurement practices in Colleges of Education in Ghana. The study is limited to two (2) institutions that is; St. Francis and Jasikan Colleges of Education in the Volta region, because of material, time constraints and respondents may not be able to return and reveal the appropriate information. Although the study will be delimited to St Francis and Jasikan

Colleges of Education, the findings will be generalized over the whole Colleges of Education in the country.

1.9 Organization of the Study

This study work is arranged into five chapters. Chapter one focuses introductory ideas about how the work would be done. These include introduction, problem statement, research questions, aims and objectives, limitation, etc.

The second chapter is about discussions on literature on procurement activities and the subject area.

Chapter three concentrates on research methodology issues of the tools be used by the researcher. Chapter four covers the data analyses and syntheses of the study.

Chapter five is the final chapter which deals with the summary of the whole study, summary of the findings, recommendations and the conclusion of the study.

CHAPTER TWO LITERATURE REVIEW

2.1 Introduction

This chapter takes a closer look at available literature on public procurement by various organizations and individuals in the procurement enterprise. On the whole the review will include other people's views and my own views points.

Chapter one covers the background of the study to outline the issues underpinning the research under various sub - headings. Such as the aim and objectives of the study significance of the study and the scope of the research. This served as an input for chapter two, looking at the numerous studies about Public Procurement that has been carried out to depict and conceptualize Public Procurement at the Colleges of Education level. Some emphasized on the methods and procedures used in the Public Procurement Act as a Challenge. It is essential in providing sound fundamental understanding of the situation under investigation. Therefore, this chapter reviews literature on the overview of Public Procurement, the key principles of Public Procurement concept, procurement methods, procedures, legal and public framework regulatory PPA Act 2003, (Act 663). It also includes the theoretical underpinnings of the research in Colleges of the Education.

2.2 Overview of Public Procurement

Both private and public organizations procure goods, works or / and services. Procurement sequence entails the following scheduling, creation of requests appraisal, throughout the requests preparation, attractive present, and supplier choice, giving out of contracts, implementation and supervision of works or contract as well as rendering of closing account and inventory. (PPA Manual, 2007)

Overview of procurement is also looked as deliberate element of supply chain management involving to satisfaction of client requests or desire. The consequence of this concept cannot be overstress with regard to the massive economic assurance that is regularly concerned in the overview.

2.3 What Public Procurement Is

Procurement has been given various definitions and sometimes the definitions are based on motion and perceptions of what government does or does not do as an activity, as a practice and as a process. It is also the process by which government organizations acquire goods, works and services using public funds. It includes planning, inviting offers, opening tenders, evaluating tenders, awarding of contracts and managing contracts. PPA Act 2003, (Act 663)

The following are some of the importance of procurement; PPA Act 2003, (Act 663)

- i. the successful delivery of government projects and public services
- ii. sound public financial management by achieving value for money in government expenditure
- iii. reducing corruption
- iv. encouraging private sector growth and investment

2.4 Key Principle of Procurement Concept (PPA Manual, 2007)

The following are some of the key principles underpinning Public Procurement procedures in Ghana are:

- i. Transparency: It looks at the decisions in use and it insists on the approach to facilitate the set of laws in the institutions. In this regards, information is freely

available, easily and directly accessible. It also means that enough information is provided with clarification. Transparency means openness in the tendering process. It makes available assertion for mutually national and local contractors will be given in fair-haired and reasonable way.

Competition conducted in a fair and transparent manner is the heart of procurement. In order for competition to work best, it must guard against collusion and be conducted on the basis of clear and appropriate regulations, rules and procedures that are applied consistently to all potential suppliers.

The procurement process should be carried out in a manner that gives all interested parties, both inside and outside the Colleges of Education the assurance that the process is fair.

A transparent system has clear rules and the mechanisms to ensure compliance with those rules (unbiased specifications, objective evaluation criteria, standard solicitation documents, equal information to all parties, confidentiality of offers, etc)

- iii. Accountability: It is a key necessity of high-quality governance. Not merely governmental institutions but also the private sector and civil society organizations have to be accountable the public and to their institutional stakeholders. Who is accountable to who varies depending on whether results or measures in use are inside or outside to an organization or institution. Generally an organization or an institution is accountable to those who will be pretentious by its decisions. Accountability cannot be imposed without transparency and the rule of law.

- v. Value for Money (VFM): value for money is define as the optimum combination of the whole – life cost and quality (or fitness for purpose) to

meet the user's requirement. Generally the purpose of the public procurement procedures and methods are however with the provision of value for money to Government as a result which ensures that state resources are used up in an apparent, proficient and fair-haired way. This integrates strategy necessities measures to help clearness, accountability and principles in the procedures, managing and exposure of procurement and quality clearance.

Value for money means selecting offers which present the optimum combination of factors such as appropriate quality, life cycle costs and other parameters which can include social, environmental or other strategic objectives which meet the end user needs. Best value does not necessarily mean the lowest initial price opinion, but rather represents the best return on the investment, taking into consideration the evaluation criteria in the specified solicitation documentations.

vii. **Economy and effectiveness**

Economy protects the interest of the budget owner, while effectiveness ensures the interest of the end-user is met. Economy and effectiveness means providing an appropriate solution to the organization needs with regards to quantity, quality and timelines at the right price. It means ensuring that the overall cost to the organization in conducting the procurement process is minimized in the interests of the overall budget of the organization. (all issued by Public Procurement Authority, (PPA))

2.5 Legal and Public Framework Regulatory

Public procurement of goods, works and services is based on value for money, having due regard to the Public Procurement Act (Act 663 of 2003), Public

Procurement Manuals, Public Procurement Regulations, Standard Tender Documents and Public Procurement Guidelines (all issued by Public Procurement Authority (PPA)) with prime objectives of achieving value for money, transparency, fairness and economy.

2.5.1 The Public Procurement Act 2003, (Act 663)

The PPA, Act 2003, (Act 663) looks at the institutional framework and the framework regulatory to protect the fiscal statement of the state's economic transparency and the government's accountability in terms of procurement issues. As a result the Act institutes the following pillars of principles under the framework.

These are:

- i. Complete and clear institutional lawful structure
- ii. Standardized tender documents and procedures of procurement
- iii. Autonomous system of control
- iv. Expert staff of procurement unit
- v. Measurement of Anti-corruption issues.

This implies that the Act relates the procurement funding entirely or partly from government funds for works, goods and services. Foreign aid or donor agencies also release funds for procurement issues in the country. The PPA established Public Procurement Board (PPB) now PPA and Tender Review Boards (TRBs), Entity Tender Committees, (ETCs). There are specified clear procurement laws preceding in procurement procedures, methods and thresholds.

2.6 Procurement Procedures, Methods and Processes in Public Procurement Act

Procurement procedures, methods and processes are prescribed in the law for the use by public procurement entities and the selection of a process is supported on the total amount concerned and the immediate conditions of the procurement.

2.7 Procurement Procedures

The functionaries of the Colleges of Education in Ghana shall follow the following procedures in conducting all procurement related activities.

2.7.1 Procurement Planning (Public Procurement Act 2003, Act 663), section 21

Adequate procurement planning and prioritization of needs by each Procurement Entity is an essential prerequisite to effective procurement. Structured development for procurement plans is an essential part of the annual budget preparation process and provides a ready checklist for the approval of procurements by the Entity Tender Committees and Tender Review Boards.

The Public Procurement Act 663, the PPA Act requires that procurement entities prepare annual procurement plan for its fiscal year, by 30th of November of the preceding year. Therefore each Entity must;

- i. Prepare a procurement plan for each fiscal year in accordance with Act 663 of 2003
- ii. Prepare quarterly updates for approval by the Entity Tender Committee.
- iii. Ensure that the procurement plans are fully integrated with applicable budget processes.
- iv. Ensure that scarce financial resources are adequately channeled to meet the priority needs.

- v. Ensure effective aggregation of larger procurement at lower unit costs, rather than frequent sourcing of quotations for identical items
- vi. Publicize annual procurement plans.

The following are the benefits of procurement plan;

- i. It enables entities to consolidate smaller purchases into bulk purchase to achieve economies of scale
 - ii. It helps determine the estimated amount, method of procurement and final authority for approval
 - iii. It determine the lead time for each procurement
 - iv. It also serves as a good basis for the control of expenditure by an entity.
- contents of the Procurement Plan:

The procurement plan for each Procurement Entity must include:

- i. Detailed breakdown of the goods, works and services required;
- ii. Schedule of the delivery, implementation or completion dates for all goods, works and services required;
- iii. The source of funding;
- iv. An indication of any items that can be aggregated for procurement as a single package, or for procurement through any applicable arrangements for common use items;
- v. An estimate of the value of each package of goods, works and services required and the source of funding

2.7.2 Selection of Procurement Methods

The selection of procurement methods for any procurement activities are based on the thresholds stipulated in the Public Procurement Act 2003, (Act 663), on goods, works and services. Examples of procurement methods are single source, sole sourcing, international competitive tendering, National competitive tendering, request for quotation (RFQ) and expression of interest (EOI)

2.7.3 Tender Invitation

The requirement to advertise the intention to procure works is outlined in Section 47 of Act 663 for procurement using International and National Competitive Tendering. Section 47 (1.2) required that invitation to tender or invitation to pre-qualify, to be published in the Procurement Bulletin and at least in two newspapers of wide nation circulation. Section 48 (1) Act 663 indicates the contents of a typical advertisement. Section 55, Act 663 also states the provision of tender security is required for all International and National Competitive Tenders.

2.7.4 Tender Submission

Section 53 (1) of Act 663 stated as follows;

Fix the place for and a specific date and time as the deadline for submission of tenders; allow tenders at least six weeks to prepare their tenders for International Competitive Tendering and for National Competitive Tendering not exceed four weeks. Section 53 (2) allows a minimum of two weeks for preparation of tender for National Competitive Tenders. Tenders are deposited in a tender box provided at the place of submission as stated in the tender documents until the due closing date (Section 5 (12) Manual, 2007)

2.7.5 Tender Opening

According to Section 56 Act 663, it requires that tenders should be opened immediately after the close of advert. The tender opening committee which constituted and is made of at least three persons including a member of Entity Tender Committee. Section 56 of the Regulations stated that tender opening should commence not later than two hours after the deadline for submission of tenders and should continue without break until all tenders are opened by the Entity Tender Committee. They must ensure that minutes of the tender opening proceedings are duly written.

2.7.6 Formation of Tender Evaluation Panel

In accordance with the Section 19 of Act 663, the Entity Tender committee appoint a Tender Evaluation Panel consisting (Section 5(14) Manual), Section 19 (1,2) Regulations to evaluate tenders received. Composition of Tender Evaluation Panels

A Tender Evaluation Panel shall be an ad hoc body of not more than five members constituted for a specific procurement package. The panel shall include members with:

- i. skills, knowledge and experience relevant to ii. procurement requirements, which may include:
- iii. relevant technical skills; iv. end user representation;
- v. procurement and contracting skills; vi. financial management or analysis skills;
- or vii. legal expertise.

Members appointed to the Panel may be staff of the Procurement Unit but no Member of the Entity Tender Committee shall act as a member of the Tender Evaluation Panel, except in an advisory capacity. To ensure transparency, members of the Tender Evaluation Panel shall not be directly involved in the approval of any award of contract.

Tender Evaluation Panels, Each Procurement Entity is required to appoint a Tender Evaluation Panel with the required expertise to evaluate tenders and assist the Entity Tender Committee (ETC) in its work.

2.7.7 Proceedings of Tender Evaluation Panels

Recommendations for award of contract shall be made solely on the basis of

Information and evaluation criteria provided in the tender documents or request for proposals and without recourse to any extrinsic evidence, or influenced by personal or political preferences.

2.7.8 Tender Evaluation and Reporting

Sections 57, 58, and 59 of Act 663 describes the general procedures to be followed in the examination of tenders, determination of responsiveness of tenders and evaluation tenders. The determination of responsiveness of tenders shall conform to the requirements set out in the tender invitation documents (section 58 (1), Act 663).

The successful tender is based on the lowest evaluated tender price (Section 59 (3), Act 663). The standard Tender Evaluation forms are to be used by Procurement Entities in the evaluation of tenders (Section 59 (6) of the regulations).

2.7.9 Submission of Tender Evaluation Report for Approval

The Tender Evaluation Panel shall submit an Evaluation Report to the Entity Tender committee for approval using SPF2B form (S. 59 (6) regulations). The evaluation report forms part of the records of procurement proceedings required under section 28 of the Act. The Entity Tender Committee reviews the evaluation report and recommendations presented in the evaluation report (Section 5 (15) Procurement Manual. Section 64 of the Act prohibits negotiations with a supplier or contractors.

2.7.10 Award of Contract and Notification of Contractors

Section 65 of the Act specifies the procedures of acceptance of tender and entry into force of a procurement contract. The Act requires notice of the contract award issue to the successful tenderers within thirty days of the acceptance of the contractor

submitting the tender (S. 65 (1) Act 663). The successful tenderer is required to confirm in writing acceptance of tender award and submit the appropriate performance security (if required).

2.7.11 Contract Documentation/Request for Approval

The Procurement Unit (PU) prepares the contract document. The contract documents contain specific details relating to the tenderer, offer, agreement and performance security. The Procurement Unit (PU) prepares the Contract Document.

(S. 65 (9) Act 663, S. 5 (17/2) Procurement Manual. The PU request for approval of contract document using form SPF2C.

2.7.12 Signing of Contract

With the approval of the contract document, the Procurement Unit (PU) arranges for the contract to be signed by each party to the contract Act 663, S. 5 (17) Procurement Manual provision of performance security is pre-required for contract signature.

2.7.13 Notification of Unsuccessful Tenderers

All unsuccessful tenderers are notified immediately the contract is awarded. Tender security of unsuccessful tenderers is released (S. 65 (9) Act 663, S. 5 (17/2) Procurement Manual. The notification should a period of ten(10) working days after which unsuccessful tenderers will have no right to complain or sue the Procuring Entity.

2.7.14 Performance Compliance with Procurement Procedures

The Public Procurement Act, 2003 (Act 663) is an Act of parliament to provide for public procurement, established by PPA which makes administrative and institutional arrangement for procurement, stipulated tendering procedures and provide for purposes connected with these (Public Procurement Act, 2003).

The Public Procurement Authority in its review in 2006 identified the weakness in the public institutions that need urgent attention. These are Lack of qualified procurement personnel, incorrect interpretation and application of some provision of the procurement Act, slow pace in regularizing the draft regulations, lack of clear procurement procedures for emergency procurement. Moreover, training avenues or institutions, poor record management planning, mobilization and implementation, high cost of advertisement (PPA Manual, 2007). Country procurement Assessment Report (CPAR) prepared by a team of government officials, World Bank and Donor staff, and National consultants reveals that substantial inefficiency in public procurement concludes that the principles of value for money is not achieved. This is true for both government financed and donor projects financed. The main findings of the 2002 Country Portfolio Performance Review of the World Bank projects also revealed that slow project implementation and disbursement among other factors due to large extent of inadequate procurement planning, non-transparency in procurement procedures and poor contract management.

Successive waves of management and financial reforms have focused on improving procurement efficiency, effectiveness and outcomes (Callendar et al, 2002). Requirement for greater performance produce a refocusing of procurement management away from accountability for compliance through rule-bound codified processes towards accountability for outcomes (McCue et al, 2002).

Compliance is considered by political and social regulators as a prescribed process of elimination or avoidance of risk that is normally associated with public procurement Act 2003 (Act 663) has been inadequate regulatory compliance. According to De Boer et al, (1998) confirmed that non-compliance problem affects not only the third world countries but also countries in the developed countries as well.

Table 2.1: Compliance table of 2010 and 2011

PPME CRITERIA	2010 AVERAGE COMPLIANCE LEVEL (Performance Assessment)	2011 AVERAGE COMPLIANCE LEVEL (Performance Assessment)
Management system	57.04%	46.16%
Information and communication	60.88%	44.13%
Procurement process	70.04%	48.91%
Contract Management	55.66%	36.95%

Source: Annual Report of PPA Ghana, 2011

This has revealed a high level of non-compliance of procurement activities the laid down of regulations. It has further been reported that many central government, ministries and agencies have since not followed the prescribed practices (Agaba et al, 2007).

2.7.15 Sanctions for Non-compliance with Ethical Standards (PPA Manual, 2007) Due to the special and additional public trust placed on procurement professionals as custodians of public funds, a special and additional level of rules, compliance, obligations and sanctions governing the activities of all officials engaged in any way in Public Procurement regardless of their rank or function will be applied.

Adherence to the provisions of the Act and Regulations by Public Officials is obligatory and failure to do so will be considered an offence subject to sanctions. The level of sanctions will be published separately and will be graduated depending on the offence. Any official suspected of non-adherence to the rules and regulations will be suspended and his or her benefits, including salary, withheld pending investigation. Officials found misappropriating government funds, regardless of the value, will be summarily dismissed. Other offences involving non-adherence to the rules and regulations, including negligence and irresponsibility will result in sanctions as specified in the Act. Any supplier, contractor or consultant who attempts to influence a procurement process, or the administration of a contract by any unfair method, will be subject to sanctions. This may include debarment of the company from Government contracts for a period of five years, in addition to any remedies that may be sought in a court of law.

2.8 Procurement Methods

The following procurement methods must be used for the procurement of Goods and works as stated in the Public Procurement Act 663 of 2003:

2.8.1 Competitive Tendering

Procurement entity shall buy goods, works and services by having other suppliers or contractor competing among them. This method is thereby known as Competitive Tendering apart from as make available within this section part. (II) entity shall make use of the value and cost effective method of collection following Part VI while choosing specialist except the procurement entity decides that the following are important, it is viable to invent comprehensive conditions and tendering procedures of

procurement suitable enchanting into consideration the scenery of items to be bought; or in additional it is appropriate to utilize the process of selection suggested.

Competitive tendering using ICT or NCT is the preferred method for Government procurement.

It comprises of three kinds of competitive tendering, it include:

- i. International Competitive Tendering (ICT) must be used for high value or complex procurements. ICT must be used for procurement of goods, works and services above the threshold stated in Schedule 3 of Act 663 of 2003.
- ii. National Competitive Tendering (NCT) shall be used lower value procurement of goods, works and services value at the threshold stated in schedule 3 of Act 663 of 2003.
- iii. It is the most preferable method under the law.

2.8.2 Two-stage Tendering

Two- stage tendering method is considered as one of the procurement methods where by the detailed specifications of identified assignments to be perform cannot be down. The specifications are made available before going to tender (S. 36) of the PPA Act 663. In the situation of procurement of services it is referred as expression of interest and request for proposals for procurement requirements (S. 36-37 of Act 663).

2.8.3 Restricted Tendering

This procurement method has no competition like competitive tendering. It is a tendering process by direct invitation to a shortlist of pre-qualified, pre-registered or known suppliers. A maximum of six and a minimum of three short-listed suppliers are invited to tender. The restricted Tendering method is applied mainly where

procurement requirement is of specialized nature and there is enough evidence to show that there is limited number of potential suppliers. A procurement entity requires specific approval from the Public Procurement Authority (PPA) in order to apply this method.

2.8.4 Single Source

Single source procurement method involves acquiring goods, works and services from a supplier without any competition and it is normally used for procurement of sole requirements. This method is practical when procurement is for justifiably urgent items, requirements for purpose of standardization, purposes for research experiment, study or development, procurement that concerns national security (S. 40-41, Act 663). The Head of Entity in the public organizations and institutions has to apply to the PPA Board for assessment and approval. This principle applies also to sole-source procurement applications.

2.8.5 Request for Quotations

This is the process whereby the procurement entity requests for quotations from three prospective suppliers. The method is based on comparing price quotations obtained from at least three local suppliers for goods, works and service that are small in value. Request for quotations must be used when the estimate value falls within the threshold specified in schedule 3 of the PPA, Act 2003, Act 663. Standard RFQ documents are particularly suitable for procuring readily available off-the-shelf goods or standard specification items of low value.

2.9 Procurement Processes

The procurement process can often be complex with a number of different roles and responsibilities involved in the procurement chain. For every procurement exercise, a procurement team needs to be appointed, with an identified owner, which is responsible for the implementation of the procurement exercise. The procurement team involves all the personnel engaged in the procurement process including the evaluation committee, etc.

The table below looks at the procurement process:

Table 2.2 Procurement Processes

PROCUREMENT PROCESSES	Procurement planning	Having an adequately defined procurement plan
	Procurement publicity	<ul style="list-style-type: none">i. ii. Advertising tender invitations, Sending information for placement in the procurement bulletiniii. Using internal notice boards to display procurement information
	Bid preparation and invitation	<ul style="list-style-type: none">i. ii. Use of STDs All bid documents containing same evaluation criteriaiii. Stating reasonable date and time for bid opening
	Submission, opening and evaluation of bids	<ul style="list-style-type: none">i. ii. Stating date, time and venue for bid submission and opening Having secured tender opening registeriii. Keeping minutes of bid opening including all opening recordsiv. Evaluating tendering in accordance with tendering requirement
	Award of contract	<ul style="list-style-type: none">i. Notifying winner of contractii. Publicizing contract awardsiii. Notifying losers of bid

CONTRACT MANAGEMENT	Project planning and mobilization	<ul style="list-style-type: none"> i. Taking works programme from executors ii. Taking advance payment guarantees for advance payment made
	Project implementation and supervision	<ul style="list-style-type: none"> i. ii. Preparation of project monitoring reports Organizations of project progress meeting iii. Comparing and analyzing planned progress against actual

Source: Adopted from World Bank/OECD/DAC, 2004

2.10 Challenges in procurement Processes

Several challenges have been recorded in relation to procurement within the framework of the Public Procurement Law 2003 (Act 663)

Finding out exactly what is procurement, effects of the Public procurement law and the challenges of public procurement law on procuring goods, works and services in the Colleges of Education may not be easy. To examine the impact of Public Procurement Act, 2003 (Act 663), the ensuing challenges in procurement practices in the public institutions.

In a developed or developing country, public procurement practitioners have and will face always many challenges. Each country has its own economic, social, cultural and political environment, and each country's public procurement practitioners face different types of challenges, or the same types of challenges but at different levels from their counterparts in other countries

Public procurement is an important function of government for several reasons. First, the sheer magnitude of procurement outlays has a great impact on the economy and needs to be well managed. Indeed, in all countries in the world, estimates of the financial activities of government procurement managers are believed to be in the order

of 10% – 30 % of GNP (Callender et al, 2000). Efficiently handling this size of procurement outlays has been a policy and management concern as well as a challenge for public procurement practitioners.

2.10.1 Environmental Factors

Procurement practitioners have always faced challenges imposed upon by a variety of environment factors including market, legal environment, political environment, organizational environment, and socio-economic and other environmental factors (Thai, 2001). He developed a model depicting the scope of public procurement that consists of five elements: policy making and management; authorizations and appropriations; procurement regulations; procurement function in operations. They also include processes, methods, organizational structure, and procurement workforce; and feedback have always walked on a tight rope.

The ability of public procurement practitioners to accomplish procurement objectives and policies is influenced very much by internal forces including:

- i. Interactions between various elements of the public procurement systems, various officials and organizations, various actors and sub-agencies within a department or executive agency and actors and organizations external to subagencies;
- ii. Types of goods, services and capital assets required for an agency's missions;
- iii. Professionalism or quality of procurement workforce;

2.10.2 Political Environment

Political commitment is a necessary condition for effective procurement process to curb corruption. Without political will and commitment by the leadership of institutions, grand corruption is perpetuated at an alarming rate with petty corruption

becoming endemic and more difficult to stop (Philip, 2002). Political interference with the procurement process poses a challenge to the implementation process. A good number of politicians think that they have the right to intervene in the procurement procedures thereby leading to capricious procurement decisions (World Bank, 2004). Sustainability of the process are oftentimes unsuccessful due to the combined influence of inadequate strategies, political resistance, failure to sustain long-term reform efforts and the lack of knowledge about appropriate tools to establish systemic change (World Bank, 1994). This was attributed to several factors including, loopholes in the legislative provisions of the Public Procurement and conflicts of interests (Kagwe, 2005). In this instance Wilson (2004) argued that in a situation where there is huge system loopholes coupled with laxity in legal and administrative systems, compounded by non-transparency and extensive discretionary powers at the hands of school authorities, there needs to be concerted effort to ensure strict enforcement of laws to achieve the intended purpose.

Some reasons for this loss were complex procedures, broad discretion, weak oversight, and limited implementation capacity

There is less participation in economic activities by the private sector if the government is not seen as a reliable or fair business partner. This reduces private competition and value for money obtained by the government and also reduces private sector growth and investment. It also results in higher tax levels, higher levels of debt (or the inability to repay existing debts) or reduced public services standards of living. It can result in higher tax levels, higher levels of debt (or the inability to repay existing debts) or reduced public services means reducing the standards in health care, education, infrastructure, etc., negatively affecting the country's development and poverty reduction initiatives.

2.10.3 Public Procurement Reform

According to Arrowsmith et al, (2003), “the last decade of the twentieth century had witnessed the start of a „global revolution“ in the regulation of public procurement.” Actually, challenges in procurement reforms are beyond procurement regulations to include procurement process, methods, procurement organizational structure, and workforce. Procurement reforms occur constantly in all countries, developed as well as developing countries.

2.10.4 Conflicts of Interest in Public Procurement Procedures

State Supply Commission, (2004)

Almost all functions performed in the public sector can potentially lead to conflict of interest situations. A conflict of interest in itself is not necessarily wrong or unethical, however, identifying and managing the situation is important. Managing conflicts of interest is all about risk management. Identifying at-risk functions in the organization is the first step to managing the risks conflicts of interest present.

The purchase and disposal of goods and services across the public sector, including managing tenders and contracts, is considered an area of high risk for conflict of interest situations. In undertaking procurement functions, the State Supply Commission recommends that consideration be given to:

- i. Any likely conflicts prior to the commencement of any procurement process
- ii.

The obligations of individual employees to report possible or actual conflict, or incompatibility between their public duties and their personal and private lives In the

event of conflict, or potential conflict, individual employees should disclose the conflict as soon as possible and public authorities need to respond appropriately.

The choice of strategies may vary across the sector, and will be dependent on the operating environment, legislative requirements and practical solutions.

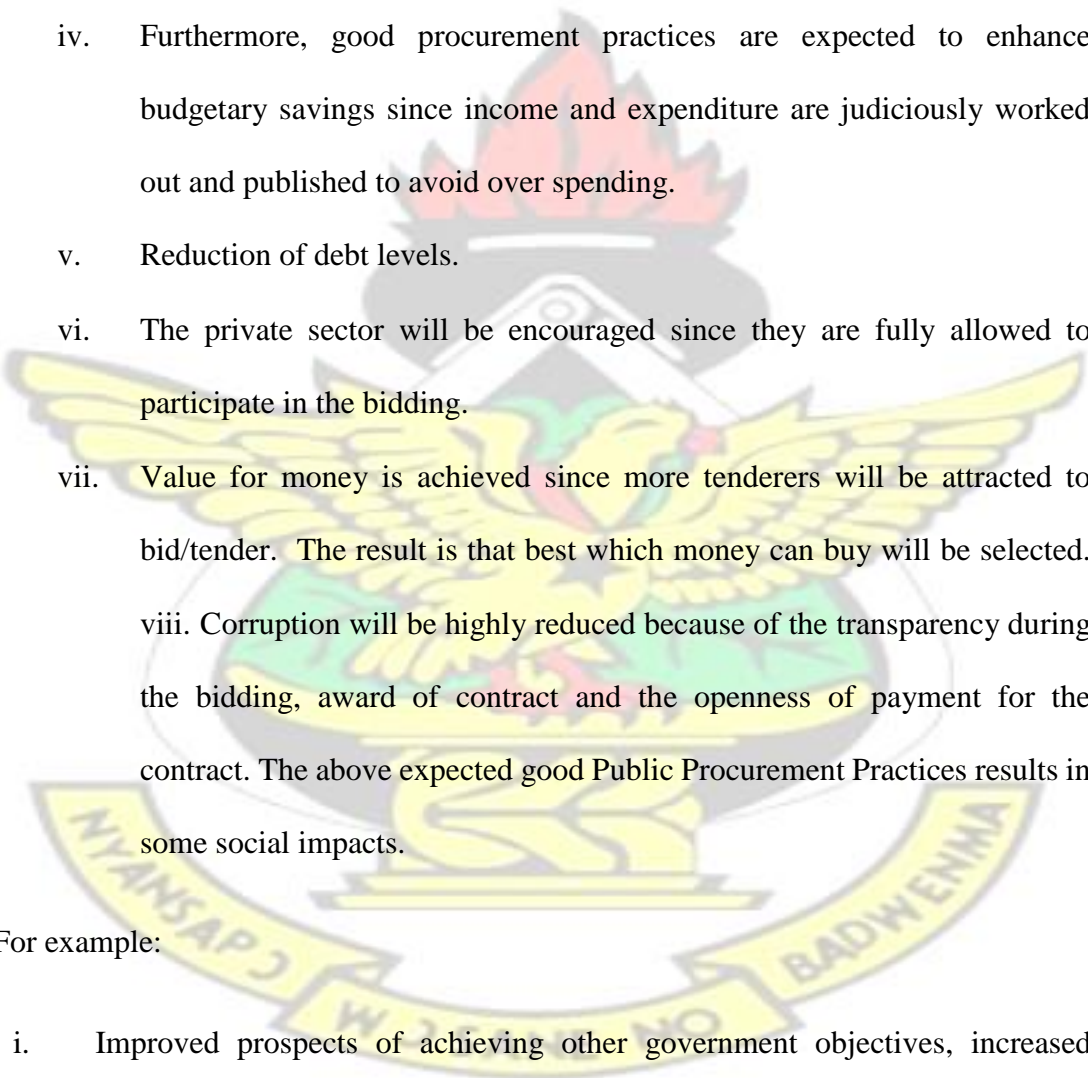
As mentioned, Public Procurement is a multi-faceted challenging field and public procurement practitioners have faced numerous challenges caused by diverse factors.

There are many others that have not been touched. Moreover, due to its nature as elaborated above, Public Procurement Practitioners will never get bored as they continue to face contradictory and contrasting procurement requirements and objectives imposed by policies and trade agreements. There are many ways to help public procurement practitioners cope with the myriad challenges they must face. They include increased efforts in research, knowledge advancement, and experience exchanges.

2.11 Features of Good Procurement Practices

Best practices are described in the procurement departments' strategic plan as a major challenges and a priority. Values and behaviours for the department to work continuously are to improve quality services and minimize errors in procurement processes. As a result of public procurement practices every organization including Colleges of Education as procurement entity is expected to:

- i. Prepare an annual procurement plan and publish these consolidated procurement plans. (for example on the PPA Bulletin)
- ii. Provide advance information to the outside World of upcoming procurement activities and advances the key principle of transparency in procurement.

- 
- iii. Enhance the successful delivery of government projects and public services because the projects are made public and the number of months or years it is expected to end is also made public pay for the work done or services provided in stages as the work progresses. This practice is expected to put in place sound financial management in government expenditure. Good procurement practice is expected to put in place more competition through publications for tender locally or internationally for every interested party.
 - iv. Furthermore, good procurement practices are expected to enhance budgetary savings since income and expenditure are judiciously worked out and published to avoid over spending.
 - v. Reduction of debt levels.
 - vi. The private sector will be encouraged since they are fully allowed to participate in the bidding.
 - vii. Value for money is achieved since more tenderers will be attracted to bid/tender. The result is that best which money can buy will be selected.
 - viii. Corruption will be highly reduced because of the transparency during the bidding, award of contract and the openness of payment for the contract. The above expected good Public Procurement Practices results in some social impacts.

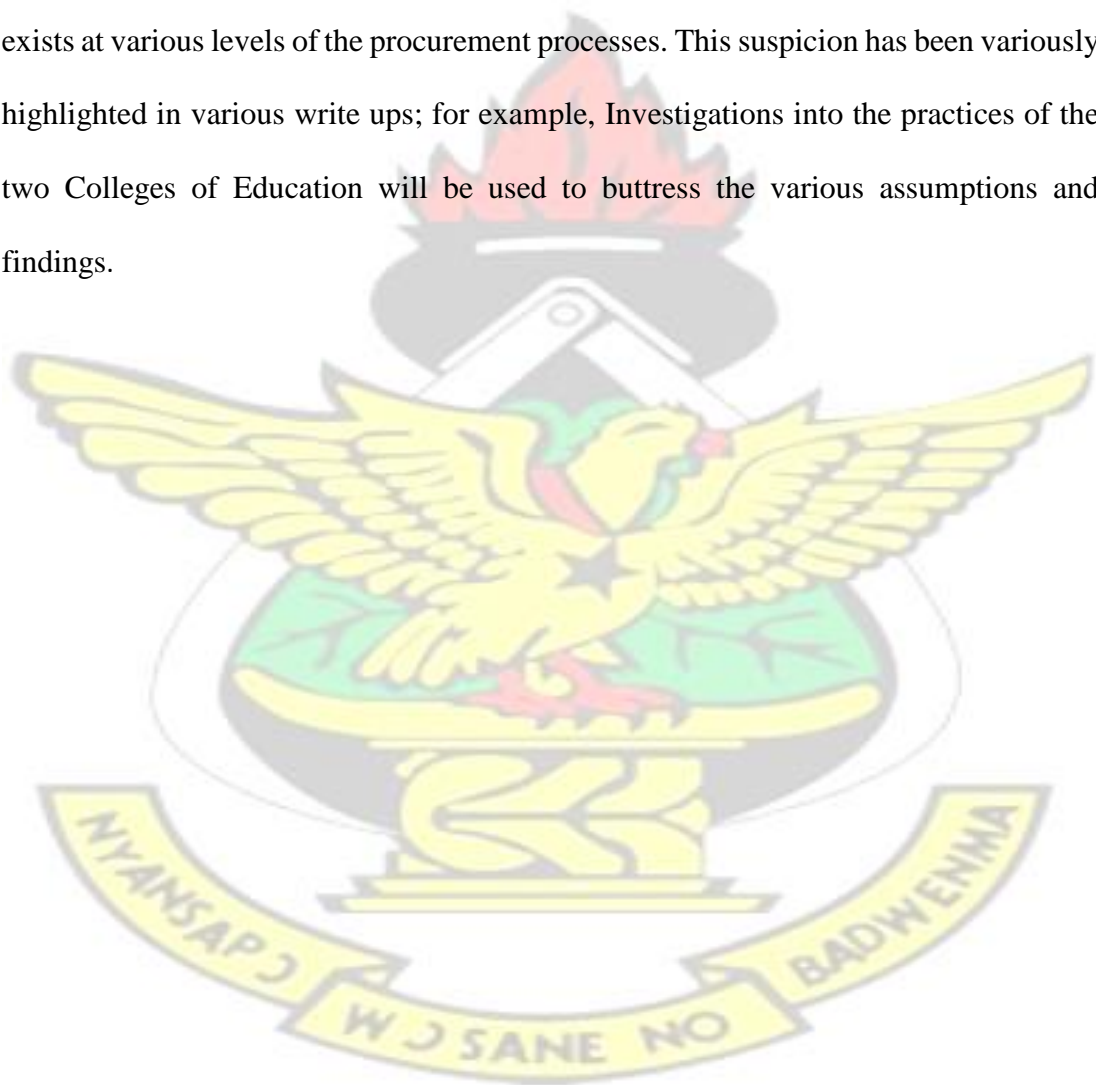
For example:

- i. Improved prospects of achieving other government objectives, increased access by local market to government contracts and enhanced reputation for government institutions (PPA Manual, 2007). An effective public procurement system is essential for smooth running of an economy.
- ii. Enhancement of the respect for rule of law.

- iii. Improved social sector services.
- iv. It also enhances smooth running of government economy.

The various expected good procurement practices bring to mind the question of whether such practices are religiously pursued and whether their inherent outcomes are being realized. This study is being pursued to find out if other detrimental practices do not infiltrate the laid down processes.

The researcher on various occasions has grounds to suspect that conflict of interest exists at various levels of the procurement processes. This suspicion has been variously highlighted in various write ups; for example, Investigations into the practices of the two Colleges of Education will be used to buttress the various assumptions and findings.



CHAPTER THREE METHODOLOGY

3.1 Introduction

This chapter described the research design which was used in collecting useful data for the research. The target population and the sampling technique are all covered in this chapter. It also focused on the instrument used for data collection, data collection procedure and finally procedure for data analysis. The purpose of this study is to examine public procurement procedures practices by the selected Colleges of Education in the Volta Region. (St. Francis and Jasikan Colleges of Education)

3.2 Research design

This is a descriptive study on the management of Public Procurement procedures: A study of St. Francis and Jasikan College of Education, in Volta Colleges Education. A descriptive study was used since the researcher aimed at collecting data base on questionnaire plan which states how data relating to a given problem should be collected and analysed. It provided a systematic outline for the conduct of the investigation (Amedahe, 2002).

The design will investigate the factors which influenced compliance on public procurement regulations in St Francis and Jasikan Colleges of Education. Descriptive survey design was appropriate, economical and convenient for the study of this nature as it also allows the researcher to use a few projects to explain the influence of procurement Act, professionalism and awareness in compliance in St Francis and Jasikan Colleges of Education.

3.3 Population, Sample Size and sample selection

The population involved in the research has been sampled from St. Francis and Jasikan Colleges of Education. The main target population involved included:

- (a) Twelve (12) procurement entity tender committee members; this includes the two procurement Officers.
- (b) Four (4) Tutors
- (c) Two (2) Finance officers
- (d) Five (5) Other Officers
- (e) Two (2) Principals

The total number of the research population is twenty- five (25) respondents. The data for the study was collected by the use of questionnaires which was used to address various issues envisaged by the researcher. These were chosen because they were techniques that best helped gather relevant data and they had the ability of providing the required data.

For the purpose of this research, and in order to achieve the objectives both primary and secondary data will be used. The primary data was obtained directly from respondents through the administration of questionnaires. The secondary information was obtained from the library, internet, journal articles, newspapers and research reports.

The questionnaire was made of open and closed ended questions. The open-ended questions of a qualitative design lead to more of an authentic understanding of people's experience of procurement laws. The flexibility in procedures allowed the researcher to get more information related to the subject.

All the copies of the questionnaire administered to the target were also retrieved by the researchers at the end of completion on same day.

3.4 Sampling

Sampling was not done in this research because of the size of the research population. Thus, drawing a sample from the entire target research population would result in an even smaller number which would make the research population unrepresentative.

3.5 Data Processing and Analysis

The data was analyzed by using quantitative approach using descriptive statistics. The responses that were received from the questionnaires and interview schedules conducted were organized, tabulated and analyzed using simple frequencies and percentages. Data was presented in descriptive form supported by means, tables, frequency distributions and percentages. Scale was used as parameter to measure the variables. Care was taken by the study considered the number of times view was expressed and the number of respondents that expressed that view.

Statistical tools such as percentages were employed to interpret the data. Responses were compared to find out those that reflected the same opinion and vice versa. Statistical Package for Social Sciences (SPSS) version 16 was used to analyze the quantitative data collected. This formed the basis for drawing conclusions.

3.6 Background of the Study Area

The Colleges of Education have been established purposely to train basic school teachers in the country. The Colleges of Education started in the Volta Region around the early part of the 19th century. The selected colleges were initially called St Francis Training College, Hohoe and Jasikan Training College and they awarded certificates

B and A. In 2004, the two (2) including 36 others were upgraded to Diploma Awarding Institutions and referred to as Colleges of Education.

In the Volta Region, there are seven (7) public Colleges of Education and one (1) private College of Education.

These are:

1. St. Francis College of Education at Hohoe, (FRANCO)
2. Jasikan College of Education at Jasikan (JASICO)
3. St. Teresa's College of Education at Hohoe (TERESCO)
4. Dambai College of Education at Dambai (DATCO)
5. Peki College of Education at (GOVCO)
6. E.P. College of Education at Amedzofe (AMECO)
7. Akatsi College of Education at Akatsi (AKATSICO)
8. Holy Spirit College of Education at Ho (HOSCO) (private)

In order to effectively administer the Colleges so that the desired results are achieved, there is an organizational and management structure in each College. The organizational structure is headed by the Principal. It is the sole responsibility of the Principal to see to the day to day running of the College. (National Council for Tertiary Education)

They are assisted in the chain by the Vice principals, who is responsible for administration and academic affairs. The College Secretary follows in the hierarchy. The senior house master sees to disciplinary issues of students in the Colleges. The house masters and the departmental heads, the class advisors and the tutors follow in the rank. This organizational structure specifies the channel of communication and authority in the Colleges. The management structure on the other hand comprises the

Principal who is the chairman, the two Vice Principals, the College Accountant, the Senior House master and the senior domestic bursar of the College. Their core function is to see to the day to day management and the needs of the College.

At the top of College Management is the College Council which is responsible for giving policy direction to the College. So in effect, the Principal is directly accountable to the Council. This system cuts across all Colleges of Education in the country. The College Council is made up of Council Chairman, the Principal of the College, the Vice Principal and the College Accountant, College Secretary, two government appointees, a teaching staff representative and a non teaching staff representative.

COLLEGES OF EDUCATION ORGANOGRAM

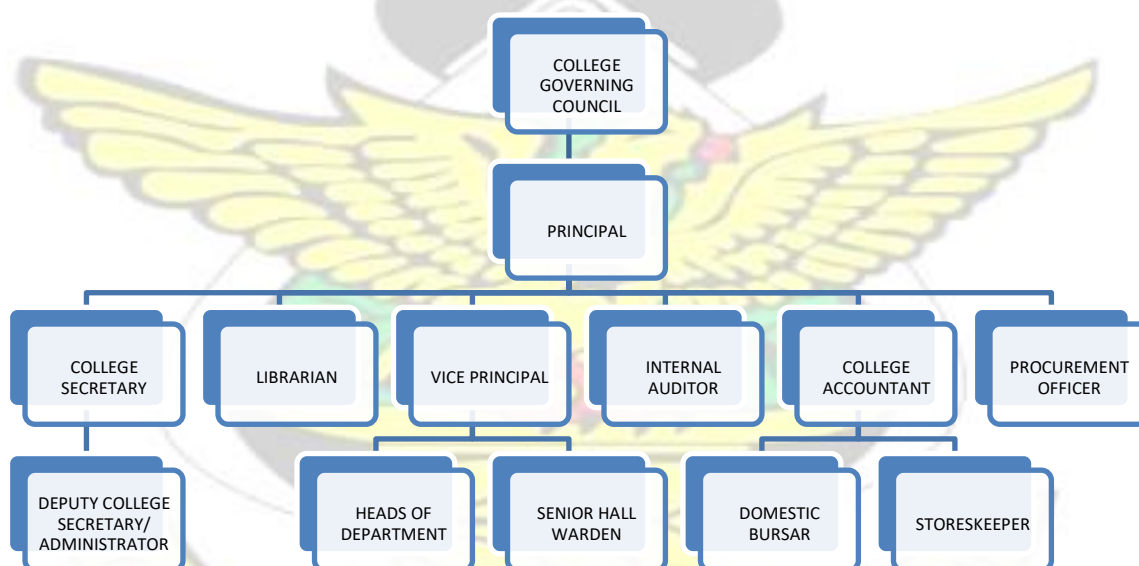


Figure 3.1 Organizational Structure

Source: National Council for Tertiary Education, 2014

CHAPTER FOUR DATA ANALYSIS AND DISCUSSION

4.1 Introduction

The study sought to examine the study into Public procurement procedures in Colleges of Education in Ghana. Two Colleges of Education in the Volta Region were selected to administer my questionnaire and that is; St. Francis and Jasikan Colleges of Education. This chapter presents the analysis of data obtained from the respondents. Analysis has been generally categorized under the personal data of those who are into procurement activities and four main objectives of the study. However, it is preceded by the analysis of the demographic characteristics of respondents.

4.2 Personal data of Respondents

Analysis of personal data distribution of the respondents of St. Francis and Jasikan Colleges of Education in the Volta Region.

Table 4.1: Gender Distribution of Respondents

Gender	Frequency	Percentage (%)
Male	17	68
Female	8	32
Total	25	100

Source: Author's Construct, 2015

The table 4.1 is the gender distribution of the respondents. Seventeen (17) of the respondents were males and eight (8) of them were females representing 68% and 32% respectively. This shows that greater percentage of the respondents were males. That is to say that male's participation in the exercise was more than that of the female's participation.

4.3 Position of the Respondents

The Figure 4.1 depicts the position of the respondents, from table 4.1

Table 4.2 Position of Respondents

Department	Frequency	Percentage (%)
Accounts	5	20
Tutors	4	16
Principals	2	8
Procurement Entity tender Committee (E.T.C.)	6	24
Stores	4	16
Administration	4	16
Total	25	100

Source: Author's Construct, 2011

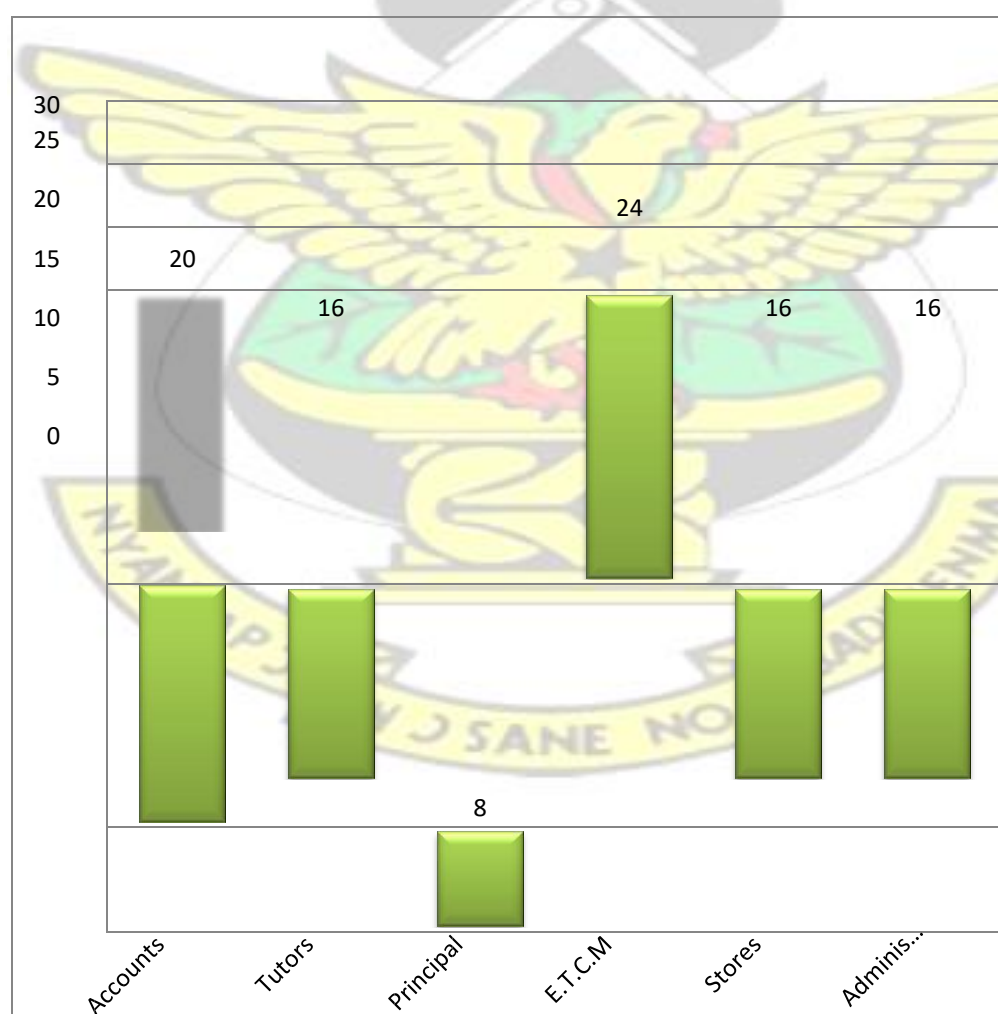


Figure 4.1: Position of Respondents

Source: Author's Construct, 2015

Table 4.3: Years in Institution

Years	Frequency	Percentage (%)
1-3 Years	5	20
4-6 Years	16	64
Above 6 Years	4	16
Total	25	100

Source: Author's Construct, 2015

As seen from Table 4.3 20% indicated that they have been in the Colleges for 1 to 3 years, 64% of the respondents also indicated that they have been in the Colleges for 4-6 years, those who have also been in the Colleges for above 6 years were 16%.

Table 4.4: Years in Current Position

Years	Frequency	Percentage (%)
1-5 Years	19	76
6-10 Years	6	24
Total	25	100

Source: Author's Construct, 2015

The table 4.4 indicates the number of years respondent have been at post. 76% of them said they have been at their current positions spanning for 5 years. Whilst 24% of the respondents said that they have been holding their positions between 6 and 10 years.

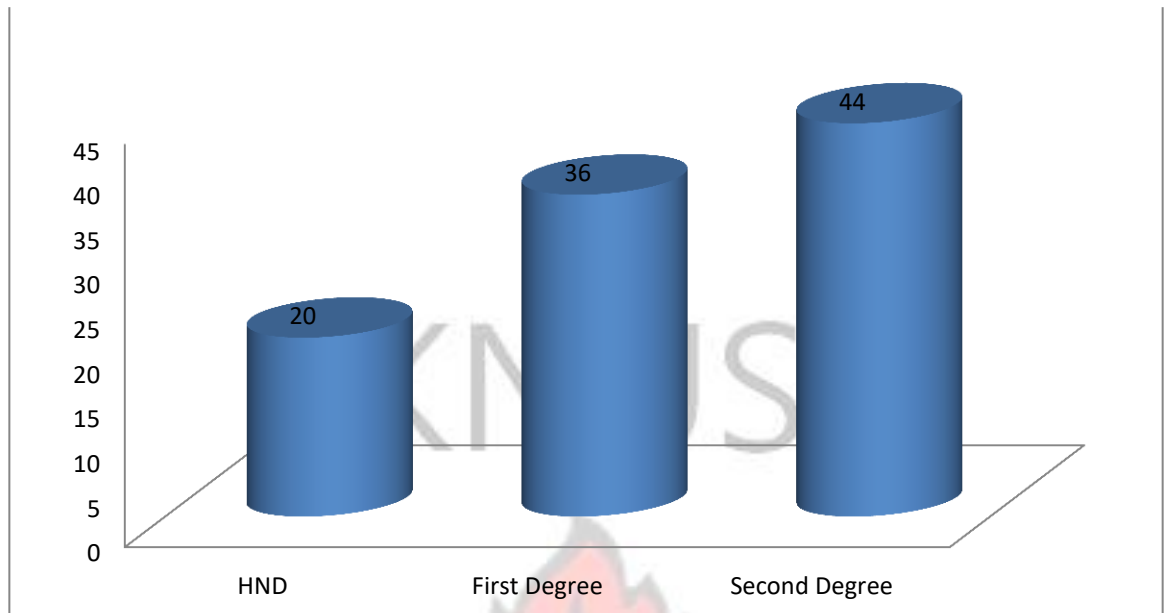


Figure 4.2: Level of Education

Source: Author's Construct, 2015

The figure 4.2 depicts the educational levels of the respondents. It is obvious from figure 4.2 which 20% of the respondents are HND holders, 36% of them are first degree holders and 44% are second degree holders. From the table it is obvious that the least qualification is HND and the highest is second degree. This is an indication that Colleges of Education are gravitating towards maintaining higher educational standards among their staff.

As shown in figure 4.3, 28% of the respondents said in fact, they had studied procurement related course. 72% with regards to having undergone study procurement related courses; there was nothing of a sort. With a critically analysis of the responses regarding procurement study, the Colleges of Education have to put some resources into training their staff because quality of service is needed.

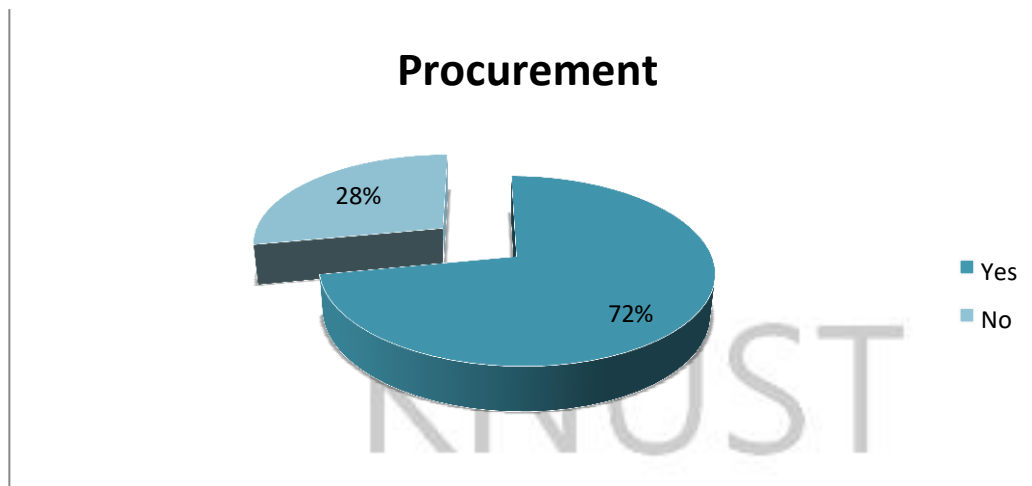


Figure 4.3: Respondent with Procurement Courses

Source: Author's Construct, 2015

4.4 Procurement Methods and Procurement Procedures

Table 4.5: Preparation of Procurement Plan

Response	Frequency	Percentage (%)
Yes	14	56
No	11	44
Total	25	100

Source: Author's Construct, 2015

As shown in Table 4.5, with regards to the preparation of a procurement plan, 56% of the respondents said „Yes“ and 44% of the respondents also said „No“. This finding of the study indicates the significance of the Public Procurement Act 663 of 2003, provides for the activity of procurement planning under part III PPA, Act. This implies that, majority of the respondents agreed to the section 21 of the procurement act which stipulates as: Procurement Entity shall prepare annual procurement plan to support the approved programme and the plan shall indicate: Contract packages,

Estimated cost for each package, The procurement method, processing steps and times, and a Procurement Entity shall submit to its Tender Committee not later than one month to the end of the financial year, the procurement plan for the following year for approval.

4.5 Application of appropriate procurement method as required

As can be seen from figure 4.4, with regards to the application of appropriate method as required, nineteen (19) respondents representing 76% responded in the affirmative while six

(6) respondents representing 24% of them were of the view that appropriate procurement procedures are followed.

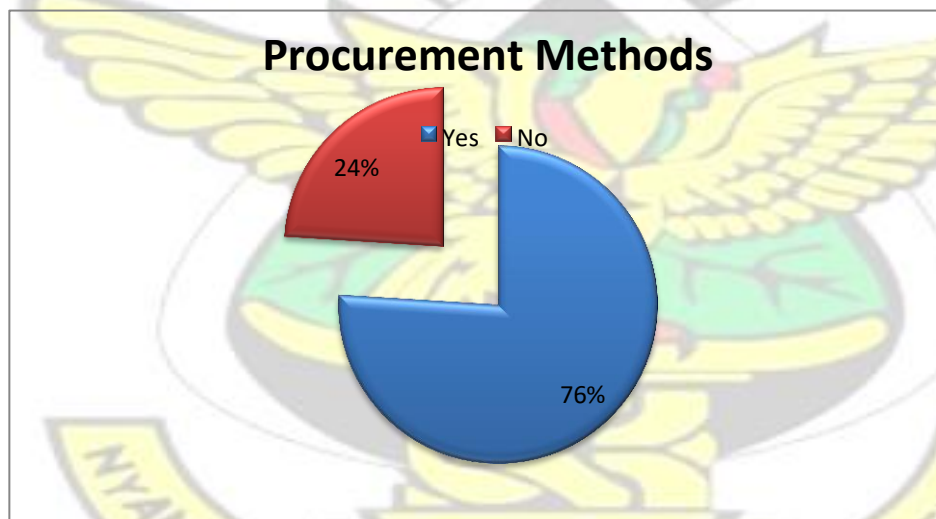


Figure 4.4: Application of Procurement Methods

Source: Author's Construct, 2015

Regarding methods of procurement, 64% of the respondents said that competitive tendering methods were used, 16% of them also indicated that selective tendering methods were adhered to and 20% of them opted for neither competitive tendering nor

selective tendering methods (see table 4.5). This implies that majority of the respondents compete during the procurement process. This is in consonance with Section 35 & Part V of Act 663 that endorse the use of competitive tendering method for standard high value procurement for goods, works and consultancy services

Table 4.6: Methods of Procurement

Responses	Frequency	Percentage (%)
Competitive Tendering	16	64
Selective Tendering	4	16
None of the Above	5	20
Total	25	100

Source: Author's Construct, 2015

4.6 Engagement of Consultant Services in Procurement

This figure 4.5 depicts the responses given as to whether consultant services were engaged in procurement practices in Colleges of Education. Out of the twenty-five (25) respondents, eighteen (18) respondents representing 72% said they engaged consultant services in the procurement practices. Whiles 28% responded that the units do not engage any consultancy services.

This has been illustrated in the pie chart below.

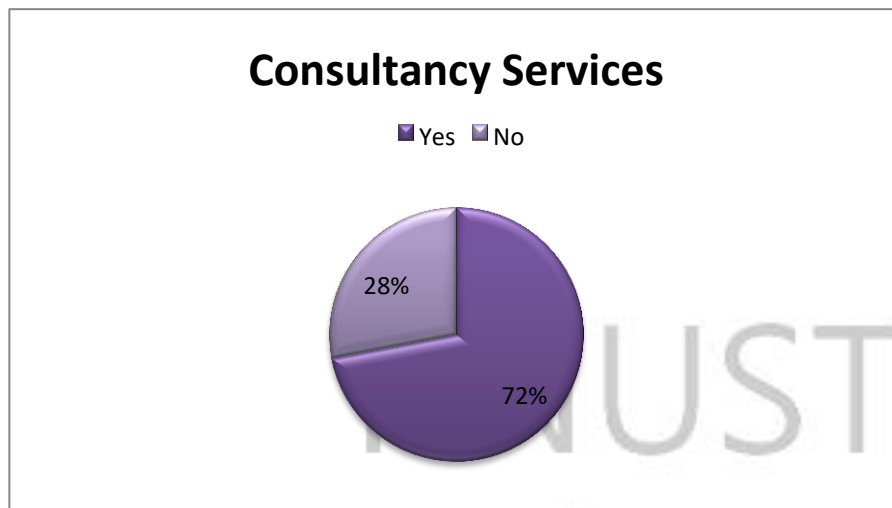


Figure 4.5: Engage Consultant Services in Procurement

Source: Author's Construct, 2015

Table 4.7: Adherence to PPA Procedures in Procuring Goods and Services

Response	Frequency	Percentage (%)
Yes	19	76
No	6	24
Total	25	100

Source: Author's Construct, 2015

With regards to the table 4.7, depicts the responses to the question which assessed whether PPA procedures were adhered to in procuring goods and services. Nineteen (19) out of the twenty (25) respondents representing 76% said PPA procedures were taken into consideration when procuring goods for schools but the remaining respondents representing 24% were of contrary view that the procedures were not adhered to. These findings of the study is in line with the section 21 of the Procurement Act which stipulates that, Procurement Entity shall prepare a procurement plan to support the approved programme and the plan shall indicate: Contract packages, Estimated cost for each package, The procurement method, processing steps and times, and A Procurement Entity shall submit to its Tender Committee not later than one

month to the end of the financial year, the procurement plan for the following year for approval. This means that greater majority of the respondents were aware of the procurement Act which encourages them to follow a due process before contracts are awarded.

Table 4.8: Records of Procurement Activities

Response	Frequency	Percentage (%)
Yes	16	64
No	9	36
Total	25	100

Source: Author's Construct, 2015

As seen from Table 4.8, sixteen (16) of the respondents representing 64% said that their institutions have written records of procurements whilst the remaining nine (9) respondents (36%) said their institutions do not have written records of procurement

Table 4.9: Publication of Contracts

Response	Frequency	Percentage (%)
Yes	18	72
No	7	28
Total	25	100

Source: Author's Construct, 2015

Table 4.9 indicates the responses given regarding whether contracts to be awarded were publicized. Majority of eighteen (18) representing 72% indicated "YES" whereas a minority of seven (7) presenting 28 % indicated "NO".

Among the eighteen (18) respondents who indicated that contracts are publicly advertised majority twelve (12) representing 66.7% noted that contracts were

advertised in national newspapers whereas a minority of six (6) representing 33.3% identified newspapers as means of advertising contracts at (Table 10).

Table 4.10: Advertisement of Contracts

Response	Frequency	Percentage (%)
National News Papers	12	66.7
Both Paper and Radio	6	33.3
Total	18	100.0

Source: Author's Construct, 2015

Table 4.11: Duration Allowed to Obtain Tender Documents

Response	Frequency	Percentage (%)
Yes	7	28
No	18	72
Total	25	100

Source: Author's Construct, 2015

Regarding the time allowed to obtain tender documents, it was evident that majority 72% indicated that it was not sufficient (see Table 4.11) Precisely the majority (72%) indicated that a maximum time of 4weeks was allowed in obtaining tender documents with regards to 28% indicating 2-5months as the time of obtaining tender documents. This presents a challenge to most tenderers as insufficient time to obtain and process tender documents will affect fair competition. The requirement to advertise the intention to procure works is outlined in Section 47 of Act 663 for procurement using International and National Competitive Tendering. Section, 47 (1&2) required that invitation to tender or invitation to pre-qualify, to be published in the Procurement

Bulletin and at least two newspapers of wide national circulation. Section 48 (1) of Act 663 indicates the contents of a typical advertisement. However the findings of the study are in disagreement with the section 47 of the procurement act which requires that all works should be published in the newspapers. The implication here is that, as stipulated in the procurement act, the respondents view meant that time allocation for the invitation was too short which was direct opposite to that of the time stipulated in the procurement Act.

4.7 Procurement Challenges

This part of the analysis presents findings about the challenges associated with the procurement process. From the survey, the respondents did not see the process as a transparent one. Hence 56% of the respondents were of the opinion that tenderers form cartels to share projects among themselves this is shown in table 4.12.

Another challenge is the tenure of office for tender evaluation committee.

However 68% of the respondents revealed that tender evaluation panels are normally changed only when the need arises (see table 4.13). There is lack of clear cut tenure of office for tender evaluation committee can promote corrupt practices due to the perceived lack of duration of service.

Table 4.12: Tenderers Form Cartels to Share Projects

Response	Frequency	Percentage (%)
No	14	56
Yes	11	44
Total	25	100

Source: Author's Construct, 2015

Table 4.13: Changes of Evaluation Panels

Response	Frequency	Percentage (%)
Yearly	8	32
When Need Arises	17	68
Total	25	100

Source: Author's Construct, 2015

Moreover about 68% indicates that the various levels of approval in the procurement processes are unnecessary because it leads to delays in the procurement processes by making it procurement processes cumbersome.

Table 4.14: Unnecessary Levels of Approval

Response	Frequency	Percentage (%)
Yes	8	32.0
No	17	68.0
Total	25	100.0

Source: Author's Construct, 2015

Table 4.15: Unsuccessful Tenderers

Response	Frequency	Percentage (%)
Yes	13	52
No	12	48
Total	25	100

Source: Author's Construct, 2015

In Table 4.14, it depicts that almost half of the respondents indicate that unsuccessful tenderers are informed about their failures to win the bids (see the table above).

Table 4.16 Delays Caused by Procurement Act

Response	Frequency	Percentage (%)
Yes	17	68
No	8	32
Total	25	100

Source: Author's Construct, 2015

With respect to the table above, respondents have indicated that the Public Procurement Act with its associated policies causes delay. The difficulties in procurement policies reflect the challenges Ghana is to overcome, if it intends to improve its economic development. It is revealed from Table 16, out of twenty - five (25) respondents seventeen (17) which is about 68%, agreed that Public Procurement Act causes delays whiles 32% said otherwise. Some of the challenges identified were, delay in the award of contract, and no room for price negotiation, delay in release of for the purchasing price fluctuation and delay in payment of contractors.

Table 4.17: Procurement Process Causes Delay of Payment to Contractors

Response	Frequency	Percentage (%)
Yes	20	80
No	5	20
Total	25	100

Source: Author's Construct, 2015

It is important to expedite payment of contractors for early completion of contracts, from Table 17, however, (80%) of the respondents indicated that delays in payment to

contractors and suppliers hindered completion of contracts. These delays do not only cause inefficient in running of the school, but also deters the private sector from providing services to the school. This is because the confidence built between the schools and the private contractors is lost through delay in payment.

Table 4.18: Duration used in paying contractors after completion of contracts

Response	Frequency	Percentage (%)
Less Than 2 Months	2	8
2-4 Months	19	76
5-12 Months	4	16
Total	25	100

Source: Author's Construct, 2015

As displayed in Table 4.18, the study further sought to find out how long it takes for contractors or suppliers to be paid after they have delivered their goods and services. Majority of the respondents constituting 76% revealed 2-4months, 16% also showed up for 5-15 months whiles 8.0% were of the view that it takes less than 2 months for their monies to be paid when they supply goods and services to the school. The respondents were further asked to determine the source of delay in the procurement processes.

In this respect, majority of the respondents 72% were of the view that, the delays were form the government in that, it takes longer time for funds to be released whiles 28% of the respondents also attributed the delays to the late submission of certificates as in table 4.19. This implies that, the procurement process causes delay in goods and service delivery as well as payment of contractors and suppliers of goods and services.

Table 4.19: Challenges in paying contractors after completion of contract

Response	Frequency	Percentage (%)
Delays From Government Fund Release	18	72
Delays In Submitting Certificates	7	28
Total	25	100

Source: Author's Construct, 2015

4.8 Effective Compliance of Public Procurement Act

One important component of the PPA is compliance. Both local and state actors must comply with the policies in order to ensure effective process. Some of these compliance approaches include internal control mechanism, regular auditing and periodic review of procurement plans amongst others. This part of the questionnaire sought the view of respondents along these aforementioned areas.

Table 4.20: Procurement Internal Quality Control Mechanisms

Response	Frequency	Percentage (%)
Yes	14	56
No	11	44
Total	25	100

Source: Author's Construct, 2015

The table 4.20, seeks to determine whether procurement has internal quality control mechanisms. With this, 56% of the respondents vouched that procurement has internal quality control mechanisms in place and the remaining 44% of the respondents said no.

Generally, low compliance with some of the processes including notifying successful bidder, publicizing contract awards, notifying unsuccessful bidders, using internal

notice boards to display procurement information and the use of standard tender documents is attributed to inadequate capacity of procurement personnel.

Generally, when the respondents were asked whether they comply with the PPA Act 663 in the aspect of rules and procedures, 52% revealed that, they partially comply with the rules and procedures of the PPA Act, 32% of the respondents also were of the view that they fully comply with the procurement act while 16% of the respondents did not fully or partially comply with the rules and procedures guiding the procurement act.

The table4.21 depicts the compliance with PPA Act 663 (2003).

Table 4.21 Compliance with PPA Act 663(2003) In Terms of Rules and Procedures

Response	Frequency	Percentage (%)
Fully	8	32
Partially	13	52
Not Really	4	16
Total	25	100

Source: Author's Construct, 2015

The table 22, the respondents conversant with the Procurement Act. In respective of the survey, 48% vouched that they were partially conversant with the PPA Act, 36% of the respondents also answered that, they were fully conversant while 16% of the respondents answered that they were totally not conversant with the Public Procurement Act.

Table 4.22: Conversant With PPA Act

Response	Frequency	Percentage (%)
Fully	9	36
Partially	12	48
Totally not	4	16

Source: Author's Construct, 2015

The respondents were further asked if they apply appropriate procurement methods as required of them. However, table 4.23, 84% of the respondents indicated answered in the affirmative whilst 16% of the respondents said they do not apply appropriate procurement methods as prescribed by Public procurement authorities.

Table 4.23: Appropriate Procurement Methods

Response	Frequency	Percentage (%)
Yes	21	84
No	4	16
Total	25	100

Source: Author's Construct, 2015

Respondents were asked whether appropriate procurement methods were applied as prescribed. And out twenty-five (25) of the respondents, twenty-one (21) of them representing 84% said the prescribed methods are employed appropriately whilst four (4) of the respondents thus 16% said the methods are not applied appropriately.

Table 4.24: Entity Tender Committee Meetings

Response	Frequency	Percentage (%)
Quarterly	12	48
Every 6 Months	2	8

Yearly	11	44
Total	25	100

Source: Author's Construct, 2015

The table 4.24, the respondents were asked how often the Entity Tender Committee meets? With this, 48% of the respondents said they met quarterly, but 8% of them said they meet every 6 months and 44% of the respondents said the committee meets annually.

Table 4.25: Availability of Procurement Officer

Response	Frequency	Percentage (%)
Yes	25	100
No	00	00
Total	25	100

Source: Author's Construct, 2015

When asked whether they have Procurement Officers, twenty- five (25) of the respondents thus 100% said yes they have Procurement officers. This indicated that the two selected Colleges of Education have complied with the requirements of the Public Procurement Authority (PPA) instructions to the public institutions to employ officers who would be responsible of procurement activities.

CHAPTER FIVE SUMMARY OF FINDINGS, RECOMMENDATIONS AND CONCLUSION

5.1 Introduction

This chapter concludes the study by presenting the summary of the study, and makes recommendations. Also presented in this chapter are areas for further research which were identified during the conduct of the study

5.2 Summary of Findings

The main of the study was to examine a study into public procurement procedures in Colleges of Education in Ghana, a study at St. Francis and Jasikan Colleges of Education in the Volta Region. The study is based on procurement activities in the Colleges of Education in Ghana.

The findings of the study have been classified according to the objectives of the study as follows:

1. Identify procurement procedures and methods used in Colleges of Education;
The study has revealed that preparation of procurement plans is very important. However, the study found that the percentage difference between those who said that procurement plans are prepared is just 12%, so taking the difference into account; the Colleges of Education have been preparing of procurement plans. It has also been revealed by the respondents that appropriate procurement methods are applied in their institutions. This will in turn help in eliminating some operational errors in procurement activities. The study also underscored the usefulness of the specific tendering methods used in the two Colleges of Education sampled for the study. Thus, majority

of the respondents intimated that competitive tendering method is what is effectively used in their establishments.

The study revealed that consultant services are engaged in procurement activities. Most of the respondents vouched that consultant services are engaged in procurement activities. This practice will go a long way to enhance the procurement activities to prevent the two schools from unnecessary spending and avoiding conflict of interest.

2. Identify procurement challenges associated with the procurement processes in the Colleges of Education;

Most of the respondents also revealed that sufficient time is allowed in obtaining tender documents. They also made it known that tenders are opened publicly. However, majority of the respondents vouched that tenderers sometimes form cartels to share contracts among themselves. Interestingly, it has been revealed that unsuccessful tenderers are not informed after tendering process. A significant challenge that the study revealed is in respect of late payment upon completion of project. The study revealed that contractors, suppliers and service providers are not paid on time and this affected the management of most projects, resulting in court suits by some contractors.

3. To ensure effective compliance of the Public Procurement Law in Colleges of Education.

One important component of the PPA is compliance. Both local and state actors must comply with the policies in order to ensure effective process.

Some of these compliance approaches includes preparation of annual Procurement plan, establishing of Procurement unit and employing qualified procurement personnel, operating with the public legal framework, internal control mechanism, regular auditing and periodic review of procurement plans amongst others. This part of the questionnaire sought the view of respondents along these aforementioned areas.

Generally, low compliance with some of the processes including notifying successful bidder, publicizing contract awards, notifying unsuccessful bidders, using internal notice boards to display procurement information and the use of standard tender documents is attributed to inadequate capacity of procurement personnel. Generally, when the respondents were asked whether they comply with the PPA Act 663 in the aspect of rules and procedures, 52% revealed that, they partially comply with the rules and procedures of the PPA Act, 32% of the respondents also were of the view that they fully comply with the procurement act while 16% of the respondents did not fully or partially comply with the rules and procedures guiding the Procurement Act. The table below depicts the compliance with PPA Act 663 (2003).

However, a few of the respondents said their institutions do not resort or apply Public Procurement Authority in procuring of goods, services and works.

4. Identify features of good procurement practices in Colleges of Education in Ghana;

The study also revealed the importance of application of Public Procurement Authority (PPA) procedures in procuring of goods, services and works in the two institutions. It has also revealed that new contracts in both institutions are advertised especially in national newspapers.

The study has revealed that preparation of procurement plans is very important. However, the study found that the percentage difference between those who said that procurement plans are prepared is just 12%, so taking the difference into account; the Colleges of Education have been preparing of procurement plans. It has also been revealed by the respondents that appropriate procurement methods are applied in their institutions.

5.3 Recommendations

The following recommendations are necessary to better procurement and contract management activities in order to accomplish the purposes of efficiency, effectiveness, transparency, accountability and value for money, for effective local service delivery.

1. It is recommended that government endeavors to review the Act to limit the number of steps in the procurement process so as to reduce the level of bureaucracy in the Contract/project management should be included in the procurement procedures.
2. Sanctions for Non-compliance with Ethical Standards (PPA Manual, 2007)

Due to the special and additional public trust placed on procurement professionals as custodians of public funds, a special and additional level of rules, compliance, obligations and sanctions governing the activities of all officials engaged in any way in public procurement regardless of their rank or function will be applied. Operating with the public legal framework, internal control mechanism, regular auditing and periodic review of procurement plans amongst these officers in charge of procurement should have frequent training

opportunities to gain professional procurement qualifications. This would help attain more value for money and transparency.

3. Implementation of electronic procurement (e-Procurement) into Colleges of Education will enhance effective procurement procedures for transparency and accountability. This may be the way forward because it will bring in huge transformations in how institutions, both public and private conduct its business.
4. There should be a review of the policies set out in the procurement procedures and thresholds so that the Colleges of Education will comply to the Public Procurement Act, (Act 663, 2003) it will contribute some specific policies that apply to it, so as to make procurement competitive in its jurisdiction. Bureaucracy delays the smooth operation of procurement and affects the management of the forum.
5. The study is recommending that a strategy on procurement procedures is to be set out as a key issues and principles which would help to modernize procurement agenda and outlines support available for implementation throughout Colleges of Education in Ghana.

5.4 Conclusions

The Procurement Act 663, 2003 has been put in place to bring about efficiency, effectiveness and accountability. The study expressed that although the regime is making attempts to bring about efficiency, and effectiveness in the organization or the procurement process, challenges are even out on that point. The Public Procurement

Act, has created order in the procurement process of schools, because they knew what to do and who it should go to. It has also brought about transparency in the use of state resources. The study also brought out some challenges. The primary challenge that this survey discovered was there was nontransparency in the Procurement procedures in the dictation procedure. Another challenge revealed by the study was the tenure of the tender evaluation committee. This lack of clear cut tenure of office for tender evaluation committee can promote bad and corrupt practices due to the perceived lack of duration of service.

The study discovered that although the government is making frantic attempts to bring about efficiency in the procurement process challenges are still being met. The Public Procurement Act has brought sanity in the procurement process of the Colleges of Education as well as transparency in the use of state resources. Therefore, it can read that the Public Procurement Act is receiving both a plus and a minus effect on the delivery of public contracts in the Colleges. The act has sanitized the system, but changes are still needed to get the system fully effective, efficient and transparent.

The ultimate objective of the study is to add value to the Colleges of Education in fulfilling its mandate, goals and objectives of its operations. To a large extent the following are the principal guiding principles that can govern the practice and conduct of the Procurement unit includes concepts such as:

- i. Maintain the highest image and reputation of the government institutions through execution of the procurement process in full conformity with the Public Procurement Act 2003, (Act 663) and other relevant regulatory regimes;
- ii. Promote fairness, integrity and transparency;
- iii. Best value for money and others.

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APPENDIX

SAMPLE OF QUESTIONNAIRE

KWAME NKRUMAH UNIVERSITY OF SCIENCE AND TECHNOLOGY,

KUMASI

COLLEGE OF ART AND BUILT ENVIRONMENT

DEPARTMENT OF BUILDING TECHNOLOGY

Dear Sir/Madam,

QUESTIONNAIRE SURVEY – SOME FACTORS INFLUENCING PUBLIC PROCUREMENT PROCEDURES IN COLLEGES OF EDUCATION: A CASE STUDY OF ST. FRANCIS AND JASIKAN COLLEGES OF EDUCATION IN THE VOLTA REGION

I am currently researching into Factors Influencing Public Procurement Procedures in Colleges of Education: A Case Study of St. Francis and Colleges of Education in the Volta Region. The study is based on procurement activities in the Colleges of Education of Volta Region of Ghana.

As part of the research, I am conducting a questionnaire survey to seek input from actors of Procurement Activities from your College. I would therefore be grateful if you could kindly devote some of your time to complete the enclosed questionnaire to enable me undertake this study. Your response will be treated as strictly confidential. The information will be used for academic purposes only. In partial fulfillment for the award of the Master of Science in Procurement Management. Please note that only the aggregated findings will be reported and summary of the findings will be made available to you upon request.

Should you have any questions do not hesitate to contact me by phone on 0201975490 / 0243304983 or email at theomensgh2002@yahoo.com.

Thank you for your concern and participation in the survey.

Yours sincerely,

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Appendix II

QUESTIONNAIRE

SOME FACTORS INFLUENCING PUBLIC PROCUREMENT PROCEDURES IN COLLEGES OF EDUCATION: A CASE STUDY OF ST. FRANCIS AND JASIKAN COLLEGES OF EDUCATION IN THE VOLTA REGION

Please provide the correct information by ticking [√] in the appropriate box and fill in the blank spaces where necessary.

OCCUPATIONAL DATA FOR PROCUREMENT PRACTITIONERS

Section A: Personal Data

1. Sex ☐ Male ☐ Female
2. Position:.....

3. Number of years spent in your present organization.....
4. Indicate your years of experience in the procurement activities.
☐ 5yrs ☐ 10yrs ☐ 10yrs and above
5. Please indicate your level of Education? ☐ HND ☐ First Degree
☐ Others specify:.....
6. Did you study any Procurement related course? ☐ Yes ☐ No
7. If no to question 6 above then have you done any procurement related short course or workshop? ☐ Yes ☐ No

Section B: Procurement Methods and Procedures

8. Do you prepare a procurement plan? ☐ Yes ☐ No
9. Do you apply appropriate Procurement methods as required? ☐ Yes ☐ No
10. If yes, which method do you often use? ☐ Competitive tendering ☐ Selective tendering ☐ Negotiation
☐ Others (Specify).....
11. Do you engage consultant services in your procurement activities?
☐ Yes ☐ No

12. Please go to question 11 if you chose No
13. If you answered yes to question 11 above, which of the following procurement? ☐ goods ☐ services ☐ works
14. Do you apply Public Procurement Authority (PPA) procedures in procuring of goods, services and works in your institution? ☐ Yes ☐ No
15. Do you have written records of procurement? ☐ Yes ☐ No
16. Are summaries of information about public procurement published (e.g. number of bids received, number of contracts awarded, and names of successful bidders)?
☐ Yes ☐ No
17. If yes, how often? ☐ Quarterly ☐ Every six month ☐ Yearly ☐
Every two years
18. Are contracts to be awarded publicly advertised? ☐ Yes ☐
No
19. If yes, where? ☐ National newspapers ☐ Local radio ☐ Internet ☐
Journal
☐ 1&2 ☐ All
20. Is sufficient time allowed to obtain tender documents? ☐ Yes ☐ No
21. If yes, how many weeks / months?
.....
22. Do you open tenders publicly? ☐ Yes ☐ No

Section C: Procurement Challenges

Please tick [☒] the right option

23. Tenderers form cartels to share projects among themselves
☐ Agree ☐ disagree

24. The cost of doing business is high i.e. high document cost, high securities cost, interest rates, etc. from banks, etc. ☐ Yes ☐ No
25. Thresholds limitations in the choice of appropriate procurement methods and contract packages stated in Section 21 and Schedule 3 of the Public Procurement Act 2003,(Act 663) are inadequate. ☐ Yes ☐ No
26. How often do you change Tender Evaluation Panels ☐ Quarterly ☐ Yearly ☐ when the needs arise
27. Do you inform unsuccessful tenderers? ☐ Yes ☐ No
28. Delay of execution of works procurement by Contractors ☐ Yes ☐ No
29. State any other challenges that were not stated above (please be concise as possible)
-
-
-
30. Are there unnecessary levels of approvals or cumbersome procedures for procurement?
- ☐ Yes ☐ No
31. Do you agree that Procurement Act causes delays in awarding contracts?
- ☐ Yes ☐ No
32. How long does it take to pay supplies/contractors after delivery of goods or execution ocontracts?.....
33. Do Colleges of Education experience delays with release of funds?
- ☐ Yes ☐ No
34. If yes why?.....
35. What are some of the causes of the delay in paying contractors?

.....

36. Are procedures and process for procurement cumbersome? ☐ Yes ☐ No

37. If yes how?.....

38. Does procuring entity have internal quality control mechanisms? ☐ Yes ☐ No

39. Are they regularly audited? ☐ Yes ☐ No

40. Do you have procurement officer? ☐ Yes ☐ No

Section D: Effective Compliance of Public Procurement Act

41. Do you review your procurement plan regularly? ☐ Yes ☐ No

A. If Yes, how regularly.....

B. If No, why.....

42. Do you comply with the Public Procurement Act 663 (2003) in your Procurement Activities in terms of rules and procedures for Goods, Works and Services?

☐ fully ☐ partially ☐ not really ☐ not sure

43. Do you adhere to Public Procurement Rules, Methods and Procedures? ☐ Yes ☐ No

A. If No, why.....

44. Are you conversant with the Public Procurement Act?

☐ fully ☐ partially ☐ not really ☐ not sure

45. Do you apply appropriate Procurement method as required? ☐ Yes ☐ No

46. How often does the tender committee meet?

☐ Monthly ☐ Quarterly ☐ every six months ☐ Year

47. Do you have procurement Officer? ☐ Yes ☐ No

KNUST

