

**EXPLORING THE REASONS WHY ADVERSARIAL PROCUREMENT HAS
FAILED TO DELIVER IN PUBLIC PROCUREMENT**

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ABSTRACT

Adversarial (bidding and tendering) or traditional sourcing procedures are often used in the procurement of public infrastructure and the delivery on budgets remains a challenge. Developing nations are now including a variety of alternative sourcing methods that are based on collaborative principles in enhancing their supply chains. This methods are non adversarial in nature and are characterized by a medium to long term relationships with suppliers and constructors. The aim of this research is exploring the reasons why adversarial procurement failed to deliver in public procurement. Its objectives being: To identify the adversarial procurement methods adopted by the officials, to identify the challenges of adversarial procurement in the public sector and to identify other procurement methods to achieve successful procurement procedures in the public procurement. The data collection tools included questionnaires and interviews while the target population included procuring officials and certain stakeholders involved. Statistical package for the social sciences (version 25) was used in the analysis, taking into consideration the mean score ranking to analyse the data obtained from various respondents. The findings revealed competitive tendering, two-stage tendering, restricted tendering, single or sole source procurement and request for quotation were all adversarial procurement methods mostly adopted. Based on the findings of the study, the following recommendations were made in order to enhance the choice of procurement methods adopted by the public procurement. The procurement officers must undergo regular training to refresh their skills on non-adversarial procurement methods, Automation to prevent political and management interference in the procurement process. There must be accountability and transparency in the procurement process in preventing corruption.

KEYWORDS: Exploring, Adversarial, Procurement, Public, Non - adversarial.

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DEDICATION

To God be the glory, great things he has done and greater he will do. I dedicate this project work to almighty God for giving life, strength and seeing me through this program.

CHAPTER ONE

INTRODUCTION

1.1 RESEARCH BACKGROUND

Public procurement is a sector inimical to change especially in developing countries. Adversarial or traditional sourcing and contracting methods are commonly used in most public infrastructure procurement activities and the timely execution of projects being budgeted remains a problem in public sector procurement in Ghana. Most of the public sector procurement in least developed nations often utilizes the adversarial procurement method which is purely based on adversarial relationships with contractors. The bid and bash approach is used in the tendering process which focuses on the lowest bid and arms' length relationships with many suppliers. Welch (2003).

This is concerned with procurement, purchasing and supply relationships involving some degree of closeness entered into for the purpose of mutual benefit between the buying organization and supplier's product or service. Adversarial procurement can be defined as a typical competitive resource acquisition process, where the buyer put pressure on the supplier to meet quality expectations at the lowest possible cost. This type of procurement strategy is mostly used in developing countries but there are more innovative and effective strategies that can be adopted to improve efficiency and economy in public sector procurement as the world keeps on taking paradigm shifts from traditional processes and procedures of solving problems. Suppliers and contractors are mostly seen as people who promotes or exchanges goods, works or services for money and not seen as an external resource that has more benefits besides the procured products and services. However, considering adversarial based procedures and method a lot of procurement personnel in my opinion feel that this procedures are not very suitable for large or complex acquisitions due to the intense

focus on the output process instead of stringent obedience to standards and legislation.
(Ragan et al. 2015)

1.2 PROBLEM STATEMENT

Public procurement is therefore rich for reforms and cost savings opportunities, Therefore there is the need to find innovative ways of achieving value for money in public procurement of goods, works and services. Scholars found that the extreme form of competitive bidding is, on the whole, incompatible with successful achievement of value for money and further argues that extreme forms of competitive bidding are detrimental. These forms involve: rigid application of tendering procedures for low value items regardless of on-costs; too many suppliers; short term contracts and the absence of cooperation from suppliers. The adversarial approach to supplier relationship management does not engender value for money. Employers procuring goods, works and services need to be satisfied with the best possible outcome, this is achieved by taking into account all relevant costs and benefits over the whole life cycle of procurement. The challenges arising from the use of adversarial (bidding and tendering) procedures and methods in Public procurement calls for an urgent need in re-evaluating the approaches involved and to recommend effective and efficient strategies in the management of supplier relationships that pose threats to value for money. Erridge and Nondi (1994)

1.3 RESEARCH AIM

The aim was to explore the reasons why adversarial procurement has failed to deliver in public procurement.

1.4 RESEARCH OBJECTIVES

In order to explore the reasons why adversarial procurement has failed to deliver in public procurement, following objectives were identified.

1. To identify the adversarial procurement methods adopted by the procurement officials.
2. To identify the challenges of adversarial procurement methods in the public sector
3. To determine other procurement methods to achieve successful procurement procedures in the public procurement

1.5 SIGNIFICANCE OF THE STUDY

This project work when completed successfully and made available;

1. Will serve as a vital document that would be beneficial to the procurement agencies in the public procurement.
2. It can be relied on as a secondary data for further research on the adversarial relationship and other supplier or contractor relationships management methods.
3. It will be a source of information to the Public Procurement Authority of Ghana and all the public procurement sectors to know whether the laws and regulations are being conformed to or otherwise.
4. When its recommendations are implemented, will provide other successful methods of procurement procedures which will achieve value for money in the sector public procurement

1.6 SCOPE OF THE STUDY

This study was undertaken in the Greater Accra Region, specifically in Accra and had covered some major players in the Ghana Highway Authority such as;

1. Contractors
2. Suppliers
3. Consultants

The Ghana Highway Authority (GHA) was established as body corporate by GHA Degree 1974 (NRCDC 298). NRCDC 298 was repealed by GHA Act 1997 (ACT 540) which, however, continued the Authority existence with responsibility for the administration, control, development and maintenance of the country's trunk roads network totaling 13,367km and related facilities. GHA's 13,367km trunk road make about 33% of Ghana's total road network of 40,186km.

The office of the Ghana Highway Authority in Accra being the head office of GHA has a good representation of government contractors, suppliers and consultants where procurement of Goods, Works and Services are done and will fairly represents what is happening in the country. To be precise, the procurement processes to be surveyed will be those contracts documents from 2004 after the procurement Act, 2003 (Act 663) became Law.

1.7 RESEARCH METHODOLOGY

For the aim of this study to be realized, it was imperative to make use of appropriate research approaches to facilitate the findings. The methodology adopted in conducting this research was the quantitative research approach. Quantitative research entails the use of structured questionnaire and the provision of possible responses. The study also engaged many respondents with the aim of making inquiries, testing the theories with

variables, assessed using numbers, and analysed with statistical techniques. Both primary and secondary sources of data were made use in this study. Questionnaires are the primary data collection method selected as the survey method for this work. Data collected was based on "close-ended" questionnaires and was given out to the relevant persons with the experience and knowledge in procurement management. The target population are all procurement agents and professionals, supplier or constructors of different educational categories etc. The collection of data via secondary sources was from extant literature through journals, publications of corporate bodies, books, newspapers, online sources senior dissertation, etc. The literature review also serves to reveal more understanding and knowledge of theoretical and research issues related to the research topic. Therefore, a comprehensive literature review regarding would be carried out. The information that would be reviewed must relate to the research topic for this research to be carried out efficiently.

After the data regarding the questionnaires have been collected and gathered, it was analyzed using the Statistical Package for the Social Sciences (SPSS) and Microsoft Office Excel for data analysis. The analyzed results will be presented in the form figures and tables form with explanations in details regarding the data collected. The objective was to identify and explore most relevant determinant why adversarial procurement methods have failed and the need for adopting non adversarial methods of procurement. The questionnaire was also to test the content validity. These tests helps to make any relevant changes or introduce some minor amendments to better suit the conditions prior to sending out the questionnaire to the target research population.

1.8 ORGANIZATION OF THE STUDY

The first chapter of this study digest the general introduction, the problem statement, objectives, scope, methodologies, limitation as well as the organization of the study.

Chapter two emphasized on the study related to articles on adversarial and non-adversarial supplier relationships, procurement in general and the views pooled by writers on the study topic in other economies on the globe.

The third chapter outlined the data and all the methods that was used in the analysis of data and technique of data assembling and the digest of the data collected.

The fourth chapter present the detailed analysis and discussion of the results in the third chapter.

The fifth chapter entailed the conclusion and the recommendation based on the obtained results of the research study conducted. Finally, the appendix contains the data used in this research study.

CHAPTER TWO

LITERATURE REVEIW

2.1 THE CONCEPT OF PROCUREMENT

In Ghana, procurement is the core responsibility of the Ghana Public Procurement Authority (GPPA). This was established by the Public Procurement Act, 2003 (Act 663) as a regulatory body responsible for the effective implementation of the Public Procurement Law in Ghana. The Authority seeks to ensure fairness, transparency and non-discrimination in public procurement in order to promote a competitive local industry and increase the confidence of varied stakeholders in public procurement processes in the country and beyond. The procurement act has so far been amended as the Public procurement (Amendment) Act, 2016 (Act 914).

2.2 ADVERSARIAL PROCUREMENT METHOD

Adversarial procurement methods are mostly used in public sector procurement of goods, works and services and the timely delivery on budgets remains an issue. Over the years, countries have adopted a number of alternative procurement methods that are based on collaborative principles including partnerships, long-term outsourcing arrangements and supplier relationship contracting. A reason for the use of alternative Procurement methods is born out of the growing complex nature of works, goods and service procurements, the pursuit of innovation in construction outcomes and the growing recognition of the importance of risk and the life cycle costing to long-term investments. However, non-adversarial sourcing strategies may not be appropriate for all forms of contracting. Evidence suggests that alternative procurement methods were better in achieving value than adversarial methods and through greater efficiency contributes to

improving service delivery and lower costs (Raisbeck, Duffield and Xu, 2009; Love et al. 2011b).

A Procurement strategy defines how a project would procure and manage services, works and goods. Procurement strategy is most likely considered when the project is being formulated or developed along with the business case. Strategy is an approach used for engaging with suppliers on a level that reflects the priorities of the purchasing organization and how best these needs can be achieved. This methods are the differentiation process that recognizes that not all suppliers and contractors are the same and therefore not all customer-supplier relationships should be dealt with through a single strategy such as adversarial. (Kumaraswamy et al. 2004) A Strategy therefore is the direction and scope of an organization over the long term: ideally, which matches its resources to its changing environment, and in particular its markets, customers or clients so as to meet stakeholder expectations, that is Strategic - top level management, Tactical - Middle Level management and Operational - bottom level. Some of these strategies are as follows:

Adversarial procurement - A typical competitive resource acquisition process, where the buyer put pressure on the supplier to meet quality expectations at the lowest possible cost. This involves the participation of all eligible contractors or supplies willing to partake in the process.

2.3 COMPETITIVE TENDERING

Competitive tendering is a common method of procurement in the construction industry. A tender is a submission made by a prospective supplier/contractor in response to an invitation to tender. It makes an offer for the supply of goods or services. Those tendering for a contract are often competing with others, and generally, none of the tenderers are aware of the quotes provided by each other; therefore, they are incentivized to submit the most competitive tender. In this way, it is believed that competition in procurement can add value for the client. Competitive tendering became increasingly common in the developing countries in the 1980s, when it was seen as a way of making public organizations open themselves up to bids from a number of different firms. This was intended to increase transparency, drive down costs, and improve the efficiency of state-funded organizations such as central and local government departments. (World Bank, 2012). However, it has been criticized for placing too much emphasis on cost, and not necessarily achieving best value for the client. Competitive tendering can be seen as a 'race to the bottom' and can lead to disputes later in the project as suppliers seek mechanisms to increase their price. (Bajari and Tadelis, 2001; Bajari and Lewis, 2011).

Competitive tendering methods allows contractors and suppliers to bid on goods in an open, transparent and open manner. Open tendering requirements call for an entity to: Advertise locally and internationally were appropriate, have an unbiased, clear and coherent technical and performance specifications, have precise evaluation measures, open to all qualified bidders to compete and to be granted to the least evaluation based on quality and cost for contract negotiation and contracting. Arguably, the open competitive methods of procurement helps in encouraging effective and healthy

competition among contractors to obtain the best quality of goods, works and services, with much emphasis on value for money. However, considering this procedure of open competitive based methods, most procurement experts feel that open competition is not a very suitable strategy for large or complex acquisitions due to the intense focus on the output process instead of stringent obedience to standards (Regan et al. 2015).

2.3.1 Reasons Why Competitive Tender Failed

1. The cost-plus phenomenon

Dr. Deming writes in *Out of the Crisis*, "There is a bear-trap in the purchase of goods and services on the basis of price tag that people don't talk about.

To run the game of cost plus in industry a supplier offers a bid so low that he is almost sure to get the business. He gets it. The customer discovers that an engineering change is vital. The supplier is extremely obliging, but discovers that this change will double the cost of the item the vendor comes out ahead."

2. Contractor Selection

Infrastructure contracts are commonly let by competitive auction in the form of an open tender or tender by invitation. Depth in infrastructure bid markets is influenced by the frequency of transactions (the project pipeline) and few contractors will retain the specialist skills needed to bid on complex projects if transaction flow is irregular, or the likelihood of success in large bid fields is small. Similarly, if bidding costs are high, contractors will only bid when the chances of success are reasonable. Controlling bidder depth and bid costs for infrastructure projects is a difficult task for government and schemes to reimburse bid costs, limit bid fields or adding a pre-

qualification process may increase hold-up risk, prove costly and may only be of limited value. In the case of projects requiring specialised technology or know-how, the procurement authority may select a preferred contractor from a pre-qualification process and enter into a period of exclusive negotiation for the contract. Contracts let by exclusive negotiation have a greater risk of renegotiation largely as a result of their adversarial nature and limited competitive tension in both the preliminary and handover stages of the project (Rothkopf & Harstad, 1994; Tadelis & Bajari, 2006).

A further characteristic of competitive contractor selection is the use of lowest price criteria for selection of the contractor. Critics of the lowest cost-based approach argue that the winner of a competitive auction is likely to incur optimism bias in pricing of the work (the winner's curse). Transactional evidence suggests that contractor selection should include a significant level of qualitative criteria which may include the contractor's experience and capabilities, its track record with successful projects, and the value of risks transferred between the parties and wider benefits that the contractor brings to the project including new technology and innovative work practices (Partnerships Victoria, 2001). An important interplay exists between the mechanism that awards the contract and the incentive structure that constrains the ex post behaviour of the contractor (Bajari and Lewis, 2011).

2.4 RESTRICTED TENDERING

Restricted tendering is a procurement method that limits some form of participation for eligible tenders, which is in selecting number of suppliers, contractors or service providers. This method of procurement is also called limited tendering.

2.5 TWO-STAGE TENDERING

Two stage tendering is a method of procurement where the employer seeks to appoint a contractor at an initial stage of the project based on an outline scope of work. It is designed to achieve the early appointment of a contractor on the basis of an agreement to undertake pre-construction services, with the intention that the parties will ultimately enter into a lump-sum contract, or a cost-reimbursable contract with a target price, following a period of negotiation.

2.5.1 Reasons Why Two-Stage Tendering Failed

1. Extended procurement lead-time due to two stage submission process.
2. Second stage negotiations with the highest ranked bidder could prove difficult and protracted and the risk of price escalation in the second stage
3. Once a firm is selected for negotiations, competition is lost, and this may impact price.

2.6 REQUEST FOR QUOTATIONS,

This method is also referred to as invitation to quote or shopping, it is also used for small amounts involved in procurement and it does not require the preparation of comprehensive tender documents

2.7 REQUEST FOR PROPOSALS

For consultancy service. The request for proposals outlines the bidding process and contract terms, and provides guidance on how the bid should be formatted, this is done in the procurement consultancy services

2.8 REASONS WHY ADVERSARIAL PROCUREMENT METHODS ABOVE FAILED

The other reasons why the above adversarial procurement methods failed are

1. Management or Political interference.
2. Undue influence by contractors and suppliers.
3. Improper selection of contractors or suppliers.
4. Lack of effective and efficient supervision.
5. Lack of accountability and transparency
6. Corruption
7. Lack of professional and technical expertise by some procurement officials in contractor selection. (field survey, 2019)

2.9 NON-ADVERSARIAL PROCUREMENT METHOD

In the early 1990s in the wake of a world recession, many countries sought to improve microeconomic performance, reduce public deficits and unemployment, and renew aging infrastructure. These reforms led to wider use of outsourcing of government services, the privatization of many state business enterprises, and the introduction of new privately-financed procurement methods. In fiscally constrained times, the appeal of private capital was also very attractive. The role of government also began to change from the ownership and production of public services to the purchase of

services from private producers. In the years that followed, a number of new methods were adopted that took a very different approach to the relationship between the state as principal and contractor as agent. (Easton, 1970; Lall, 1998).

2.10 PARTNERSHIPS IN PUBLIC PROCUREMENT

This method calls for a small number of suppliers, they are given special status, and competition to supply is limited to them. A commitment between a buyer and a supplier to a long term relationship based on trust and clear mutually agreed objectives. Also features of this type of method is the involvement of top level management commitment, customer and supplier working together.

Researchers such as Lawther and Martin (2005) questioned the traditional way of public procurement and suggested moving towards partnerships, this is because of the complexity of procuring highly sensitive products such as information technology, and software's being one of the reasons for such a move. Organization too must have medium or long-term contracts, acquire Supplier information and ensure Supplier development. An example would be the Ghana Grid Company, an electricity generating company can adopt the preferred partnership strategy by partnering with Ghana Gas Company, other than using adversarial strategies.

Preferred partnership relationship - A small number of suppliers are given special status, and competition to supply its limited to these.

A Co- partnership is the association between two equals, especially in a business enterprise and a form of industrial democracy in which the employees of an organization are partners in the company and share in part of its profits.

A Co-Makership on the other hand is the relationship between buyer and supplier in a supply chain, who share information among each other regarding research and development, marketing and distribution.

Co-destiny is a strategic relationship where the organizations involved choose to share common destinies in all aspects of their business, for mutual benefit. The relationship relies on total trust and both organizations become fully interdependent and as such they succeed or fail together. Organizations may be supply partners, or members of a supplier association. All will invest a high degree of trust and cooperation. The relationship can be described as 'win-win' contracting.

Smart and Harrison (2003) cites that the best purchasing strategy depends on the circumstances, such that a competitive strategy of playing suppliers against one another in one situation will achieve the lowest price, whereas another situation calls for a collaborative strategy that emphasizes partnership relations to guarantee the same outcome.

2.11 SOLE/ SINGLE SOURCING

There is a 'sole supplier' relationship, with one key supplier and the blurring of the 'boundary of the firm'. A "**sole source**" **procurement** can be defined as any contract entered into without a competitive process, based on a justification that only one known **source** exists or that only one single supplier can fulfil the requirements. Occurs when an organization consciously selects a single supplier from multiple options to meet a need. In most cases the single sourced supplier: Public Procurement Act, 2003 (Act 663)

1. Has a proven track record,
2. Comparatively offers the lowest possible cost without compromising product quality and functional requirement specifications,

3. Has already proven itself in terms of its customer service quality,
4. Capable of providing a fit for purpose product,
5. Offers better value for money,
6. Has a historic relationship with the buyer,
7. Presents an opportunity for potential technical transfer and skills development,
and
8. In a developing economy context, the supplier has the potential to contribute to local empowerment, job creation and economic development.

2.12 MERGER OR ACQUISITION

This is where the organizations vertically integrates with a supplier or suppliers. **Mergers and Acquisitions (M&A)** are defined as consolidation of companies. Differentiating the two terms, **Mergers** is the combination of two companies to form one, while **Acquisitions** is one company taken over by the other. M&A is one of the major aspects of corporate finance world. The reasoning behind M&A generally given is that two separate companies together create more value compared to being on an individual stand. With the objective of wealth maximization, companies keep evaluating different opportunities through the route of merger or acquisition. (Regan et al., 2011).

1. Financial synergy for lower cost of capital
2. Improving company's performance and accelerate growth
3. Economies of scale
4. Diversification for higher growth products or markets
5. To increase market share and positioning giving broader market access (field survey, 2019)

2.13 IN – HOUSE SOURCING PROCESS

Where the organizations decide to retain responsibilities for performing the process, rather involving the supplier. In- house strategy is where the organizations decides to retain responsibilities for performing the process, rather involving external suppliers. It is simply where an organization decides to carryout projects by themselves (Atkin, B. and Brooks, 2005) advantages are.

1. The organization has total control in the case of in- house.
2. People who are in- house perform better than outsourced employees.
3. Results of long-term financial analysis usually support in-house rather than outsourcing option.
4. In-house option leads to improvement in the level of employee expertise and customer satisfaction.
5. In-house solutions offer organizations the opportunity to grow people instead of hiring from outside, thereby reducing staff turnover. Wise (2007)

2.14 BENEFITS OF NON-ADVERSARIAL PROCUREMENT

1. The contractor or supplier are involved in the early stages in the design of new product,
 2. There are higher trust levels between the employer and contractor or supplier, also knowledge is shared, openness and cost is transparent among parties,
 3. There is a commitment of clear joint objectives and the commitment to a medium to longer term relationships,
 4. Proactive approach to improving and developing the partnerships among parties,
- Better in achieving time and cost performance than adversarial methods. Wise (2007), Fill and Visser (2000), (Regan et al., 2011).

CHAPTER THREE

METHODOLOGY OF THE STUDY

3.1 INTRODUCTION

Having reviewed the literature in the previous chapter, this chapter present the methodology employed for the research. In presenting a concise description of this case study, this work seeks to explain the design, research method, population, the size of the sample, as well as the sampling techniques adopted in achieving the objectives of study.

It describes the statistical instruments used, the validity and reliability of these instruments, data collection procedures, secondary and primary information, questionnaire design and how the data will be analyzed as well as ethical considerations. The study is aimed at determining the reasons why adversarial procurement has failed to deliver in public procurement.

3.2 RESEARCH DESIGN

The study made use of descriptive survey, designed to assess the reasons why adversarial procurement failed to deliver in public procurement. A survey research is well suited to descriptive studies or where researchers want to look at relationships between variables occurring in particular real life contexts. According to Varkervisser, (2003) a descriptive survey aims predominantly at describing, observing and documenting aspects of a situation as it naturally occurs rather than explaining them. It is therefore appropriate when a researcher attempts to describe some aspects of a population by selecting unaided samples of individuals who are asked to complete questionnaires. It is concerned with the conditions or relationship that exists, such as prevailing practices, conditions and attitudes, processes that are

going on, opinions that are held; or trends that are developed. (Varkervissser, 2003).

This research also seeks to explaining the relationships found among key variables raised as hypotheses within the theories obtained; hence, an explanatory research

3.3 RESEACH METHODS

K Berg (2001) indicated that Qualitative research emphasize on the ways of understanding social theories by stressing on the linkage between the study area and the researcher in question. Creswell (1994), it is better to use quantitative data if the study want to achieve objectivity, credible and real features of the world. Quantitative data is expressed in numerical format and uses various statistical tools and software for its analysis.

3.3.1 Population of the study

Population is termed to be units with a chance of occurrence in a survey. The units could be people, employees or members of a particular set (Groves et al., 2009). In this study, the population would be the number of procurement officials. Professionals, suppliers, contractors and other stakeholders who undertake and are part and parcel of the public sector procurement process, such people partaking in public sector procurement will be identified and considered as the population. Purposes of this work call for the targets to be some procurement officials, registered suppliers and contractors in the Ghana Highway Authority. In that there is the need to know the various type of adversarial procurement methods used in awarding contracts, the reasons why it has failed and alternative successful methods of procurement of products and services. Hence the target population of this study will be based on 40 respondents. Since the population was 40, A census survey was

employed by the researcher, A census survey is a survey conducted on a full set of observations belonging to a given population or universe (UNECE) Economic Commission for Europe of the United Nations.

Therefore in targeting the whole population 40 respondents were targeted by the researcher

3.4 DATA COLLECTION

Data is collected using a closed ended questions and interviews. It is the data that informs the researcher towards the objectives of the research. After pilot testing, final adjustments are made and the questionnaires administered to the various respondents, it will then be collated and analysed after within a certain frame of time

3.4.1 Pilot Testing

The study instruments underwent pre-testing before it was finally administered to respondents. This allows the discovery of errors before actual data collection begins and 20% out of the total population was considered adequate for piloting, which was 8 out of 41 of the sample where seen to be knowledgeable in procurement matters.

3.4.2 Secondary and Primary Information

Primary Data: This source of data is mostly obtained from first hand sources, and enables researchers to acquire first-hand information and materials on the topic under study. This is obtained through questionnaires, personal observation and informal interviews in supplementing the secondary sources.

Secondary Information: This information is obtained from previous literature which helps in providing all information needed in the study.

3.4.3 Questionnaire Design

This involved a questionnaire seeking the views of respondents with respect to adversarial and non-adversarial sourcing methods . A six page questionnaire with a cover letter was administered to 30 respondents. This questionnaire was primarily modified from an existing one such as the demographic data, with some aspects pertaining to the objectives of the study freshly developed from the literature and also with assistance from some procurement practitioners. The questionnaire consisted of five areas in an attempt to satisfying the research objectives (Frank T.A, 2014). These areas are: A. The personal demographic data. B. The adversarial procurement methods adopted by the procurement officials. C. challenges of adversarial procurement methods in the public sector. D. Other successful procurement procedures in the public procurement.

3.5 DATA ANALYSIS

The techniques used for the data analysis were the Statistical Packages for Social Sciences (SPSS Version 25) together with Microsoft excel package (V. 2016). Ranking analysis such as the Relative Importance Index (RII) technique and Mean score ranking were used to rank the factors

3.6 ETHICAL CONSIDERATIONS

Ethics that are being disclosed to various respondents on this study is purely meant in satisfying academic requirements and that information obtained is not for any other purpose. In the questionnaire names were not required and the confidentiality of respondents was strictly observed. Analysis is then made on the information obtained and used strictly for the purposes of this research only

CHAPTER FOUR

DATA ANALYSIS, RESULTS AND DISCUSSIONS

4.1 INTRODUCTION

The data collected was analysed, the findings of the study was discussed and presented in this chapter. Descriptive statistics was used to analysed and pre-testing the questionnaire. Tables and percentages were used in report presentation. This study sought to explore the reasons why adversarial procurement has failed to deliver in public procurement sector on the environment with Ghana Highway Authority as the case study area. In administering the questions, 40 respondents were targeted and out of which 20 were answered accordingly, representing a 66% rate of response. This rated responses are deemed satisfactory in drawing conclusions for this study. The response rate was then representative of the sample size.

4.2 RESPONSE RATE

The response rate, also known as the completion rate or return rate was the number of respondents who answered the survey divided by the number of respondents in the sample, American Association For Public Opinion Research (AAPOR) therefore 40 questionnaires were administered and 20 were answered and retrieved accordingly, indicating a response rate of $20 / 40 * 100 = 50$ percent response rate.

4.3 DISCRIPTIVE ANALYSIS OF DEMOGRAPHIC DATA

This area presented the demographic data of the respondents, their professional qualification, level of educational qualification, and experience level in the industry. The importance of this information cannot be overlooked because the demographic

information of these respondents assists in generating some level of satisfaction in the validity of data obtained and also findings obtained.

4.3.1 Professional affiliation

Respondents were asked to determine their level of professional qualification, since this to some extent helps in determining a position in the institution and hence their involvement in the procurement activities. A look at table 4.1 shows frequencies and percentages obtained on the professional affiliation of the respondents. The respondents consisting of 7 members of Chartered institute of procurement are made up of the highest with 35% whilst others were Ghana institute of procurement constitute 10%, chartered institute of logistics and supply chain constitute 25%, those with no professional affiliation 10% and 20% constitute those with other professional affiliations not in procurement. This table shows that the public sector procurement is largely made up of members of the Chartered institute of procurement. This question was relevant in determining the professional qualification of respondents, since the educational level determines a position in the institution and hence their involvement in the procurement activities. Such involvements also determines the quality of responses given. A look at table 4.1 shows frequencies and percentages obtained on the professional affiliation of the respondents.

Table 4.1: The respondent’s Professional Affiliation

Professional body	Frequency	Percentage
MCIPS	7	35.0
GIPS	2	10.0
CILT	5	25.0
NONE	2	10.0
OTHERS	4	20.0
Total	20	100.0

Source: (Field data, 2019)

4.3.2 Educational Level

For educational qualification of the respondents, the level of education determines the position or staff status in the institution and hence their involvement in the procurement activities. These are all key determinants of the quality of responses obtained. Also looking at Figure 4.2 reveals that 25% are Diploma/Professional Certificate holders while 40% of the respondents are degree holders, 25% of the respondents are holders of Masters/Postgraduate degree with 10% having PHD degree. In using the analysis below, it is noticed that majority of the respondents are bachelor's degree holders; therefore they being involved in procurement decisions is likely.

Table 4.2: Respondents Educational Qualification.

Qualification	Frequency	Percent
HND	5	25.0
BACHELORS	8	40.0
MASTERS	5	25.0
PHD	2	10.0
Total	20	100.0

(Source: Field data, 2019)

4.3.3 Respondent's Experience

Generally, the results in figure 4.3 below indicate that the respondents have reasonable experience and expertise in the procurement activities in their respective units in the institution. Furthermore, the findings suggest that most respondents are regularly active and the organization's investigated are well established. It seems therefore plausible to conclude that those who responded to the survey are sufficiently experienced in the procurement activity to provide data, which is credible.

Table 4.3 Respondent’s Level of Experience

Years of Experience	Frequency	Percent
1-5	3	15.0
6-10	7	35.0
11-15	6	30.0
16-20	3	15.0
OVER 20	1	5.0
Total	20	100.0

(Source: Field data, 2019)

The study requested the respondents to indicate their numbers of years working with the company, from the findings 15% of the respondents have 1 to 5 years working experience, 35% of the respondents have 6 to 10 years working experience and 6.7% of the respondents have less than a year experience. This indicates that majority of the respondents have worked with the company from 1 to 10 years, so all information is treated as valid.

4.4 ANALYSIS OF DEPENDENT VARIABLES

Respondents are being tasked in ranking the various factors and their level of knowledge using the likers scale. The five-point likert scale illustrates the factors are of significance if they have a mean of 3.5 or more. Where the same mean is recorded for two or more factors, the factor with lowest recorded standard deviation is assigned the highest significance ranking (Ahadzie, 2007). Standard deviation lower than 1.0 indicate consistency in agreement among the respondents. (Ahadzie, 2007). This was altogether used in assessing the various variables under consideration. The procedures, research findings and discussions that are of relevance are as follows.

4.4.1 Adversarial procurement methods commonly used in public procurement sector

In order to get the assessment of the adversarial procurement methods commonly used in public procurement of goods, works and service, it is necessary to know the level of knowledge among respondent. In the light of this, five adversarial procurement methods were identified and respondents were tasked in rating their degree of knowledge according to a likert scale (highly disagree, disagree, uncertain, agree, highly agree). Hence in the establishment of their level of agreement, two tools were used – mean and standard deviations respectively. From the analysis, respondents had to indicate if they had some level of awareness of adversarial procurement methods commonly used in the public procurement. Competitive Tendering with a mean of 4.1000 and a standard deviation .71818 was ranked first. Two-Stage Tendering was the second procurement method with a mean of 4.0000. This shows that a mean less than 3.5 showed that a criterion is not of significance. From the analysis, Restricted Tendering was the third method which shows ranking with a mean above 4.15. The least factor was single sourcing with a mean of 3.6500.

Table 4.4: Adversarial Methods Commonly Used

Procurement Methods	Mean	Std. Deviation	Ranking
Restricted	4.1500	.67082	1st
Request for quotation	4.1200	.85224	2nd
Competitive Tendering	4.1000	.71818	3rd
Two-stage	4.0000	.72548	4th
Single source	3.6500	1.13671	5th

(Source: Field data, 2019)

4.4.2 Challenges of using adversarial procurement.

Major challenges in using adversarial procurement were scored by the respondents. Which the results were compared, this showed a 5% significance level. Table 4.5,

shows the means recorded for all the seven (7) challenges are more than the neutral value of 3.0 for all the respondents. The results further reveal that all the seven factors are therefore some major challenges in using adversarial procurement methods.

Table 4.5: Challenges of using adversarial procurement

Challenges	Mean	Std. Deviation	Ranks
Corruption	4.4500	.60481	1st
Lack of expertise	4.2700	.63867	2nd
Improper contractor selection	4.2500	.63867	3rd
Inadequate supervision	4.2000	.69585	4th
Lack of transparency	4.1500	.74516	5th
Undue influence	4.1500	.58714	6th
Political interference	4.1000	.71818	7th

(Source: Field data, 2019)

The results also revealed that lack of professional and technical expertise, management or political interference, undue influence by contractors and suppliers, improper selection of contractors or suppliers, lack of accountability and transparency and corruption are the major challenges in adversarial procurement. The table also shows that corruption in the public procurement was the highly ranked challenge with a mean of 4.4500 and standard deviation of 0.60481.

4.4.3 Non adversarial methods employed to achieve successful procurement

The non-adversarial procurement method employed to achieve successful procurement. Mean scores of 9 measures were investigated and their rankings were presented in Tables 4.6. The mean scores of all the non-adversarial methods of procurement were more than the neutral value of 3.0, indicating that they are all necessary. From table below, the highest ranked method was cooperate partnership with a mean value of 4.4500 and Standard. Deviation of 0.60841.

Table 4.6 Non - Adversarial Methods.

Non Adversarial Methods	Mean	Std. Deviation	Ranks
Cooperate Partnerships	4.4500	.60841	1st
Arm's length	4.3000	.73270	2nd
Out-sources	4.2500	.63867	3rd
Network sourcing	4.2000	.69585	4th
Transactional	4.2000	.69585	4th
In-house Sourcing	4.1500	.58714	6th
Strategic alliance	4.1500	.74516	7th
Merger and Acquisition	4.1000	.71818	8th
Co-destiny	4.0500	.75915	9th

(Source: Field data, 2019)

CHAPTER FIVE

FINDINGS, CONCLUSION AND RECOMMENDATIONS

5.1 INTRODUCTION

From the analysis and data collected, the researcher was able to make findings, conclusions and recommendations for improving the procurement methods used in the Ghana Highway Authority

Adopting the quantitative research approach a questionnaire survey was employed to assess adversarial procurement methods used by procurement practitioners. The previous chapter dealt with the results analyses and discussions. This chapter presents the findings of the study in relation to the laid out objectives of the study. Recommendations from the study are put forth. The study limitations and directions for future research are also presented;

1. The adversarial procurement methods adopted by the public procurement sector.
2. The challenges in using adversarial procurement methods in public procurement
3. The other methods (non-adversarial) procurement to achieve a successful procurement

5.2 FINDINGS

The study found out that, five adversarial procurement methods were identified from literature and used by the public procurement. From the analysis the mean score for the following factors were above 3.0, Competitive Tendering, Two-Stage Tendering, Restricted Tendering, Single or Sole sourcing and Request for Quotation. The standard deviation for most of the variables identified with exception of single

sourcing was below 1, indicating a high degree of agreement within the respondents indicating their awareness level of the procurement methods. This was consistent with current studies (Public Procurement Act, 2003 (Act 663)

To know the challenges the respondents were tasked to rate these challenges using the likert scale. It was realized from the study that procurement officials are faced with numerous challenges. The results also revealed that lack of professional and technical expertise, management or political interference, undue influence by contractors and suppliers, improper selection of contractors and suppliers, lack of accountability and transparency and corruption were the major challenges facing the public procurement where corruption is the highest rank challenge.

The non-adversarial procurement method employed to achieve successful procurement. The means of nine (9) measures were recorded with their rankings presented in Tables 4.6. Mean scores of all the non-adversarial methods of procurement are above the neutral value of 3.0, indicating that they are all of importance. From table below, the highest ranked method was cooperate partnership with a mean of 4.4500 and a deviation of 0.60841.

5.3 CONCLUSION

Adversarial sourcing methods as discussed in providing procurement officials with an understanding of the reasoning and basis for the continuation of some of the tested approaches. The often overlooked advantage of the traditional approaches is that it encourages competition and has minimum barriers to entry, which is the only requirement for entry is meeting the eligibility criterion. Pre-qualification on the other hand can overcome these characteristics, but if applied with fairness, transparency and inculcating value for money helps in reducing the risks of non-compliance. The major

challenge identified in using the traditional approaches was corruption, which is brought about through the culture of adversarial relations between the parties and this engenders divisions rather than cooperation among parties. Non-adversarial approaches therefore help in risk mitigation by transferring risks towards the suppliers and contractors or the party in the contract best placed in managing them. However, cooperative partnerships was the best recorded alternative non-adversarial method, these methods are also non-infallible to poor decisions taken in their implementation can result in the failure and termination of contracts and selling off assets. (Ragan et al. 2015).

5.4 RECOMMENDATIONS

Based on the findings of the study, the following recommendations are made in order to enhance the choice of procurement methods adopted by the public procurement.

1. The procurement officers must undergo regular training to refresh their skills on the methods
2. Politicians should not interfere in the procurement process.
3. There must be accountability and transparency in the procurement process
4. Corruption must not be tolerated.

5.5 LIMITATIONS OF THE RESEARCH

The research is limited to only one public and in Accra due to time and financial constraints. The readiness and willingness of the respondents to make themselves available for the interview during the questionnaire administration dictated the pace of the research. The reliability and accuracy of the data collection is dependent on respondent's personal experience, knowledge and integrity.

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APPENDIX

To whom it may concern

Dear Sir/Madam,

Invitation to participate in a research into exploring the reasons why adversarial procurement fails to deliver in public procurement

I write to request your assistance as an experienced practitioner with substantial knowledge in procurement and construction management to complete the attached questionnaire. Currently, I am undertaking a Master of Science (MSc) in the Department of Building Technology of the Kwame Nkrumah University of Science and Technology under the supervision of Mr Peter Amoah. This research is entitled “**EXPLORING THE REASONS WHY ADVERSARIAL PROCUREMENT FAILS TO DELIVER IN PUBLIC PROCUREMENT**”

The questionnaire will take 10 to 15 minutes. All your responses will be treated with strict confidentiality and used only for academic purpose. Your views are valuable for the success of this research. After the research, we are willing to share a summary of the outcomes with practitioners in Ghana and anyone who shows interest. For any enquiries, please contact Eric Denyo Bissabah {Tel.: **0243467738**; & email: ericbissab@gmail.com}.

Sincerely,

EDB

Eric Denyo Bissabah MSc Student

Mr. Peter Amoah, Supervisor

Department of Building Technology

The Kwame Nkrumah University of Science and Technology, Ghana

EXPLORING THE REASONS WHY ADVERSARIAL PROCUREMENT FAILS TO DELIVER IN PUBLIC PROCUREMENT

Questionnaire Survey

Important Instructions:

1. Please duly fill this questionnaire with reference to your latest experience about open competition for achieving value for money in public sector procurement.
2. Please answer the questions by ticking {such as “√”} or checking {such as “☒”}.
3. Section C of the questionnaire involves writing of appropriate rate (Details in section D)
4. If you wish to have a copy of the report on research findings, please provide your email address: [Click or tap here to enter text.](#)

Section A: Background of respondent

Q1. Please indicate the professional body you are associated with.

MCIPS ; GIPS ; CILT None ; Others

Q2. Please indicate your category in the professional body you are associated with.

Fellow ; Professional member ; Probationer member ; Others

Q3. Please indicate your academic qualifications.

HND ; BSc ; MSc/Mphil ; PhD ; Others

Q4. Please indicate your years of practical experience in the construction industry.

1-5yrs ; 6-10yrs ; 11-15yrs ; 16-20yrs ; Over 20yrs

Q5. Please rate your knowledge on Procurement processes?

No knowledge ; Medium ; High

Q6. Does the institution have a policy that supports open competition among contractors or suppliers?

Yes ; No ; Do not know

Section B: Adversarial procedures adopted in public procurement

Question: What are some adversarial procurement methods used in the department?

Please, rate the importance of each factor with respect to procedures of open competition under which they are listed in procurement of goods and services. The following are keys for the responses:

1 = extremely low significance; 2 = very low significance; 3 = Moderate significance; 4 = Very significance; 5 = extremely significant.

1: Highly unaware; 2: Unaware; 3: Neither aware or unaware 4: Aware 5: Highly aware

No.	Key indicators	Level of Significance
		Low <<<----->>>Extreme
A	Adversarial methods commonly used	
1	Competitive tendering	<input type="checkbox"/> 1; <input type="checkbox"/> 2; <input type="checkbox"/> 3; <input type="checkbox"/> 4; <input type="checkbox"/> 5
2	Two stage tendering	<input type="checkbox"/> 1; <input type="checkbox"/> 2; <input type="checkbox"/> 3; <input type="checkbox"/> 4; <input type="checkbox"/> 5
3	Restricted tendering	<input type="checkbox"/> 1; <input type="checkbox"/> 2; <input type="checkbox"/> 3; <input type="checkbox"/> 4; <input type="checkbox"/> 5
4	Single source procurement	<input type="checkbox"/> 1; <input type="checkbox"/> 2; <input type="checkbox"/> 3; <input type="checkbox"/> 4; <input type="checkbox"/> 5
5	Request for quotations	<input type="checkbox"/> 1; <input type="checkbox"/> 2; <input type="checkbox"/> 3; <input type="checkbox"/> 4; <input type="checkbox"/> 5
6	Other (Please specify)	<input type="checkbox"/> 1; <input type="checkbox"/> 2; <input type="checkbox"/> 3; <input type="checkbox"/> 4; <input type="checkbox"/> 5

SECTION C: Challenges in using adversarial procurement in public procurement.

What are the challenges facing the institution in using only adversarial procurement? Please, rate the importance of each factor with respect to the challenges of monitoring and evaluation of donor-funded construction projects under which they are listed. **1 = Strongly disagree 2 = Disagree; 3 = Neutral; 4 = Agree; 5 = Strongly Agree.**

No.	Challenges	Level of Significance
		Low <<<----->>>Extreme
	Why adversarial procurement is an inadequate method or challenges in using adversarial methods.	
1	Lack of professional and technical expertise	<input type="checkbox"/> 1; <input type="checkbox"/> 2; <input type="checkbox"/> 3; <input type="checkbox"/> 4; <input type="checkbox"/> 5
2	Management or Political interference.	<input type="checkbox"/> 1; <input type="checkbox"/> 2; <input type="checkbox"/> 3; <input type="checkbox"/> 4; <input type="checkbox"/> 5
3	Undue Influence by contractors and suppliers	<input type="checkbox"/> 1; <input type="checkbox"/> 2; <input type="checkbox"/> 3; <input type="checkbox"/> 4; <input type="checkbox"/> 5
4	Improper selection of contractors or supplies	<input type="checkbox"/> 1; <input type="checkbox"/> 2; <input type="checkbox"/> 3; <input type="checkbox"/> 4; <input type="checkbox"/> 5
5	Lack of effective and efficient supervision of contacts	<input type="checkbox"/> 1; <input type="checkbox"/> 2; <input type="checkbox"/> 3; <input type="checkbox"/> 4; <input type="checkbox"/> 5

6	Lack of accountability and transparency	<input type="checkbox"/> 1; <input type="checkbox"/> 2; <input type="checkbox"/> 3; <input type="checkbox"/> 4; <input type="checkbox"/> 5
7	Corruption.	<input type="checkbox"/> 1; <input type="checkbox"/> 2; <input type="checkbox"/> 3; <input type="checkbox"/> 4; <input type="checkbox"/> 5
	Other (Please specify)	

SECTION D: To identify other methods other than adversarial to achieve a successful procurement.

What are the other methods employed, to achieve successful procurement other than adversarial procurement? Please, rate the importance of each factor with respect to the challenges of monitoring and evaluation of donor-funded construction projects under which they are listed. **1 = Strongly disagree 2 = Disagree; 3 = Neutral; 4 = Agree; 5 = Strongly Agree**

No.	Methods	Level of Significance
		Low <<<----->>>Extreme
Non adversarial methods employed to achieve successful procurement		
1.	Merger and Acquisition	<input type="checkbox"/> 1; <input type="checkbox"/> 2; <input type="checkbox"/> 3; <input type="checkbox"/> 4; <input type="checkbox"/> 5
2.	Cooperate Partnerships	<input type="checkbox"/> 1; <input type="checkbox"/> 2; <input type="checkbox"/> 3; <input type="checkbox"/> 4; <input type="checkbox"/> 5
3.	In – house sourcing process	<input type="checkbox"/> 1; <input type="checkbox"/> 2; <input type="checkbox"/> 3; <input type="checkbox"/> 4; <input type="checkbox"/> 5
4.	Outsourcing	<input type="checkbox"/> 1; <input type="checkbox"/> 2; <input type="checkbox"/> 3; <input type="checkbox"/> 4; <input type="checkbox"/> 5
5.	Network sourcing	<input type="checkbox"/> 1; <input type="checkbox"/> 2; <input type="checkbox"/> 3; <input type="checkbox"/> 4; <input type="checkbox"/> 5
6.	Strategic alliance	<input type="checkbox"/> 1; <input type="checkbox"/> 2; <input type="checkbox"/> 3; <input type="checkbox"/> 4; <input type="checkbox"/> 5
7.	Co destiny	<input type="checkbox"/> 1; <input type="checkbox"/> 2; <input type="checkbox"/> 3; <input type="checkbox"/> 4; <input type="checkbox"/> 5
8.	Arm’s length	<input type="checkbox"/> 1; <input type="checkbox"/> 2; <input type="checkbox"/> 3; <input type="checkbox"/> 4; <input type="checkbox"/> 5
9.	Transactional	<input type="checkbox"/> 1; <input type="checkbox"/> 2; <input type="checkbox"/> 3; <input type="checkbox"/> 4; <input type="checkbox"/> 5
	Other (Please specify)	

--This is the end of the survey---Thank you for your time

Definitions

Adversarial procurement - A typical competitive resource acquisition process, where the buyer put pressure on the supplier to meet quality expectations at the lowest possible cost.

Arm’s length - This is a distant relationship where the buyer does not need frequent access to the supplier. Purchases are infrequent and of low volume, and the trouble of a closer relationship is not justified.

Transactional - This is very similar to an arm's length relationship, with perhaps a more frequent requirement on the part of the buyer, but still referring to low-value, low-risk supplies.

Outsourcing - In order to focus on his organisation's core competencies, a buyer selects an external supplier to provide goods or services previously sourced in-house. Once again, a high level of trust is implied.

Cooperate partnership - A small number of suppliers are given special status, and competition to supply its limited to these.

Sole/ Single sourcing - There is a 'soul supplier' relationship, with one key supplier and the blurring of the 'boundary of the firm'.

Network sourcing - The organization creates a 'virtual company' at different stages of the supply chain by creating strategic partnerships at each stage.

Merger or acquisition - This is where the organizations vertically integrates with a supplier or suppliers

In – house sourcing process - Where the organizations decide to retain responsibilities for performing the process, rather involving the supplier.