

CHALLENGES FACING LAGOS STATE PUBLIC PROCUREMENT AGENCY IN THE IMPLEMENTATION OF PUBLIC PROCUREMENT LAW

<https://doi.org/10.47743/jopafl-2024-31-2>

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Abstract: the paper analyzed the challenges facing Lagos State Public Procurement Agency in the implementation of procurement law. The paper adopted both the primary and secondary sources of data; data were collected through administration of questionnaires on the identified respondents. The study population of workers in the selected ministries, agency, contractors, and civil society organization consisted of 1398. A proportionate random sampling technique was used in selecting a sample size of 210 respondents representing 15% of the study population. Secondary data were obtained from books, academic journal official documents of LSPPA, and internet. Data collected were analyzed with the use of percentage, frequency, and mean. The result of the study revealed that the challenges facing Lagos State Public Procurement Agency; namely: poor ethical standard (58.9%, \bar{x} =2.5), shortage of manpower (72.2%, \bar{x} =2.1), and delay in the adjudication of contract malpractices (65.8%, \bar{x} =2.1) were largely insubstantial challenges facing LSPPA in the implementation of public procurement law of the state amongst the ten acknowledged challenges. On the other hand, the paper further shown the challenges that were largely substantial for the LSPPA in the implementation of public procurement law in the state; such as: interference from political office holders (67.4, \bar{x} =2.9), poor ethical standard (63.9%, \bar{x} =2.6), delay in the release of appropriated budget (57.4%, \bar{x} =2.7), political will and commitment to prosecute offenders (54.5, \bar{x} =2.7), sharp practices in the award of contract (65.8%, \bar{x} =2.8), politicized civil society organization (78.2%, \bar{x} =3.0), and submission of procurement plan (60.9%, \bar{x} =2.8) substantially hampers LSPPA in the quest to achieve efficiency, probity, openness, value for money, accountability, and fair pricing amongst others. The study therefore, concludes that the challenges facing LSPPA, Lagos State Public Procurement Agency in the implementation of public procurement law in the state is largely substantial, and decelerates the policy objective targets of procurement law of the State. It was further evident from seven claims confirmation as against three claims that negated it respectively.

Keywords: political will, oversight, procurement, fair pricing, efficiency

Introduction

The level of growth and development attained in any economy tells how the public procurement policy of such an economy operates momentarily, or otherwise. After

payment of wages and salaries, which are recurrent expenditure by the government in any economy, the huge expense on capital expenditure is expended on the public procurement of such economy. This is done in order to drive growth and development in the form of investment in public procurement, which trickles down to every facet of human endeavors. It therefore, suffices to say that investment in public facilities is not a waste since it serves as a social overhead cost from the government; and the investors would only spend on directly productive activities in order to stimulate growth and development. All these are hallmark of driving development in a country so as to achieve the desired infrastructural development, amongst others (Olu, Okotoni 2001).

Both Western, and Eastern developed economies make their public procurement the core of their public spending in order to drive the needed development so as to engender value for money, transparency, efficiency, accountability, openness, amongst others. All these represent the hallmark of public procurement which benefits the taxpayers in getting the indirect benefits for their constitutional roles. Due to nature of public procurement in the striving economy like ours Nigeria, the synchronization of public procurement through the agency responsible for such task must be vetted so as to ensure that there is value for money, and appropriated budget for such are expended on what the released fund is meant for, this is done so as to ensure that there is no diversion of fund, or non-compliance with the appropriate provisions on procurement Act, Law as it applicable, or inflated prices, or contract splitting among others, this serves as the focal function of Bureau of Public Procurement for federal government, and its replica at Lagos State; Lagos State Public Procurement Agency.

Statement of the Research Problems

The craving for the need to address careless spending by government ministries, departments and agencies undoubtedly brought out the enactment of public procurement law in Lagos state so as to get value for money appropriated and spent. The enactment of public procurement policy in order to adequately unravel the difficulties associated with the procurement process and contract award in the State brought about Lagos State Public Procurement Law with constitutional provision for the establishment of Lagos State Public Procurement Agency LSPPA, The law was enacted to address the problems of sharp practices in the public procurement process that characterized the public sector and which has become a conduit pipe for money laundering and siphoning off the State resources.

However, in spite the enactment of public procurement law, public procurement still continues to witness sharp practices due to over bearing influence on the functions and powers of LSPPA as it reflects on the rate of abandonment of project and poor implementation of such project (Jacob, 2010). This is connected to the level of politicking in the composition of the agency, which ought to enforce the provisions of the law LSPPA hence, the need to analyze the challenges facing Lagos State Public Procurement Agency in the implementation of public procurement policy.

Literature Review

Public Procurement Policy Implementation Constraints in Lagos Compromised Benchmark

There is the issue of compromised benchmark or set price standard due to political affiliation consideration that leads to the flagrant award of public contracts at a highly inflated cost and coupled with unappropriated spending. The public procurement law sets out procedures for the award of contract so as to reduce or curb inflated cost which often leads to loss of value for money in the contract awarded and saves government fortunes which would have been lost to contract inflation (Section 54 Lagos State Public Procurement Law, 2011). The gross misconduct on the benchmark standard that audited account would have revealed is also being sacrificed, which hinders accountability and transparency on the altar of political consideration instead of promoting good governance which public procurement policy intends to achieve.

Late Passage of Annual Budget

In addition, the late passage of annual budget has continued to take its toll on the public procurement policy in the country. Early passage of the annual budgets and the subsequent release of funds for the execution of various ministries, department, and agencies (MDAs) procurement via budgets have suffered a lot due to the late passage of the annual budget. More so, the lack of transparency in the preparation of annual budget also leads to late passage, as most items on the annual budget are often times unsubstantiated at the National or State Assembly during the budget justification of each MDAs. Some public procurement policy cannot be implemented without adequate fund for; this has unswervingly continued to be a challenge in the implementation of public procurement policy. Also, the main problem of the decline in the revenue estimates as stated in the budget appropriated is at times led to the non-conformity with grundnorm, which in the long run affects the implementation of public procurement policy (Fischer, 2004).

The late passage of annual budget often results from the flagrant violation of the constitution especially the Fiscal Responsibility Act (FRA 2007) which stipulates among others. The publication of audited account of MDAs in order to see how the previously appropriated money was expended in order get value for money as stipulated in section (4) of FRA 2007 and which often are not complied with.

Government Leadership and Institutionalized Process

The leadership direction in the country has a huge influence on how public procurement policy would be implemented. Adherence to public procurement policy implementation that in turn changes the institutionalized process is more pronounced in the way and manner in which the governments operate. Both State and Federal have refused to adhere to the provisions of Laws of procurement, and this has led to the refusal of federal government to constitute the National Council on Public Procurement and Lagos State failure to do so for Lagos State Public Procurement Agency Governing Board. The law affirms the need to improve efficiency, promote good governance, and ensure transparency in the award of contracts via compliance with Laws that is the practice in most parts. The leadership style at the helms of affairs makes institutions involved in the implementation of public procurement policy workable. The NCPP, LSPPGB, various contractors, suppliers, and service providers gave opportunities in the process for tender without any interference. Jacob (2010) argues that the enforcement of infringement noticed during the bidding process would be redressed fairly or unfairly depending on the government leadership. If rule of law is nourished, there would be fair treatment, if not many contracts might be

awarded without due regard for open competitive bidding as stipulated in the (Ondiek, 2013). Thus, government leadership posed a great challenge to the implementation of public procurement policy (Hunja, 2003).

Poor Screening for Technical, and Professional Capabilities

Adjei (2006) argues that the poor screening process for the award of contract, supplies or service often show in the shoddy manner in which such contracts, supplies, services are carried out. Poor screening leads to poor implementation or the use of poor-quality materials in carrying out such projects, which in the long run tells on the durability of such projects. The non-affirmation of technical and professional capabilities of supplier, contractors, or providers of services through the shoddy award of contracts tells on the implementation. The poor screening exercise by BPP or LSPPA as result of interferences could lead to inefficiency and lack of value for money, which most often leads to a non-transparent process.

Political interferences

Ameyaw (2013) and Musanzikwa (2013) posit that political interference has continued to take its ugly effects in the implementation of public procurement policy in Nigeria. The head of ministries, departments, or agencies often interferes in the public procurement policy implementation (Jacob 2010). The head of ministries often determines what plays out in their respective ministries so as to ensure that their cronies and political allies benefit from contracts, supplies, or services being provided (Fischer & Gapp, 2013). The political interference has been a cog in the wheel of growth and development in the country as many contracts, supplies, or services are secured through this act and it comes with its attendant effects. Mohammed (2010) argues that the poor implementation of such projects or programs that money is budgeted for are often being diverted, or poorly implemented. Since the head of such MDAs has interest as against the provision of PPA (2007) and its domesticated LSPPL sections respectively; where a stakeholder must state if there is interest in any of the contracts bidding. Here, we heard about budget padding recurrently, this is significant kind of interference we witness as a national, or sub-national governments. Therefore, the need not to have unfair treatment of information, which might give such contractors, vendors, or consulting firms a greater advantage over others, which often leads to frosty relationship between ministry and parastatal are being compromised through the political consideration.

Theoretical framework

Agency theory was the swivel in which the study anchored on. The choice of Agency theory was because of the indisposition to symbiotic relationship between the principal and agent of The Agency theory or principal-agent theory revealed the assumption that there exists asymmetry information sharing between the principal and agent in the procurement process. Spence and Zeckhauser (1971) propounded the theory in relation to the study of insurance which they later applied to social sciences in order to see the influence of information asymmetry on contract and other human engagement. Both the principal and the agent have access to information in an asymmetry nature in the public procurement process. A procuring entity has foreknowledge of what a threshold or benchmark for a

contract awarded will cost likewise agent has full knowledge on the professional and technical capacity of the contract the agent applies for.

Public procurement processes have officials that are charged with the responsibility of discharging the transaction of public procurement, and contract awarded for the principals together with the public, which often times bring the government into being while various contractors, manufacturers, or service providers are the agents. The incentives for the various agents are predetermined via their appointment letters through a certificate of no objections. There are instances in which the agents sometimes do not act in tandem with established norms that often leads to asymmetry information that exists. In such instances, the established processes are compromised as the agent seeks their interest over and above the principal's interests. This situation breeds a prismatic system in which administrative system operates a Bazaar-canteen syndrome (Riggs, 1964) which results in abnormal situations prevalent in the public procurement processes. The system is susceptible to various abuses despite the established processes that are supposed to be followed in order to ensure that the agent performs according to the desired wishes of the principal. Theory positions the principal to inform the agent what it intends to achieve and how an agent would go about it. The various actions or inactions of the agent were to be disclosed to the principal in order to ensure the principle of utmost good faith. Public procurement processes hinge on the principal-agent theory in order to ensure value for money appropriately. The fiduciary relationship that exists between the procuring entities which often time represent the principal in the public procurement processes and the contractors which are the agents make the agency theory indispensable in the contract award. The principal-agent theory posits that value for money in the public procurement processes is apt in the discourse of procurement by government or any of its MDAs. This brings out the essence of relationship that exists between the principal and agent in order to ensure that contracts are carried out as agreed upon in the contract award process, which stipulates the quality, quantity, time, place, and efficiency with fewer skirmishes.

Methodology

This section depicts the methodology that was used in the administration of questionnaires for this paper so as to discuss the methods and techniques that were used in order to achieve the paper's objective, the examination of the challenges of Lagos State Public Procurement Agency; with descriptive data analysis technique. The study was centered on the activities of Lagos State Public Procurement Agency, of the Lagos State respectively, the State is in the Western Region of Nigeria, and it has 20 local government areas and 37 LCDA accordingly, with huge economic activities due to its nature which houses largest sea port in the country, it is a window to the world economies.

The study employed a purposive sampling technique for ministries of Housing 110, Finance 89, Works and Infrastructure 240, and Justice 481. The two levels of management were considered since they were actively involved in the procurement process that is, planning and controlling. Also, 100 staff from LSPPA in the GL 07 to GL 17; the construction companies with their senior employees which formed the respondents were: Craneburg Construction Company 69, Planets Projects 64, Hitech Construction Company 70 and the Messers First Investment Property Company 58; Civil Society Organisation; Coalition Against Corrupt Leader 25, Socio- Economic Rights and Accountability 32. BudgIT 31, Ymonitor 29. The reasons for the selection of these construction companies

were as a result of the number of projects they had done in the state in the past years for the two administrations under review and the involvement of new ones by the present administration. While the civil society organizations were chosen since they advocated for probity, accountability, and transparency among others. At the last stage, a proportionate random sampling technique was used in selecting a sample size of 210 respondents representing 15% of the study population. While, the 210 respondents were administered questionnaires on so as to ensure that the paper attained the needed credibility and validity. Statistical instrument for data analysis for the paper was percentage, and impact analysis of the challenges through ranking of the mean computed via SPSS, Statistical Package for Social Scientists respectively.

Table 1 The population and sample size distribution

MINISTRIES	Population	Sample Size 15%
Works and Infrastructure	240	36
Finance	89	13
Housing	110	17
Justice	481	72
Civil Society Organization		
Coalition Against Corrupt Leaders (CACOL)	25	4
Socio-Economic Rights and Accountability Projects (SERAP)	32	5
Ymonitor	29	4
Budgit	31	5
CONSTRUCTION COMPANIES		
Messers FIPC	58	8
Craneburg Construction Company	69	10
Planet Projects	64	9
Hitech Construction Company	70	11
LAGOS STATE PUBLIC PROCUREMENT AGENCY	100	15
Subtotals of respondents 15%	1398	210

Source: field work, 2023

Analysis and interpretation of data

Two hundred and ten questionnaires (210) were administered among the respondents, and two hundred and two (202) were retrieved accordingly. This implied that over 96% response rate was recorded in the questionnaires administered. The quantitative data generated were subjected to both descriptive and inferential statistical analysis.

Challenges Facing Public Procurement Agency in the Implementation of Public Procurement Policy in Lagos State

This part provided the first-hand results on the challenges facing the agency in the implementation of the public procurement policy. Four-dimensional assessment scale of; highly substantial, substantial, less substantial, insubstantial which was used by the researcher to elicit information from the respondents on the importance or otherwise of each of the challenges acknowledged. The scale was afterward subsumed into largely substantial for (highly substantial and substantial) and largely insubstantial for (less substantial and insubstantial) so as to deduce the direction of their responses and mean was further computed in order to acknowledge the average impact or otherwise of the

challenges on the agency functions and powers in the implementation of public procurement policy, with mean value ranked accordingly. The criterion for mean is that; a mean value of 2.5 or less indicates insubstantial impact, while 2.51 and above indicates substantial impact.

The first claim on the research instrument verified the interference as a challenge to the agency's powers and functions in the policy implementation. The result of the analysis revealed that 67.4% of the respondents affirmed that interference on the functions and power of LSPPA posed a largely substantial challenge to the agency as against the 32.6% of the respondents that negated the claim with the largely insubstantial responses. The mean result of 2.9 affirmed that interference had a substantial average impact on the agency's functions and powers. The interference was ranked 2nd among the challenges identified which implies that interference is capable of demeaning the functions and powers of the agency considerably. It is sufficed to conclude from the per cent computed and mean calculated that interference from the political office holders hinders functions of the agency is the second most challenging confronted by LSPPA in the implementation of public procurement policy.

The poor ethical standard was also considered as a challenge. 58.9% of the respondents acknowledged that the assertion was largely insubstantial with this claim as against the 41.1% of the respondents who largely affirmed the significance of the claim, and since the per cent of largely insubstantial 58.9 is more than 41.1, it is affirmed that the poor ethical standard was also considered as a least challenge to the LSPPA in the implementation of public procurement policy with the mean value of 2.5 which affirmed that poor ethical standard is largely insubstantial impact on the agency activities. The poor ethical standard was ranked 8th among the ten challenges postulated. It suffices to avow that poor ethical standard is a challenge, though it does not constitute a huge constraint on the powers and functions of LSPPA.

63.9% of the respondents largely confirmed the challenge that the ineffective oversight function posed to the activities of the LSPPA while 36.1% of the respondents largely negated the assertion, with the mean value of 2.6 ranked 7th which indicated that the ineffective oversight function had a largely substantial impact on the activities of the agency. This result pointed to the fact that ineffective oversight function from the LSPPA enfeebled the implementation of the public procurement policy with its attendant effect.

Delay in the appropriated budget also posed a great challenge to the agency's activities as 57.4% of the respondents substantially affirmed the assertion while 42.6% of the responses asserted that the assertion is insubstantial this was also supported with mean value of 2.7 that is more than 2.5 yardstick, and it was therefore ranked 5.5th which corroborated the substantial impact the delay of the appropriated budget had on the agency activities and its resultant consequences on the implementation of the public procurement policy in the State respectively.

The challenge of shortage of manpower was also identified and it was discovered that the shortage of manpower was largely insubstantial on the activities of the agency as it relates to the implementation of the public procurement policy with a mean value of 2.1 and rank of 9.5th in the ten acknowledged challenges, and with mean value below the yardstick. The respondents affirmed the insubstantial nature of the claim that a shortage of manpower did not pose a challenge to agency activities with 72.2% responses while a minuscule 27.8% substantially corroborated the claim. Though the shortage of manpower is a challenge, it

does not have the potency of blighting the agency activities and the implementation of public procurement policy in the state.

54.5% of the respondents largely corroborated the assertion that lack of political will and commitment to prosecute offenders posed a challenge to the activities of the agency while 45.5% affirmed the claim as largely insubstantial. The assertion had a largely substantial impact on the activities of the agency and the resultant outcome in the implementation of public procurement policy in the state with the mean value of 2.7 which is more than the yardstick of 2.5, and was tied ranked 5.5th in the challenges acknowledged. It is sufficed to avow that LSPPA faced the challenge of lack of political will and commitment to prosecute offenders due to non-committal to the provisions on the Public Procurement Law.

The challenge of sharp practices in the award of the contract was also verified so as to assert the substantial impact or otherwise it had on the activities of the agency. The result of the assertion showed that the sharp practices in the award of contract had a largely substantial effect on the agency's activities with affirmation responses of 65.8% as against the 34.2% that affirmed largely insubstantial impact of the assertion, with a mean value of 2.8, this value was tie-ranked 5.5th in the ten recognized challenges. This implies that sharp practices in the award of the contract have largely impacted substantially on the agency's activities and with the resultant effect on the implementation of public procurement policy in the state.

Politicized civil society organization was verified as a challenge to the activities of the agency, and it was uncovered that politicized civil society organizations had a substantial impact on the agency activities with 78.2% responses strongly agreed to this claim as against the infinitesimal 21.8 % of the largely insubstantial responses. The mean value was 3.80 and with rank of 1st among the ten identified challenges. Hence, it suffices to deduce that the politicized civil society organizations posed a disturbing and damning impact to agency' activities in the implementation of public procurement policy in the state. Therefore, the civil society organization views and opinions must often be properly dissected and scrutinized so as to affirm the veracity of their reports and allegations as it affects government spending in the state in order to avoid prejudices and trivial recommendations.

The delay in the adjudication of contract malpractice was also verified as another challenge to the activities of the agency. It was revealed that the claim was largely insubstantial with a mean value of 2.1 and tie-ranked of 9.5th in the ten recognized challenges. The percentage of largely insubstantial of 65.8% which was more than 50% of the responses also affirmed the insubstantial nature of the claim as against the percentage of largely substantial of 34.2% which was less than 50% that affirmed the claim. Although, the delay in the adjudication of contact malpractices posed an insubstantial challenge to the activities of LSPPA; it is sufficient to conclude that court process on the contract awarded does not have substantial effect on the powers and functions of the agency respectively.

60.9% of the respondents largely confirmed to the assertion that late submission of procurement plans posed a challenge to the activities of the agency as it affects the implementation of public procurement policy as against the 39.1% of the respondents who affirmed the claim as insubstantial. The largely substantial impact the challenge had on the agency's activities was affirmed by the mean value 2.8 and which was tie-ranked 3.5th in the ten identified challenges. Therefore, the challenge of late submission of procurement

plans has demeaned the agency’s activities which indirectly weakens the implementation of public procurement policy in the state.

Table 2 Challenges Facing Public Procurement Agency in the Implementation of Public Procurement Policy (N=202)

Assertions	LAS f (%)	SUBS f (%)	LES f (%)	INSUB f (%)	\bar{x}	R
Interference from the political office holders hinders functions of the agency	84 (41.6)	52 (25.8)	32 (15.8)	34 (16.8)	2.9	2nd
Poor ethical standard inhibits contract implementation	47 (23.3)	36 (17.8)	84 (41.6)	35 (17.3)	2.5	8th
Ineffective oversight function affects the contract process	44 (21.8)	85 (42.1)	19 (9.4)	54 (26.7)	2.6	7th
Delay in the actual release of the appropriated budget hinders agency’s powers	76 (37.6)	40 (19.8)	31 (15.3)	55 (27.3)	2.7	5.5th
Shortage of manpower frustrates agency’s power of contract assessment	29 (14.4)	27 (13.4)	76 (37.6)	70 (34.6)	2.1	9.5th
Lack of political will to prosecute offenders affects adjudicatory mechanism	51 (25.2)	59 (29.2)	76 (37.6)	16 (7.9)	2.7	5.5th
Sharp practices in the award of contract hinders procurement process	76 (37.6)	57 (28.2)	17 (8.4)	52 (25.8)	2.8	3.5th
Politicised civil organisations disturbs agency’s activities	76 (37.6)	82 (40.6)	11 (5.5)	33 (16.3)	3.0	1st
Delay in the adjudication of contract malpractices cases daunts agency’s powers	46 (22.8)	23 (11.4)	50 (24.8)	83 (41.0)	2.1	9.5th
Late submission of procurement plans hinders the agency powers of scrutinizing	73 (36.1)	50 (24.8)	38 (18.8)	41 (20.3)	2.8	3.5th

Source: Field Survey, 2023

LAS (Largely Substantial), SUBS (Substantial), LES (Less Substantial), INSUB (Insubstantial), \bar{x} (Mean), and R (Rank)

f=frequency, %=percentage

Discussion of findings

This part provided the first-hand results on the challenges facing the agency in the implementation of the public procurement policy, four-dimensional assessment scale was adopted by the researcher to elicit information from the respondents on the significance or otherwise of each of the challenges acknowledged. The scale was subsequently subsumed into largely substantial and largely insubstantial so as to deduce the direction of their responses and mean was further computed in order to acknowledge the substantial impact or otherwise of the challenges on the agency functions and powers in the implementation of public procurement policy.

The item one on the research instrument verified the interferences as a challenge to the agency’s powers and functions in the policy implementation. The result of the analysis showed that 67.4% of the respondents largely affirmed that interference posed a substantial challenge to the agency as against the 32.6% of the respondent that largely negated the claim as insubstantial. The mean result of 2.9 affirmed that interference had a largely substantial impact on the agency’s functions and powers. The interference was ranked 2nd among the challenges identified which implies that interference is capable of demeaning the functions and powers of the agency considerably. The finding of this study was supported by the work of Omagbon (2016); Jabrin, Ejura, and Nwaorgu (2014) where the

two works asserted that godfatherism is a key variant of interference from political office holders, which seriously undermined the implementation of public procurement policy, and the agency that promotes its compliance.

The poor ethical standard was also considered as a challenge. 58.9 % of the respondents largely avowed that the claim was insubstantial as against the 41.1% of the respondents who largely confirmed the claim as substantial. The mean value of 2.5 affirmed that poor ethical standard had a largely insubstantial impact on the agency's activities. The poor ethical standard was ranked 8th among the ten challenges postulated. It suffices to now avow that poor ethical standard is a challenge, though it does not constitute a huge nuisance to the agency's activities in the implementation of public procurement policy. 63.9% of the respondents largely agreed that ineffective oversight function posed as a challenge to the activities of the agency while 36.1% largely disagreed with the claim. The mean of 2.6 ranked 7th indicated that the ineffective oversight function had a largely substantial impact on the activities of the agency. This result pointed to the fact that ineffective oversight function from the agency enfeebled the implementation of the public procurement policy, coupled with its attendant effect. Delay in the appropriated budget also posed a great challenge to the agency's activities as 57.4% of the respondents largely affirmed this assertion while 42.6% of the responses largely disagreed. The mean value was tie-ranked 5.5th which corroborated the largely substantial impact the delay of the appropriated budget had on the agency activities and its resultant consequences on the implementation of the public procurement policy.

The challenge of shortage of manpower was also identified and it was discovered that the shortage of manpower pose an insubstantial impact on the activities of the agency as it relates to the implementation of the public procurement policy with a mean value of 2.1 and tie-ranked of 9.5th in the ten identified challenges. The respondents largely disagreed with the claim that a shortage of manpower posed a challenge to agency activities with 72.2% responses while a minuscule 27.8% largely affirmed the claim. Though the shortage of manpower is a challenge, it does not have the potency of blighting the agency activities in the implementation of Lagos public procurement policy. 54.5% of the respondents largely confirmed the substantial influence of lack of political will and commitment to prosecute offenders, and posed a challenge to the activities of the agency while 45.5% of the respondents largely disagreed with the assertion. The assertion had a largely substantial impact on the activities of the agency and the resultant outcome in the implementation of public procurement policy in the state with the mean value of 2.7, and was ranked 5.5th in the challenges acknowledged.

The challenge of sharp practices in the award of the contract was also verified so as to assert the substantial impact or otherwise it had on the activities of the agency. The result of the assertion showed that the sharp practices in the award of contract had a largely substantial effect on the agency's activities with largely agreed responses of 65.8% as against the 34.2.% that largely disagreed, with a mean value of 2.8, this value was ranked 3.5th in the ten acknowledged challenges. This implies that sharp practices in the award of the contract have substantially impacted adversely on the agency's activities and with the resultant effect on the implementation of public procurement policy in the state. Politicized civil society organization was verified as a challenge to the activities of the agency, and it was uncovered that politicized civil society organizations had a largely substantial impact on the agency activities with 78.2% responses largely affirmed this claim as against the

infinitesimal 21.8 % of the largely insubstantial negation responses. The mean value was 3.0, and ranked 1st among the ten recognized challenges. Hence, it suffices to deduce that politicized civil society organizations posed a disturbing and damning impact to agency' activities in the implementation of public procurement policy in Lagos state. Therefore, the civil society organization views and opinions must often be properly dissected and scrutinized so as to affirm the veracity of their reports and allegations as it affects government spending in the state in order to avoid prejudices substantially.

The delay in the adjudication of contract malpractice was also verified as another challenge to the activities of the agency. It was revealed that the claim was largely insubstantial with a mean value of 2.1 and ranked of 9.5th in the ten acknowledged challenges. The percentage of largely disagreement was 65.8% which was more than 50% benchmark also affirmed the insubstantial nature of the claim as against the percentage of largely agreement of 34.2% which was less than 50% that affirmed the claim. Although, the delay in the adjudication of contact malpractices posed a largely insubstantial challenge, nevertheless it is still a challenge that should be looked into in order to ensure that the agency's activities are well carried out. 60.9% of the respondents largely affirmed the assertion that late submission of procurement plans posed a challenge to the activities of the agency as it affects the implementation of public procurement policy as against 39.1% of the respondents who asserted the claim was largely insubstantial. The largely substantial impact the challenge had on the agency's activities was affirmed by the mean value 2.8, which was tie-ranked 3.5th in the ten identified challenges. Therefore, the challenge of late submission of procurement plans has demeaned the agency's activities which indirectly weakens the implementation of public procurement policy in Lagos state.

Concluding remarks

The study concluded that most of the acknowledged challenges that the agency was confronted with are socially, politically, and economically created, and can be adequately be addressed in order to ensure that the implementation of public procurement policy in Lagos state achieved its intended objectives. The study further showed that the policy objective of efficiency, probity, and openness among the various procuring entities as to a large extent being achieved, with various strategies adopted by the LSPPA. It was evident from the assertions tested that the challenges of LSPPA, Lagos State Public Procurement Agency in the implementation of public procurement law in the state is largely substantial, and apt which sometimes hinder its powers and functions as enunciated in the public procurement law of the State, from the ten identified challenges, seven assertions affirmed the substantial impact of the challenges confronted the LSPPA. In order to strengthen the LSPPA functions and activities the agency's objectives must be independent from any interference whatsoever this would enhance greater efficiency, probity, openness, and value for money in the procurement processes and implementation in the state.

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Appendix

Constitutional Provisions

Lagos State Public Procurement Law 2011

Section 1. Establishment of the Lagos State Public Procurement Agency.

There is established a body to be known as the Lagos State Public Procurement Agency. Section 8. The Objectives of the Agency are to:

ensure probity, accountability and transparency;

establish fair pricing standards and benchmarks;

ensure the application of fair, competitive, value-for-money standards and practices for the procurement and disposal of public assets and services;

create ample opportunities for the citizenry particularly, small and medium scale enterprises to participate in the economic opportunities and benefits of public procurement;

create a cost and time efficient and effective adjudicatory mechanism for the resolution of complaints arising from public procurement process in the State and its Local Governments filed by procuring entities, bidders and the general public; and

attain transparency, competitiveness, professionalism and guarantee integrity and public trust in the public procurement procedure.

Section 9. Functions of the Agency The Agency shall:

consider, amend and review the monetary benchmark for the application of this Law;

approve the employment of staff of the Agency other than the General Manager;

approve changes in procurement process to adapt to changes in technology;

give such other directives and perform such other functions as may be necessary to achieve the objectives of this Law;

formulate the general policies and guidelines relating to public sector procurement for the approval of the Governor;
publicise the provisions of this Law;
certify all State procurements prior to, during and after the award of any contract;
supervise the implementation of established procurement policies;
oversee and superintend compliance by all procuring entities with the procurement policies of the State;
monitor the prices of tendered items and keep a database of standard prices;
publish the details of major contracts in the State Procurement Journal;
publish paper and electronic editions of the State Procurement Journal and Procurement Manual and maintain an archival system for the State Procurement Journal; and
carry out such other functions which are essential to run an efficient procurement process and the effective implementation of its functions under this Law.

Section 10 Powers of the Agency

The Agency shall have the power to:

enforce the rules and review benchmark set pursuant to this Law;
inspect and review any procurement transaction to ensure compliance with the provisions of this Law;
investigate and determine whether any procuring entity has violated any provision of this Law;
blacklist or ban any supplier, contractor or consultant that contravenes any provision of this Law and Regulations made pursuant to this Law;
maintain a database of contractors and service providers to the exclusion of all procuring entities;
prescribe classifications and categorizations for the Companies or Limited Liability Partnerships (LLPs) on the register
maintain a list of firms and persons that have been blacklisted or banned from participating in the public procurement system and publish them in the State Procurement Journal;
call for information, documents, records and reports in respect of any aspect of any procurement proceeding where a breach, wrongdoing, default, mismanagement or collusion has been alleged, reported or proved against a procuring entity or service provider;

Section 54 General Selection Procedure The procuring entity shall select the successful proposal by either choosing the proposal with: the lowest evaluated price, or; the best combined evaluation in terms of general criteria set out in the request for proposals and the price quoted

1999 Constitution as Amended

Section 121.: The Governor shall cause to be prepared and laid before the House of Assembly at any time before the commencement of each financial year estimates of the revenues and expenditure of the State for the next following financial year. The heads of expenditure contained in the estimates, other than expenditure charged upon the Consolidated Revenue Fund of the State by this Constitution, shall be included in a bill, to be known as an Appropriation Bill, providing for the issue from the Consolidated Revenue Fund of the State of the sums necessary to meet that expenditure and the appropriation of those sums for the purposes specified therein.

Public Procurement Act as amended, 2007

Section 54 (1) A bidder may seek administrative review for any omission or breach by a procuring or disposing entity under the provisions of this Act, or any regulations, or guidelines made under this Act or the provisions of bidding documents.

Fiscal Responsibility Act as amended, 2007

48. Fiscal Transparency

The Federal Government shall ensure that its fiscal and financial affairs are conducted in a transparent manner and accordingly ensure full and timely disclosure and wide publication of all transactions and decisions involving public revenues and expenditures and their implications for its finances.

The National Assembly shall ensure transparency during the preparation and discussion of the Medium-Term Expenditure Framework, Annual Budget and the Appropriation Bill.



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