

THE STRATEGIES OF LAGOS STATE PUBLIC PROCUREMENT AGENCY FOR IMPLEMENTATION OF PUBLIC PROCUREMENT LAW

<https://doi.org/10.47743/jopafl-2023-29-03>

ADEWOYIN Adewunmi Adelere

Department of Public Administration and Management

Obafemi Awolowo University

loresanguine@hotmail.com

Abstract: This paper examined the strategies put in place by Lagos State Public Procurement Agency in the implementation of public procurement policy. The paper utilised primary and secondary sources of data. Primary data were collected solely through the administration of questionnaires on the respondents. The study population 1,020 comprised the staff members from ministries, and agency that monitors the implementation of procurement policy in the state, Lagos State Public Procurement Agency (LSPPA). Proportionate random sampling technique was used in selecting a sample size of 154 respondents representing 15% of the study population. Secondary data were obtained from books, academic journals, official document of LSPPA and the internet. Data collected were analysed using percentage, frequency, and (RII) Relative Importance Index. The results of the study showed that the strategies put in place by Lagos State Procurement Agency; such as establishment of a threshold (52.6%, rank 7th), constitution of contract performance audit committee (63%, rank 9.5th), supervision of the deliveries (69.5%, rank 9.5th), and creation of a procurement officer's desk (57.8%, rank 8th) were not adequately substantial strategies put in place in monitoring the implementation of public procurement policy in Lagos state. Moreover, the paper revealed strategies that were adequately substantial which were put in place by Lagos State Public Procurement Agency in the implementation of public procurement law, such as composition of technical review committee (79.9%, rank 1st), appraisal of procurement plan for procuring entities (73.3%, rank 2nd), setting of fair pricing standards and benchmarks (61%, rank 6th), strategic oversight on the contracts (65.6%, rank 5th), keeping of contractors' database for proper identification (65.6%, rank 4th), publication of details of major contracts in the State (69.5%, rank 3rd) significantly improved accountability, proficiency, efficacy among the ministries selected. The study therefore, conclude that the strategies put in place by LSPPA, Lagos State Public Procurement Agency in the implementation of public procurement law in the state is substantial, and apt which ensures that procurement law of the State is followed. It was further evident from six claims affirmation as against four claims that refuted it respectively.

Keywords: appraisal, audit, review, benchmark, database, publication, oversight

Introduction

The government at various levels deemed it necessary to address various rules, regulations, treaties, and subsequent enactment of procurement law in order to ensure probity, effectiveness, value for money, transparency, and accountability so as to address sharp practices in government procurement and disposal of assets. However, despite these regulations and laws government procurement still continues to witness hitches especially in most third world counties, where public procurement is characterised with shoddy implementation of contracts. Investments in physical infrastructure, institutional and human capacities, which ought to help in laying foundations for national development has been in a state of despair. Procurement at different levels of government faces the problems of shoddy implementation among others. The reasons for this is not far-fetched as

procurement in Nigeria is characterized by corruption, lack of value for money, inefficiency among others as a result of non-enactment of procurement Act, Law, or Bye-Law which ought to strengthen the budgetary allocation of various ministries, departments, and agencies (World Bank, 2003). Instead of Statute, procurement was guided by financial regulations, which is a tool of the finance ministry in the award of a contract, and it was shielded in secrecy. The public procurement in the State was guided by Section 121 of 1999 constitution as amended that stated the procedures for budget appropriation. The section makes provision for budget preparation, appropriation, and spending. However, the section was silent on the payment of mobilization fee, and this was performed in line with the whims and caprices of the State Executive Council who approved contract with little or no objection from the State Tenders Board, which was chaired by a member of the State Executive Council. This subsequently gave room for various sharp practices. In order to follow the best practices as enunciated by World bank report on public procurement, this prompted the federal government to set up an office called Budget Monitoring and Price Intelligence Unit (BMPIU) also known as Due Process in 2001, which helps in regularising procurement process and help in promoting transparency and accountability to the process of contract award for the first time in Nigeria.

The BMPIU was to make sure that due process is followed in the award of contract and there is value for money, this gradually replaced the old method of issuing circular for procurement. Subsequently, a Bureau of Public Procurement (BPP) was set up because of the enactment of the Public Procurement Act (PPA) 2007, which finally gave constitutional provisions for procurement process in the country. Since the country operates federal constitution, the Public Procurement Act of National Assembly is not binding on the states. Hence, each of the states enacts Law that guides the states procurement process in form of domestication of the Public Procurement Act by State Houses of Assembly. The anomaly associated with former process of public procurement was corrected with the establishment of Lagos State Public Procurement Agency (LSPPA) after the passage and subsequent assent to the Lagos State Public Procurement Law 2011. This Law clearly stated the objectives, functions, and powers of LSPPA in the following sections: 8, 9, and 10 respectively. The Law scrapped the state tenders board and replaced with LSPPA, with separate Head; General Manager, and to be assisted by directors so as to ensure effectiveness, efficiency, value for money, transparency, openness, and accountability

The Law gave the agency functions and objectives to be carried out so as to ensure strict compliance by the procuring entities, suppliers, contractors, or consulting firms. The whole essence of the enactment of the public procurement Law is to bring transparency, accountability, and fairness into the business of government through the acquisition of goods, services, or works for the public. The law made the procurement processes a constitutional matter that must not be breached, and if it is breached, there are adequate sanctions for the erring procuring or disposing entities, suppliers, contractors, and consulting firm to be punished or sanctioned. The enactment of the law, especially in most third world countries became indispensable as corruption takes precedence over and above good governance, and where cronyism and favouritism are considered in the award of the contract. This showed in the rate of flagrant violation of procurement laws, the high cost of procurement, and non-disclosure of the actual costs of projects among others.

Therefore, the Law becomes indispensable for the State so as to make sure that those goods, services, or works are procured as stipulated in the budget. The essence of the procurement

Law in the Lagos State is to stem the level of leakages, to strengthen the level of openness and competitiveness, check the reckless abandonment of projects, to address contract splitting, reduce to the barest minimum the flagrant abuse of procedures for awarding public contracts, procuring without regard for procurement planning, and spending separate from the appropriated budget.

Statement of problem

The oversight function and sanction which enabled contractors or manufacturers as it appropriates, to carry out the implementation of public procurement policy in line with the terms of the agreement of the procurement are often neglected. This was so since the agency that charged with the oversight function on the implementation of contract often do that shoddily due to unnecessary interferences from the political class that subsequently leads to sometimes flagrant abuse of the procedures agreed upon (Guardian, 2018). After all, supply is date specific, afterwards of the initial down payment, that is, the mobilization fees paid by the government, and keeping to this date of delivery often depends on the qualification and competence of the contractors so as not to result to late delivery.

Literature review

Public Procurement

Countries in the world engage in public procurement in order to engender growth and development. Public procurement enhances governance as it shows the needs for having value for public funds spent the by people's representative, which is the government. Walker and Brammer (2006) define public procurement as it relates to the taxpayer's money, and the manner in which public entities use the taxpayer's money in acquiring goods, works, or services. For Walker and Brammer (2006), the efficient and effective use of taxpayers' money in order to acquire public goods lies at the centers of public procurement. Public procurement should be carried out in accordance with the rules and regulations so that taxpayers' money would be judiciously spent and accounted for.

World Bank (2003) posits that public procurement is related to the use of public funds by the government and its various ministries, departments, and agencies (MDAs). Public procurement is undertaking on behalf of citizens in order to better their lives via the acquisition of the right quality and right quantity of goods, services, or public works at the best price, from the best sources, and with best procedures in accordance with the ground norms. The World Bank's definition of public procurement regards the ground norms as key in the public procurement process which must not be subverted so as to avoid unbudgeted spending as against the appropriated funds in the process of acquiring goods, works, or services. The definition of Walker and Brammer and the World Bank give credence to the need for public procurement to follow the laid down rules and regulations in order to ensure fiscal discipline and values for taxpayers' money. Hence, there is a need to ensure that public procurement policy is carried out with strict adherence to the various provisions of the constitution. Adherence to the ground norms make public procurement viable while non-adherence to the ground norm brings about unviable public procurement. Evelyn and Kwadwo (2016), define public procurement as a means of seeking to obtain goods, works, or services in line with applicable laws and regulations. For Evelyn and Kwadwo public procurement should be in line with the provisions of public procurement laws. For them, constitutionalism is useful for public procurement in order to get the desired value for money and ensure accountability. Fayomi (2013) defines public

procurement as the bridge or link between public requirement (roads, stadia, and health facilities) and private sector. This definition does not consider the extent of application of public procurement laws and regulations as Evelyn and Kwadwo posit in their definition. Hence, it is with diverse views that various scholars defined public procurement as there are different views and perspectives to the definition, which succinctly defines public procurement in line with their environment and government responsiveness. It shows that public procurement has various definitions and applications. The point that is clear and inferable from all these, is that public procurement should be done in accordance with the laws and regulations, and be guided by value for money both from taxpayers and the government. Therefore, public procurement must consider efficiency, effectiveness, accountability, transparency, probity, and value for money.

Policy Formulation

Easton (1995) sees policy formulation as a decision making process. Aminu, Tella, and Mbaya (2012) define it as a cardinal principle upon which government implements its developmental projects. Hence, the definitions pointed to the fact that policy formulation addresses the solutions to the problem identified at the first stage, which is the agenda-setting stage, this enables the realisation of set objectives. Policy formulation entails policy demands. Policy decision, and policy statement which enriched the policy being formulated. Policy formulation strengthens the solutions government proffers or intends to proffer to public demands, which necessitated the policy to come into being.

Decision Making

Dror (1971) sees decision making as a course of action decided upon by individual, or government. Okotoni (2001) defines decision making as the strategic steps put in place in order to make policy formulated impact people's lives. Therefore, decision-making symbolizes the go-ahead mechanism, which makes policy formulated to be positioned for actions. This stage sets policy for implementation as various state actors needed for implementation of policy are constituted in order to ensure that policy is appropriately implemented. In contrast, decision making also entails a trade-off in order to satisfy the pressing needs of people. Preferences are notable under decision making in the policy cycle (Tetlock, 2000) this means that decision-making entails solving problems serially one after the other, as this entails the prioritisation of public policy vis-a-vis the available resources.

Policy Implementation

Jack (2005) defines policy implementation as the process of bringing into effect an official decision of the government. Donald (1975) posits that policy implementation is the action of government being put in place in order to achieve set goals and objectives. For Jack and Donald, implementation involves the action of government upon its intention. The two see the implementation as a bridge that links intention to reality. Toole (2000) defines policy implementation as a vehicle for policy delivery, which is designed and pursued with the hope of achieving specific ends. Implementation has been a great unique phase in the policy process. It is quite distinctive for representing the change, which the policy idea expectation characterizes through actions aimed at correcting social problems (Lester & Goggin, 1998). Policy implementation is characterized by the actions of several levels of agencies, institutions, organisations, and their actors that are influenced by the policy

context. A study of policy implementation is a study of change, and how change occurs. According to Moore and Allison (1978), policy implementation must be conceived at the designing and advocating stage so as to achieve the actual performance objectives it intends to achieve. For Moore and Allison, implementation is considered so as to ensure that the stated objectives are achievable with minimal cost. Goodsell (2004) considers policy implementation with respect to those whom in their domain implement policies. For Goodsell, the administrative agency, which is referred to as bureaucracy must have the necessary mandate in order to achieve the desired objectives at the implementation stage. Therefore, policy implementation brings about output, with the use of scarce resources, and it does not stop mid-way after being approved, certified and accepted. Implementation is a key stage that is methodical in the sequence of the policy process. Hence, from the definitions of implementation, it can be deduced that some of the scholars view implementation as the actual action policy put in place to order achieve the desired objectives. Others see implementation as both actions as well as the actors that bring the action into being. Therefore, implementation involves both the action and the performer in order to bring about the actual policy into reality rather than remaining as an intention all through.

Policy Evaluation

Wholey (1970) sees policy evaluation as the assessment of the total effectiveness of a country's program in order to meet its stated objectives. Policy evaluation intends to determine the impact of the policies as well as provide feedback for the various policy framers and actors. It shows the goal achievement extent and helps in understanding the degree to which policies have been able to resolve nagging issues. Policy evaluation clarifies the underlining reasons for the choice of goals and objectives that are being assessed in relation to the procedures. Policy evaluation helps in determining the appropriateness of the outcomes or objectives vis-a-vis the actual cost incurred. That is, the policy outcomes or policy results meet the needs, demands, or preferences of the teeming public. Emgonmwan (1991) defines evaluation as the last stage in the policy cycle where the outcome of decisions taken are assessed. Anderson (1974) sees this stage as paramount as it reveals how the stated objectives were achieved and the shortcomings, which hindered the success of the policy. Hence, evaluation is paramount in the policy cycle as it makes the actors know what was done and how best the desired objectives were achieved. As challenges come with opportunities, hence there is a need for evaluation in order to establish the challenges, which subsequently lead to a need for policy formulation. The assessment in the evaluation reveals the positive desired objectives or negative undesired outcomes respectively that would later form part of the subsequent policy agenda setting.

Government Leadership and Institutionalised 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 institutionalised 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. OECD (2007) 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 make 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 PPA 2007 (Ondiek, 2013). Thus, government leadership posed a great challenge to the implementation of public procurement policy (Hunja, 2003).

Theoretical framework

Stakeholder's Theory

The stakeholder theory details various salient interests in the public procurement policy. The theory sees the importance of various stakeholders and the need to accommodate them in the public procurement policy as it relates to fairness, honesty, and probity (Freeman, 1984). The theory was propounded by Freeman, which was built on the need to create more values for various stakeholders. The public, government, procuring entity, approving authority and the contractors all seek involvement in the public procurement policy. This is attached with values for money which all stakeholders pursue. According to Mansell (2013), argues that the assumption of balanced best interests of all stakeholders weakens the thrust which the market economy system advocates. Therefore, stakeholder theory does not work in tandem with the market economy system where each stakeholder gets what really his or hers according to price mechanism not on a balanced system as advocated by stakeholder theory. Hence, the value each seeks is not static and the same, therefore there is a need for synergy among the stakeholders in the public procurement policy. The public is sine-qua-non to the government who makes the public procurement policy a priority in order to achieve the value for money with respective MDAs it works with in order to achieve this. Contractors are needed so as to get goods, services, or works done. Mitchell, Angle, and Wood (1997) argue that stakeholder theory is multifaceted as all interests must be accommodated without infringing on another's interests unnecessarily. Stakeholder theory considers the need to bring parties to public procurement policy implementation on the basis of values and morality so as to ensure broader management techniques in awarding contracts in the interest of the public and without short-changing any parties to contract.

The theory views the resources for the accomplishment of various contracts as adequate where parties' interests in the contracts are catered for. This is far from the truth as the various stakeholders' interests are diametrically opposed in the contract processes. The public and taxpayers want their money to create greater values in terms of physical infrastructure from government. While, the government is confronted with scarce resources, there is a need for priority which forms the basis of procurement plan and budget appropriation while contractors want to contract with the highest amount of returns so as to carry it out earnestly and make huge profit. Hence, there is a need to accommodate and prioritize various activities of government and contractors.

Methodology

This section presents the methodology that was adopted in the study. It further discussed the methods and techniques that were used in order to achieve the paper's objective, with descriptive data analysis technique. The study was carried out in Lagos state, southwestern Nigeria. The State was created in 1967, formerly comprised of the two parts, the Lagos colony, and part of Western Region. In order to ensure that good governance are brought closer to the grass roots, as the State represents a commercial hub of the country and with its attendant effects on the infrastructures in the state.

This study was conducted in the ministries of Housing, Works and Infrastructure, Finance and Justice, with staff in the Grade Level, GL 07 to GL17, and these grade levels determine the procurement plan that guides the public procurement of the ministries. Also, the LSPPA responsible for the implementation of procurement policy also constitutes the area of study, staff from GL 07 to GL 17 which enforces the Lagos State Public Procurement Law in order to get value for money. The study population 1,020 comprised the staff members from ministries, and agency that monitors the implementation of procurement policy in the state, Lagos State Public Procurement Agency (LSPPA). Proportionate random sampling technique was used in selecting a sample size of 154 respondents representing 15% of the study population in the Lagos State Public Procurement Agency (100) and purposively selected four ministries of Works and Infrastructure (240); Justice (481); Finance (89); and Housing (110). The analysis of quantitative data from responses in questionnaires adopted percentage, and relative importance index, so as to draw reliable conclusion.

Data Analysis And Interpretation

The Strategies Put in Place by Lagos State Public Procurement Agency

This part examined the strategies put in place by Lagos State Public Procurement Agency in the implementation of public procurement policy. Here, each of the identified policy strategies was subjected to the opinion of the respondents selected from the civil service which cut across the agency itself, LSPPA, ministries; housing, works and infrastructure, finance, and the judiciary so as to affirm the effectiveness of the strategies or otherwise. Their responses were categorised in the following scales, largely substantial (4), substantial (3), less substantial (2), and insubstantial (1). Table and percentage were used to present and analyse data collected from the respondents. While the modality for affirming or negating the policy strategies put in place by LSPPA was the use of (RII) relative importance index, so as to confirm or refute the importance of the strategies. The RII with more than 2.5 value is marked "substantial, and it confirms the importance of the strategy with such value, and while the RII with 2.50 or less is marked insubstantial, and it refutes the strategy with such value. All these were adopted so as to affirm the potency or otherwise of the variables (strategies) identified.

47.4 of the respondents affirmed that the establishment of a threshold for contract sum awardable by procuring entities was substantial, with percentage summation of largely substantial and substantial. While 52.6% of the respondents refuted this strategy and regarded the strategy as insubstantial in the process of monitoring the implementation of public procurement policy. The sum of the percentage of both insubstantial and less insubstantial is 52.6%, which signified that the strategy was insubstantial as against the substantial of 47.4%. Also, the RII value of the strategy is 2.5 which is regarded as insubstantial from the benchmark set, with rank value of 7th in the order of importance of

the strategies identified. Conclusively, the establishment of a threshold for contract sum awardable by procuring entities has not got the necessary importance it deserves for the purpose of public procurement policy in the State and the establishment of a threshold for contract sum awardable by procuring entities is insubstantial respectively.

The composition of the technical review committee for a contract awarded was tested as a monitoring strategy (variable). The result affirmed the potency of the claim with the responses of largely substantial and substantial yielded (79.9%) per cent result. and 11.0% respondents chose less substantial which also was in contrary with the claim, while 9.1% of the respondents negated this claim. The composition of the technical review committee for a contract awarded is most substantial as both largely substantial and substantial affirmed it with 79.9% of the respondents as against the miniature of the insubstantial of 20.1%. Likewise, the RII value of the claim was ranked 1st, this also corroborated the relative importance of the composition of the technical review committee for contracts to be awarded. Hence, strategy for the composition of the technical review committee for contract awarded should be embraced and sustained by various ministries, departments, and agencies. This would ensure and promote proper implementation of public procurement policy in the State.

The third claim tested was the procurement policy recommended the constitution of contract performance audit committee as an important strategy for monitoring the implementation of procurement policy. Conversely, the results from the study conducted showed that 40.9% and 22.1% of the respondents respectively refuted this claim with both less substantial and insubstantial responses were more than 50%. The respondents who affirmed that the claim was true were 18.2% that went for largely substantial and 18.8% who went for substantial. The statistical interpretation, therefore, showed that the constitution of contract performance audit committee was an insubstantial strategy in the monitoring of the implementation of public procurement policy with 63% negation of the claim. Compared with the corresponding 37% of the respondents who affirmed that the claim is substantial. This was also affirmed by the RII that is ranked tied with 9.5th, with RII value of 2.3 which is even less than 2.5 respectively. These figures asserted the position that constitution of contract performance audit committee was an insubstantial strategy as far as monitoring the implementation of procurement policy in the state is concerned.

49.4% and 20.1% of the respondents were of the views that supervision of the delivery of goods, works, or services in line with contract specification was insubstantial with less substantial and substantial percentage of 69.5%. While 18.2% and 12.3% of the respondents were of the views that the claim was substantial with 30.5% level of affirmation. The inference from these statistical analyses was that the use of supervision for the delivery of goods, works, or services as a strategy in monitoring the implementation of the procurement policy was insubstantial. This was supported by the RII value of 2.3 and tied ranked 9.5th in the order of relative importance of 10th rating.

From both the percentage comparison and RII, the relative importance of this claim is insubstantial respectively. The inference therefore is that that supervision of the delivery of goods, works, or services in line with contract specification has not been carefully adhered to as stipulated by the procurement law of Lagos State severally.

The procurement law also recommended the creation of a procurement officer's desk in the ministries, departments, and agencies as a major strategy for the implementation of procurement policy. Results from the field survey depicted that this was not the case as

insubstantial recorded 19.5% and less substantial recorded 38.3% of the response which showed the level of insubstantiality of the strategy with the percentage of negation put at 57.8%. And 24.7% and 17.5% of the respondents were of the views that the claim was substantial and as well largely substantial with percentage level of 42.2%. The RII value of 2.4 with rank of 8th in the order showed relative non-importance of this strategy in the process of monitoring the implementation of procurement law. The inference from these figures showed that the creation of a procurement officer's desk as a strategy for the implementation of procurement policy is largely insubstantial as the respondents' responses showed with 57.8% refutation of the claim as against the 42.2 % of the respondents who affirmed the claim coupled with 8th ranking the order of 10th. Therefore, the creation of a procurement officer's desk has not been insubstantial strategy for monitoring the implementation of procurement policy.

Appraisal of procurement plans was as well tested among the procuring entities, the ministry as a strategy adopted in monitoring the implementation of procurement policy. The results of the analysis showed that the appraisal procurement plan has been a substantial strategy. This was based on the percentage of respondents with 58.4% of largely substantial and 14.9% responses were substantial. While 11.7% and 14.9% of the respondents negated the claim with responses of less substantial and insubstantial respectively. Likewise, the RII also confirmed the relative importance of this strategy been adopted by the procurement agency with 3.2 value and rank of 2nd in the 10th order of importance. The statistical analysis from above therefore, is that the adoption of appraisal of a procurement plan as a strategy by the agency for monitoring the implementation of the procurement policy has been substantially important with percentage of affirmation of 73.3% of the respondents which corroborated the robustness of the strategy as against the 26.7% of the respondents who negated the robustness of the strategy, coupled with the rank of 2nd in the order of importance.

The setting of fair pricing standards and the benchmark was also used as a major strategy by the agency in monitoring the implementation of procurement policy. The respondents who were of the views that the strategy has substantial corroborated their views with 18.8% responses of largely substantial and 42.2% of substantial correspondingly. While the respondents who refuted the claim that the strategy has been insubstantial had their views in less substantial as 18.2% and insubstantial as 20.8% separately. With the RII value of 2.6, and rank of 6th in the order of importance. Therefore, the setting of fair pricing standards and the benchmark by the agency as a strategy for monitoring the implementation of procurement policy has been substantial to a great extent with the 61% of responses, which affirmed the robustness of the strategy contrary to 39% of the respondents who negated the robustness of the strategy.

40.9% of the respondents affirmed that the use of strategic oversight on the contract by the agency in order to monitor the implementation of procurement policy was substantial. 24.7% of the respondents agreed that this strategy was largely substantial in the process of monitoring the implementation of public procurement policy. 16.2% of the respondents were of the opinion that the strategy was insubstantial likewise 18.2% of the respondents said the strategy was less substantial. The relative importance index of the claim also achieved the benchmark set with 2.7 value which is more than 2.5 and ranked 5th in the order of importance. Conclusively, the statistical figures affirmed the use of strategic oversight on the contract by the agency, which ensured the significant monitoring of the

implementation of procurement policy. The affirmation was in line with the percentage of respondents who agreed with the use of the strategy as depicted by substantial responses of 65.6% as against the 34.4% who were of the views that the strategy was insignificant. The use of keeping contractors' database as a strategy by the agency was tested with the results confirmed the importance of the strategy. 33.8% and 31.8% of the respondents similarly agreed with substantial and largely substantial as their responses. 15.6% of the respondents went for insubstantial, while 18.8% responses were less substantial. From the statistical figures, the keeping of contractors' database as a strategy for monitoring the implementation of procurement policy was substantial with 65.6% affirmation as against the 34.4% of the respondents who said the strategy was insubstantial. Also, the relative importance index of the claim was 2.8 and rank 4th in the order of importance. It is sufficient to conclude from the analysis of figure on the claim that keeping of contractors' database as a strategy by the Lagos State Public Procurement Agency, (LSPPA) is a substantial strategy that must be strengthened and sustained in order to ensure proper implementation of procurement policy.

The use of publication of major contract as a strategy by the agency was also verified. The results from the survey affirmed the significance of the strategy as 21.4% of the respondents responded with substantial and 48.1% respondents were with largely substantial. The respondents with contrary views of insubstantial and less substantial of the strategy were 12.3% and 18.2% respectively. In the same manner the relative importance index affirmed this percentage comparison between substantial and insubstantial with value of RII as 3.1 which is ranked 3rd in the order of importance of the claim. Therefore, it suffices to conclude from the statistical analysis that the keeping of contractors' database as a strategy for monitoring the implementation of procurement policy has been effective with 69.5% affirmation responses of robustness in contrary to 30.5% responses of insubstantial. Thus, the use of publication of major contract as a strategy by the agency is another major strategy being used by LSPPA in the process of ensuring value for money, openness, efficiency, and accountability.

Strategies put in place by Lagos state public procurement agency (n=154)

Assertions	LS f (%)	S f (%)	LS f (%)	IS f (%)	Decision	SS	RII	Rank
Establishment of a threshold for contract sum awardable by procuring entities	29 (18.8)	44 (28.6)	63 (40.9)	18 (11.7)	INSUBS	392	2.5	7th
Composition of technical review committee	68 (37.7)	65 (42.2)	17 (11.0)	14 (9.1)	SUBS	515	3.3	1st
Constitution of contract performance audit committee	28 (18.2)	29 (28.8)	63 (40.9)	34 (22.1)	INSUBS	359	2.3	9.5th
Supervision of the delivery of goods, works, or service	28 (18.2)	19 (12.3)	76 (49.4)	31 (20.1)	INSUBS	352	2.3	9.5th
Creation of a procurement officer's desk	27 (17.5)	38 (24.7)	59 (38.3)	30 (19.5)	INSUBS	370	2.4	8th
Appraisal of procurement plan for procuring entities	90 (58.4)	23 (14.9)	18 (11.8)	23 (14.9)	SUBS	488	3.2	2nd

Setting of fair pricing standards and benchmarks	29 (18.8)	65 (42.2)	28 (18.2)	32 (20.8)	SUBS	399	2.6	6th
Strategic oversight on the contracts awarded	38 (24.7)	63 (40.9)	28 (18.2)	25 (16.2)	SUBS	422	2.7	5th
Keeping of contractors' database for proper identification	49 (31.8)	52 (33.8)	29 (18.8)	24 (15.6)	SUBS	434	2.8	4th
Publication of details of major contracts in the State	74 (48.1)	33 (21.4)	28 (18.2)	19 (12.3)	SUBS	470	3.1	3rd

Source: field survey, 2023

LS (largely substantial), S (substantial), LS (less substantial), and IS (insubstantial)

f=frequency, %=percentage, INSUBS= insubstantial, SUBS=substantial, SS= sum summation, and RII= relative importance index.

Discussion of Findings

The study inquired on the monitoring strategies put in place by the Public Procurement Agency. The findings from the study on the monitoring strategies showed that 73.3% of the respondents agreed that appraisal of procurement plan for the procuring entities has been largely significant; this has continued to advance the power of the Public Procurement Agency. The agency' power to perform strategic oversight on the contracts awarded in order to guarantee professionalism, efficiency, and accountability has been boosted and efficacy is being engendered with 65.6% affirmation. Supporting evidence shows that strategic oversight on the contracts awarded has achieved substantial goals. This finding also corroborated the work of Nwangu and Oni (2015) where they both identified adherence to strategic oversight on the contracts awarded as a monitoring strategy to the effectiveness of public procurement policy, which made the state fortune progresses. 69.5% of the respondents also revealed that the publication of details of major contracts in the State. Most procuring entities adopted full integration of publication of details of major contracts in the State as part of strategies approved for monitoring the implementation of public procurement policy.

The setting of price standard and benchmark also investigated; 61% of the respondents disclosed that the adoption of pricing standard and benchmark as a monitoring strategy has been largely substantial mechanism put in place by the agency in order ensure that public procurement policy objectives are achieved. This finding got its supports also from the relative importance index. In the work of Adebayo (2015), where he submitted that setting of price standard and benchmark has been a substantial monitoring strategy for the agency. This result showed that adoption of benchmark mechanism has been integrated fully into the procurement process of the various procuring entities.

Composition of technical review committee was as well investigated in order to explore its effectiveness in the agency's strategy mechanism for monitoring public procurement policy. 79.9% of the respondents revealed that composition of technical review committee is most substantial strategy mechanism for monitoring by the agency. This finding as well buttressed by the work of Baily, Farmer, Crocker, Jessop, and Jones (2005); the work recommended the need to make composition of technical review committee a deliberate strategy to be employed in order to ensure that value for money is entrenched in the public procurement. The recommendation was based on the finding of his work where the work revealed that composition of technical review committee has been essentially significant

in the implementation of public procurement policy this confirmed the result of this study. Likewise, the keeping of contractors' database for proper identification has been largely substantial with 65.6% responses affirming that accordingly.

Conclusion remarks

The study concluded that most of the strategies adopted by the agency for the investigation of the implementation of public procurement policy in Lagos state have achieved the intended objectives of the public procurement policy. It was evident from the assertions tested that the strategies put in place by LSPPA, Lagos State Public Procurement Agency in the implementation of public procurement law in the state is substantial, and apt which ensures that procurement law of the State is followed, and the relative importance index also pointed to this, with ranks of 1st, 2nd, 3rd, 4th, 5th, and 6th all affirmed the significance of the strategies put in place by LSPPA. In order to strengthen the LSPPA functions and activities the agency's objectives must be independent of the interference of the political class who often time wishes to dictate call of duty at the various governmental institutions.

References

1. Adebayo, V. O. (2015). Embedding Sustainability in the Public Procurement Framework of Developing Countries: An Empirical Analysis of the Lagos State Government. *Journal of Economics and Sustainable Development*, 6 (18), 56-62.
2. Aminu, A. A., Tella, C. M., and Mbaya, P. Y. (2012). Public Policy Formulation and Implementation in Nigeria. *Journal of Public Policy and Administration Research*, 2 (5), 34-42
3. Anderson, J. E. (1979). *Public Policy-Making*. New York: Holt, Rinehart, and Winston.
4. Baily, P. Farmer, D., Crocker, B., Jessop, D., and Jones, D. (2005). *Procurement Principles and Management*, (10th Ed). London: Pearson Education Limited
5. Donald, S. Van Meter, and Carl, E. Vanthorn (1975). The Policy Implementation Process: A Conceptual Framework. *Journal of Administration and Society*, 6(4), 14-21.
6. Dror, Y. (1971). *Ventures in Policy Sciences: Concepts and Applications*. New York: Elsevier
7. Easton, D. (1953). *The Political System*. Chicago: University of Chicago Press.
8. Egonmwan, J. A. (1991). *Public Policy Analysis: Concepts and Applications*. Benin City: SMO Aka & Brothers Press.
9. Evelyn, N. A., and Kwadwo, B. P. (2017). An Empirical Assessment of Factors that Influence the Implementation of E-Procurement in Tertiary University in Ghana. *Journal of Local Management*, 6(2), 45-53.
10. Fayomi, I. O. (2013). Public Procurement and Due Process Policy in Nigeria. Thrust, Prospects, and Challenges. *Peak Journal of Social Sciences and Humanities*, 1 (4), 39-45
11. Freeman, R. E. (1984). *Strategic Management: A Stakeholder Approach*. Boston: Pitman Press.
12. Goodsell, C. T. (2006). A New Vision for Public Administration. *Journal of Public Administration Review*, 66 (4), 302-345.
13. Lester, J. P., and Goggin, M. L. (1998). Back to the Future: The Rediscovery of Implementation Studies. *Journal of Policy Currents*, 8(3), 14-24.
14. Jacob, O. (2010). Procurement Law in Nigeria: Challenge for Attainment of its Objectives. *University of Botswana Law Journal*, 4(1), 654-672
15. Mansell, S. (2013). *Capitalism, Corporations and the Social Contracts: A Critique of Stakeholder Theory*. Cambridge: Cambridge University Press.
16. Mitchell, T. R., Angle, B. R., Wood, D. J. (1997). Toward a Theory of Stakeholder Identification and Salience: Defining the Principle of Who and What Really Counts. *Academy of Management Review*.

17. Nwagwu and Oni (2015). "Lagos and Its Potentials for Economic Growth". Available at <https://ng.boell.org/>. Accessed 13th February 2018
18. Olu, Okotoni (2001). Problems and Prospect of Nigerian Bureaucracy: Lagos. *Journal of Social Science*, 7(3), 5-12.
19. Ondiek, B. (2013). Challenges Facing Administrators in The Implementation Of Public Procurement and Disposal Act in Civil Services in Kenya: A Case Of Uasin-Gishu County: Vol.4.
20. O'Toole, L. J. (2000). Research on policy implementation: Assessment and prospects. *Journal of Public Administration Research and Theory*, 10(2), 263–288.
21. World Bank, (2003). G Country Procurement Assessment Report, Washington, DC: Ghana Country. Measures of Ensuring Value for Money in Public Procurement: A Case of Selected Polytechnics in Ghana
22. Walker, H., and Brammer, S. (2009). Sustainable Procurement in the United Kingdom Public Sector. *Supply Chain Management: An International Journal of Public Administration*, 14(2), 43-49.
23. Organization for Economic Co-Operation and Development (OECD, 2007). Integrity in Public Procurement: Good Practice from A to Z. OECD Publications, France.
24. Wholey, J. S. (2004). Evaluability Assessment. In J. S. Wholey, H. P. Hatry, and K. E. Newcomer (Eds.), *Handbook of Practical Program Evaluation* (2nd Ed.). San Francisco: Jossey-Bass.
25. Tetlock, P. E. (1992). The Impact of Accountability on Judgment and Choice: Toward a Social Contingency Model. In M. P. Zanna (ed.), *Advances in Experimental Social Psychology*. New York: Academic Press

Internet sources

<https://www.uncitral.un.org>
<https://www.uncitral.org>
<https://www.documents.worldbank.org>
<https://www.go.worldbank.org>
<http://www.pubdocs.worldbank.org>

Constitutional Provisions

Lagos State Public Procurement Law 2011

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

(1) There is established a body to be known as the Lagos State Public Procurement Agency.

Section 8. The Objectives of the Agency are to:

- (1) ensure probity, accountability and transparency;
- (2) establish fair pricing standards and benchmarks;
- (3) ensure the application of fair, competitive, value-for-money standards and practices for the procurement and disposal of public assets and services;
- (4) create ample opportunities for the citizenry particularly, small and medium scale enterprises to participate in the economic opportunities and benefits of public procurement;
- (5) 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
- (6) attain transparency, competitiveness, professionalism and guarantee integrity and public trust in the public procurement procedure.

Section 9. Functions of the Agency

The Agency shall:

- (i) consider, amend and review the monetary benchmark for the application of this Law;
- (ii) approve the employment of staff of the Agency other than the General Manager;
- (iii) approve changes in procurement process to adapt to changes in technology;
- (iv) give such other directives and perform such other functions as may be necessary to achieve the objectives of this Law;

- (v) formulate the general policies and guidelines relating to public sector procurement for the approval of the Governor;
- (vi) publicise the provisions of this Law;
- (vii) certify all State procurements prior to, during and after the award of any contract;
- (viii) supervise the implementation of established procurement policies;
- (ix) oversee and superintend compliance by all procuring entities with the procurement policies of the State;
- (x) monitor the prices of tendered items and keep a database of standard prices;
- (xi) publish the details of major contracts in the State Procurement Journal;
- (xii) publish paper and electronic editions of the State Procurement Journal and Procurement Manual and maintain an archival system for the State Procurement Journal; and
- (xiii) 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

- (1) The Agency shall have the power to:
 - (a) enforce the rules and review benchmark set pursuant to this Law;
 - (b) inspect and review any procurement transaction to ensure compliance with the provisions of this Law;
 - (c) investigate and determine whether any procuring entity has violated any provision of this Law;
 - (d) blacklist or ban any supplier, contractor or consultant that contravenes any provision of this Law and Regulations made pursuant to this Law;
 - (e) maintain a database of contractors and service providers to the exclusion of all procuring entities;
 - (f) prescribe classifications and categorizations for the Companies or Limited Liability Partnerships (LLPs) on the register
 - (g) 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;
 - (h) 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;

1999 Constitution as Amended

Section 121.

- (1) 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.
- (2) 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.



This article is an open access article distributed under the terms and conditions of the Creative Commons Attribution - Non Commercial - No Derivatives 4.0 International License.