



PUBLIC PROCUREMENT REFORMS IN AFRICA: CHALLENGES, CONSTRAINTS AND IMPROVEMENT OPPORTUNITIES

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ABSTRACT

Procurement is increasingly becoming part of the success strategies of many business organizations today. Making up between 15% and 20% of GDP, public procurement contributes to greater competitiveness by stimulating trade and fostering foreign direct investment. Strong public procurement systems are central to well-functioning public financial management institutions and good public sector governance. Due to the huge sums of money involved, public procurement remains one of the most vulnerable enterprises to corruption across the globe. The failure of public procurement system in Africa has been attributed to several factors including weak commitment to fighting corruption, ineffective implementation of the reformed procurement system, lack of transparency in the award of government contract, lack of accountability on the part of government, both national and local government in the use of public funds among other factors. The main objective of this study was to look at the challenges, constraints and improvement opportunities of public procurement reforms in Africa. This study found that for effective procurement transformation to be realized, effective procurement systems, trained procurement staff with knowledge, skills and competencies are required. African states must ensure that public procuring entities develop procurement strategies and formulate timelines that would influence compliance to public procurement contract timelines. Public procurement in Africa must ensure there is value for money in every procurement transaction. Value for money reflects a concern for more transparency and accountability in spending public funds. Value for money is therefore not a choice of goods or services which is based on the lowest bid price but a choice based on the whole life costs of the project or service. For accountability to be realized in public contracts, there need for regular review and audit of the contract management process. An effective contract management process must ensure higher process efficiency at every stage of the contract cycle which in turn maximizes value for money to the public and the procuring entity.

Key Words: public procurement, Procurement reforms

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INTRODUCTION

Procurement is increasingly becoming part of the success strategy of many business organizations today. Effective Procurement management is used as a tool to boost efficiency and competitiveness in most organizations. A procurement system that lacks transparency and competition is an ideal breeding ground for corrupt behavior, (Worldbank,2021). The Organization for economic co-operation and development (OECD), observes that, due to the volume of transactions and the financial interests at stake, procurement corruption risks are exacerbated by the complexity of the evaluation process, political influence and power some members of the society wield, the close interaction between public officials and businesses, and the multitude of stakeholders

involved, (OECD,2021). The effectiveness of the procurement process is measured in terms of quality of goods; works and services received, reduced cost, reduced lead time and enhanced customer satisfaction, Thogori & Wabwire, (2022). Procurement reforms in Africa have to some extent brought modernity, transparency, competition, as well as fairness in the procurement process. Indeed, the implementation of procurement reforms in Africa has been fraught with cultural insensitivity, the disregard for countries' political, socio-economic, ethical, and environmental structures and systems. The result is the lack of interest and political will to confront the challenges of the reform leading to haphazard and lackluster approach towards its implementation (Hunja, 2003, Lobong, & Keji, 2020).

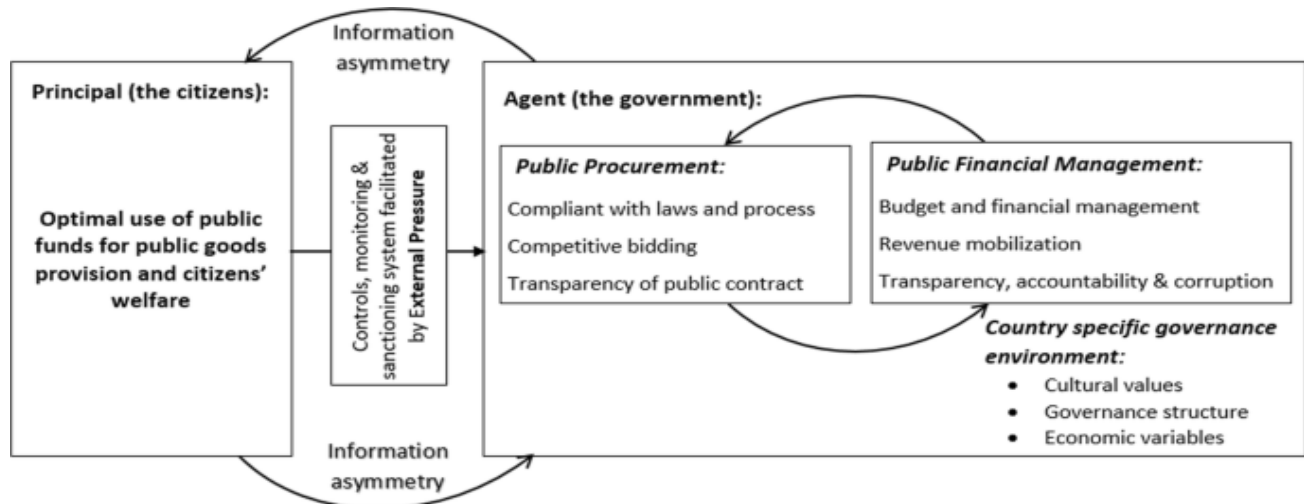


Figure 1: Procurement reform structure in the public sector in Africa

Source: Bawole & Bafmo (2019)

Making up between 15% and 20% of GDP, Public procurement provides governments with a powerful tool to achieve their development objectives. The estimated global value of public procurement is approximately US\$11 trillion, representing 12 percent of global GDP, (Worldbank,2021). Public procurement the world over is aimed at satisfying the needs of society through public finances and is carried out based on the principles of fair competition, value for money, efficiency, openness and transparency, non-discrimination, objective and unbiased evaluation of tender offers and prevention of corruption and abuse of office, (Turkewitz,2020).

According to the United Nations Development Programmes (UNDP), investing in an effective public procurement system that is based on transparency and competition can save governments huge sums of money and thus increase profitability. Public procurement contributes to greater competitiveness by stimulating trade and fostering foreign direct investment. Due to the huge sums of money involved, public procurement remains one of the most vulnerable enterprises to corruption across the globe, (Worldbank,2018). Public procurement is increasingly being recognized as a major factor in the effective management of public funds and as part of

a long-term plan in meeting the procurement needs. Institutions are investing in information systems, electronic data interchange (EDI), enterprise

resource planning (ERP), e-procurement and inter-organization systems, to enhance communication with stakeholders, Lobong, & Keji, (2020).

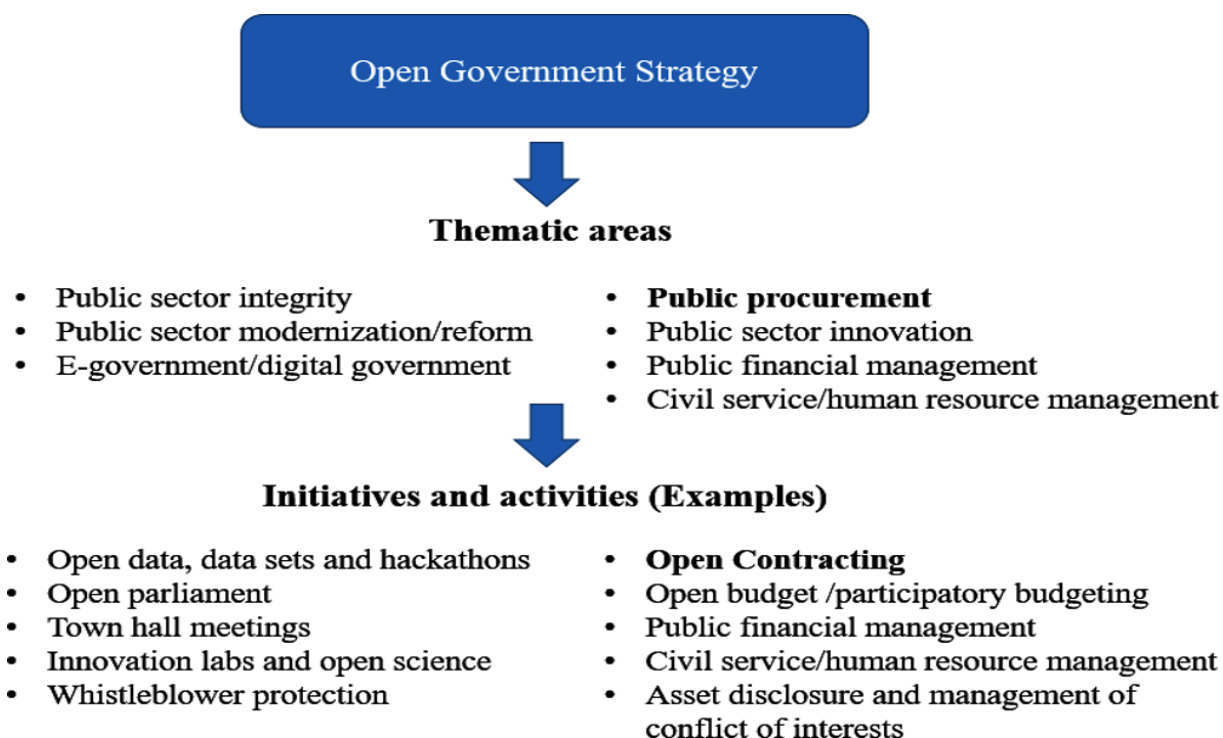


Figure 2: Leveraging on e-procurement to increase efficiency and transparency of public procurement

Source: OECD,2022. Leveraging on e-procurement to increase efficiency and transparency of public procurement

As it has been observed that electronic procurement not only benefits organisations on cost reduction but also helps organisations to operate with few chosen suppliers of which the implementation will involve the use of Electronic Data Interchange (EDI) and the internet, whereby organisations will be able to search for suppliers while suppliers will get information on what is required by their customers. In addition, it has been revealed that organisations that make maximum use of internet technology are in a better position of reducing non-value-added tasks through the increased speed of information transfer which helps to link all members within a supply chain, (Morosan & Jeong, 2008, Teo et al., 2009, Mushi, G.O.& Nsimbila, P.M.,(2022).The introduction of an e-tendering business model in partnership with the private sector allowed the government to outsource the manual and electronic

distribution of bid documents and removed the need to maintain various supplier source lists as all suppliers could now access all procurement information from the website and participate in any tender they chose. The result is an open and transparent procurement environment supported through user fees at no cost to government, (Choudary, 2013, Lobong, & Keji, 2020).

Concept of Public Procurement

Procurement is a key economic activity of any government that significantly impacts how taxpayers’ money is spent and is a function that remains most vulnerable to corruption. Ordinarily, Governments do not use state-owned enterprises to manufacture goods and services that public authorities require to perform their duties, (Turkewitz,2020). Governments purchase various goods and services from the supply market through

the procurement process. This purchasing process is regulated by local procurement law and regulations that provide for the conclusion of contracts between public entities and the providers of goods, works and services that set out required standards and procedures, oversight transparency and accountability mechanisms,(TI,2014). Procurement encompasses the whole process of acquiring property and/or services. It begins when an agency has identified a need and decided on its procurement requirement. It continues through the processes of risk assessment, seeking and evaluating alternative solutions, contract award, delivery of and

payment for the property and/or services and, where relevant, the ongoing management of a contract and consideration of options related to the contract, (Kasim,2016). Public procurement professionals have faced a constantly changing environment typified by rapidly emerging technologies, increasing product choice, environmental concerns, and the complexities of international and regional trading agreements. Further, policy makers have increasingly used public procurement as a tool to achieve socioeconomic goals (Thai, 2007, Albano, Snider & Thai, 2013).

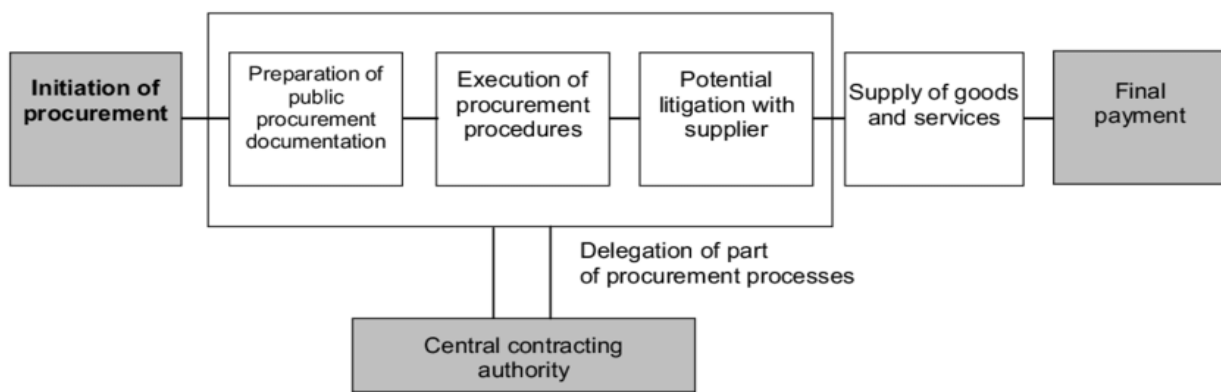


Figure 3: Evaluation of Financial Effects of Public Procurement Centralization

Source: Serpytis, Vengrauskas& Gineitiene, 2011. Evaluation of Financial Effects of Public Procurement Centralization

Public procurement therefore is “the process of acquisition, normally through contractual arrangements, of goods, works and services by the public service. It covers issues of procurement strategy, storage, distributions, contract monitoring and supplier management, (Kuloba, 2015). Public procurement is continuing to evolve both conceptually and organizationally. That evolution accelerated since the 1990s as governments at all levels came under increasing pressures to “do more with less.” Indeed, all governmental entities of rich and poor countries are struggling in the face of unrelenting budget constraints, government downsizing, public demand for increased transparency in public procurement; and greater concerns about efficiency, fairness and equity, (Thai, 2016). According to (Siyal & Xin,2019), public

procurement maybe referred as a process or system by which the public organizations procure or purchase products in the form of goods, services, or sometimes the combination of goods and services. Transparency International (TI,2014),defines public procurement is the acquisition of any type of works, assets, services and goods by purchase, rental, lease, license, tenancy, franchise, or by any other contractual means. Procurement entities are required to promote sustainable development objectives through a procurement practice that is consistent with the legal framework and for procurement and value for money (Kuloba, 2015).

United Nations Development Programme, UNDP (2007) views public procurement as an overall process of acquiring goods, civil works and services which includes all functions from the identification

of needs, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration through the end of a service's contract or the useful life of an asset. Harink (1999) added that, public procurement involves more than the procurement process alone and it should not only consist of supporting but also important components including strategy and policy of the organization, methods and procedures, personnel and organization, and information, (Kasim,2016).

The Procurement Process

In the public sector the first step in the procurement process is the preparation of a procurement plan . Once the requisition has been approved, the buyer sends budget to the accounting department for approval after which he sends out multiple requests

for quotations to ensure competitiveness in buying. After the bids have been received and evaluated, negotiations may take place and eventual conclusion of the contract. Receipt of goods involves inspection and comparison to ensure compliance with the specifications after which delivery documents are signed and payment processed, (Saunders, 2010, Thogori & Wabwire, 2022). The application of manual procurement processes to procure goods, services or works is a challenge in acquiring such goods, services or works at the right time, price, place, quantity and quality for the use of all the departments in an organization. Because of lack of efficiency and effectiveness of procurement process, the governments and organizations continue to lose finances through fraud in procurement activities in the government mainstream, Waithaka & Kimani, (2021).

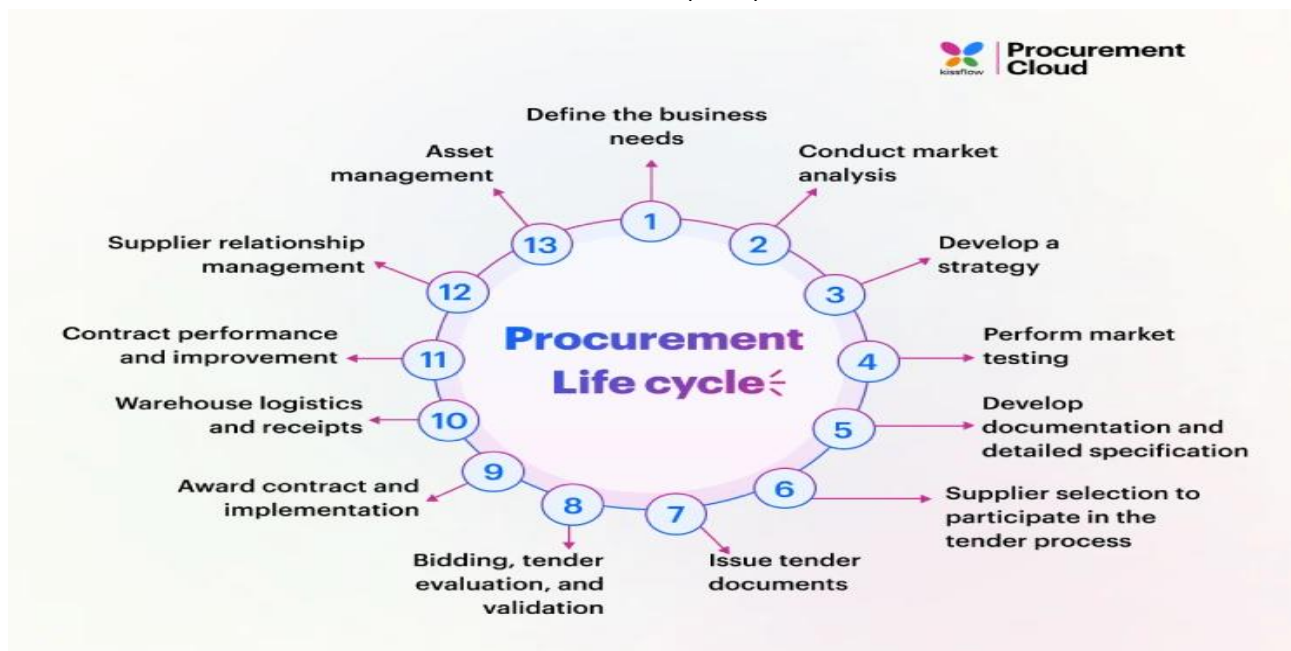


Figure 4: Procurement Life Cycle

Source: Research 2023

Objectives Of the study

The main objective of this study was to find out the challenges, constraints and opportunities affecting public procurement reforms in Africa.

METHODOLOGY

This research problem adopted content analysis approach because it represents an effective tool for

analyzing samples of research documents in a systematic and rule-governed manner. Seuring and Gold (2012) argue that, content analysis is most suitable and appropriate for analyzing published materials and was thus deemed as a suitable approach for this research. In conducting a systematic review of literature, the author followed the process model of material collection, descriptive

analysis, category selection, and material evaluation. This research also relied heavily on other secondary data as is the case with most desktop study where existing information is used for analysis and to draw vital conclusions. Some of the specific sources of data for the study include books, journal articles, unpublished papers, and government reports, organizational and private Webpages. This type of research approach is employed when a substantial amount of work has been done on a research topic and when the intention of the study is to answer specific questions based on previous works. It is for these reasons that this research utilized this approach to examine what different researchers have said on the challenges, constraints and opportunities affecting public procurement reforms in Africa.

Public Procurement Reforms: Global perspective

Procurement is central to governments service delivery system and promotes initiatives which are, arguably, secondary to the primary aim of procurement such as using procurement to promote social, industrial or environmental policies (Cane, 2004, Amemba *et al*, 2015). Over the years, public procurement has sometimes been used to accomplish a variety of policy objectives: to increase overall demand, stimulate economic activity and create employment; to protect domestic firms from foreign competition; to improve competitiveness among domestic firms by enticing 'national champions' to perform R&D activities; to remedy regional disparities; and to create jobs for marginal sections of the labour force, (Martin, 1996). Procurement has undergone various reforms in the previous years where technology has been incorporated in the various stages or even the entire process as whole. When procurement is carried out with the aid of Information Communication Technology (ICT), it is then referred to as electronic procurement. E-Procurement refers to the use of electronic ways through internet for fulfillment of the procurement activities such as identification of organizational needs, payment processing, and contract management, (Arasa, 2015, Gitonga *et*

al, 2020). The adoption of e-procurement systems would assist governments to improve transparency and efficiency, reduce cost, enhance better decision-making, improve supplier performance monitoring, and quality of services to customers, (Neupane *et al*, 2012). In Australia, the initial implementation of e-tendering took place 20 years ago at a time of government restraint and budget cuts, Lobong, & Keji, (2020).

Public sector e-procurement is a complex socio-technical system embedded in multiple layers of government. It has the capacity to become a meaningful agent of transformation in procurement practices through the joint actions of different layers of government and cooperation across diverse agencies. Lobong, & Keji, (2020). E-procurement comprise of business to business, business to customers and customer to customer as well as the intra-organizational activities that aid them. Supply-side activities such as electronic procurement (E-procurement) have been identified as a key area where Information Systems (IS)-enabled innovations are likely to yield significant benefits for organizations. Many firms are adopting E-procurement because of its advantages such as expanding markets, improving customer experience, cost reduction and enhancing efficiency and productivity (Nawi, *et al.*, 2016, Gitonga *et al*, 2020). E-Procurement in developing countries is currently receiving attention as a result of the potential perceived benefits that arise from successful technological implementation. However, many report that e-procurement is still in its infancy and the full benefits are yet to be realized. For example, in Malaysia, the value of e-procurement is seen to be limited to improvements in operational and tactical areas with little to no value gained towards improvements in market access and customer/supplier relationships (Hashim *et al.* 2013).

In Iran, the implementation of e-procurement is hindered by inadequate technological infrastructure and lack of regulatory and legal controls by government (Bahreman 2014, Maleki *et al.* 2017, Kabanda *et al*, 2019). Gurakar & Tas (2016) report

that public e-procurement adoption by small organisations in Turkey did not deliver the intended results of increased competition and lower procurement prices as a result of the lack of critical success factors (size of the organisation, human resources, and technological infrastructure) and the existence of barriers. Huang et al. (2016) posit that in a developing country context, “the role of government has an extremely significant influence on a decision of initial adoption of E-Procurement through government leadership, legal and regulatory infrastructure, information and technology infrastructure (ITI), and socio-economic and knowledge infrastructure”, (Kabanda *et al*,2019). In Saudi-Arabia, online procurement is highly affected by outer elements rather than inner elements. The inner elements involve Government support, security and trustworthiness of the online payment option, policy and regulation, as well as the country’s business and national culture. Similarly, Saudi Arabia is typified by economic and political instability, making the rate of Information and Communication Technology innovation rate low. Mushi, G.O.& Nsimbila, P.M, (2022).

In United Nations (U.N.), electronic procurement adoption is highly influenced by organisation readiness, supply, policy, digital, and strategic factors. Most of the electronic procurement activities are done on routine and non-standardized items, (Altayyar & Beaument, 2016, In Germany, the Federal Procurement Agency in the Ministry of the Interior has set up an electronic workflow that helps centralize all information related to the procurement activities of the Agency and provide a record of the different stages of the ongoing procurement procedures. All files are stored in a document management system. The Federal Procurement Agency keeps records to maintain transparency and provide an audit trail of procurement decisions. The department for quality management also examines these documents in the system, randomly as well as systematically, while the internal audits review transactions of the previous year that have been identified with a higher corruption risk such as negotiated contracts. These inspections are not exclusively used to prevent corruption, but also to ensure compliance to the procurement laws,(OECD,2016).

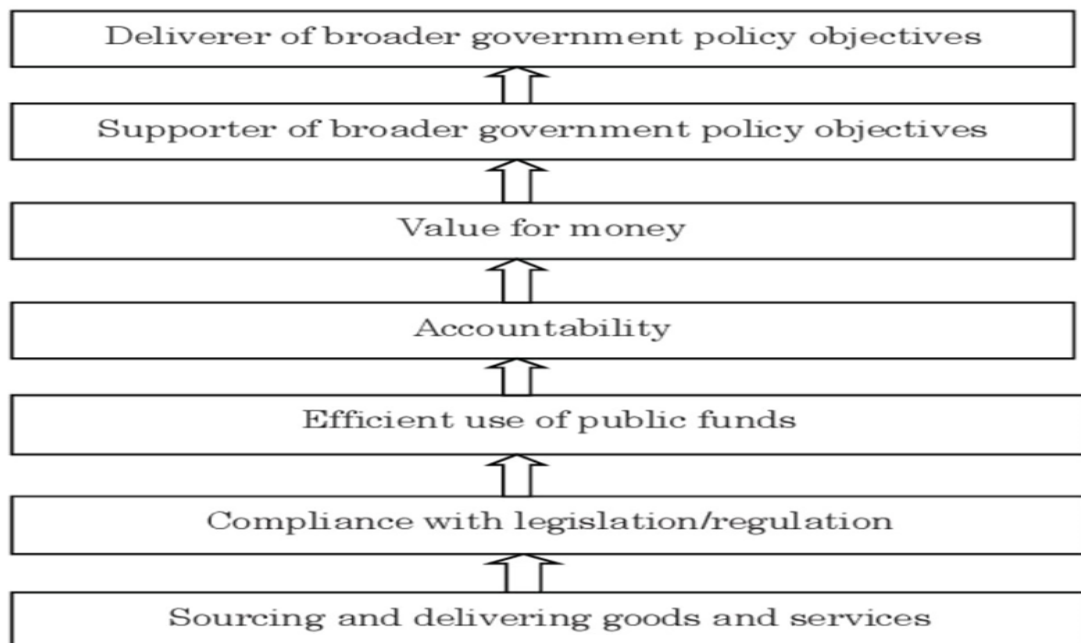


Figure 5: Public procurement in perspective

Source: Harland, Telgen, Knight, Callendar & Thai,2007

In Jordan, a unified procurement by-law, was prepared with the collaboration and support of the World Bank. The new by-law has provisions for all types of government procurement with several key reform features. It separates policy and regulatory functions from operational functions through an independent procurement policy and oversight unit, (World Bank, 2017). According to (Telgen *et al*, 2016), the situation is similar in Yemen, the West Bank and Gaza and Lebanon. Many countries in

South Asia have multiple laws regulating public procurement; the evidence base does not make it clear why this is the case. The Asian Development Bank and OECD (ADB & OECD, 2006), notes that China adheres to the Law on Bid Invitation and Bidding (which came into force in 2000) and the Government Procurement Law (which took effect in 2003). Similarly, Indonesia, Thailand, Cambodia, India and Malaysia adhere to various decrees that lay out their public procurement frameworks.

FIGURE 1
Perspectives of New Public Management

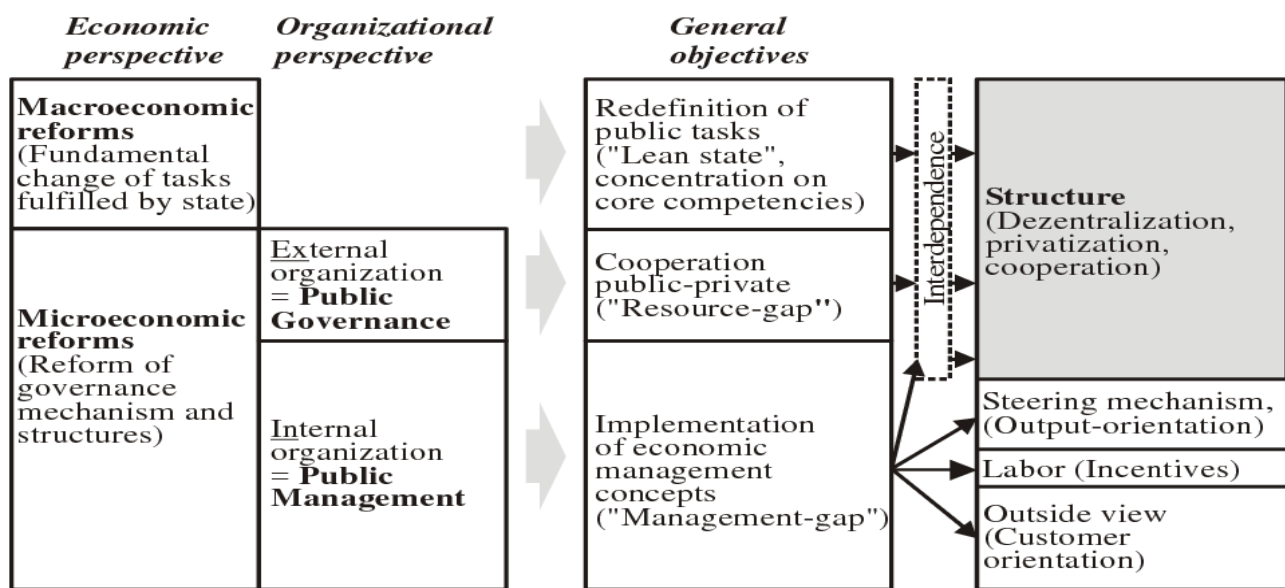


Figure 6: Public procurement reforms in Germany

Source: OECD Library. Public procurement reforms in Germany

Ukraine's public procurement sector has long been associated with corruption, with an estimated UAH 50 billion (US\$2 billion) lost annually through shady deals and limited competition. The cornerstone of the public procurement reform in Ukraine has been an e-procurement system, ProZorro, which was developed in close cooperation between government, private sector, and civil society. The ProZorro project was initiated in Kiev in May 2014 by a group of anti-corruption social activists. The project was inspired by public procurement reforms in Georgia, with the experience of two e-procurement experts, Tato Urjumelashvili and David

Marghania, guiding the development of an electronic procurement system for all Ukrainian public agencies. With the help of commercial platforms, a pilot of the e-procurement system ProZorro was launched in February 2015. ProZorro, which means "transparently" in Ukrainian, has some specific attributes that make it a novelty in the procurement world. Firstly, everything is open. All information related to the tender process, including suppliers' offers, can be accessed and monitored by anyone. The system is open source, and all data is structured in line with the open Contracting Data Standard, making cross-country data comparison

and analysis possible. Secondly, ProZorro is a “hybrid model” e-procurement system, which means the information is stored in one central database, but suppliers and contracting authorities can access the data from a number of different platforms, choosing the one that best serves their needs. Using an API, these interfaces are connected to the central database so that all the information is synchronized across all platforms.

The key actors in the project play their own, unique role in what we call the “golden triangle of partnership”. Government actors are responsible for setting general rules and protecting information; businesses are responsible for providing services to contracting authorities and suppliers; and civil society is responsible for managing business intelligence modules and developing risk-management methodologies. This style of cooperation has significantly improved trust among all key stakeholders, (Yuriy Bugay,2016).

eProcurement system ProZorro developed in a year

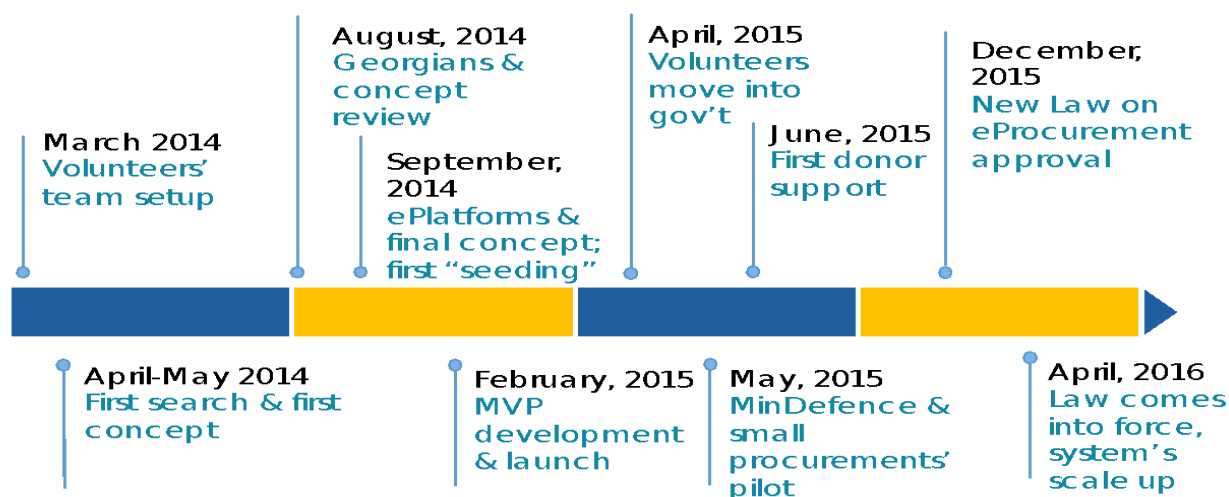


Figure 7: Procurement Reforms in Ukraine

Source: Yuriy Bugay,2016. Procurement Reforms in Ukraine

In Mexico, to limit interactions between public officials and bidders, all documents arising from the tendering process are exchanged electronically. The whole process is accessed through the website, including decisions on the awards. Once the public contracts are signed, they are posted on the Procuring entity’s website the same day, and a public notary certifies that the official version of the contract that has been signed is the same as the one that was posted online, (OECD,2016). Indonesia has Strengthened its Public Procurement Programme to improve efficiency, transparency and accountability of the national public procurement system (Attström

& Ismail, 2010, Telgen *et al*,2016). The Philippines, Pakistan, Bangladesh and Nepal have both authorities and laws or acts to regulate public procurement (ADB & OECD, 2006). In addition to major reforms such as setting up a new public procurement authority, many countries have intervened in smaller ways to improve their public procurement function. This may include issuing national procurement standards and standardized bidding documents project evaluation, training of staff and evaluation teams, project evaluation and implementing a code of ethics, project evaluation, (World Bank, 2008).E-procurement is also

mentioned as a form of intervention because it potentially reduces non-compliance and corruption, but accompanying challenges related to inadequate IT infrastructure and knowledge remain (Neupane et al., 2012, Telgen *et al*,2016).

In Indonesia, the entwined legal framework, infrastructures, working culture and the role of the head of local government significantly influenced the transparency and performance of e-procurement implementation. This increased transparency which

created security and confidence for e-procurement implementers since it avoids external and internal intimidation in the provision of government goods and services. The frequent change of regulations issued by various institutions related to the implementation of e-procurement and resistance toward the implementation of e-procurement are the most significant challenges and obstructions facing Indonesian’s governments in implementing e-procurement, (Kabanda *et al*,2019, Siahaan & Trimurni (2016)

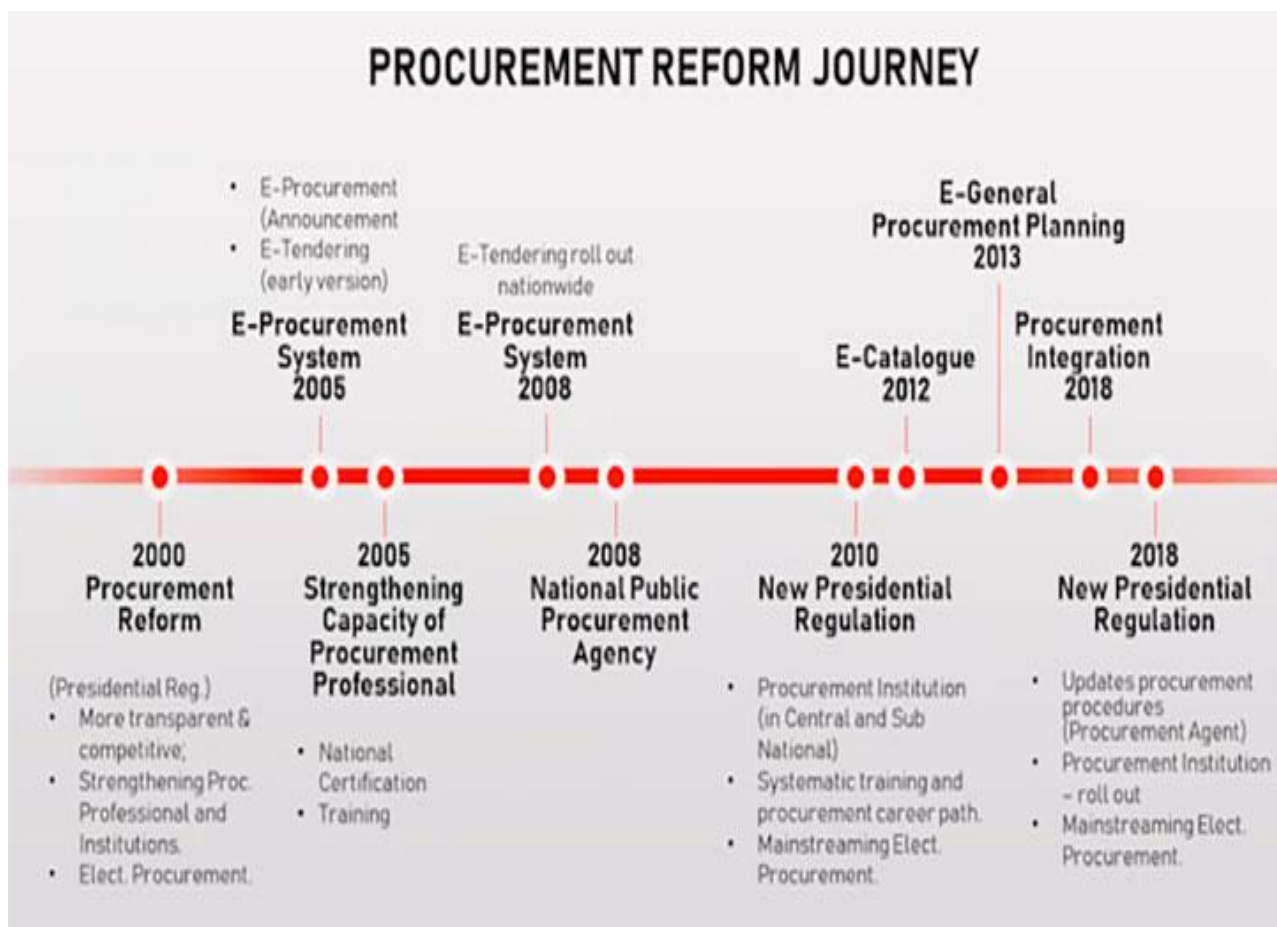


Figure 8: Procurement Reform Journey in Indonesia

Source: OECD,2016

Main features of Procurement in Africa before Reforms

Procurement in Africa is prone to malpractice and corruption. Studies indicate that the vast scale of malpractice and corruption means serious amounts of money go to waste, (World Bank, 2008, OECD,

2009). According to Ameyaw *et al*,2012 the quantum of money changing hands through corruption in public procurement is estimated between \$390-400 billion per annum all over the world. Corruption in Sub-Saharan Africa exist in about 70% of public contracts and resulted in a 20-30% increase in the

cost of contracts. The cost of corruption in Africa is estimated at around \$148 billion a year. (Telgen et al,2016, Lackert, 2009), notes that public procurement is one of the activities most prone to corruption. The estimated damage of corruption lies between 10% and 25%, and sometimes constitutes up to 50% of the contract value. Such high amounts and percentages signal the urgency of procurement reform. Studies by (Wittig and Jeng, 2005, World Bank, 2008, Banda *et al.*, 2010, Fölscher *et al.*, 2012, Adu Sarfo & Baah-Mintah, 2013) indicate that serious issues related to capacity and knowledge, Weak and/or ineffective procurement organisation, Insufficient numbers of competent and dedicated procurement staff; Lack of understanding of existing procurement law at all levels of most staff in the government have characterized procurement in Africa before reforms.

Others include a general lack of capacity and knowledge regarding public procurement results in inefficient and ineffective procurement processes leading to long cycles, higher risks for donors whose funds are not being treated correctly, poor project evaluation, Lack of procurement plans and procedures, lack of public procurement policy in place, lack of or limited procedures available to conduct proper public procurement (including complaints and evaluation mechanisms, contract and record management, etc.); and lack or limited procurement plans drawn up, poorly conducted contract management and limited record management, (Telgen et al,2016, World Bank, 2008. Fölscher et al., 2012)

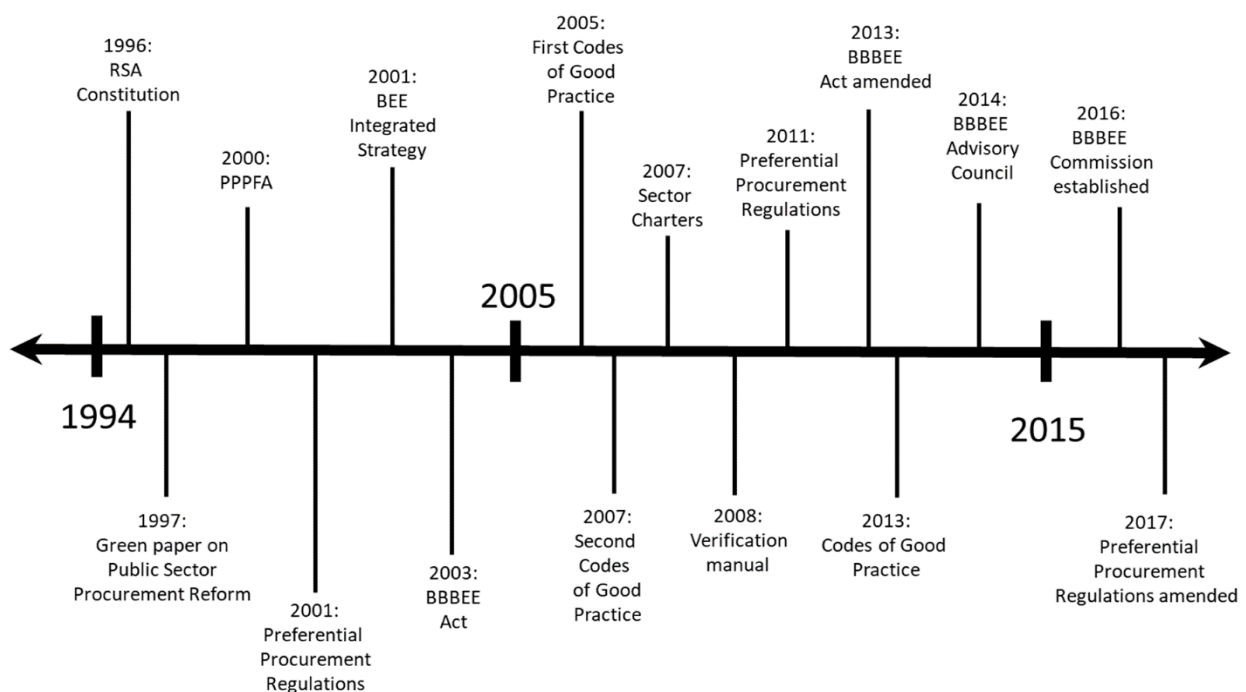


Figure 9: Reforming Procurement Law in South Africa

Source: Shai., L., Molefinyama., & Quinot., G., (2019).

In Uganda, public procurement system prior to the inception of the reform programme in the late 1990s were typical of many developing African countries. Procurement was centralized, with contracts above a threshold value of US\$1,000 being awarded by a Central Tender Board in the Ministry of Finance, on

the basis of regulations that had been approved in 1977. There were separate tender boards for the Police and Military. Procurement of many items on behalf of ministries was undertaken by the Government Central Purchasing Corporation. The Corporation had been set up by statute in 1990,

replacing a central purchasing organisation within the civil service. While these arrangements offered the advantages of consolidated purchasing and central control, the Central Tender Board was unable to keep pace with the expansion of government activities and their attendant procurement requirements. There was a consequential backlog of tender submissions and the procurement process became protracted. International and foreign aid organisations, which account for nearly half of all development expenditure in Uganda, considered public procurement to be a key obstacle to effective service delivery and development. (Agaba and Shipman,2017)

The perception of public procurement being an area of waste and corruption results in a lack of trust from the public and suppliers, reducing levels of competition and creating dissatisfaction among the public with the procurement function (Wittig and Jeng, Ameyaw et al., 2012) Malpractice by procurement practitioners can be more subtle than outright corruption but produce similar outcomes in terms of unfair public procurement. For example, Hui *et al.* (2011) show that direct negotiation is used for urgent purchases that could have been avoided. World Bank (2008) found that procurement decisions are made on an emergency basis with an excessive use of direct contracting. In the Ministry of Health in Mozambique, for example, 74% of hospital consumables are purchased through direct contracting, and standard bidding documents and contracts are not always used or may have some clauses removed (penalties for delayed payments). The use of single-source procurement when open tendering would have been the right procedure to follow, is an example of a corrupt practice, Telgen *et al*,2016

Public Procurement Reforms in Africa

Procurement is increasingly becoming part of the success strategies of many business organizations today; however, most African countries' public procurement process is marred with allegations and counter allegations of corruption pitting heads of procurement and accounting officers against the

state's anti-corruption agencies. Political and top management interference in the procurement process is often cited by various studies as the number one cause of non-compliance to procurement laws and regulations hampering the work of procurement professionals, (Panya,2020). A study conducted by the World Bank and OECD indicate that, those paying the bribes for instance, does it with an intention to recover their money by inflating prices, billing for work not performed, failing to meet contract standards, reducing quality of work or using inferior materials, in case of public procurement of works. According to Kenya's Ethics and Anti-corruption Commission (EACC,2014), procurement in most public institutions is still prone to bribery, inflation of prices, tampering with supplier's documents, nepotism especially in county governments, political interference, Shoddy implementation of procurement projects, lobbying, vested interest by the top management and non-compliance to procedures.

Most African countries, public procurement reforms have been preceded by assessments of the existing system, either by consultants or by external donor agencies particularly the World Bank through country procurement reports, (Mawuko *et al*,2013). Institutional reforms and their contribution to development and growth have been a source of renewed interest as well as of many challenges over the last two decades. Identifying the forces that push towards reform and the conditions that determine the success or failure of reforms, building organizational arrangements needed to make modifications to the rules of the game sustainable, and understanding the limits to the transfer of reforms and to the help that international organizations and foreign institutions can provide to support change, raise intellectually difficult and politically highly sensitive issue, (Mariz *et al*,2014). According to (Telgen *et al*,2016), most countries in Sub-Saharan Africa and in the Middle East and North Africa region have implemented laws specifically addressed at public procurement, and many have also established a procurement authority. Most

African countries have made incredible efforts at reforming their public procurement regulations and practices. In countries like Ghana, Uganda, and Kenya, the reforms have not been limited to regulations alone, they have included public procurement processes, methods, procurement Organisational structure, and even the workforce (Ameyaw, Mensah, & Ameyaw, 2011).

Public procurement reforms among African countries are not significantly different in terms of stages of reform, components of reform strategies, and implementation. The major goals of these reforms are to encourage competition, improve financial transparency, and ensure accountability in public institutions, (Hunja, 2003, Mawuko *et al*,2013). Most governments in Africa have instituted reforms in public procurement. In terms of components of the reforms, most African countries have created new procurement legislations that have put in place new institutional frameworks through which procurement is expected to be managed. For instance, Ghana has a Public Procurement Act and a Public Procurement Board (Ameyaw *et al.*, 2012, Kenya has its PPRA and a Public Procurement and Disposal Act (PPADA, 2015). In Nigeria like in most African countries, public procurement reforms have been preceded by assessments of the existing system, (Kasim,2016). Every country that has attempted to reform its public procurement system, have instituted control measures like a central authority where procurement activities are coordinated to ensure that systematic processes are followed, (Thai, 2008, Kasim,2016, Fölscher *et al.*, 2012).

Many countries on the African continent have developed and rolled out or are in the process of rolling out e-procurement across their countries for the whole procurement sector. Rwanda was the first African country to implement e-procurement; many other countries took several years to pilot e-procurement systems and were slow to use E-procurement at the sub-national and local levels. As of 2018, Zambia had joined Rwanda as one of the pioneers of e-procurement in Africa, and other

countries were beginning to follow suit. Rwanda and Zambia have broken the myth that e-procurement could not be done in Africa, which has created a ripple effect across the continent, which has seen Tanzania, Uganda, and other African countries sign contracts to implement e-procurement, Kademaunga *et al*, (2019).

Since 2013, the legal public procurement framework in Tunisia has been reformed to introduce a comprehensive e-procurement system, namely the platform TUNEPS, aimed at achieving a fully-fledged digital system. The main goals of the reform were to increase transparency, efficiency and overall access to procurement opportunities. The Tunisian e-procurement platform was developed in cooperation with the Korean International Co-operation Agency (KOICA) and builds on the Korean e-procurement system KONEPS, which has proven successful in digitalizing procurement in South Korea. Several benefits come from the shift to an e-procurement system. The electronic platform facilitates the instant exchange between suppliers and buyers, and enhances traceability and accessibility. This allows for a reduction in the duration of procedures compared to paper-based system., (OECD,2020). In Kenya, key success factors in the adoption of e-procurement among large-scale manufacturers are employees and management commitment to success of adoption; reliability of information technology and supplier performance; monitoring the performance of e-procurement systems; user acceptance of e-procurement systems and top management support, Kabanda *et al*,2019).

In South Africa, reforms in public procurement were initiated to promote principles of good governance and introduced a preference system to address socio-economic objectives. The size of public procurement in South Africa is estimated to be around 22% of gross domestic product (GDP). Given its economic and political importance, procurement in South Africa is extensively regulated. The Preferential Procurement Policy Framework Act (PPPFA) enacted in 2000 was to provide a framework for the implementation of preferential procurement

policies and revised Regulations to bring them more in line with South Africa's Broad-Based Black Economic Empowerment, (Brunette, R., Klaaren, J. (2020). In accordance with Ghana's public procurement law (Public Procurement Act of Ghana, 2003), the procurement process must allow suppliers, contractors and consultants to compete for business on a fair basis. Public officials associated with the procurement function, therefore are responsible for protecting the integrity of the procurement process and maintaining fairness in government's treatment of all suppliers, contractors and consultants. The law further stipulates that, correspondence and communications are essential to the management of relationships with suppliers and other stakeholders, (Mawuko et al,2013).

Owing to the advent of information and communication technology, businesses have redirected their efforts to transform their processes from the old ways to the eProcurement, e-Business, and e-Supply Chain paradigms (ICT). In recent years, both private and public sector organisations, most notably the Ghana Health Service, have used information technology to restructure and automate their buying and other processes (Koorn, Smith, and Müller 2001; Ofori and Fuseini 2020). The traditional procurement system in the public sector in Ghana has been characterized by delays and long procurement processes, less transparency, lack of professionalism, significant human interference, state interference and prejudicial treatment. Ghana's procurement practices have gone through many stages of development, with the goal of eliminating or at the very least reducing corruption in public procurement, looking up to value for money, improving efficiency and procurement processes, among other things (Nawi et al. 2017) Kwasi. N., (2021).

Challenges and Constraints of Public Procurement Reforms in Africa

Despite e-procurement gaining popularity due to globalization, technological changes and advancement, there are countries that still carry out their procurement activities manually. According to

PPOA (2013), in public sector in Kenya, most procurement processes are still done manually. There is need to integrate key government functions such as procurement and accounting and to streamline and enhance transparency in management of public funds as well as to provide a framework for standardized reporting, Waithaka & Kimani, (2021). Manual systems have been a source of major inefficiencies in the regulation and operations of the procurement function. Therefore, there is need to adopt ICT in order to ensure proper functioning of the procurement system, (OECD,2020). Mohamed, (2013) posits that manual procurement system is inadequate for construction industry due to lack of transparency in various stages of construction procurement such as tender evaluation and award. The Manual procurement system is full of tedious paperwork leading to wastage of time and money. To meet today's operating challenges, institutions are turning to ICT to improve their services to suppliers and other customers in order to lower operating costs and improve performance. ICT improve organization's online communication, online tender advertising and e-tendering process which in turn influences performance of the procurement function, Mushi, *et al*, (2022). IT offers smoother and faster process flow, efficient distribution of information, decentralization of tasks and decisions, increased transparency and better control, (Mburu & Njeru, 2014, Waithaka & Kimani, 2021).

A good e-procurement system must have all elements that enable the buyers and sellers interact effectively including all supply chain activities from procurement planning information to supplier evaluation. Both buyers and sellers should have access to each other's information as and when required electronically for smooth functioning of E-procurement, Kademaunga *et al*, (2019). The commonly adopted e-procurement practices used in procurement includes: E-Tendering, E-Request for Quotations, E-Auctions, E-Catalogues, E-Invoicing, Enterprise Resource planning (ERP), E-Sourcing, E-Notice, E-Submission and E-Signatures, Mc Cue

(2012). In the face of mounting economic uncertainty, huge expectations are placed on procurement practitioners to source the best business solutions from their supply network partners, and to achieve the innovation, value and services that their customers are looking for (Lau, 2010, Mawuko et al, 2013). The major problem encountered with procurement is resistance to Change. In the early days of the reforms, there was a general reluctance of the Public Enterprises/ Parastatals to jump on board considering that they were never subjected to such supervision prior to the reforms, saving procurements under donor-funded projects. Invariably, their argument is based on the fact that they are subject to a Performance Contract and expected to be commercially oriented, thus the new rules could unduly restrain their performance. (Wittig & Habib,2005).

Interviews with procurement officials in both Nigeria and South Africa revealed that power outages and obsolete or non-functional equipment and platforms affect the ability of procurement officials to do their jobs. Infrastructure upgrades are not usually considered when procurement reform is underway, but the absence of adequate supporting infrastructure will undermine procurement reforms, (Elegbe 2014). Mukulungi (2016), in their study, the barriers of E-procurement adoption by SMEs in Machakos, found out that the barriers to adoption of E-procurement consisted of technological barriers such as (lack of sufficient assessment of Enterprise Resource Planning (ERP) systems before installations, insufficient IT infrastructure, lack of technical and competent expertise); organizational barriers (i.e. lack of IT knowledge by management and employees, size of the firm and poor staff retention) and environmental barriers (i.e. the market segment and scope of the SMEs, high cost of implementation and acquisition and management perception of E-procurement). Maleki (2017) argues that resistance to e-procurement can be avoided when appropriate infrastructure is installed. Siahaan and Trimurni (2016) also provide a valuable recommendation that "Government needs to facilitate continuous

awareness, education and capacity building on E-Procurement system and process, as part of the realization of public rights to public information and public services, to community, business and members of parliament in order for public to participate and monitor the implementation of E-Procurement effectively".

According to Kabanda *et al*,2019, political, social, and cultural barriers are some of the key barriers to the implementation of reforms in procurement. There is minimal management support and commitment to the adoption and deployment of technology, as they provide the financial resources necessary and cultivate an organisational climate conducive to the adoption of technology and achievement of organisational goals, values, and beliefs. In South Africa, Laryea et al. (2014) report limited use of e-procurement in the construction sector. They attribute this to (1) the lack of a definite government policy to implement e-procurement; (2) the reliability of ICT infrastructure; (3) the high costs of installing and operating e-procurement systems; and (4) the perceived negative impact of e-procurement adoption on smaller firms and employment of people in the departments. Countries that practice traditional procurement fear opting for electronic procurement because of risks associated with it. Tanzania, like any other country, strives to succeed in the electronic procurement system to improve organizations' efficiency and effectiveness, which will influence transparency, Mushi, G.O.& Nsimbila, P.M., (2022). In Tanzania, the adoption of e-procurement is a new phenomenon although some initiatives have already been undertaken by few private companies especially owned by foreign investors in large part. Public procurement is still lagging behind as the initiatives slowly progressing and most things are done manually through following the traditional procurement. Most suppliers are not well capable of being integrated into the e-procurement in terms of competent personnel and technological wellbeing (Barua & Konana, 2011, Lobong, & Keji, 2020).

Due to the increase in changing environment and globalization, most organisations have committed

efforts to procurement functions because most organisational resources are consumed through procurement (Mwita & Mwaighacho, 2017). Model for E-procurement adoption for Tanzania construction industry is explained in three stages. First policy framework stage, second technology, people and process stage and finally efficiency and transparency stage. The low adoption of E-procurement in Tanzania construction industry is mainly due to of lacks policies & frameworks and low level of awareness of E-procurement to stakeholders. Lobong, & Keji, (2020). According to Thogori & Wabwire, (2022), the spirit of PPADA ,2015 is to ensure that the procuring entities gets value for money and enhance competitive buying as anchored in the Act. However, the Act has not been able to address the problem of the lack of coordination between the user and procurement department on the enhancement of the procurement process among the Public Universities. The main challenge facing procuring entities today is how to synchronize the operations of user department with those of procurement department to fast track the whole process right from need identification, evaluation of bids, selection of suppliers, award of tenders, contract management/expediting, inspection, receiving and payment of suppliers.

Availability of funds is another challenge that the procurement process in the parastatals in Kenya is facing. Without funds the procurement process is unable to go on smoothly. A procurement process has a procedure to follow and those are the guidelines in procurement regulations. When the set regulations are not adhered to due to lack of funds then it becomes a challenge to the organization. Things like advertising for tender needs money and without money it becomes difficulty for the organization to operate smoothly and fairly. Inadequate funds for operation affect the procurement process in the government institutions because most projects in the government institutions are funded by donors and the rest come from the government which in most case the money is not enough, (Muli,2017). Most African countries

current public procurement laws indicates a prohibition on the use of technology. The situation makes it even more difficult to effectively award contracts and monitor progress of work, but rather encourage bureaucracy and red-tape. With changes in information and communication technology within and between organisations occurring at a fast pace. It is imperative that African governments keep pace with modern approaches to information management in order to be competitive. A surge in demand for information dissemination comes with the need for efficient information technology, (Mawuko *et al*, 2013). Many African organisations have clear procurement rules and procedures but have failed to implement them which has translated into poor use of the resources at lower levels hence failing in service delivery (Basheka, 2014). The poor performance of some of these organisations is attributed to failure to have a clear procurement system which is characterized by poor service delivery and monitoring of the funds. Effective procurement practices have been one of the major contributions to the organizational development and it has been clear that a number of organisations have paid adequate attention to the proper management of organisational resources.

An efficient procurement practices is vital to the advancement of organisations and is a concrete expression of the organizational commitment to making the best possible use of organisational resources (Arrowsmith, 2010, Basheka, 2014). According to (Jibrin *et al*,2014, Okeahalam, 2004), countries such as Nigeria and Ghana suffer from weak law enforcement mechanisms. In counties with compliant and review mechanisms, bidders are allowed to verify whether the procurement processes conform to the prescribed procedures. The possibility of review is also a strong incentive for procurement officials to abide by the rules (Hui *et al*., 2011). Firms might choose to implement ineffective compliance systems if legal violations may be profitable in cases where the legal system underenforces, either because penalties are set too low or because detection is imperfect or ineffective.

Gunningham and Kagan (2005) argue that the threat of legal sanctions is essential to regulatory compliance and that enforcement action has a cumulative effect on the consciousness of regulated companies and it reminds companies and individuals that violators will be punished and to check their own compliance programs. The outcome of sustained enforcement action instilled a culture of compliance and had a direct impact on corporate compliant behavior, (Sutinen and Kuperan (1999).

Fluctuating Prices of goods, services and works is a challenge facing procurement process in the parastatals. Prices quoted by suppliers vary a lot and this becomes a challenge to the procuring department to choose the best supplier who will deliver the right goods at the right time. Low price is also a challenge because not all cheap products are of bad or good quality. Lead time is a challenge in that some materials need to be procured urgently than others, and this affects the procurement process because the whole process of procurement may not be followed. This sometimes leads to corruption in the procurement department which is not recommended as sometimes suppliers collude with the procurement department personnel, (Muli,2017). In most African countries, foreign management methods and ideas are indiscriminately imposed as part of technology transfer, the majority of which have failed to serve the intended purpose. The evident failure of most international development assistance to developing countries is at least partly due to the lack of cultural sensitivity in the transfer of management. The myriad challenges militating against the smooth implementation of public procurement reforms in Africa could partly be attributed to the inability of implementing agencies to properly engage beneficiary countries on their cultural, socio-economic, political, ethical, and environmental sensitivities, in order to tailor reforms that suits specific country needs, (Mawuko et al,2013)

Improvement Opportunities

A study conducted by Koech *et al*, (2016) in Kenya found that electronic procurement adoption in any

organisation must be supported by individual factors especially technical skills and the employee's age. In the study, it was observed that elderly people were late adopters of information and communication technology compared to younger people. Some studies in Tanzania, such as Mohammed (2013), indicate that the successful electronic procurement adoption needs various driver forces such as; technological factors in terms of technological infrastructure, organisational factors in terms of support of top management together with the attitude of the organisation towards electronic procurement and environmental factors Mushi, *et al.*, (2022). Despite the electronic procurement benefits to organisations, the adoption rate is still low, especially in developing countries like Kenya and Tanzania, (Makoba *et al*, 2017). The traditional perception that management is the same or is becoming the same around the world is not tenable. The debate has intensified in the current era of global operations, as organisations need to know whether management controls that are effective in one national setting will have different levels of effectiveness if used in a different national setting, (Mawuko *et al*, 2013).

Institutions are investing in information systems such as, electronic data interchange (EDI), Enterprise Resource Planning (ERP), e-procurement and inter-organisation systems, to enhance procurement performance, (Laudon *et al*, 2002). The application of information systems technology to enhance procurement performance is an important issue that continues to receive managerial and academic attention. Among the information systems applications, e-procurement functions are particularly important due to the fact that procurement is one of the most critical functions of supply networks. To this effect, the adoption of e-procurement systems would assist governments to improve transparency and efficiency, reduce cost, enhance better decision-making, improve supplier performance monitoring, and quality of services to customers (Neupane, *et al.*, 2012, Mawuko *et al*, 2013). Automation of all public procurement

processes in Africa shall reduce corruption in the public procurement. The automation should be done after a thorough analysis of all the risk areas of corruption in the government procurement such as in project planning, product design and documentation, tender process, contract awards, and in accounting and auditing. The continued reforms indicate a clear intent by African governments to align public procurement with international best practice as it seeks to redeem their image on the international scene over the past anomalies.

Public procurement is a tool for public services delivery, good governance, and sustainable economies with inclusive growth. An efficient and effective Public Procurement and Asset Disposal system is a prerequisite for delivery of government policies and development objectives. The application of procurement technologies means, much of the paper-based routine tasks will be automated. EDI is significant because it eliminates many of the time-consuming steps involved in traditional information flow hence allowing more time for practitioners to focus on new forms of supplier relationships, supply management, advanced planning and value creating activities, (Mawuko et al, 2013). Electronic procurement enables organisations to reduce costs in terms of less paperwork in the procurement undertaken and reduce inventory costs because goods or materials will be delivered faster due to timely information transfer. Also, electronic procurement helps organisations to improve efficiency as the essence of maverick purchase will be reduced because of the automated procurement system, which enhances good monitoring of procurement activities. In that essence, transparency improves, and organisations gain a good relationship with their supplier (Koech, Ayoyi, & Mugambi, 2016, Mushi, G.O.& Nsimbila, P.M., (2022). E-procurement provides a mechanism too quickly and effectively link department operations and suppliers and also provides data analysis functionality that allows operators to monitor costs, consumption rates, inventory tracking, pricing and menu planning to

increase efficiency in the public-sector departments, Lobong, & Keji, (2020).

CONCLUSION AND RECOMMENDATIONS

For effective procurement transformation to be realized, effective procurement systems, trained procurement staff with knowledge, skills and competencies are required. African states must ensure that public procuring entities develop procurement strategies and formulate timelines that would influence compliance to public procurement contract timelines. For accountability to be realized in public contracts, there need for regular review and audit of the contract management process. An effective contract management process must ensure higher process efficiency at every stage of the contract cycle which in turn maximizes value for money to the public and the procuring entity.

For effective procurement transformation to be realized, effective procurement systems, trained procurement staff with knowledge, skills and competencies are required. African states must ensure that public procuring entities develop procurement strategies and formulate timelines that would influence compliance to public procurement contract timelines. Public procurement in Africa must ensure there is value for money in every procurement transaction. Value for money reflects a concern for more transparency and accountability in spending public funds. Value for money is therefore not a choice of goods or services which is based on the lowest bid price but a choice based on the whole life costs of the project or service. For accountability to be realized in public contracts, there need for regular review and audit of the contract management process. An effective contract management process must ensure higher process efficiency at every stage of the contract cycle which in turn maximizes value for money to the public and the procuring entity. African Governments should develop an Integrated Procurement Management System with an end-to-end process, from needs recognition, purchase requisition/indenting, review of request, budget approval, quotation requests, negotiation & contract, receive goods/services

invoice approval payment to record keeping. The Procuring entities should commit to an open-data and open-contracting standard, and to publishing

procurement information in accordance with the provision of relevant procurement laws.

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