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An Appraisal of Public Infrastructure Project Procurement: Focus on Transparency Provisions in the Nigerian Procurement Act

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ABSTRACT:

This paper evaluates the degree of transparency in the PPA 2007 and its effectiveness and compliance with globally acceptable standards. Efficiency in public procurement systems has been established to enhance service delivery and reduce opportunities for corruption. Despite the Procurement Practice Act's (PPA) strategies, such as open bidding, public bid opening sessions, and provision of procurement information, implementation challenges include accessibility, lack of specificity in evaluation rubrics, and poor complaint handling. The mixed method research techniques were utilized in the study. This includes case studies, surveys, and a literature review. The most important observations made by respondents and stakeholders were that there is a great awareness of the act's existence but there are issues that bedevil its successful implementation. This study points to the gaps between enacting the law and its execution such as inadequate or delayed publication of awarded contracts and lack of efficient e-procurement systems. Some of the international standards on the use of technology and management of conflict of interest in procumbent processes and systems are particularly revealing of how Nigeria has fallen behind. The study concludes that PPA, 2007 has a relatively good base for transparency, However, its practicality is ineffective due to a lack of enforcement, political interference, and a lack of technological integration.

Keywords: Transparency, Procurement, Nigerian Procurement Act.

1.0 INTRODUCTION

Public procurement is among those areas that relate directly to core issues of governance and economic development in Nigeria since there is a big chunk of government expenditure and proportion in GDP. The Public Procurement Act 2007 was supposed to be one of the best things that happened to ensure transparency, accountability, and value for money in public spending in Nigeria. This followed decades of opacity, corruption, and inefficiency in government procurement processes hitherto in Nigeria (Salam and Mohammed, 2019).

Transparency is considered one of the basic guiding principles of public procurement, which would serve identification, public scrutiny, fair competition, reduction of corruption, and optimum utilization of public resources. Provisions such as open competitive bidding, opening bids in public, and disclosure of procurement information are made in the Nigerian Public Procurement Act to ensure transparency (Bala and Hassan, 2021).

However, questions remain about the effectiveness and implementation of the transparency provisions in practice. The latest studies indicate persistent challenges in procurement planning, bid evaluation, contract awards, and monitoring (Lawrence et al., 2020). The gap between legislative intent and practical implementation remains a topic of scholarly interest, especially given Nigeria's protracted battle with corruption in public procurement (Olusegun and Solomon, 2024).

This paper critically appraises the transparency provisions in the Nigerian Public Procurement Act from the dual points of theoretical underpinnings and practical effectiveness. This is very timely, considering recent calls for procurement reform and the growing emphasis on open contracting and e-procurement systems in Nigeria (Okoro et al., 2023). This study, therefore, seeks to add to the ongoing discourse on procurement reform and provide recommendations for improving transparency in Nigerian public procurement by assessing the strengths and weaknesses of the current requirements for transparency.

2.0 LITERATURE REVIEW

Public procurement systems worldwide are anchored on principles of transparency, which ensures accountability, reduces corruption, and promotes fair competition (OECD, 2019). Fazekas et al.,

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(2017) explain that the European Union's procurement framework emphasizes openness and non-discrimination across member states. In Asia, Seong et al., (2024) document how South Korea has pioneered e-procurement systems that significantly enhance transparency through digitalization.

Within Africa, Benon et al., (2011) highlight how several countries have made significant strides in procurement reform. According to International Monetary Fund. African Dept. (2023), South Africa's Constitutional provisions mandate that public procurement be fair, equitable, transparent, competitive, and cost-effective.

The Public Procurement Act of 2007 was introduced in Nigeria to align with these global and regional best practices. Generally, transparency is taken to be one of the cardinal principles of any efficient public procurement system. It ensures accountability, reduces corruption, and allows fair competition among bidders. The Public Procurement Act, of 2007, was thus introduced in Nigeria as a legislative framework to enhance transparency and efficiency in the country's public procurement processes. According to (Bala and Hassan, 2021), it was made to re-echo the global best practices of open bidding, accountability, and timely disclosure of procurement information.

2.1 Transparency in Public Procurement

Transparency in procurement includes the availability and timely dissemination of relevant information, which is complete and accurate to all the parties concerned in the procurement process. As noted by (Lember et al., 2014), a transparent system in procurement offers equal opportunity for bidders to compete fairly, thus developing confidence among stakeholders in terms of contractors, suppliers, and the public. Transparency mechanisms, including open competitive bidding and the publication of procurement plans, are considered to reduce fraud and corruption risks significantly (World Bank, 2020).

2.2 Global Perspectives on Procurement Transparency

Globally, several countries have developed measures to ensure transparency in the process of public procurement. The Open Contracting Data Standard promotes standardization for procurement data in a manner that can be easily accessed and scrutinized by the public (Open Contracting Partnership, 2020). These frameworks could further enhance the Nigerian procurement processes, hence bringing their processes up to international standards.

2.3 The Nigerian Procurement Act: A Framework for Transparency

The Nigerian PPA imposes significant transparency provisions, such as the publication of procurement notices, transparent criteria for evaluation, and the publication of contract awards (Field Fisher Insights, 2023). These measures would limit discretionary powers and openness in decision-making. In addition, the creation of BPP as a regulatory agency to ensure that transparency is enforced in its procurement practices highlights the commitment of the government to the enforcement of compliance with procurement rules (Ogunsanmi et al., 2013).

2.4 Challenges in the Implementation of Transparency Provisions

Notwithstanding the sound provisions of the PPA, challenges still abound in making the procurement processes of Nigeria transparent. Some of the issues identified by studies include poor stakeholder engagement, non-disclosure, and capacity constraints among procurement personnel (Yahaya et al., 2019). Political interference and weak enforcement mechanisms further undermine the efficacy of the act (Usman, 2022).

Another important issue identified is the non-digitalization of procurement processes. According to Afolabi et al., (2020), the manual nature of procurement systems enhances the risk of human error and manipulation, limiting the transparency that the PPA intended. The adoption of e-procurement platforms has been recommended as one of the important steps in overcoming the challenges (Jama et al., 2024).

3.0 RESEARCH METHODOLOGY

This study adopts a mixed-methods research approach to appraise transparency provisions in the Nigerian Procurement Act. The methodology combines qualitative and quantitative data to provide a comprehensive understanding. A case study design was selected, focusing on specific procurement provisions of the Public Procurement Act within government agencies in Nigeria, particularly in Anambra State.

The study population comprises procurement officers, project managers, quantity surveyors, engineers, and other stakeholders involved in public procurement across selected government agencies. These respondents were selected due to their expertise and direct engagement with

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procurement practices, making them well-suited to provide relevant insights into transparency provisions and implementation challenges.

A total of 71 respondents participated in the survey. The sampling technique involved a combination of purposive and stratified sampling to ensure a balanced representation of different professional backgrounds and sectors. Purposive sampling was employed to select participants with relevant expertise and experience, while stratified sampling ensured adequate representation of professionals from various government agencies and private sector organizations involved in public procurement. The data collection process included structured questionnaires, in-depth interviews, and a review of procurement-related documents to obtain comprehensive insights into transparency challenges and best practices in the Nigerian procurement system.

Table 1: Test of reliability

S/N	Objective	Cronbach's Alpha Value
1	Appraisal of Transparency Provisions in the Nigerian Procurement Act	0.846

Cronbach's Alpha statistics of research instrument

Cronbach's alpha is a widely used statistical measure to assess a test or scale's internal consistency or reliability. It assumes that the items measure the same underlying construct and are positively correlated (Amirrudin, et al., 2020). From Table 1, the Cronbach's Alpha Value obtained was above 0.7, implying adequacy for further study (Kim et al., 2016).

Table 2: **Background profile of respondents**

Variables	Category	Frequency	Percentage (%)
Profession of respondents	Quantity surveyor Architect Engineer Project manager	14 17 33 7	19.72 23.94 46.48 9.86
	Total	71	100
Type of organization	Government agency Education	48 23	67.61 32.39

	Total	71	100
Years of professional experience	1 – 5 6 – 10 11 - 15	35 19 17	49.29 26.76 23.94
	Total	71	100
Highest academic qualification	Bachelor Masters PhD	15 40 16	21.13 56.33 22.54
	Total	71	100
Membership in a professional body	Yes No	44 27	61.97 38.03
	Total	71	100
Level of membership	Probationer Corporate Fellow	24 37 10	33.81 52.11 14.08
	Total	71	100

Source: Researcher's Field Survey (2024)

The background profile of respondents reveals that among the 71 participants, 19.72% are quantity surveyors, 23.94% are architects, 46.48% are engineers, and 9.86% are project managers; 67.61% of these respondents work in government agencies, while 32.39% are in education. Regarding professional experience, 49.29% have 1-5 years of experience, 26.76% have 6-10 years, and 23.94% have 11-15 years. In terms of academic qualifications, 21.13% hold a bachelor's degree, 56.33% have a master's degree, and 22.54% possess a PhD. Additionally, 61.97% are members of a professional body, whereas 38.03% are not; of those who are members, 33.81% are probationers, 52.11% are corporate members, and 14.08% are fellows.

4.0 RESULTS AND DISCUSSION

4.1 Appraisal of Transparency Provisions in the Nigerian Procurement Act

4.1.1 How familiar are you with the Nigerian Procurement Act?

Response Category	Frequency	Percentage
Very familiar	44	61.97
Somehow familiar	15	21.13

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Not very familiar	12	16.90
Total	71	100

Table 4.1 Level of Familiarity with the Nigerian Procurement Act
Source: Researcher's Field Survey (2024)

Table 4.1 shows that among the 71 respondents, 61.97% are very familiar with the Nigerian Procurement Act, 21.13% are somehow familiar, and 16.90% are not very familiar, indicating a high overall level of familiarity with the Act among the participants.

4.1.2 How would you rate the Act's effectiveness in promoting public infrastructure procurement transparency?

Response Category	Frequency	Percentage
Very effective	25	35.2
Effective	12	16.9
Not very effective	28	39.4
Ineffective	6	8.5
Total	71	100

Table 4.2 Act's overall effectiveness in promoting transparency in public infrastructure procurement
Source: Researcher's Field Survey (2024)

Table 4.2 shows that among the 71 respondents, 35.2% rate the Nigerian Procurement Act as very effective in promoting transparency in public infrastructure procurement, 16.9% consider it effective, 39.4% find it not very effective, and 8.5% believe it is ineffective, indicating mixed perceptions of the Act's overall effectiveness.

4.1.3 Are there provisions in the Act that you believe are intended to promote transparency but are ineffective in practice? If yes, which ones and why

Provisions	Frequency	Percentage	Reason
Public tender announcements	18	25.4	Limited accessibility: Announcements may not reach all potential bidders, especially smaller or rural businesses.
Disclosure of evaluation criteria	12	16.9	Vague or manipulable criteria: The criteria might be too general, allowing for subjective interpretation.

Public bid openings	9	12.7	Lack of meaningful participation: The public or interested parties may not have the resources or knowledge to attend and understand the proceedings
Publication of contract awards	15	21.1	Delayed or incomplete disclosure: Information might be published too late to be useful, or key details may be omitted.
Complaint mechanisms	11	15.5	Inefficient processes: The mechanisms might be slow, complex, or lack teeth in terms of enforcement.
Auditing requirements	6	8.4	Inadequate verification: There may be no robust system to verify the truthfulness of declarations.
Conflict of interest declarations			Inadequate verification: There may be no robust system to verify the truthfulness of declarations.
Total	71	100	

Table 4.3 Provisions in the Act that you believe are intended to promote transparency but are ineffective in practice
Source: Researcher's Field Survey (2024)

Table 4.3 indicates that 25.4% of respondents believe that public tender announcements are ineffective in promoting transparency due to limited accessibility, 16.9% cite vague or manipulatable criteria for the disclosure of evaluation criteria, 12.7% point to the lack of meaningful participation in public bid openings, 21.1% mention delayed or incomplete disclosure in the publication of contract awards, 15.5% highlight inefficient processes in complaint mechanisms, and 8.4% note inadequate verification in auditing requirements, with some respondents also mentioning inadequate verification for conflict of interest declarations, revealing various perceived shortcomings in the Nigerian Procurement Act's provisions intended to promote transparency.

4.1.4: Does the Act mandate public disclosure of procurement information? If yes, what specific information is required to be disclosed?

Information required	Mean	Standard deviation	RII
Procurement plans	4.72	0.53	1
Tender announcement	4.37	0.78	2
Evaluation criteria	4.08	0.91	3
Bid opening results	3.73	1.05	4

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Contract awards	3.45	1.12	5
Procurement proceedings report	2.82	1.23	6
Complaint mechanism	2.61	1.28	7

Table 4.4: Public disclosure of information

Source: Researcher's Field Survey (2024)

Table 4.4 indicates that the respondents rate procurement plans as the most crucial information required to be publicly disclosed, with a mean of 4.72 and a standard deviation of 0.53, followed by tender announcements (mean 4.37, SD 0.78), evaluation criteria (mean 4.08, SD 0.91), bid opening results (mean 3.73, SD 1.05), contract awards (mean 3.45, SD 1.12), procurement proceedings reports (mean 2.82, SD 1.23), and complaint mechanisms (mean 2.61, SD 1.28), indicating varying levels of importance and perceived consistency in the necessity of disclosing different types of procurement information.

4.5 How do the transparency provisions in the Nigerian Procurement Act compare to international best practices?

Aspect	Nigerian Procurement Act	International Best Practices
Disclosure of Procurement Information	• Mandates disclosure of procurement plans, tender announcements, bid documents, bid opening results, contract awards, and proceedings reports. • Requires publication in procurement journals and on regulatory authority websites. • Emphasis on transparency through accessible information. • Specific requirements outlined for disclosure	• Typically mandates comprehensive disclosure of procurement plans, bid notices, evaluation criteria, bid results, contract awards, and project outcomes. • Ensures accessibility via centralized portals or platforms. • Often includes detailed regulations on disclosure formats and timelines.
Conflict of Interest Management	• Defines conflict of interest. • Requires declaration of interests by officials involved in procurement. • Prohibits participation of conflicted parties in decision-making. • Includes penalties for non-compliance	• Explicitly defines conflict of interest and mandates declaration. • Prohibits conflicted parties from participating in procurement. • Includes robust enforcement mechanisms and penalties.
Use of Technology (E-Procurement	• Encourages electronic submission, processing, and publication of procurement documents. • Allows for electronic bid evaluation.	• Mandates electronic submission, evaluation, and publication of procurement documents.

	• Promotes use of electronic payment systems. • Requires capacity building on e-procurement systems	• Requires centralized e-procurement portals or platforms. • Includes advanced features such as electronic signatures and secure payment systems. • Ensures technical support and training for users.
Transparency Mechanisms	• Provides for monitoring and evaluation of transparency effectiveness. • Requires reporting on procurement outcomes and processes. • Includes public access to procurement information and decisions. • Supports stakeholder engagement in oversight.	• Mandates regular transparency assessments and audits. • Requires comprehensive reporting on procurement activities and outcomes. • Ensures public access to procurement information and decision-making processes. • Promotes civil society participation and oversight mechanisms.

Source: Researcher's Field Survey (2024)

5.0 CONCLUSION

The analysis highlighted what is most fundamental in securing the transparency of the NPA and how this compares with world best practices. The outcome of 0.846, following a Cronbach's alpha reliability analysis of the instrument used for the research study, depicts the internal validity to be strong. Respondents' Background Profile: The pattern of response showed an evenly mixed panel mostly comprising engineers and professionals that hold advanced degrees with vast experience, and members of professional bodies.

Most of the respondents had heard of the NPA, but have mixed perceptions regarding its effectiveness in terms of ensuring transparency. Major provisions include public tender announcements, evaluation criteria, and complaint mechanisms that are ineffective due to limited accessibility, vague criteria, and inefficient processes, respectively.

While the public disclosure requirements under the NPA have focused on procurement plans and tender announcements, other elements such as contract awards and reports of proceedings are perceived to be of lesser importance. Comparisons with international best practices show that while the NPA provides for provisions on transparency, e-procurement, and conflict of interest

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management, in actual implementation and enforcement, it falls short of the global standards in many areas.

This study underlines the need for reforms to address the lacuna in the NPA, improve stakeholder engagement, and adopt advanced technological tools that offer greater transparency and come closer to international best practices.

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