

# UNETHICAL PRACTICES IN PROCUREMENT PERFORMANCE OF NIGERIAN PUBLIC BUILDING PROJECTS: MIXED METHODS APPROACH

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## **Abstract**

Unethical practices in building projects procurement hinder economic development and social services. Therefore, this paper examined the effect of unethical practices on procurement performance of public building projects and attempts to proffer feasible solutions. The study population comprised governmental institutions, contracting and consultancy firms respectively in Abuja, Nigeria. A sequential explanatory mixed methods approach was adopted. Out of the 150 questionnaires administered, 72 were found suitable for analysis from the 90 questionnaires returned. The quantitative findings were further explained by the qualitative phase with ten experts engaged via snowball. The findings showed that lack of leadership, weak law, fear of unknown and greed were ranked as the causes of unethical practices. Inflated contract sum, bribery and corruption, shoddy construction and collusion tendering were ranked as the effects of unethical practices. The government need to strengthen anti-corruption agencies to tackle corruption head-on, enforce and upholding the rule of law among others as possible ways to mitigate unethical practices. This is because best policy practice is a "non-implementable" policy in a corrupt environment. For there to be enforcement and compliance of the Public Procurement Act (PPA) 2007, corruption should be tackled, followed by an established institutional framework to achieve sustainability.

**Keywords:** Building Projects, Corruption, Ethics, Procurement Performance, Public Building.

## **1. INTRODUCTION**

The construction industry is significant to both the developing and developed countries wealth growth. Hanizah, Abdul-Rahman, and Xiang (2010) and Alex (2014) affirmed that between two to ten percent of the total work-force is employed in the construction industry and the second largest industry next to agriculture. Building projects, a product from the construction industry can be classified into two; the public and the private. The public projects, primarily owned or sponsored by the government, is observed to be the major developments, most especially on social amenities projects, while the private projects are owned or sponsored by an individual or corporate entity in some instance. Jaafar and Nurudeen (2012) averred that public projects have dominated the construction industry. Over the years because of the increasingly competitive nature of the industry with new encumbrances to fulfil the development's needs of the various segments, the performance of the construction industry in terms of

quality, productivity, safety and procurement in Nigeria have been affected. This paper focuses on one aspect of these challenges, which is the procurement performance of Nigerian public building projects. For the output of the industry to be sustained, knowing that the public sector is the major client, procurement performance still remains a major concern of the industry. Ashworth and Perera (2018) opined that the contract procurement system is the process that is used to deliver construction projects. This is something that has to do with the type of contract, obligation, rights and liabilities of the major stakeholders involve (Ebekozien, 2014). Alex (2014) averred that in 2011, Transparency International (TI) Bribe Payers Index shows that out of the entire prominent sector in the world, public work construct and construction scored the lowest. Also, it has been estimated that unless adequate measures are taken a sum of \$1.2 trillion risks been lost to corruption as a result of unethical practice on an annual basis. This figure could double when considering management and execution inefficiencies. This is definitely a worrying matter and of concern to stakeholders. TI (2013) claimed that Nigeria is perceived as one of the most corrupt nations in the world. In 2016 and 2017, it was ranked 136th and 148th respectively out of 180 countries covered (Vanguard, 2018). The study raises the following question: How can one justify that the All Progressive Congress (APC) led government is actually fighting corruption as claimed with this empirical evidence of tempestuous corruption?

Before the Public Procurement Act 2007 (PPA 2007), the Nigerian Government created the Budget Monitoring and Price Intelligence Unit (BMPIU) that later birthed PPA. The Unit was given the mandate to ensure fiscal transparency, strict compliance with Federal Government of Nigeria guidelines on due process certification as it concerns budgeting and procurement of facilities/services/contracts at appropriate costs (Ezekwesili, 2005). This facilitated the enactment of the PPA 2007 because of irregularities, lack of accountability and transparency, and related issues in public procurement in the year 1999 (PPA, 2007). The project implementation was greatly dependent on traditional procurement systems inherited from the colonial masters (British). The author averred that this reform gave birth to the policy governing public expenditure in the country. Jaafar and Nurudeen (2012) affirmed that many procurement issues arise from public projects failures compared to private projects. This is because public projects are funded with public money that demands accountability from the public. However, even with the enactment of PPA 2007, the level of corruption in relation to procurement is still high (Ebekozien, Abdul-Aziz, & Jaafar, 2017; Vanguard, 2018). It is possible that the issues that led to the enactment of the PPA 2007 are still active in the procurement process.

However, after about 11 years of the enactment of the PPA 2007, and subsequent issuance of Public Procurement Guidelines (PPGs), Ademola and Ajibola (2014) and Abdullahi (2017) asserted that full implementation of the PPG among major construction procurement stakeholders has been a major encumbrance. Shehu (2014) and Obicci (2015) identified a conflict of interest in the procurement management process as one of the reasons for the non-compliance. While Ademola and Ajibola (2014) and Jibrin, Ejura, and Augustine (2014) identified influencing awards of construction projects, a product of unethical practices as one of the reasons. The latter authors averred that poor implementation and non-compliance with the PPA 2007 is one of the major issues affecting the public procurement reforms' goals in Nigeria. It is possible that a conflict of interest is a corrupt act, an indication that corruption is possible the main encumbrance to implementation and compliance. Shehu (2014) opined that the unethical (non-compliance) practices in construction processes have caused poor performance of construction projects in the long run. Thus, the need to strategically investigate the root causes of unethical practices in procurement performance with a resultant effect to improve on delivery time, construction cost, and quality of Nigerian public building projects. Specifically, this paper carries the following objectives to proffer an answer to the main aim:

- To investigate the root causes of unethical practices in public building projects procurement.
- To identify the effect of unethical practices in procurement on public building projects.
- To proffer pragmatic solutions to mitigate the causes and enhance compliance and full implementation of PPA 2007 in public building projects.

## 2. REVIEW OF LITERATURE

This section of the paper briefly discusses the overview of the Nigerian construction industry in regards to infrastructure provisions, building procurements, ethics as it relates to procurement, and effect of unethical practices on construction projects. The construction sector is a significant factor in the drive for the economic advancement of countries especially the developing countries, for example, Nigeria. A survey of households conducted in the year 2013 found poor condition of the infrastructure, lack of pipe borne water, irregular electricity supply, lack of good roads; inadequate housing for the masses in urban areas to inaccessibility and lack of affordability of the few available ones is unacceptable (World Bank, 2013; Ebekozi, Ugochukwu, & Okoye, 2015). The Nigerian Bureau of Statistics (NBS) put the nation's housing shortage at 18 million, a scenario that has been described as not fit for a developing nation like Nigeria (Bureau of Public Service Reform, 2017). This is worrisome even with a huge amount of money

that has gone into the housing sector for the past 18 years. Thus, the need to investigate the unethical practices in the procurement of public building projects cannot be overstressed.

Building procurement system is the process of undertaking building works within which construction of building projects take place (Ashworth & Perera, 2018). The only way to appreciate this is via sufficient information about the systems to ensure an awareness of the main methods that are currently available and their principal advantages and drawbacks. This has been chronologically presented in the abridged format in this paper with a wide range of building procurement systems. Masterman and Gameson (1994) affirmed that client's organisations influence the choice of procurement because of various categories of clients requiring distinct solutions to their procurement needs. Hence, the client type and experience of the client is germane to making a choice of the type of procurement needs. National Economic Development Office (NEDO) (1975) asserted that the client's brief need to be clear and comprehensive. Bennett and Flanagan (1983) articulated that client's comprehensive list should include: functional building, at an affordable price, quality at value for money, speedy construction, risk and uncertainties identified, transparency and accountability, innovative design, and being carried alone the span of construction. Masterman (1994) identified the following as the most important needs of the clients: the desire to be actively involved the certainty of final cost and completion date, value for money, and lowest possible tender. Ashworth and Perera (2018) corroborated Masterman (1994) findings.

Ofori (2007) and Construction Industry Development Board (CIDB) (2009) averred that existing construction procurement systems in many developing nations were inherited from their former colonial administrators, including Nigeria. For example, Nigeria inherited the procurement system from the British (Ebekozien, 2014). Abdullahi (2017) affirmed that the common practice was the traditional procurement system to develop construction projects. Oshioyigbele (2010) identified eleven principles which govern the administration of public procurement as follows; accountability, competitive supply, consistency, effectiveness, efficiency, integration, integrity, informed decision making legality, responsiveness, and transparency. The need to modify existing procurement system became obvious since construction activities are dynamic; various alternative ways of promoting and carrying out construction project have been devised with varying degrees of success (Ashworth, Hogg, & Higgs, 2013). Oladinrin, Olatunji, and Hamza (2013) and Ebekozien (2014) identified four types of construction procurement systems adopted within the Nigerian construction industry which includes the conventional (traditional), design and build, management contracting, and the construction management. Oladinrin et al. (2013) affirmed that design and build is the most cost-effective because it does not allow claims, extra and external managerial cost in form of consultancies on the part of both the client and contractor

and minimal legal fee because the procurement is a single source. While the construction management is the best option if one wants to curtail quality. For the purpose of this paper, the emphasis would be on the traditional procurement system because it remains the most popular, prevalent and frequently used system in Nigeria (Ebekozi, 2014). The following paragraph discusses an overview of ethics and its implication on public building practices.

The term “ethics” is used in evaluating what is right in a given scenario. Alfred and Sealza (2008) defined ethics as “(i) A system of moral principles, by which human action and proposal may be judged good or bad, right or wrong. (ii) The rules of conduct recognised in respect to a particular class of human actions. (iii) Moral principle of the individual.” Ethics cannot be arbitrarily created but discovered through argument and persuasion (Vee & Skitmore, 2003). An organisation is judged by its reputation which is a result of its integrity to the business world and its employees. The ethics of both the organisation leaders and employees make up how the organisation is perceived and whether they are seen as ethical or not (Alfred & Sealza, 2008). The authors asserted that the set of moral standard that we use to guide our decision making is our ethics and identified three ethical directives: loyalty, honesty, and responsibility. While McCarthy (2012) affirmed that ethical conduct in simplest is doing the right thing when no one is looking. The author asserts that ethical conduct is in compliance with the following seven ethical principles: honesty, fairness, fair reward, reliability, integrity, objectivity, and accountability.

Alex (2014) lamented the increase in unethical practices among players in the construction industry. The lack of professional ethics, as evidenced by the high rate uncompleted and delayed projects with huge time and cost over-run, poor and substandard quality of work due to non-adherence to contractual design and specification leading to shedding and uneconomical construction and collapse of structures during construction or thereafter may be because of corruption and lack of professional ethics. Hamimah, Norfashiha, Norazian, and Norizan (2011) identified inadequate legislative compliance, severe competition, economic downturn, inadequate ethical education, cultural changes, and high complexity of building work as reasons professionals are involved in unethical practices. The Nigerian construction industry is not an exception. Vee and Skimore (2003) asserted that one of the frequently reported unethical practices in business is bribery. Others are fraud, breach of confidence and negligence, deceit, trickery, sharp practice, and dishonest advantage. The authors identified some the unethical behaviour of construction professionals to be; concealing of construction errors and stealing of someone else drawing; exaggerating experience and academic achievements in resumes during application for commissions, and fraudulent charges for ghost projects. Others are bogus promises of advancement as practised by some consultants, hence, misleading clients in decision making. Ayoola (2008) claimed that some of the common techniques employed by these parties in corrupting the

procurement process include failure to meet quality standards, colluding to fix bidding prices, promotion discrimination, discriminatory technical standard, claiming urgency as an excuse toward to a single contractor without competition, demanding private benefits, and diverting delivered goods for resale or for private use.

Previous studies, for example, Vee and Skitmore (2003), Alfred and Sealza (2008), and Haminah, Narfashiha, Norazian, and Norizan (2011) affirmed that unethical practices hinders economic development, reduce social services, divert investments in infrastructure and encourage inefficiency in the procurement process. To the best knowledge of this paper, no study in the Nigerian context has research on unethical practices in procurement performance of public building projects. Ayangade, Wahab, and Alake (2009) found that the effect of unethical practices is influence peddling, sycophancy, and the use of primitive considerations to the abandonment of the public projects, non-value for the public treasury, and high cost of procurement among others. Ameh and Ogundare (2013) claimed that although the quality of projects is better guaranteed under due process, compliance and implementation is a critical issue. The authors opined that if PPA 2007 is fully implemented, the impact would be positive and significant in the contract procurement and construction project delivery. Some of the impacts is the signing of a binding contract agreement; open competitive bidding, project award to the lowest priced responsive bidder, contractors prequalified among others.

It is unfortunate that after about eleven years of PPA 2007, the inefficiencies in the system that motivated the enactment of PPA 2007 are possibly still in operation in public projects. For example, inflation of contract costs, use of contract system to divert public funds to private pockets, award of contracts for non-existing projects, use of inexperienced contractors, over-invoicing, ward of contracts to friends and close acquaintances, and award of contract without project scope definition and budgetary provisions. The possible root cause is "corruption" and ranked 148th position by the Transparency International 2017 Corruption Perception Index (Olowolagba, 2018). There is allegation of construction of three-bedroom apartment as vice president gatehouse for the sum of N250 million (US\$694,000 at N360/1US\$) by Senator Dino Melaya (The Chairman, Senate Committee of the Federal Capital Territory) as one of the concerned citizens', calls for a review of the contract (Baiyewu, 2018). It was reported that the Senator alleged that the contract for Senate President, and Speaker, House of the Representative residential building respectively under construction has been inflated too. This is possible the reason Mr. President says "...if we don't kill corruption, corruption will kill Nigeria..." (Onoyume, 2015). There is little evidence of fighting corruption; for a government that came into power with the people's mandate to fight corruption is having weighty revelations of alleged corruption within the system; including the "grass cutting saga contract" that led to the sacked of the former Secretary to

Government of the Federation. It was reported at a point in time, the presidency cleared Mr. David Babachir Lawal of any wrongdoing, a scenario that generated backlash from the few vocal civil society groups and accused the Buhari's Government of bias in its anti-corruption campaign (Moses, 2017). It is possible that kleptocracy has contributed to the encumbrances of implementation of the PPA 2007. Thus the need to test this hypothesis:

H1 = There is a relationship between corruption and lax implementation and compliance of the PPA 2007.

### ***The Theory that Informed this Paper***

This section discusses the theory that supports the framework of this paper to enhance Nigerian public building projects performance in terms of cost, value and time. One phenomenon that is certain with this study is the possible lax implementation of the PPA 2007 and has caused more damaged than imaged to the Nigerian economy. This framework is an attempt to proffer feasible policy solutions to mitigate the causes and enhance implementation of PPA 2007 in public building projects. The outcome of this would be better construction projects performance in all ramifications. The study adopted Institutional Theory (IT). The early insights of scholars range from Marx and Weber, Cooley and Mead, to Veblen and Commons (Bill & Hardgrave, 1981). Institutional theory evaluates the procedures and techniques by which structures, rules, and schedules turn out to be recognised as definitive rules for social conduct. It asks how such frameworks appear, how they diffuse, and what job they play in providing strength and significance to social conduct. It likewise thinks about how such courses of action disintegrate and fall, and how their remainders shape successor structures. One of the overwhelming theoretical points of view toward the end of the nineteenth century, IT was overshadowed by different methodologies during the early twentieth century. Nonetheless, IT has encountered an astounding recuperation, entering the new century as a standout amongst the most energetic and expansive based theoretical viewpoints in the sociologies (Scott, 2005).

According to Scott (2005), three major pillars (regulatory, normative and cultural cognitive) made up the IT. For the purpose of this paper, regulatory and normative pillars were employed. Regulatory emphasis on basic compliance mechanisms such as guideline and enforcement while the normative emphasis on norms, values and social responsibilities. This theory was adopted by Abdullahi (2017) in a similar study, thus, suitable for this paper. One of the uniqueness of this theory is the belief that it creates a platform for the right way of doing things and scholars of this theory affirm that the institutional setting can firmly impact the improvement of formal structures in a public organisation. Figure 1 illustrates the study's framework that would achieve public construction projects performance if there are strict

implementation and compliance to the PPA 2007. The independent variables (strengthen anti-corruption agencies, upholding rule of law, strengthen institutions and build a culture of transparency) to accomplish this task is built in the PPA 2007. The method to achieve this aim is discussed in the subsequent section.

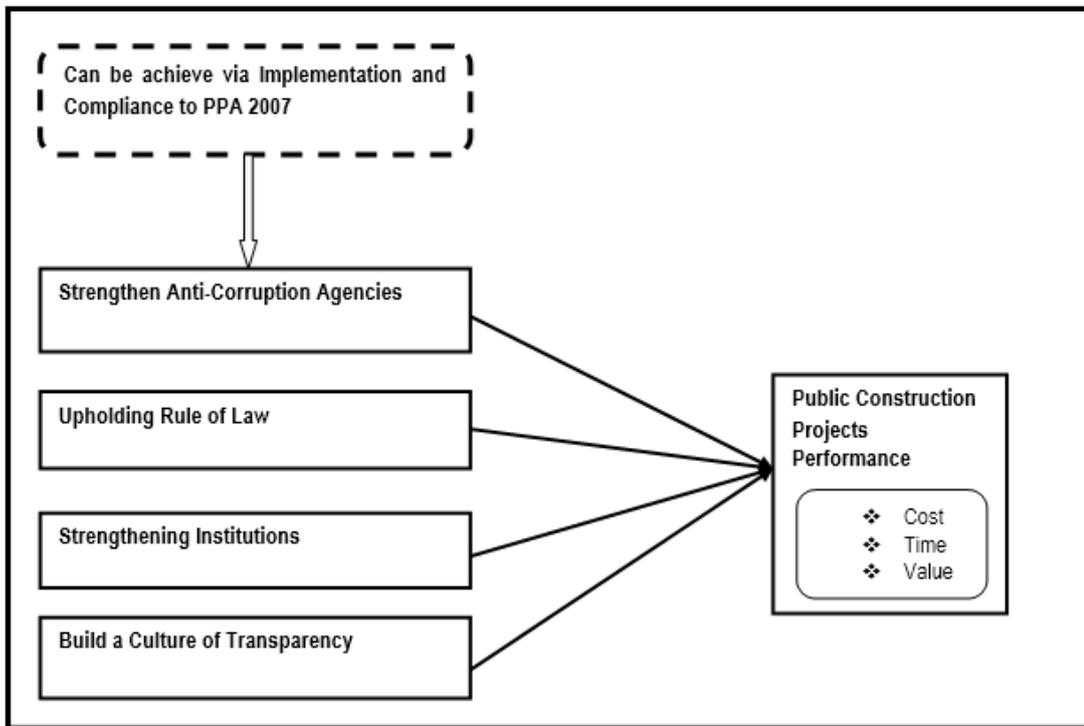


FIGURE 1 - PROPOSED STUDY'S FRAMEWORK

### 3. RESEARCH METHOD

The study adopted a sequential explanatory mixed methods (MM) research design. It was inspired by the aspiration that sequential explanatory MM is the most straightforward among the mixed methods to explore the effect of unethical practices on procurement performance of public building projects in Nigeria. The purpose of this design is to use qualitative results in explaining and interpreting the findings of the quantitative phase (Creswell, 2014). This multiple methods research design gives the researcher the opportunity to take advantage of both numeric and non-numeric data, which assists to carry out a more all-inclusive analysis and thus improve the data findings (Ebekozien, Abdul-Aziz, & Jaafar, 2018). This type of research design is advantageous in that it fulfils the expectations of both qualitative and quantitative readers and scholars. In this paper, priority was given to the quantitative phase, thus, the study was quantitative dominant (Bell & Waters, 2014). The two methods were integrated during the interpretation phase of the study. The qualitative approach was used to confirm and clarify the

quantitative data; also to seek a better explanation of the quantitative findings. This MM approach is characterised by an initial phase of quantitative data collection and analysis, followed by oral interviews to obtain an in-depth understanding of the subject matter (Sekaran & Bougie, 2016).

The draft questionnaire was validated by three experts and comments effected before the pilot study was conducted. Majority of the items contained in the questionnaire adopted the 5-point Likert Scale. Stratified random sampling technique was adopted because it reduces sampling error (Bell & Water, 2014). It gives a good representation of the population via the proportionate stratification technique adopted. By this approach, the sample size of each stratum was proportionate to the population size of the stratum. In this paper, the researchers target populations comprised of governmental institutions, selected contracting firms, and private consultancy firms within the Federal Capital Territory, Abuja, Nigeria. This was preferred because the major stakeholders head offices are located in Abuja. Out of 90 questionnaires returned from 150 questionnaires administered across the relevant strata identified, 72 questionnaires were found usable and accepted for this study. This represents 48.0% response rate. One of the reasons for the high response rate was because the respondents were assured that the findings from the study would be made available to them via their email addresses. This is considered adequate in-line with Akintoye and Fitzgerald (2000) submission that 20% to 30% benchmark with questionnaire surveys of the construction industry were considered adequate. Table 1 presents the distribution of the respondents across the broad spectrum. While Pearson product-moment correlation coefficient was adopted to achieve the correlation test (Creswell, 2014).

In the qualitative phase, only 10 participants indicated their willingness to be interviewed across the spectrum. This was achieved via the snowball sampling technique, a type of non-probability sampling technique. The interview was based on past literature, researchers experience and elaboration on the findings from the quantitative phase. This was conducted between August 2018 and early October 2018. Thematic analysis was used to analyse the qualitative phase. For the study analysis, the quantitative data obtained from the questionnaires survey were “qualitised” so that both phases can merge and interpreted together (Tashakkori & Teddlie, 1998).

#### 4. FINDINGS AND DISCUSSIONS

Table 1 presents the summary of the background information of the respondents. It is observable from Table 1, the least academic qualification is B.Sc. graduate, and not less than 79% of respondents have a minimum of 11years and above work experience. This is an indication that respondents’ academic knowledge and work experience would enhance the findings from this study. Data analyses were conducted using the Statistical Package for the Social Sciences (Version 22) to rank mainly the

variables based on their mean values of the constructs (causes, effects, and mitigating strategies of unethical practices). In Table 2, Pearson product-moment correlation was used to test if there is any relationship between corruption and lax implementation and compliance of the PPA 2007. The test indicates a viable relationship. The reliability of the 5-point Likert scale measurement (Table 3, 4, and 5 respectively) was determined using Cronbach's alpha coefficient. The range of internal consistency results among the items on each factor was 0.703 to 0.846. This is considered adequate and higher than the modest reliability in the range 0.50-0.60 suggested by Nunnally (1978) and corroborated by Akintoye and Fitzgerald (2000) as adequate for this type of study.

TABLE 1 - SUMMARY OF BACKGROUND INFORMATION ON RESPONDENTS

Category	Classification	Frequency (N)	Percent (%)
Organisation types	Govt Institutions	12	17
	Contracting Firms	18	25
	Consultancy Firms	42	58
	<b>Total</b>	<b>72</b>	<b>100.0</b>
Respondents Designation	MD/CEO	5	7
	Director/Management staff	7	10
	Principal Partner	20	28
	Partner	18	25
	Operational Staff	22	30
	<b>Total</b>	<b>72</b>	<b>100.0</b>
Higher Academic Qualification	HND/B.Sc/B.Tech	42	58
	M.Tech/M.Sc/M.Phi	30	42
	<b>Total</b>	<b>72</b>	<b>100.0</b>
Years of Professional Experience	0-5 years	3	4
	6-10 years	5	7
	11-15 years	30	42
	16-20 years	20	28
	Above 20 years	14	19
	<b>Total</b>	<b>72</b>	<b>100.0</b>
Number of Public Building Projects Involved in the last 10 years (2008-2017)	0-5	3	4
	6-10	24	33
	11-15	20	28
	16-20	10	14
	About 20	15	21
	<b>Total</b>	<b>72</b>	<b>100</b>

### ***The Result of Test of Hypothesis***

The hypothesis states that there is a relationship between corruption and lax implementation and compliance of the PPA 2007. Pearson product-moment correlation was used to test if there is any relationship between corruption and lax implementation and compliance of the PPA 2007 as shown in Table 2. As shown in Table 2, there is a correlation with large "r" in line with Cohen (1988, p.79-81) guidelines of interpretations of the "r" value as "small = 0.10 to 0.29, medium = 0.30 to 0.49, and large = 0.50 to 1.0; with  $p < 0.01$  level at 2-tailed (non-directional) as presented in Table 2. This is an indication

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of a viable relationship; thus, corruption should be mitigated for PPA 2007 to be implemented successful.

TABLE 2 - CORRELATION COEFFICIENT BETWEEN CORRUPTION AND LAX IMPLEMENTATION

Relationship	Pearson Correlation	Sig	"r"
There is a relationship between corruption and lax implementation and compliance of the PPA 2007	0.601**	0.000	Large

\*\* Correlation is significant at the 0.01 level (2-tailed)

TABLE 3 – ROOT CAUSES OF UNETHICAL PRACTICES

Identified Root Causes	Govt Institutions		Contracting Firms		Consultancy Firms		Overall	
	Men	Rank	Mean	Rank	Mean	Rank	Mean	Rank
Lack of leadership & value	4.40	3	4.58	2	4.80	1	4.59	1
Fear of unknown and greed	4.50	1	4.61	1	4.55	3	4.55	2
The culture of impunity	4.48	2	4.50	3	4.65	2	4.54	3
Weak law enforcing institutions	3.75	5	4.55	4	4.11	4	4.14	4
The absence of reward system	3.90	4	4.40	5	3.90	5	4.07	5
The absence of ethical training programs	3.40	7	4.30	6	3.80	6	3.83	6
Lack of consequences when caught	3.60	6	4.20	7	3.50	7	3.77	7
Working in a diminished environment	3.10	8	3.60	8	3.20	8	3.30	8

Reliability coefficient (Cronbach's alpha) = 0.703 (0.05 level significant)

TABLE 4 – EFFECT OF UNETHICAL PRACTICES

Identified Effects	Govt Institutions		Contracting Firms		Consultancy Firms		Overall	
	Men	Rank	Mean	Rank	Mean	Rank	Mean	Rank
Inflated contract sum	4.20	1	4.40	1	4.51	1	4.37	1
Increased bribery and corruption	4.05	3	4.33	2	4.40	2	4.26	2
Fraud, unfair and dishonest conduct	4.15	2	4.05	3	4.28	3	4.13	3
Collusion tendering	3.91	4	3.59	5	4.15	4	3.88	4
Negligence and shoddy construction	3.44	6	3.80	4	3.80	5	3.68	5
Unjustified claims/Project abandonment	3.65	5	3.33	7	3.71	6	3.56	6
Conflict of interest, dispute litigation	3.19	7	3.41	6	3.55	7	3.38	7
High cost and time overrun	3.05	8	3.17	8	3.18	8	3.13	8
Non- respect of agreement	3.01	9	3.09	9	2.91	9	3.00	9
Increase reworks	2.85	10	2.91	10	2.88	10	2.91	10
Low inflow of foreign direct investment	2.76	11	2.75	11	2.88	10	2.80	11
Few and weak infrastructural facilities	2.69	12	2.65	12	2.77	12	2.70	12

Reliability coefficient (Cronbach's alpha) = 0.746 (0.05 level significant)

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TABLE 5 – WAYS TO MITIGATE UNETHICAL PRACTICES

Identified Ways	Govt Institutions		Contracting Firms		Consultancy Firms		Overall	
	Mean	Rank	Mean	Rank	Mean	Rank	Mean	Rank
Leadership by example	4.30	1	4.57	1	4.69	1	4.52	1
Enforcement and upholding the rule of law	4.17	3	4.45	2	4.51	2	4.38	2
Strengthening institutions and anti-corruption agencies	4.25	2	4.34	3	4.35	3	4.31	3
Building a culture of transparency	4.02	4	4.22	4	4.10	4	4.11	4
Create standard code of ethics	3.81	5	4.05	5	3.85	5	3.80	5
Make training and retraining on ethical matters compulsory	3.59	6	3.85	6	3.23	6	3.58	6
Openness and communication	3.25	7	3.49	7	3.01	7	3.25	7
Ethical awareness	3.01	8	3.19	8	2.85	8	3.02	8
Show employee appreciation	2.77	9	3.01	9	2.75	9	2.84	9

Reliability coefficient (Cronbach's alpha) = 0.846 (0.05 level significant)

Table 3 presents the root causes of unethical practices and ranking of the variables by the respondents. We can see from Table 3 that the government institutions and contracting firms deviate slightly from the consultant's firms. This should be expected because some of the government and construction firms employees are not sure of job security and gratuity, hence want to take advantage to acquire wealth by all means, lawfully and illicitly. The overall mean indicates that lack of leadership and value was ranked first, followed by fear of unknown. The last on the list is lack of consequences when caught and working in a diminished environment. The finding of this study agree with Senator's Dino cried out of alleged inflated contract with high ranked government officials' residents building projects, an indication of lack of leadership by example. This finding deviates slightly from Hamimah et al. (2011). The authors found that inadequate legislative compliance, severe competition, economic downturn, inadequate ethical education, and cultural changes were ranked high. Findings from this paper have established that corruption is the major encumbrance confronting the implementation and compliance of PPA 2007 as indicated in Table 2. Table 2 further validated the major reason Nigerians decided to vote for a "change in 2015" believing that APC would fight corruption as promised. The government of "change" has become worst with cases of alleged corruption within the party and among politicians in elected and appointed positions (Moses, 2017). Viewpoints from participants (1, 4, & 8) say that majority of the Nigerian top government officials and politicians are kleptocrats. Kleptocracy will not allow the implementation and compliance of PPA 2007 because the policy would enhance accountability and transparency and where there is accountability and transparency, corruption cannot flourish. A government that came to power with an agenda to fight corruption has turned to one of the highest

ranked corrupt nations (Participant 2). This finding agrees with Olowolagba (2018). The author affirmed that Transparency International 2017 Corruption Perception Index released shows that Nigeria is 148th position out of 180. Also, the Kano State Governor bribe video saga, allegedly receiving stacks of American dollars bribe from construction contractors (Odunsi, 2018A). It is obvious that if the story is investigated and confirmed to be valid, the PPA 2007 would have been set aside during the pre-contract administration of the projects that yielded the “dollars stuffing”. The outcome of the Kano dollars is not known, although the civil society has caterwaul to Mr. President to refer the case to the anti-corruption agencies for further investigations.

Participant 6 says „I guess you are aware of the alleged high-level corruption practices during the APC primaries across the nation that led to their National Chairman as a guest in the Department of State Security (DSS). Is this the party that wants to fight corruption when there is an allegation of high profile corruption in electing party’s representative during their primaries...?” This finding agrees with (Okojie, 2018). The author reported that although the National Chairman of APC denied the arrest and detained by DSS but acknowledged that he was invited to their office on conversation centered on APC primaries. This paper raises the following question: Why the invitation of only APC National Chairman if the primaries were free and fair across the country? A bad foundation cannot stand a structure. No matter how good is a policy, especially if it has to do with transparency and accountability, the possibility of implementation is not certain in a corrupt environment. The ruling party may not be exculpated in this matter of lax implementation of the PPA 2007 because of the perceived increased corruption as reported by Transparency International 2017 Corruption Perception Index (Olowolagba, 2018). Participant 7 says “....corruption in Nigerian procurement system is cancerous and the politicians’ involvement as contractors, clients, and consultants are not helping matters.....for example, a minister, who is the client in principle has consultant firm registered in a different name and same time register a contracting firm in another name.....see the grass-cutting saga.....Is this not a shame to the government that came to power with the hope to the people to fight corruption.”

Viewpoints from participants (6 & 10) say that majority of the constituency building projects that involve the law-makers do not go through the normal due process. Only in Nigeria, you see one person in duo positions, law-maker, and law-breaker; and then you expect others to do the right thing. This again confirms the study findings of leaders as a role model. Nigerians are ready to change if the leaders change. Leadership is presently missing; even the wife of Mr. President openly alleged that two powerful people are frustrating her husband’s efforts to perform better (Nwachukwu, 2018). The paper raises the following question: Is Mr. President not the commander-in-Chief? Are these two people more powerful than Mr. President? Is Mr. President now for the few as against his declaration that he is for

nobody but for the masses? This confirmed the allegation that there is a cabinet within Mr. President's cabinet as alleged by the Senate President in his speech after dumping APC for Peoples Democratic Party (PDP) (Odunsi, 2018B). The author affirmed that the same people have undermined or deliberately violated government principles as alleged by the Nigerian Senate President. How can such a government fight corruption successfully? Participants (3, 4, 5, & 6) affirm that the award of building projects to party patriots with disregard to the PPA 2007 is still in operation, not only in this administration. Sometimes, there is a directive to award a construction project to XYZ and no record of such company with the Corporate Affairs Commission; "...one cannot question the directive because you want to secure your job, if not, either 'fishing allegation' is framed on you or you are directed to proceed on compulsory leave..." (9). This is possible one of the reasons David Cameron described Nigeria as "fantastically corrupt" (Vanguard, 2016).

Table 4 presents the identified effects of unethical practices on procurement performance of public building projects in Nigeria from the respondents' viewpoints. The findings show that inflating contract sum, increased bribery and corruption, fraud, unfair and dishonest conduct, collusion agreement, and negligence and shoddy construction were the most significant impacts of unethical practices on procurement performance. It is obvious that the effects on building projects are not pleasant for a country positioning to become among the best economies in the African continent. The study finding agrees with Ebekozien et al. (2017) findings. The authors found that corrupt practice was the major reason for the lax enforcement of various LCH policies over the years in Nigeria. The act of unethical practice generates a chain reaction that includes hindering economic development, reduce social services, divert investment in infrastructure, and encourage inefficiency in the procurement process. This slightly deviates from Ayangade et al. (2009) findings. The authors finding shown that the effect of unethical practices is influence peddling, sycophancy, and the use of primitive considerations to the abandonment of the public projects, non-value for the public treasury, the high cost of procurement among others. Viewpoints from participants (1, 5, 8, & 10) say that the outcome of unethical practices is cost overrun, time overrun, construction project abandonment, increased unemployment, and the high cost of living. We can see the manifestation of these attributes that emerged from this paper around the Nigerian environment. One of the interviewees confirms that corruption is the biggest challenge in the country (Participant 3). This corroborates President Buhari's claim that corruption will kill Nigeria if Nigeria refuses to kill corruption (Onoyume, 2015). Unfortunate, findings and reviewed literature from this paper shows that President Buhari led government is yet to thwart the spread of corruption as anticipated by the masses. Table 5 presents feasible possible solutions to thwart this "cancerous disease called corruption" in procurement performance of public building projects. It shows that on the

overall mean score, leadership by example with a mean score of 4.52 was ranked first as the most important way to mitigate unethical practices followed by others. The uniqueness of Table 5 is that the respondents irrespective of the background agree and ranked leadership by example as first in their respective segment. Majority of the Nigerian leaders are interested in their self, immediate family and close associates (Participants 2 & 7). On the 12th November 2018, it was reported that Mr. President said the former Kano State Governor looted Kano State treasury in the year 2014 to contest presidency election and showered praises on the incumbent Governor, Umar Ganduje for being responsible enough to complete the construction projects abandoned by his predecessor while addressing the Nigerian community in Paris, France (Toromade, 2018). That same day as reported by Jannah (2018), Mr. President accused the Kano State Governor (Umar Ganduje) of stuffing dollars under his gown. Is this leadership by example? Mr. President reported to have made two different statements, same day and difficult to reconcile on the same person (Umar Ganduje). The allegation of dollars stuffing from Mr. President was in response to a Nigerian student who lauded the governor because the student was under the scholarship of the Kano State Government; urging other governors and the federal government to emulate the Kano State Governor. Nigerians deserve truthful and impeccable leaders', not political leaders that put self-political gains and close associates first.

Findings from Table 2 indicate that the only option available for the successful implementation and compliance of PPA 2007 is to "fight corruption to stand-still by all Nigerians" (Participant 3). The institutions and anti-corruption agencies that ought to checkmate corruption and related matters should leave above board and stopped being used a instrument to witch-hunt supposed political enemies (Participants 3 & 5). This finding agrees with Totomade (2018); where the alleged "dollar-man" being praised as a responsible person. This administration is yet to demonstrate the capacity that corruption is being fought (Participant 2). A viewpoint from participant 4 says that institutional framework for sustainability would flow in once the issue of corruption is tackled head-on. In the opinion of McCarthy (2012), the author opined that the major way to mitigate unethical practices should be stakeholders doing the right thing even when no one is looking, while Alfred and Sealza (2008) identified loyalty, honesty, and responsibility as three ethical directives. These three ethical directives are missing in the majority of Nigerian leaders. This calls for concern. While participants (2, 3, & 5) suggest that corruption should be fought to the grave as the only way out with sincerity. The sincerity in context here should go beyond party-line, nepotism, tribalism, ethnicity, mediocrity among others. It involves sacrifices for the next generation of Nigeria as a nation as against next generation of immediate families and associates. Figure 2 presents the thematic network analysis of the qualitative findings of this paper and the relationship between the themes. Figure 2 shows three themes in line with the study's objectives.

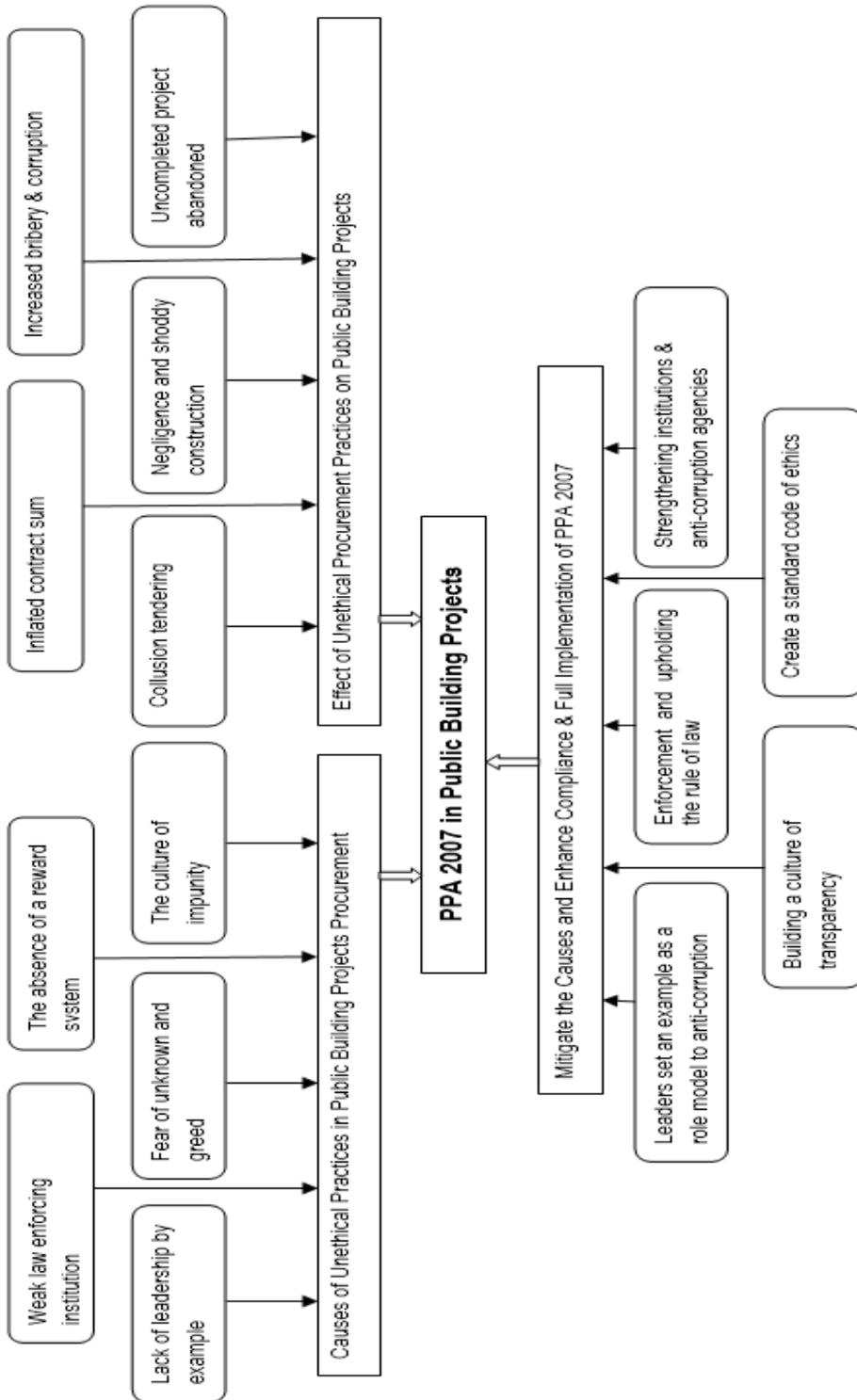


FIGURE 2 - THEMATIC NETWORK ANALYSIS OF THE STUDY'S QUALITATIVE FINDINGS PHASE OF THE PPA 2007 IN PUBLIC BUILDING PROJECTS

## 5. CONCLUSION AND RECOMMENDATIONS

This paper has examined the effect of unethical practices on procurement performance of public building projects and proffer possible solutions to mitigate unethical practice during traditional (conventional) procurement of public building projects. The output would be improved construction projects performance in terms of cost, value, and time. Findings from the present study show that inflated contract sum, corruption, fraud, collusion tendering, and shoddy construction have the highest impact on public building projects because of unethical practices during project procurement. Findings from the oral interviews show that few projects that went through due process proceedings have a positive impact on contract procurement and public projects delivery. But decay high level of non-compliance to PPA 2007 for public building projects for the past few years. This paper concludes that the client role would significantly determine if the unethical practices in procurement performance of public building projects could occur or not. Contractors and consultants have little influence if the client is upright because, from the onset, the client would have selected an upright contractor and consultant team based on the pedigree of the respective firms; not based on a recommendation from party affiliate or “party god-fathers.”

This study would serve as feedback to the building industry stakeholders in Nigeria and other developing countries and creates a platform for further research. Also, the paper contains practical information for mitigating unethical practices in procurement performance in public building projects and serves as a wake-up call for the Nigerian Government to do the needful in regard to enforcement and full implementation of the PPA 2007 Act in public building projects via mitigating corruption. Nigerian leaders should demonstrate the lodestar attributes in words and actions to every citizen irrespective of the party affiliation on issues of corruptions. The government needs to strengthen anti-corruption agencies to tackle corruption head-on, enforcement and upholding the rule of law among others. This is because best policy practice is a “non-implementable” policy in a corrupt environment. Also, government should set machinery in motion to establish institutional framework, to enhance sustainability. Probity, accountability, transparency, and competition in public building contract awards with resultant effects on high quality of executed building projects, delivery-on-budget; minimum cost and time overrun are some of the practical contributions to the industry if PPA 2007 is successfully implemented.

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## REFERENCES

- Abdullahi, N. Z. (2017). Mediation model for the determinants of non-compliance with public procurement guidelines and cost performance of construction projects. PhD thesis submitted to the Universiti Sains Malaysia, Malaysia.
- Ademola, E. O., & Ajibola, M. G. (2014). An assessment of non-compliance with procurement proceedings in procurement of works in Nigeria. *International Journal of Economics and Business Management*, 2(3), 25-34.
- Akintoye, A., & Fitzgerald, E. (2000). A survey of current cost estimating practices in the UK. *Journal of Construction Management and Economics*, 18(2), 161-172. doi: 10.1080/014461900370799
- Alex, M. (2004). A study on ethical construction management. *International Journal of Business Policy & Governance*, 1(1), 1-7.
- Alfred, M., & Scalza, P. E. (2008). Ethics in the construction industry: Technology students ethics in this 21<sup>st</sup> century global market. Proceedings of the 2008 Mid-Atlantic Conference of the American Society for Engineering Education. Held in Oklahoma, USA, September 17-19.
- Ameh, O. J., & Ogundare, O. (2013). Impact of due process policy on construction projects delivery in Nigeria. *Journal of Building Performance*, 4(1), 13-23.
- Ashworth, A., Hogg, K., & Higgs, C. (2013). *Willis's practice and procedure for the quantity surveyor* (13<sup>th</sup> ed.). West Sussex, United Kingdom: Wiley-Blackwell.
- Ashworth, A., & Perera, S. (2018). *Contractual procedures in the construction industry* (7<sup>th</sup> ed.). New York, United States of America: Routledge.
- Ayangade, J. A. 1., Wahab, A. B. 1., & Alake, O. 1. (2009). An investigation of the performance of due process mechanism in the execution of construction projects in Nigeria. *Civil Engineering Dimension*, 11(1), 1-7.
- Ayoola, C. I. M. (2008). Corruption and its effects on the development of construction industry in Nigeria. Unpublished Ph.D. thesis submitted to the Faculty of Engineering, The Built Environment and Information Technology, Nelson Mandela Metropolitan University, South Africa.
- Baiyewu, L. (2018). Construction of vice president's gatehouse costs N250 million- Melaye. Punch. Retrieved from [www.punchng.com/breaking-construction-vice-presidents-gatehouse-costs](http://www.punchng.com/breaking-construction-vice-presidents-gatehouse-costs)
- Bell, J., & Waters, S. (2014). *Doing your research project: A guide for first-time researchers in education, health and social science* (2nd ed.). London, United Kingdom: Open University Press.
- Bennett, J., & Flanagan, R. (1983). For the good of the client. *Building*, 1, 268-270.
- Bill, J. A., & Robert L. H. (1981). *Comparative politics: The quest for theory*. Washington, DC: Bell & Howell, University Press of America.
- Bureau of Public Service Reform. (2017, February 10). Housing shortage in Nigeria surges. *Construction Review*. Retrieved from <https://constructionreviewonline.com>
- Cohen, J. W. (1988). *Statistical power analysis for the behavioural sciences* (2<sup>nd</sup> ed.). Hillsdale, NJ: Lawrence Erlbaum Associates.
- Construction Industry Development Board. (2009). Annual Report. Retrieved from <http://www.cidb.gov.my/V6/filed/ARCIDB09-M.pdf>.

- Creswell, J. W. (2014). *Research design: qualitative, quantitative, and mixed methods approach* (4<sup>th</sup> ed.). London: Sage.
- Ebekozien A. (2014). *Professional practice for Quantity Surveyors*. Auchi, Nigeria: A & B Computer.
- Ebekozien, A., Abdul-Aziz, A.R., & Jaafar, M. (2017). Comparative analysis of low-cost housing policies in Malaysia and Nigeria. *International Transaction Journal of Engineering, Management, & Applied Sciences & Technologies*, 8(3), 139-152.
- Ebekozien, A., Abdul-Aziz, A-R, B., & Jaafar, M. (2018). Low-cost housing leakages in Malaysia: The unexplored dimension. *Pacific Rim Property Research Journal*, 24(3), 249-264. doi.10.1080/14445921.2018.1552471.
- Ebekozien, A., Ugochukwu, S. C., & Okoye, P. U. (2015). An analysis of the trends of foreign direct investment in the Nigerian construction sector. *American International Journal of Contemporary Research*, 5(1), 53-69.
- Ezekwezilli, O. (2005). *Understanding due process*. Abuja, Nigeria: Villascope.
- Hamimah, A., Norfashiha, H., Norazian, M. Y., & Norizan, A. (2011). Ethical issues in the construction industry; contractor's perspective. *Proceedings of the Asia Pacific International Conference on Environment-Behaviour Studies*. Held in North Cyprus, 7- 9 December.
- Hamzah, A., Chen, W., & Xiang, W. Y. (2010). How professional ethics impact construction quality: Perception and evidence in a fast developing economy. *Academic Journals of Scientific Research and Essay*, 5(23), 3742-3749.
- Jaafar, M., & Nurudeen, R. A. (2012). The development of public and private construction procurement systems in the Malaysian construction industry. *Journal of Design and Built Environment*, 11, 1-11.
- Jannah, C. (2018, November 13). Bribery: Buhari breaks silence on Ganduje videos. *Daily Post*. Retrieved from <http://dailypost.ng/2018/11/13/bribery-buhari-breaks-silence-ganduje-videos/>
- Jibrin, M. S., Ejura, S. B., & Augustine, N. I. (2014). The public procurement reforms in Nigeria: Implementation and compliance challenges. *Journal of Asian Business Strategy*, 4(11), 149-162.
- Masterman, J. W. E. (1994). *A study of the basis upon which clients of the construction industry choose their building procurement systems*. Unpublished Ph.D. Thesis, UMIST.
- Masterman, J. W. E. (2002). *An introduction to building procurement systems* (2<sup>nd</sup> ed.). New York, United States of America: Taylor & Francis.
- Masterman, J. W. E., & Gameson, N. R. (1994). Client characteristics and needs in relation to their selection of building procurement systems. *CIB W92 Proceedings: East meets West Procurement Systems Symposium*. Held in Hong Kong, 4-7 December. Retrieved from [www.irbnet.de/daten/iconda/CIB12576.pdf](http://www.irbnet.de/daten/iconda/CIB12576.pdf)
- McCarthy, F. S. (2012). Developing an Australian code of construction ethics. *Australasian Journal of Construction Economics and Building*, 12(2), 87-100.
- Moses, R. (2017, November 2). Cost and consequences of grass cutting. *Vanguard*. Retrieved from <https://www.vanguardngr.com/2017/11/cost-consequences-grass-cutting/>
- National Economic Development Office (N.E.D.O.) (1975), *The public client and the construction industries*. Her Majesty's Stationery Office (H.M.S.O.).
- Nunnally, J. C. (1978). *Psychometric theory* (2<sup>nd</sup> ed.). New York: McGraw-Hill.

- Obicci, P. A. (2015). Conflict of interest on public procurement management in Uganda. *International Research Journal of Business and Management*, 8(1), 50-61.
- Odunsi, W. (2018A, October 14). Video of Kano governor, Ganduje allegedly receiving stacks of dollars bribe emerges. *Daily Post*. Retrieved from <http://dailypost.ng/2018/10/14/video-kano-gov-ganduje-allegedly-receiving-stacks-dollar-bribe-emerges/>
- Odunsi, W. (2018B, July 31). Saraki's speech after dumping APC for PDP. *Daily Post*. Retrieved from <http://dailypost.ng/2018/07/31/sarakis-speech-dumping-apc-pdp-full-text/>
- Ofori, G. (2007). Procurement reform: A research agenda for construction in developing countries. CIB World Building Congress. Held in South Africa, 14-17 May. Retrieved from <https://www.google.com/search?q=Ofori%2C+G.+%282007%29.+Procurement+reform%3A+A+research+agenda+for+construction+in+developing+countries.+CIB+World+Building+Congress.+Held+in+South+Africa%2C&ie=utf-8&oe=utf-8&client=firefox-b-ab>
- Oladinrin, T. O., Olatunji, O. S., & Hamza, T. B. (2013). Effect of selected procurement systems on building project performance in Nigeria. *International Journal of Sustainable Construction Engineering & Technology*, 4(1), 48-62.
- Olowolagba, F. (2018). Again Nigeria ranks higher in 2017 global corruption index. *Daily Post*. Retrieved from [dailypost.ng/2018/02/22/Nigeria-ranks-higher-2017-global-corruption-index/](http://dailypost.ng/2018/02/22/Nigeria-ranks-higher-2017-global-corruption-index/)
- Onoyume, J. (2015). If we don't kill corruption it will kill us, says Buhari. *Vanguard*. Retrieved from <https://www.vanguardngr.com/2015/03/if-we-dont-kill-corruption>
- Okojie, G. (2018, November 11). I was not arrested, detained by DSS – Oshiomhole. *Leadership*. Retrieved from <https://leadership.ng/2018/11/11/i-was-not-arrested-detained-by-dss-oshiomhole/>
- Osiogbele, K. (2010). The basic of integrity in procurement in Nigerian construction industry. *International Journal of Project Management*, 22(3), 765 - 789.
- Public Procurement Act. (2007). *Public Procurement Act*. Abuja, Nigeria: Federal Government of Nigeria.
- Scott, R. W. (2005). Institutional theory: Contributing to a theoretical research programme. In K. G. Smith, & M. A. Hill (Eds.), *The process of theory development* (1st ed., pp. 1–48). Oxford, UK: Oxford University.
- Sekaran, U., & Bougie, R. (2016). *Research method for business: A skill building approach* (7<sup>th</sup> edition). West Sussex, UK: John Wiley & Sons.
- Shehu, A. S. (2014). An overview of public procurement guidelines in Nigeria. *Proceedings of the Nigerian Institute of Quantity Surveyors*. Held in Gombe International Hotel, Nigeria, 11-12<sup>th</sup> June.
- Tashakkori, A., & Teddlie, C. (1998). *Mixed methodology: Combining qualitative and quantitative approaches*. Thousand Oaks, CA., USA: Sage.
- Toromade, S. (2018, November 14). Buhari accuses Kwankwaso of stealing from Kano's treasury, praises Ganduje. *Pulse.ng*. Retrieved from <https://www.pulse.ng/news/politics/buhari-accuses-kwankwaso-of-stealing-from-kano-hails-ganduje-id9104786.html>
- Transparency International. (2013). *Corruption report 2014 special focus: Political corruption*. Berlin, Germany: Pluto.

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MIXED METHODS APPROACH

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- Vanguard. (2016, May 10). Nigeria is 'fantastically corrupt' – UK's prime minister, David Cameron. Vanguard. Retrieved from <https://www.vanguardngr.com/2016/05/nigeria-is-fantastically-corrupt-uks-prime-minister-david-cameron/>
- Vanguard. (2018, February 21). Corruption getting worse in Nigeria – Transparency International. Vanguard. Retrieved from <https://www.vanguardngr.com/2018/02/corruption-getting-worse-nigeria-transparency-international/>
- Vee, C., & Skitmore, R. M. (2003). Professional ethics in the construction industry. *Engineering Construction and Architectural Management*, 10(2), 117 – 127.
- World Bank. (2013). *Defining priorities for regional integration through infrastructural development*. Abuja, Nigeria: World Bank.