

CHALLENGES OF NON-COMPLIANCE WITH PUBLIC PROCUREMENT PROCESS ON EFFECTIVE PROJECT DELIVERY IN KANO STATE

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Abstract

Despite their critical role in delivering essential goods, works and services, public procurement processes face significant global challenges, hindering their effectiveness and leading to suboptimal outcomes. This study aimed to evaluate the challenges of non-compliance with public procurement process on effective project delivery in Kano State. The study employed a descriptive and experimental survey research design. Purposive random sampling was used in the investigation and questionnaire also used as the major instrument for collecting data from the respondents in the study area. Data was collected from building professionals of MDAs in Kano state, Nigeria. Statistical Package for Social Science (SPSS, version 22) was used for statistical analysis of the data generated from the questionnaire survey. The study reveals that weak enforcement, political interference and favoritism, partial compliance in local governments and favoritism and gratification have mean values of 3.554, 3.536, 3.513 and 3.509 ranked at 1st to 4th respectively and indicating highest challenges of non-compliance with public procurement process in Kano state. The result also reveals that mismanagement, embezzlement, misallocation of resources and capacity and knowledge deficits have mean values of 2.531, 2.522, 2.512 and 2.510 ranked 9th to 12th respectively and indicating moderate challenges of non-compliance with public procurement process in Kano state. The study recommended that government should significantly improve public procurement compliance and project delivery; the focus must shift from technical fixes to strengthening enforcement, mitigating political influence, and eradicating corrupt practices through systemic governance reform.

Key words: *Challenges, Non-Compliance, Public Procurement, Process, Delivery*

Introduction

Procurement is an essential management function of any government or private entity as well as other establishments/organizations of the third or non-profit sectors (Hoekman&Taş, 2022). Procurement refers to the function of effective planning and execution of the operations related to the contractual acquisition of external inputs needed to sustain the service delivery mandates or production operations of the concerned organization. In the public sector where goods and services are funded by public expenditure, it is imperative that procurement operates ethically with impartiality, transparency, and professionalism. Public procurement operation is basically involved with the development and implementation of procurement legal framework and procedural regulation, the procurement process, system and methods as well as reforming the organizational structure and stakeholders responsibilities (Public Procurement Act, 2007; Ugah and Ndimako, 2024). Compliance with public procurement process should ensure transparency, non-discrimination, accountability, ethical standard, and integrity toward ensuring that procurement officials meet high professional standards of knowledge, skills and integrity (Ifejika, 2024). In the public sector where goods and services are funded by public expenditure, it is imperative that procurement operates ethically, with impartiality, transparency, and professionalism (Familoye *et al.*, 2015). Therefore, Okoye, Dorothy and Ojimba (2024) display that these challenges have significant consequences for Nigeria in form of waste of public resources, poor quality of public

goods and services, economic stagnation, and erosion of public trust. Addressing these issues requires strengthening the legal and regulatory framework, improving compliance mechanisms, research and capacity building, promoting transparency, combating corruption, and fostering political will to reform the procurement process (Okoye, Dorothy &Ojimba, 2024; Agu, Nkwo&Eneiga, 2024). Results from these studies show that while there are studies on public procurement challenges in Nigeria, specific research focusing on Kano State considering the specific challenges and context of the region is limited. Therefore, this study aims to evaluate the challenges of non-compliance with public procurement process in Kano State with a view to reforming the procurement process for an effective construction project delivery.

Literature Review

Concept of public procurement management

Public procurement refers to the process through which government entities acquire goods, services, and works from private sector suppliers to meet public needs. This process spans from determining the need for a product or service to assessing and selecting the most viable supplier. Public procurement is essential for the effective delivery of public services and infrastructure projects and is governed by principles such as transparency, fairness, and accountability (Bosio *et al.*, 2022). This process is typically regulated by laws, policies, and regulations designed to ensure public funds are spent efficiently and the procurement process is free from corruption and favoritism.

The goal of public procurement is to enhance value for money, ensuring the best outcomes for the government and taxpayers while maintaining integrity. Sonnichsen & Clement (2020) emphasizes that the process is critical, involving stages such as needs identification, preparation of procurement documents, advertisement for tender, evaluation of bids, and award of contract. These stages ensure that procurement is systematic, transparent, and competitive thereby reducing risks associated with inefficiency or misconduct. Public procurement should also be conducted ethically to ensure fairness and provide equal opportunities for all qualified vendors (Cheng *et al.*, 2018).

Public procurement addresses governance and accountability within the public sector. Nani & Ali (2020) highlights that a government's ability to acquire goods, works, and services efficiently directly impacts the success of policies and the achievement of development goals. When procurement processes are flawed, delays, cost overruns, and poor-quality deliveries may damage trust in government institutions (Wang *et al.*, 2018). In response to these challenges, governments are increasingly adopting modern mechanisms like e-procurement to improve efficiency, transparency, and accountability (SAF &Hachimi, 2021). Integrating technology in public procurement streamlines the process, reduces human error, and mitigates corruption risks (Bao *et al.*, 2019).

Government public procurement policies have five key concerns or objectives. First, acquisition of items should be economic and efficient. Second, use of public funds should acquire only items needed for national development. Third, purchases should secure best value by giving all qualified bidders equal opportunity to compete for contracts. Fourth, the procurement process should encourage the development of local contractors and manufacturers. Finally, public procurement should ensure the transparency and accountability of the public procurement process.

Overview of Kano state public procurement law

A bill for a Law was enacted on the 30th June, 2021 to provide for public procurement procedures in the state and establish public procurement bureau which shall be responsible for enforcing compliance with the procedures as well as supervising and regulating procurement of goods, works, and services by MDAs and local government councils in the state. Section 2 (a) of

the Law has provided that the Law shall apply to all procurement of goods, works, and services undertaken by state, local government councils and procuring entities such as MDAs. Section 4 of the Law provides the following objectives as: maximizing economy and efficiency in public procurement; promoting economic development through public procurement; obtaining value for money in public procurement; promoting integrity and engender public confidence in the public procurement process; fostering transparency in the public procurement process; encouraging participation in public procurement; providing for the fair and equitable treatment of all persons participating in public procurement proceedings; and encouraging the state economic growth by enabling the participation of small and medium sized enterprises in public procurement.

Kano state government recognizes that sound public procurement policies and practices are one of the essential elements of good governance. Public procurement implementation in Kano state is basically involved with the development and implementation of procurement legal framework and procedural regulation, the procurement process, system and methods, as well as reforming the organizational structure and stakeholders responsibilities. In an attempt to comply with the federal government directives on public procurement reforms initiatives, in June 2021 the state government followed the footsteps of other sub-nationals and passed a legislation known as Kano State Public Procurement Law to ensure economy, efficiency, fairness, reliability, transparency, accountability and ethical standards in the procurement process of the public sector.

The procurement policy has provided for the establishment of the Public Procurement Bureau to monitor and regulate the procurement operations in the state. In an effort to implement the provisions of the sound public procurement policy, the administration of His Excellency Governor Abba Kabir Yusuf has promoted the Bureau of Public Procurement to a full pledge Ministry referred to as Ministry of Public Procurement and Project Monitoring. According to the Kano state public procurement Law (2021), the ministry is mandated to oversee the general procurement operations in the state and among other things:

Formulating procurement policy and subsidiary instrument; Coordinating all public procurement of goods, works, and services; Evaluating all conceptual proposals on projects, program and services; Issuing no objections certificate to MDAs and LGAs; Offering technical support for procurement processes best practice; Preparing and updating standard bidding and contract documents; Performing procurement audits; Acting as arbitrators between MDAs/LGAs and contractors/consultants; Certifying contract procedures of every entity such as MDAs and LGAs. For the smooth implementation of the sound procurement policy, the above are the key functions of the ministry in an effort to achieve its core mandates (Kano state procurement Law, 2021)

Challenges in public procurement process in Kano State

Public procurement plays a crucial role in ensuring the delivery of public services, yet it faces several challenges that hinder its efficiency. These challenges are more prevalent in developing countries due to systemic issues, limited resources, and inadequate legal frameworks. According to Wesseling & Edquist (2018), corruption remains one of the most significant obstacles to effective procurement as it distorts competition and increases costs. Corruption practices often lead to bid rigging, bribery, and favoritism, undermining the public trust in procurement systems. Similarly, Basheka (2021) highlights that lack of transparency and accountability in procurement processes exacerbates inefficiencies and fosters environments where such corrupt activities can thrive.

Zaidiet *al.* (2021) argue that the absence of well-defined legal and policy frameworks further complicates procurement processes as many procurement systems are either outdated or not robust enough to support the demands of modern public procurement. Without strong enforcement mechanisms, public procurement is vulnerable to manipulation and inefficiency. To address these issues, Uyarra et al. (2020) suggest adopting innovative procurement approaches that ensure accountability and encourage competition thus enhancing procurement outcomes. Poor training of

procurement officers is another major challenge as many lack the expertise needed to assess complex bids and apply modern procurement technologies. According to Obwegeser& Müller (2018), the lack of technical skills among procurement staff is a barrier to streamlining procurement procedures, which often results in delays and increased costs. Integrating e-government and digital solutions can help streamline administrative processes, reduce human errors, and enhance transparency as discussed by Adjei-Bamfo et al. (2019). These technologies can make procurement processes more efficient and reduce opportunities for corruption. Financial constraints also impact the effectiveness of public procurement. Wendt-Rasch *et al.* (2021) noted that inconsistent and insufficient funding disrupts procurement cycles leading to project delays and cancellations. Timely release of funds and effective budget management are essential to ensuring that procurement activities are carried out smoothly without interruptions.

Methodology

This study employed a descriptive and experimental survey research design where a structured questionnaire was used to collect data from respondents. The respondents for the study comprised stakeholders involved in infrastructure procurement processes such as procurement officers, procurement planning committee, tender board members, technical bid evaluation committee and heads of institutions of various Ministries, Department and Agencies (MDAs) in Kano state. Staff of the ministry of public procurement and projects monitoring will also form part of the research population. All these respondents are in form of construction professionals such as Architects, Builders, Quantity Surveyors and Civil Engineers. Purposive random sampling was used in the investigation and questionnaire was used as the major instrument for collecting data from the respondents in the study area. Statistical Package for Social Science (SPSS, version 22) was used for the analysis of the data generated from the questionnaire survey.

Result and Discussion

Questionnaire Administration

The questionnaire administered, collected and used for analysis are as presented on table 1 below. A total of 200 questionnaires were administered out of which 131 were retrieved and 130 were used for analysis.

Table 1: Questionnaire Administration

Questionnaire	Number	Response rate
Administered	135	100
Returned	131	97%
Used	130	96%

Demographic Results of the Respondents

The demographic information of the respondents, the frequency and percentage analysis were carried out and the results presented in Table 2 below.

Table 2: Demographic Data of the Respondents

S/N	Questions	Options	Frequency	Percent
1	Gender	Male	113	86.9
		Female	17	13.1
		Total	130	100
2	Age	18 - 25 years	15	11.5
		26 - 35 years	44	33.8
		36 - 45 years	55	42.0
		46years and above	16	12.7
		Total	130	100

3	Qualification	Diploma	38	29.0
		Bachelor's Degree	75	57.7
		Master's Degree	13	10.0
		PhD	4	3.3
		Total	130	100
4	Experience	Less than 2 years	7	4.4
		2 – 5 years	49	38.7
		6 – 10 years	58	44.6
		11 years and above	16	12.3
		Total	130	100
	Profession	Architects	18	13.8
		Builders	43	33.1
		Engineers	32	24.6
		Quantity Surveyors	37	28.5
		Total	130	100

Table 2 showed the respondents' results. Most of the respondents who answered the questionnaire were males with a higher percentage of 86.9% while 13.1% were female respondents in the study area. The results reported that the ages of the respondents in the study area were 42.0% for the 36 - 45 years. The qualification of the respondents' indicated Bachelor Degree holders had the highest percentage of 57.7% followed by diploma with 29.0% and the least respondents were the PhD holders with 3.3%. With regard to respondents' profession, builders constituted the higher percentage of 33.1% followed by quantity survey with 28.6% respectively. Interestingly, this demographic profile implies that the study's findings are predominantly shaped by the experiences and perspectives of highly educated, mid-career male professionals in the study area with the largest age group being 36-45 years This suggests that responses are grounded in significant practical experience. The overwhelming majority of male respondents (86.9%) introduce a gender bias, meaning the results primarily reflect the male viewpoint in this industry. Furthermore, the high representation of builders (33.1%) and quantity surveyors (28.6%) indicates the study is particularly well-informed on issues related to on-site project execution, cost control, and procurement making its conclusions most relevant to these core construction management functions.

Response Assessment Technique

Table 3: Decision Rule Adopted for Descriptive Analysis

Mean score decision interval	Remark
1-1.80	Very low/not effective
1.81-2.60	Low/less effective
2.61-3.40	Moderate
3.41-4.20	High/Effective
4.21-5.0	Very high/ Very effective

Heo, Kim, Park and Back (2022)

Challenges of Non-Compliance with Public Procurement Process in the Study Area

Descriptive statistics based on Mean ranking and Std. Deviation was carried out to identify the challenges of non-compliance with public procurement process in Kano state.

Table 4: Challenges of Non-Compliance with Public Procurement Process

SN	Challenges of Non-Compliance	Mean	Std. Deviation	Ranking	Remarks
1	Weak Enforcement	3.554	0.537	1	High
2	Political interference and favoritism	3.536	0.602	2	High
3	Partial compliance in local governments	3.513	0.572	3	High
4	Favoritism and gratification	3.509	0.694	4	High
5	Inadequate financial management	2.950	1.053	5	Moderate
6	Corruption	2.934	1.051	6	Moderate
7	Lack of skilled personnel	2.747	1.108	7	Moderate
8	Lack of accountability	2.532	0.572	8	Moderate
9	Mismanagement	2.531	0.695	9	Moderate
10	Embezzlement	2.522	1.053	10	Moderate
11	Misallocation of resources	2.512	1.051	11	Moderate
12	Capacity and Knowledge Deficits	2.510	1.108	12	Moderate

Table 4 reveals that weak enforcement, political interference and favoritism, partial compliance in local governments and favoritism and gratification have mean values of 3.554, 3.536, 3.513 and 3.509 ranked at 1st to 4th respectively and indicating highest challenges of non-compliance with public procurement process in Kano state. The results also reveal that mismanagement, embezzlement, misallocation of resources and capacity and knowledge deficits have mean values of 2.531, 2.522, 2.512 and 2.510 ranked 9th to 12th respectively and indicating moderate challenges of non-compliance with public procurement process in Kano state.

The finding that weak enforcement, political interference and favoritism, and favoritism and gratification are the highest-ranked challenges (mean 3.509) for non-compliance in Kano state strongly agrees with established literature on the structural and governance deficiencies in public procurement systems particularly in developing economies. Studies consistently identify political interference as a major obstacle undermining the merit-based criteria and impartiality required by procurement laws (Thai, 2004; OAG, 2013). This political influence often manifests as favoritism and gratification leading to contract awards based on personal connections rather than value for money or technical competence, a phenomenon widely documented across Africa (Transparency International, 2017). Furthermore, the high ranking of weak enforcement and partial compliance in local governments underscores that the problem isn't the *absence* of laws but the failure to *apply* them effectively across all government tiers. Researchers like Enwegbara (2019) highlight that sanctions are often non-existent or inconsistently applied creating a culture of impunity that perpetuates these governance-related challenges.

Conversely, the low ranking of challenges such as mismanagement, embezzlement, misallocation of resources, and capacity and knowledge deficits (mean, 2.531) which are noted as moderate challenges disagrees with much of the literature that views financial misconduct and human resource limitations as primary drivers of procurement failure. While the low ranking of mismanagement and embezzlement might suggest that overt financial crimes are perceived as less frequent than governance failures (favoritism), studies in the Nigerian context frequently cite these financial crimes as the outcome of the higher-ranked issues like weak enforcement and political interference (Musa *et al.*, 2014; Owojaiye, 2015). A more nuanced interpretation is that while mismanagement/embezzlement are serious, the respondents perceive the systemic, ethical, and political issues (favoritism, weak enforcement) as the root causes that enable the financial and resource issues to occur. Similarly, while many studies emphasize the pervasive impact of capacity

and knowledge deficits (Hunja, 2003), its lower ranking here may reflect the high educational level of the respondents suggesting they feel personal competence is less of an issue than the overarching political and enforcement environment.

Conclusion and Recommendations

The study concludes that the primary challenges leading to non-compliance with the public procurement process in Kano State are rooted in institutional weakness and socio-political factors with weak enforcement, political interference and favoritism, partial compliance in local governments, and favoritism and gratification ranking highest. This indicates that systemic failure in governance and ethical conduct are the dominant barriers to adherence. Equally, more operational challenges like mismanagement, embezzlement, misallocation of resources, and capacity and knowledge deficits are perceived as only moderate factors. Therefore, to significantly improve public procurement compliance and, consequently, effective project delivery, the focus must shift from merely addressing technical deficiencies to strengthening enforcement, mitigating political influence, and eradicating corrupt practices. The study recommended that the government should significantly improve public procurement compliance and project delivery; the focus must shift from technical fixes to strengthening enforcement, mitigating political influence, and eradicating corrupt practices through systemic governance reform.

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