

KWAME NKRUMAH UNIVERSITY OF SCIENCE AND TECHNOLOGY

COLLEGE OF ARCHITECTURE AND PLANNING

DEPARTMENT OF BUILDING TECHNOLOGY



**ASSESSING THE CHALLENGES OF IMPLEMENTING THE PROCUREMENT
ACT 663 (2003) OF COLLEGES OF EDUCATION IN GHANA. CASE STUDY
AGOGO PRESBYTERIAN COLLEGE OF EDUCATION IN ASHANTI AKYEM
NORTH**

**MASTERS THESIS SUBMITTED TO THE DEPARTMENT OF BUILDING
TECHNOLOGY IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR
THE AWARD OF A DEGREE OF MASTER OF SCIENCE IN PROCUREMENT
MANAGEMENT**

BY

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**KWAME NKRUMAH UNIVERSITY OF SCIENCE AND TECHNOLOGY,
KUMASI, GHANA**

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BY

ATTAH STEPHEN (M.S.C PROCUREMENT MANAGEMENT)

**A Thesis Submitted To the Department of Building Technology,
College of Art and built environment**

In partial Fulfilment of the requirement for the degree of

MASTER OF SCIENCE IN PROCUREMENT MANAGEMENT

NOVEMBER, 2015

DECLARATION

I hereby declare that this submission is my own work towards the MSc in procurement management and that, to the best of my knowledge, it contains no material previously published by another person, nor material which has been accept for the award of any other degree of the University, except where due acknowledgment has been made in the text.

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Signature

Date.....

DEDICATION

I dedicate this thesis to all my friends who contributed in diverse ways to enable me pursue this Masters programme.

Finally I dedicated this write up to God almighty who had made it possible for me to complete this programme successfully.



ACKNOWLEDGEMENT

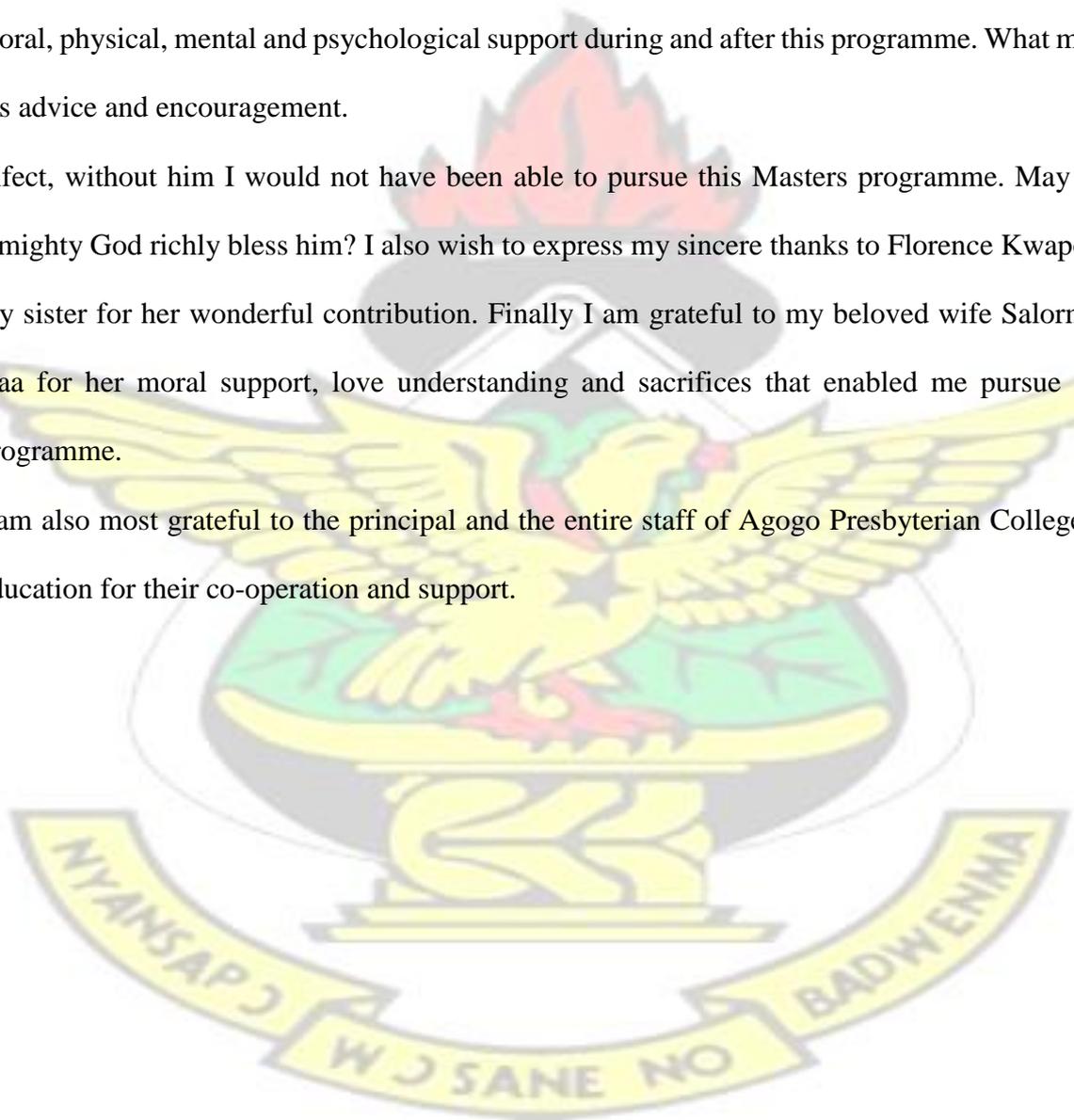
I would first and foremost like to express my sincere gratitude to God almighty for his spiritual guidance, knowledge and care for helping me complete this academic exercise successfully.

I am also grateful to my supervisor in person of mr. Yaw Kush for his wonderful guidance and supervision before during and after the procurement of the thesis.

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ABSTRACT

Public procurement has both economic and social impact in the development of national economic. It is due to this assertion that the procurement Act 663 was enacted in 2000. The subject under this research is assessing the challenges of implementing the procurement Act 663(2003) of challenges of education in Ghana. Case study Agogo Presbyterian College of education in Asante Akyem north.

The aim of the study is to find the challenges that studies in a way of smooth implementation of the public procurement Act 663 of 2003. Specifically the research will seek to ascertain whether the college of education have in implementation of the procurement Act 663. And also to determine the challenges faced by the Agogo Presbyterian College of education in implementing the procurement Act 663.

To identify the challenges that militate against the implementation of Act 663 at Agogo Presbyterian College of education and suggest some measures that will help address the challenges of implementing the public procurement. (Act 663) at Agogo Presbyterian college of education.

The methodology used was purposive sampling the sample frame consist of 150 target population 114 staffs were selected which consist of 12 respondent from the college and 36 representative of suppliers, contractors and consultants. Questionnaires were administered and interviews were conducted to gather primary data. Reference were also made to text book, journals and other publication from PPA.

The study establish the Agogo Presbyterian college of education has faced major challenges in implementing the procurement Act 663 and other related legal requirements.

Procurement structures such as entity tender committee and procurement unit are not properly constituted. Tender evaluation and selection is based on lowest price instead of evaluated price.

Another challenge that has been identified include inefficient contract management and

communication, procurement planning and process, high cost of public procurement. Assessing transparency, accountability and professionalism of procurement staff.

In the light of the discussion, finding and the conclusions, the recommendations were made:

Establishment of procurement structures, to manage the procurement activity. Approval to use “low value” for domestic market food product. Development of E-procurement to enhance and reduce cost of procurement. Review of the procurement Act 663 and internal and external training services for procurement practitioners in ministry of education.



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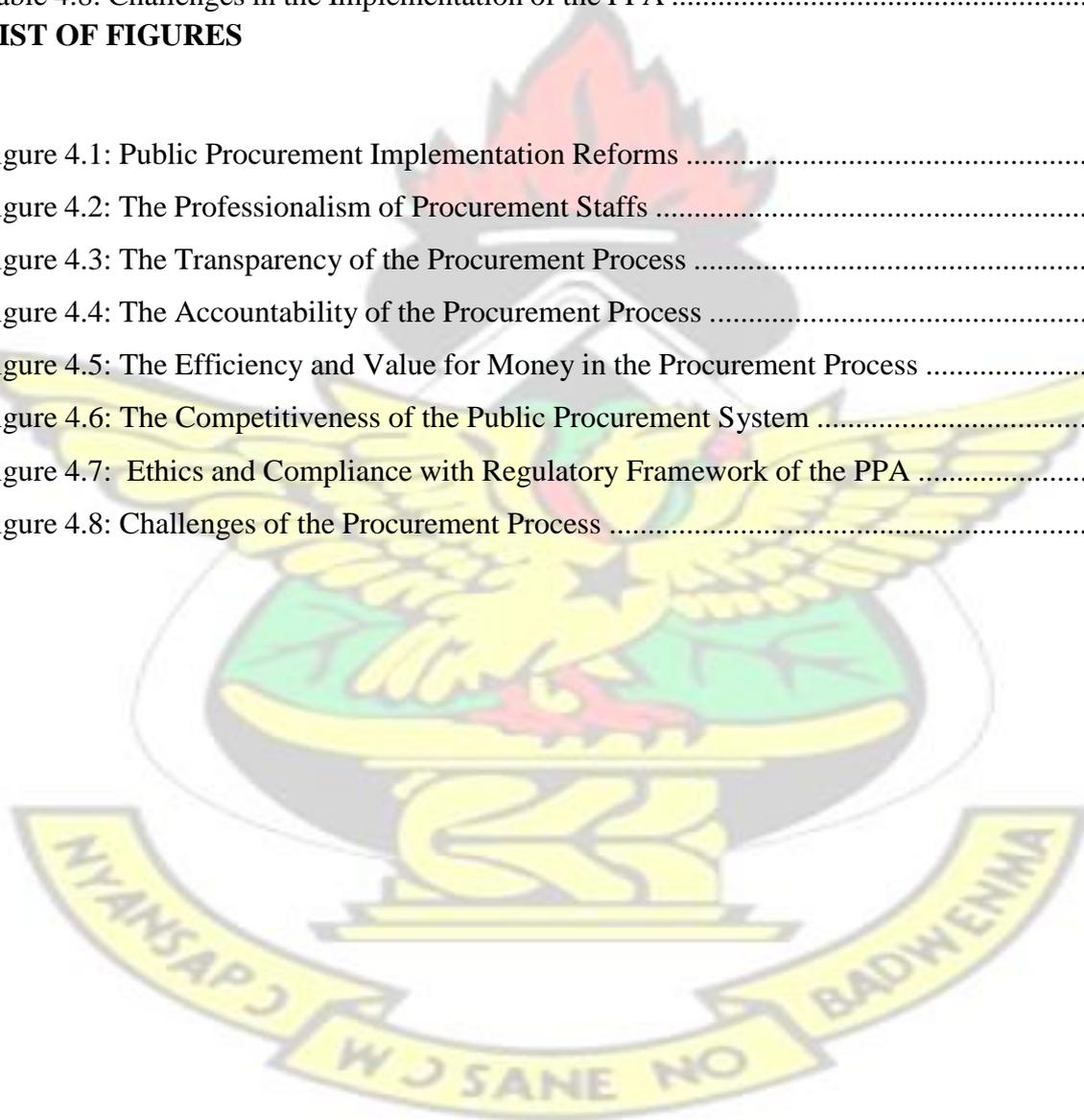
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CHAPTER ONE

INTRODUCTION

1.1 Background of the study

The government of Ghana passed the public procurement Act 663 in 2003 following long standing reforms by several regimes dating as far back as 1960. This is because public procurement accounted for 50-70% of the national budget after personal emolument. According to the Country Procurement Assessment Report (CPAR) report 2003. Based on the budget statement of 2003 estimates total planned public procurement was estimated at 8.6 trillion Cedis or about 14% excluding donor financed procurement (estimated at Cedis 2.66 trillion). Domestic public procurement expenditure of Cedis 6 trillion would amount to 10% of GDP with estimated total tax revenue of ¢11 trillion domestic procurement represent more than 50% of tax revenue. "These simple figures illustrate the utmost importance of good procurement as an element of the public expenditure process" (CPAR, 2003). Public procurement therefore, has both economic and social impact.

Since independence, Ghana has attempted to address weaknesses in its public procurement process by the passage of several financial and legal instruments. In 1960, the Government enacted the Contracts Act, 1960 (Act 25) and Ghana Supply Commission Act which was reviewed later in 1990 by PNDC law 245. In 1976, the Ghana National Procurement Agency Decree, 1976 (SMCD 55) was passed by the Supreme Military Council. In 1979, another law, the Financial Administration Decree (SMCD 221) was also passed. All these laws, decrees and instruments were meant to provide a comprehensive framework of administrative powers to regulate the activities of procurement within the public sector.

However, successive review of the public procurement regimes in Ghana reveal substantial inefficiencies, corruption and lack of transparency in the procurement processes of governmental agencies as a results of unclear legal framework, lack of harmonized procedures and regulations and unclear institutional and organizational arrangement required in the

management of the public procurement process. It lacked capacity development of procurement practitioners and career path for them in the Public and Civil Service. This led to non-achievement of value for money in government and donor financed procurements. It became clear therefore that, there was the need to critically examine the processes and procedures of public sector procurement to ensure operational efficiency and institutional capacity to address procurement issues.

It is in the light of these challenges that the government after a major review of its public expenditure system, in 1993, decided to establish a comprehensive public financial reform programme designed to strengthen its Public Financial Management System. This reform programme known as Public Financial Management Reform Programme (PUFMARP), became operational in 1995. The objective of PUFMARP was to promote efficiency, transparency and accountability in the public financial management system. To achieve this,

PUFMARP recommended the review of Public Procurement system. Consequently, the Ministry of Finance and Economic Planning in 1999 established a steering committee known as Public Procurement Oversight Group (PPOG) to assist in the design of a comprehensive public procurement reform programme. The group completed one of its major objectives by drafting a public procurement bill in September, 2002. Consequently, the Public Procurement Act, 2003 (Act 663) was enacted by the government of Ghana to address the real and perceived weaknesses in the public procurement of goods, works and services.

The Public Procurement Law, 2003(Act 663) is a comprehensive legislation designed to eliminate the shortcomings and organizational weaknesses which were inherent in public procurement in Ghana. Grave implementation bottlenecks still exist in the public procurement.

1.2 Statement of the Problem

The purpose of procurement reform in Ghana was to smoothen the procurement process in public organization so as to ensure efficient use of government resources in public procurement and facilitate the enforcement of fairness, transparency in public procurement in order to promote competition among local suppliers.

However, several allegations relating to irregularities in procurement processes were levelled against Public Entities (PE) and other stakeholders involved directly or indirectly in procurement were among the findings of the reforms. These allegations include inefficiency, delay in procurement due to long procurement processes, high cost of projects, lack of fairness, transparency, and discrimination in the selection and award of government contracts, as well as inflated contract figures. Public Entities are also confronted with procurement issues such as professionalism, limited career development opportunities for procurement staff in the public service, and weak contract management (CPAR, 2003). This study seeks to analyse some of the challenges that confront the implementation of the procurement Act of 2003, using the Agogo College of Education as a case study.

1.3 Research Questions

The following questions were addressed.

1. Do the colleges of education have challenges in the implementing the procurement Act 663?
2. What is the level of professionalism of the procurement staffs at Agogo Presbyterian college of Education?
3. What is the level of transparency and accountability in the procurement system at the Agogo Presbyterian College of Education?
4. What is the level of efficiency and value for money in the procurement system at Agogo Presbyterian College of Education?

5. What is the competitiveness level of the public procurement process and procedure at Agogo Presbyterian College of Education?

1.4 Objectives of the study

This study aim to find the challenges that stands in the way of a smooth implementation of the public procurement Act 663 of2003. Specifically the research will seek to

1. To assess the level of professionalism of the procurement staff at Agogo Presbyterian College of Education.
2. Evaluate the transparency and the accountability in the procurement system at Agogo Presbyterian of Education.
3. Assess the efficiency and value for money in the procurement system at Agogo Presbyterian College of Education.
4. Assess the competitiveness level of the public procurement process (Act 663) Agogo Presbyterian College of Education.
5. Identify the challenges in. the implementation of the public procurement (Act 663) at Agogo Presbyterian college of Education. And suggest some measures that will help address the challenges.

1.5 Relevance of the study

This research seeks to identify the specific challenges that militate against the smooth implementation of the public procurement (Act663). National budgets dedicated to Procurement justify any study on the subject. As indicated earlier, public procurement in Ghana accounts for 50%-70% of the national budgets (after personal emoluments), 14% of GDP and 24% of imports. Public procurement therefore has significant socio-economic impact on the country (World Bank, 2003a). This study could serve as mean of promoting discussion and reflection

of steps needed to promote procurement practices at Agogo Presbyterian College of Education and other comparable institutions. The research can also be used as a reference point and a basis for future research works. Finally the study could be relevant contribution to existing literature on the subject of Public Procurement.

1.6 An Overview of Research Methodology

The population for the study is the Agogo Presbyterian college of Education 12 respondents were chose" The people constitute practitioners in the buying sector and units/departments who frequently make requisitions for purchase and supply from store. The study consists of both primary and secondary data. This will be obtained using interview and observations and other review of relevant and related literatures. Data analysis will be done by descriptive statistics such as Histogram tables etc. A detail explanation of the methodology employed in this research is related in chapter three of this work.

1.7 Limitations of the study

This study has some noted limitations. The primary ones are listed here below:

- i. The research covers the Agogo Presbyterian College of Education only the outcome and conclusions drawn from analyzing the data collected may not be generalized to other institutions wholly. However, the analysis and findings could serve as a basis for further studies on other similar Colleges and Public institution. The methodology adopted in this study may also be replicated in other sister schools. This does not detract from the fact that the selection of Agogo Presbyterian College of Education may not be a fair reflection or representation of public entities across Ghana.

- ii. Case Study methods are reputed to provide rich data on unknown phenomena. However they portray some problems when generalizing conclusions based on them. This is true for this study as well.
- iii. The study used some close-ended questionnaire for data collection and this has a weakness of limiting the amount of data collected. There is a likely hood that relevant data may not have been captured because of use of close-ended questionnaire.
- iv. Limited time period and resources such as funds are limiting factors to the research since the researcher is a full time worker. In spite of these constraints, the results of this research can be regarded as a basis for more detailed and analytical work on the topic in future.

1.8 Organization of the study

This study is organized into five chapters. Chapter one of the thesis discusses the overview of the study, problem definition, research question, research objectives, significance of the study. Chapter two presents the relevant literature review on public procurement reforms in Ghana and the theoretical framework. Chapter three addresses the identification of the most suitable research methodology for this research. Chapter four presents data analysis, findings and discussions. Finally, chapter five presents summary of findings, conclusion, and recommendations.

CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction

This chapter reviews works done on Public procurement theoretically. The review focuses on the overview of Public reforms in Ghana and a number of relevant literatures on the impact of public procurement reform in Ghana are presented in order to establish and provide answers to the research question.

2.1 An Overview of Public Procurement

Loosely defined, Public procurement has a deep root in history. The act of procuring goods for public use dates between 2400 and 2800 B.C. (Thai, 2001). According to Coe, (1989), the first procurement order involved the purchase of fifty (50) containers of oil. Other historical evidence of procurement activities was the development of the silk trade that involved China and Greek in 800 B.C. (Thai, 2001). The significance of public procurement cannot be overstated owing to the sheer volume of financial resources that is often committed to the procurement process.

The World Bank (2003) estimated the annual value of public procurement for goods, works, and consultancy services at 600 million US dollars representing about 10% of the country's GDP. This puts public procurement at the heart of government function in most countries across the world, (Thai, 2001). Consequently, the smooth implementation of laws purported to streamline procurement processes in any country would merit some a research effort. This study seeks to look at the challenges that affect the smooth implementation of the Public Procurement Act 663, a legal provision aimed at harmonizing and addressing inadequacies embedded in previous procurement requirements.

Further owing to the essential role of public procurement in economic and social development, the World Bank specifies four thematic areas of public procurement for its funded projects. That is, ensuring that there is fair competition among bidders, promoting transparency in awarding and execution of its contracts and finally, encouraging the development of indigenous contractors and suppliers (Thai, 2001; Tucker, 1998).

On one of the key areas (the question of ensuring transparency), Schapper, Veiga Malta and

Gilbert (2006) posited that technology can be used to enhance transparency. Other studies (Shadrach and Ekeanyanwu 2003) also agreed on the assertion by Schapper et al. (2006). They indicated that electronic commerce (e-commerce) can be used to enhance transparency in the procurement process through effective audit and monitoring of especially low value transactions. This is because, for high value and very complex procurement procedures, key features of transparency involves publicly available information on procurement policies; information dissemination on bidding programmes; standardized documentation, and bid lodgement; progressive evaluation of tender documents and declaration of tender results.

2.2 Defining Public Procurement

According to Lyson, (1996), public procurement is the function of purchasing, leasing or the use of other legal means to obtain equipment, materials, supplies and services required for public use. The task of purchasing encompasses obtaining goods and services at the quality required, right quantity from the right place and delivered at the right time and place that helps towards the achievement organizational goals.

The Public Procurement Act, 2003 (Act 663), explains Public Procurement as the process of acquiring goods, works and services at the right cost, quantity, quality, time and right place for the beneficial use of governments, corporations, or individuals through legally binding agreements (PP A Module, 2007). The Project Management Body of Knowledge, (PMBOK) in its procurement knowledge area sees procurement as the process of acquiring goods and services (PMI PMBOK 2004).

2.3 Public Procurement Systems before the Procurement Reforms

Before the Public Procurement Act, 2003 (Act 663), was enacted the Ghana National Procurement Agency (GNP A) and Ghana Supply Company Limited (GSCL) were the main

agents that procured all public goods for the government since there was no comprehensive procurement guidance (Verhage, Gronden, Awanyo, and Boateng, 2002). These outfits do not regulate procurement. They mostly carry out purchasing of goods and services for and on behalf of public bodies.

According to PUFMARP, (1996) procurement system in Ghana as at the time had:

- No detailed public procurement policy
- No body with the required expertise to superintend on thorough public procurement
- No legal body to supervise public procurement
- No comprehensively defined roles, responsibilities and authority for procurement entities.
- No laid down rules to regulate public procurement
- Ghana National Procurement Agency (GNPA) and Supply Company Ltd procure on behalf of government for PEs
- No set up processes for disgruntled tenderers to file complaints
- No authority to dispose of public assets, and
- No independent procurement auditing and monitoring function. (PUFMARP, 1996)

Since there were no comprehensive legal prescriptions and a central body with the responsibility to harmonize procurement process in the country, some sector ministries decided to follow their own procurement systems. Among such ministries are the Ministry of Health (MOH) and some institutions under the Ministry of Education including Secondary Schools and Teacher Training Colleges (now Colleges of Education).

World Bank projects also used their own set of guidelines known as the World Bank Procurement Guidelines, (World Bank, 1995/1997). The Ministry of Water Resources, Works and Housing were also among government departments that run an independent system of procurement processes in the area of procuring public works. Under their system Contractors

classified by the Ministry of Water Resources, Works and Housing were seen as too general and out dated and their registration criterion such as monetary thresholds were not regularly rationalized as indicated by the World Bank (1996) and Eyiah and Cook, (2003). From about 1999, the Ministry of Finance began working on developing a national Procurement Code using success chalked in procurement at the Ministry of Health as a benchmark to largely regulate procurement.

These systems of uncoordinated and unregulated procurement constitute the premise for reform in public procurement with the aim of building public confidence and meeting some exigencies of donor organizations in the procurement processes in Ghana.

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success chalked in procurement at the Ministry of Health as a benchmark to largely regulate procurement. These served as the springboard for public procurement reforms.

2.4 The Legal and Regulatory Framework of Public Procurement

2.4.1 The Public Procurement Act, 2003 (Act 663)

The Public Procurement Act, 2003 (Act 663) set out the legal, institutional and regulatory framework to promote transparency and public accountability in Ghana's procurement system. The Act outlines five basic principles upon which the public procurement is based (World Bank, 2003). These pillars are: the legal and institutional framework; standardized procurement procedures and tender documents; independent control system; proficient procurement staff; and anti-corruption measures. The objectives of Act 663 are to harmonize public procurement processes in the public sector to ensure judicious, economic and efficient use of public resources and to ensure that public procurement functions undertaken within the public sector are fair, transparent and non-discriminatory. The Act applies to procurement financed wholly or partly from public funds for the procurement of goods, works, services and procurement financed by loans contracted by the government of Ghana, including foreign aid and donor funds.

The Public Procurement Act 663 establishes the Public Procurement Board (PPB) now PPA, Entity Tender Committees (ETCs) and Tender Review Boards (TRBs). It specifies in clear terms the laws for procurement methods and thresholds, procedures, appeals and complaints resolution procedures and disposal of stores. It authorizes the issuance of enforceable regulations, Guidelines, Standard Tender Documents (STDs) and Manuals under the Act.

2.5. Procurement Principles Affecting the Implementation

The Public Procurement Act identifies the following principles affecting the achievement of good procurement objectives. It is the researcher's view that complying with these principles will result in attaining compliance with the Public Procurement reform

2.5.1 Professionalism

Professionalism describes the situation where trained, experienced and responsible procurement officers make informed decisions concerning the conduct of procurement. To address the need for professionalism in procurement, the Public Procurement Authority dedicates immense resources to the training, professional development, and support for procurement department staff. This it is believed will facilitate adherence to professional and ethical standards (Adjei AB, 2006). To further enhance professionalism the Authority developed a Capacity Development Policy Paper which aimed at ensuring that:

- Organisations involved in Procurement have a functional Procurement Unit that is managed by personnel who have the requisite procurement training, competencies, and adhere to agreed code of ethics.
- Personnel in the Procurement Units in the public service will have career paths in procurement and given opportunities to gain professional procurement qualifications.
- Establishment of a Procurement Professionals Association

Over 1, 289 stakeholders (from MDAs and MMDAs) were trained. Training of Practitioners, Service Providers, Media, Civil Society groups and the Oversight Groups (Parliament, Police, Judicial Service, Attorney General's Office, SFO, CHRAJ, Ghana Audit Service, and Internal Auditors) have not been left out (PPA Annual Report, 2008).

2.5.2 Transparency, Competitiveness and Fairness

Transparency refers to applying procurement rules to all suppliers of goods, works and services. These rules must be publicized as the basis of procurement decisions prior to their

use. Transparent procurement procedures can contribute to a more efficient allocation of resources through increased competition, higher quality procurement and budgetary savings for governments and thus for taxpayers (PPB Training Module 3, 2007).

The Act 663 and Regulations endorse the use of competitive tendering which encourages maximum competition in the procurement system. It involves the use of STDs, advertising procurement opportunities, public opening, publication of contract awards, creating windows of addressing appeal and complaints, etc. Public Procurements using other uncompetitive methods are vigorously monitored and evaluated by Public Procurement Authority and Audit Agency to ensure transparency, fairness, and value for money (Act 663, 2003).

Barden, (2006) support the view that, government agencies can achieve transparency by strategizing through effective and efficient advertising; publicly opening bid documents; effective evaluation of bid documents; the publication of award results; fair and speedy protest and dispute resolution handling processes and the disclosure of signed contracts; and the use of independent evaluation methods, that are consistent with the terms of bid documents.

2.5.3 Value for Money in the Procurement Process

This is the optimum combination of whole life cycle cost and quality of a product to meet the customer's requirements. It is reflected in the price of the item or service procured. It has to be noted that Value for Money (VFM) is a critical measure of the effectiveness of the procurement process, its outputs and outcomes. Achieving VFM requires a strategic and integrated approach to procurement (PPA Manual, 2006). This, of course, has significant organizational and institutional implications. VFM may be compromised if the Public Procurement Act and Regulations are not followed. This in procurement function is an important test against which well functioned procurement management must be addressed to justify a procurement outcome as necessary conditions for best value, transparency and accountability in public procurement

(World Bank, 2003). It is associated with deployment of resources for realization of some expected value in an economic, in efficient and effective manner. However, public procurement professionals need defined skills and knowledge to efficiently and effectively run the procurement process while public entities strive to motivate procurement staff in terms of remuneration and better conditions of service.

In the case of government entities in Ghana, it is observed that some procurement officials lack skills and knowledge to manage the procurement cycle. Simple issues like bid evaluation and selection were only based on lowest price and not the lowest evaluated price.

Project time, cost, and communication are poorly handled thereby rendering Value for Money concept ineffective, (EOCD/DAC, 2007).

2.5.4 Efficiency

Efficiency is defined narrowly in terms of value for money - the best quality at the lowest cost. In this view, efficiency is best secured through open competition, so procurement reform is seen as encouraging a more liberalized system. A broader definition of efficiency that considers development gains alongside cost and quality would ensure that procurement plays more of a role for poverty reduction (McDonald, 2008). In Ghana to be efficient and effective in Public Procurement is to carry out procurement activities in a professional and transparent environment with a clear set of predefined rules to foster enhanced competition thus stimulating efficiency and innovation amongst bidders. There is a better utilisation of funding, increased attractiveness to private sector and improved customer satisfaction (PPA, 2008).

According to Cloete (1998), efficiency in the public sector means satisfying the most essential needs of the community to the greatest possible extent using the limited resources that are available for this purpose. Thus, public entities should be represented by competent personnel

capable of putting the Public Procurement Act (Act 663) into practice to attain efficiency and value for money.

2.5.5 Accountability

The process of holding an individual or an organization fully responsible for all aspects of the procurement process over which they exercise authority is termed as accountability. The importance of accountability is to strengthen the perception of transparency and fairness. It reduces the incidence of corruption and enforces the Act 663 and regulatory framework which clearly defined responsibilities (PPB Training Module 3, 2007).

2.5.6 Ethical Approach

Ethics is concerned with moral principles and values which govern our beliefs, actions and decisions. Ethical approach implies exemplary approach to all procurement processes that cannot be questioned or criticized. The following are examples of conducts prohibited by Ghana's Public Procurement Code of Ethics:

- Revealing confidential or "inside information" either directly or indirectly to any tenderer or prospective tenderer or discussing procurement with any tenderer or prospective tenderer outside the official rules and procedures for conducting procurements;
- Favouring or discriminating against any tenderer or prospective tenderer in the drafting of technical specifications or standards or the evaluation of tenders or destroying, damaging, hiding, removing, or improperly changing any official procurement document;
- Accepting or requesting money, travel, meals, entertainment, gifts, favours, discounts or anything of material value from tenderers or prospective tenderers or discussing or accepting future employment with a tenderer or prospective tenderer;

- Requesting any other Public Servant or Government official representing the Procurement Entity in procurement to violate the public procurement rules or procedures.

2.5.7 Technology

E-procurement can increase transparency and procedural efficiency without prejudice to competition (Erridge et al., 1998; Hill, 2005). Hill (2005) argues for this, not only because of its transparency, but also to improve efficiency. The benefits of e-procurement include: an increase in contract compliance, leveraging the procurement spend, increased involvement of staff, and lower processing costs. The lack of a corporate e-procurement system in public sector entities means they will find it difficult to analyze their expenditure on a macroeconomic level (Staatscourant, 2008).

Technological developments have added a new dimension to potential procurement reforms in both developing and industrial economies. E-procurement offers the promise of cutting costs and simplifying administrative procedures. Promising innovative mechanisms that revolve around e-procurement have been implemented in countries such as Brazil (Almeida, 2004). In this Brazilian case it has reportedly led to significant cost savings and an increase in the transparency and accountability of government bodies. Moreover, E-procurement can support better statistical reporting, enhanced transparency (Wiseman 2000). However, implementing these innovations in Ghana entails costs of infrastructure development, and training personnel in the public entities, etc.)

With the growing use of computers in procurement systems, Ghana is able to assemble such data and make available procurement information such as procurement plan templates, standard tender documents, contract awards, dispute and complain resolutions, quarterly procurement bulletin, etc. online.

2.6 Benefits of Public Procurement Practices

From development point of view, public procurement policies are significant. Reducing poverty and attaining health, education, and other objectives among the citizenry requires that the limited public funds available for public procurement of goods, services, and works are properly managed. Generally, the efficient, effective and professional application of public procurement laws can contribute towards sound management of public expenditures (Hunja, 2003).

Efficient public procurement planning leads to the identification of major investment expenditures, that in turn facilitates budgetary and allocation decision-making of procurement practitioners. It is difficult however, to envision how public can deliver significant improvements in the welfare of its citizens without prudent management of public expenditure that emphasis on effective and efficient procurement policies. This recognition therefore accounts partly for the increasing concentration on public procurement laws and practices and the likely consequences of their reforms, (Evenett, et al, 2005).

2.7 Assessing Public Procurement Reforms in Ghana

It is generally assumed that procurement reforms have been beneficial. However, there is little analysis whether these benefits were realized after reform initiatives occurred. Beyond the objective of harmonizing procurement procedure, the public procurement reform programme appears to be much broader reform agenda with the purpose of improving prudence in public financial management. As per the Ministry of Finance (2001), the aim of the public procurement reform is to promote national development by fostering competition in public procurement processes; transparency and accountability in procurement functions; facilitating

the ease of procurement administration; and ensuring that value for money is achieved (Anvuur et al., 2006).

To some extent there are signs of improvements in transparency in the public procurement system in Ghana which contributes to a more efficient allocation of resources through increased competition, higher quality procurement. It also helps in attracting more investment and has enhanced the efficiency of local suppliers and contractors as they compete for public contracts. Other benefits includes improvement in tax payments, expanded private sector, minimized level of bribery and corruption, which are particularly rampant in the procurement field in both developed and developing countries (OECD 2003).

The Public Procurement Act (Act 663) tends to expand reforms covering procurement and project delivery strategies and methods with a focus on best value intended to maximize the potential and likelihood of achieving value for money in public procurement in Ghana. With improved public financial management due to transparency and accountability in the public procurement as a result of procurement reforms, it is envisaged that there will be an annual savings of about US\$150 million in government-financed procurement alone in Ghana (World Bank, 2003; Anvuur et al, 2006).

The introductions of technological developments into the public procurement systems in Ghana have added a new dimension to its procurement reforms. The combination of greater computing power and internet-based communication has given rise to the e-procurement or electronic procurement regimes. However, it is an overt question how, and to what extent, public procuring entities in Ghana can take advantage of the technological developments and reap the benefits from recent innovations (Segal and Taylor 2001).

2.8 Procurement Procedures, Methods and Thresholds

There are various methods of procurement provided under the law for use by public procurement entities. The choice of particular method is based on the amount involved (threshold) and the circumstances surrounding the procurement.

2.8.1 Procurement Methods and thresholds

2.8.1.1 Competitive Tendering, (Section 35 & Part V of Act 663)

The Act and Regulations endorse the use of competitive tendering method for standard high value procurement for goods, works and consultancy services. The two types of competitive tendering methods include (1) International Competitive Tendering (ICT) which is used when effective competition cannot be achieved without the inclusion of foreign firms. (2) National Competitive Tendering (NCT) is used when the procurement entity so decides and subject to contract value thresholds specified in Schedule 3. It is the most preferable methods under the law, as it encourages maximum competition in the procurement system.

The invitation to tender is always advertised and opened publicly.

2.8.1.2 Request for quotations (Sections 42-43 of Act 663)

The process of organizing a fully-fledged tendering or other competitive tendering procedure is normally a time consuming and costly exercise which can be dispensed with when the contract value is small. The main idea is to allow procuring entities to use a simplified procedure in those instances where the contract value is so small that the administrative effort related to a full-fledged tendering procedure appears out of proportion (Acts 663, 2003). The method is based on comparing price quotations obtained from at least three foreign or local suppliers for goods/works and services that are small in value.

2.8.1.3 Two-Stage Tendering (Sections 36-37 of Act 663)

Two-stage tendering is only allowed where detailed specifications cannot be made available before going to tender or the optimal solution is unknown. In the case of services, it is used to obtain proposal or offers on various means to meet its procurement requirements.

2.8.1.4 Restricted Tendering (Sections 38-39 of Act 663)

This is a procurement method with limited competition. A maximum of six and a minimum of three short-listed suppliers are invited to tender. To apply this method, a procurement entity requires specific approval from the Public Procurement Authority (PPA). The Restricted Tendering method is applied mainly where procurement requirement is of specialised nature and there is enough evidence to show that there is limited number of potential suppliers. In 2009 a total of 167 out of 179 entities received approval to use this method of procurement as compared to 2008 approval of 166 out of 173 applications received (PPA Annual report, 2009).

2.8.1.5 Single Source Procurement (Sections 40-41 of Act 663)

This system involves procurement from a supplier without any competition. It is normally used for procurement of sole or single sourced requirements. The law allows this method where: procurement is for justifiably urgent items, requirements can only be supplied by one source, additional requirements for purposes of standardisation, purposes for research, experiment, study or development, procurement that concerns national security. In 2009, 323 out of 360 single source applications received were either approved or conditionally approved as against 318 out of 342 in 2008 by PPA (PPA Annual report, 2008/2009).

This method has often been abused by entities and political leaders over the years. According to the Finance Minister, public procurement appears to be one of government's activities most vulnerable to waste, fraud and corruption due to its complexity, the size of the financial flows it generates and the close interaction it brings between the public and private sectors. On that

note, the PPA Board was urged to examine very carefully the conditions for approving sole-source procurement applications with the view of making it more of an exception rather than the norm.

2.8.2 Procurement Procedures

2.8.2.1 Planning Procurement

Generally, planning enables organizations to, among other things, determine performance standards, establish overall direction, anticipate and avoid future problems and reduce the risks of uncertainty, identify and commit resources towards the achievement of goals, determine and develop performance standards, and effectively coordinate various activities in the organization (PPB Manual, 2005). The Public Procurement Act 663 provides for the activity of planning under Part 3 section 21.

What the foregoing means is that it is imperative that procurement entities would need to plan their procurement for the coming year by the 30th of November of the preceding year. The plan would be reviewed and approved by their Entity Tender Committees (ETCs), after which the plans are updated every quarter. The list of entities who submitted their procurement plans are published in the Public Procurement Bulletin. In 2010, only 164 entities out of over 1000 entities across the country submitted their annual procurement plan.

As at October, 2011 only 199 entities submitted their plan to Public Procurement Authority (PPA Procurement Bulletin 2010/2011).

2.8.2.2 Tendering Process

The requirement to advertise the intention to buy goods and works is spelt out by Section 47 of Act 663 for procurement using International and National Competitive Tendering. Advertising is required for invitations to tender if there is no pre-qualification. The object of advertising is to provide wide and timely notification of tendering opportunities so as to obtain maximum competition by informing all potential tenderers and to afford equal opportunities

to all qualified and eligible tenderers without discrimination. To foster transparency, tender documents should be provided for all eligible tenderers by the procuring entity. Tenders must be opened immediately after the close of tenders.

According to Section 55, the purchaser can demand that the Tenderer's or Supplier's ability to perform in accordance with the instructions or contractual obligations be secured with a financial guarantee.

2.8.2.3 Administering Procurement and Contracts Management

A formal contract document will be drawn up, using the agreed terms and conditions, and signed by both parties. Simpler requirements may use a purchase order or where framework contracts exist, contracting may consist of placing a call-off order under the existing contract.

The awarded contract must then be managed, to ensure that both the buyer and supplier perform their contractual obligations. Activities may include expediting delivery, arranging inspection or freight forwarding, checking bank guarantees, establishing letters of credit, making arrangements for receipt and installation of goods, verifying documentation and making payments. Works contracts will often require technical supervision by an engineer/project management team to ensure quality, 'time schedule and cost. Contracts for consultancy services often require the direct participation of the buyer or client organisation, as the recipient of training or technical advice or in responding to studies or reports.

According to PPA Annual report (2009) Contract completion rate for the year is about 68%.

This signified that contract management is a major challenge for most entities.

2.8.2.4 Monitoring and Evaluation

Controlling the performance of the procurement function and ensuring its efficiency and effectiveness is essential to the management of the procurement process, it is vital to evaluate

how well the procurement process has gone, identify any weaknesses or problems and agree actions to prevent similar problems in the future. Evaluation may include a formal procurement audit. Procurement monitoring is an essential part of procurement management and control linked to compliance with Act 663 and performance outcomes such as value for money, professionalism and code of conduct in procurement. This will involve the management of entity, staff of PPA, private sector, oversight bodies (internal and external audit), civil society (including NGOs), project beneficiaries, and media (PPA Annual Report, 2008).

2.8.2.5 Appeals and Complaints

Part VII - Review -Section 78 of Act 663 deals with the procedures to be used in handling complaints received from aggrieved parties involved in the procurement process. Any supplier, contractor or consultant that claims to have suffered, or that may suffer loss or injury due to a breach of a duty imposed on the procurement entity, may seek review in accordance with this Part. Procurement decision-making process needs to be properly followed and documented so that complaints can be investigated within the strict time frame. Those involved in audit and in the prosecution of procurement related offences may be able to provide examples of where sanctions could not be applied as a result of poor or inadequate procurement records.

In Ghana, the Authority established seven (7) member Appeals and Complaints Panel comprising legal procurement experts, and representatives from the private and public sectors which was inaugurated in 2007. In the same year the Panel successfully concluded fourteen (14) cases out of twenty (20) cases received (PPA Annual report, 2007). The appeal and complains procedures allowed bidding firms with the chance to show their disapproval before the procurement process is completed, as well as thereafter (Alarm, 1995).

2.9 Country Procurement Assessment Report, Ghana (CPAR, 2003)

The World Bank in its 2003 Country Procurement Assessment Report (CPAR) made specific recommendation to the Government of Ghana, among other things, establishment of procurement units by procurement entities, improving on stores management, reducing the bureaucracy involved in the processing of payment certificates for contractors and suppliers and ensuring that value for money is achieved in sole source contracts (CPAR, 2003). Subsequently, the Public Authority has been conducting annual procurement assessment via its Benchmarking, Monitoring and Evaluation Directorate. The main objective of the assessment is to find out how the procurement 'good practices' enshrined in the Act 663 and its accompanying documents are being employed in the public entities and to inculcate into the public sector Entities the need to monitor and evaluate procurement performance. It is therefore hoped that ultimately, public entities will adopt this assessment approach and use it on their own for procurement assessment.

2.10 Brief History of Colleges of Education

In 2007, all the teacher training colleges were converted into diploma awarding institutions to run 3 year diploma in Basic Education programme. On 21st June, 2012 an Act of Parliament was passed and assented to by the President to upgrade teacher training colleges to tertiary education institutions to be known as colleges of education. Finally, the colleges of education were given Accreditation. The core mandate of the colleges of education is to train students to acquire the necessary professional and academic competencies for teaching in pre-tertiary institutions. Again, to build the professional and academic capacities of serving teachers through regular continuing education, the College of Education was established. To provide programme that will promote the effective teaching of science, mathematics and other related subjects to meet the needs of the contemporary society and ensure holistic training of teachers.

KNUST



CHAPTER THREE

RESEARCH METHODOLOGY

3.0 Introduction

The study is conducted to assess the challenges of implementing Act 663 in Colleges of Education in Ghana. This chapter presents the methodology employed in the study. It discusses the population and sampling techniques as well as analytical procedures. The chapter further dealt with the presentation of data gathered, sampling techniques, instruments for data collection and sources of data, as well as scope and limitations of the methodology. The study continued with the development of an interpret will-research methodology together with a review of the objective of the research. In addition the chapter presents the profile of Agogo Presbyterian College of Education, her historical background and the reason for selection the institute as a case for the study.

3.1 Research Design

Research design is not just a work plan but it is a tool that enables the researcher ensures that the evidence obtained answer the questions under investigation in a research, as unambiguously as possible (De Vaus, 2001). There are three main research approaches: qualitative, quantitative and mixed approach that can be adopted for a study. The mixed approach which combines the two approaches was used. The strategy chosen in this research was determined by considering three conditions: type of research question, the researcher's control over actual events of public procurement, and degree of focus on contemporary events. Thus, in order to answer the questions under investigations in this research convincingly, it was necessary to obtain relevant evidence to test the theory of the effect of procurement reform, to appraise the reform programme, or to precisely depict the effect of the reform.

To do this an exploratory research was carried out among procurement practitioners involved in public procurement of works, goods and services. Both structured and unstructured questionnaires, observations and in-depth interviews were used to collect primary data by adopting the survey approach in collecting data on the impact of public procurement reform on public sector organizations in Ghana.

For secondary data, annual reports, articles, textbooks and journals and procurement manuals were collected on public procurement. The data was analysed using both qualitative and quantitative analysis. Quantitative method, however, uses standardized instruments, so that the varying perspectives and experiences of people can fit a limited number of predetermined response categories, to which numbers, pie chart, bar chart etc. are assigned and measured statistically. On the other hand, qualitative data are often expressed verbally in order to understand a social or human problem through pictures and words in a natural setting, (Creswell, 1994). Therefore, both qualitative and quantitative research methods were used in this study.

3.2 Population of the study

A research population can be defined as the totality of a well-defined collection of individuals or objects that have a common, binding characteristics or traits. The population for this study comprised all those who are either directly or indirectly involved in public procurement activities within the Agogo Presbyterian College of Education. Currently, there are 114 staff of the College and 36 suppliers engaged in public procurement activities. The staff of the College involved in the activities of public procurement includes the Principal, the Vice Principal, Finance officer, 2 Procurement unit officers, Store officer, Internal auditor, Administrative secretary and

4 Heads of department. However, there are also 102 staffs that formed part of the target population.

3.3 Sample size and sampling method

Considering that the current study is case inclined, all the 150 target population including 114 staff and 36 suppliers of the Agogo Presbyterian College of Education were sampled for the study. Since all the target population were also employed as the sample size, no special sampling technique was employed to survey the sampling units.

3.4 Source of Data

In conducting this research data was collected from two (2) sources. The researcher made use of primary and secondary data sources in order to gather relevant information for the study.

3.4.1 Primary Data

The main research instruments used' were questionnaires and interviews. The study also benefited from some field observations as the researcher is a procurement practitioner at the institution used as case study. With the objectives of the study in view, primary data were collected from the selected respondents within the sample frame in the research population.

The analysis of the study was substantially based on this data.

3.4.2 Secondary Data

Secondary data was culled from various publications of foreign and Local Origin, books, journals, articles, newspapers, reports obtained from libraries, PPA, Public Entities, and the internet on the subject to obtain additional information in order to answer the questions raised in the problem statement.

3.5 Data collection instrument

The data collection methods or techniques formed an important part of this research. Researchers point to the effect that using more than one data instrument strengthens the validity of a research (Patton 2002). However, the current study predominantly relied on a structured questionnaire for collecting the required data.

3.5.1 Questionnaire Design

The research questions were developed by the researcher and were reviewed by experts in academia including the mentor for this thesis to eliminate any ambiguity. Owing to time and resource constraints the questionnaires were not pilot tested. A pilot test would have further helped in correcting other ambiguity if there were any. The questionnaires were designed to collect general data from management and senior staff.

All items were rated by participants on a four-point like scale. The instrument consisted of the following sections: Section A, solicited personal and general information from the participants using objective test. Section B; solicit information on respondent's perception of the challenges to a smooth implementation of the Public Procurement Act. Each item was scaled from 1-4 with the statement: Strongly Agree, Agree, Disagree, and Strongly Disagree respectively. Questions in this section solicit data on the impact/effect of the reform.

3.5.2 Questionnaire Administration

The questionnaire developed were not pilot tested owing to time and resource constraints. However each question was reviewed several times to ensure that they were clear and unambiguous, such that as far as possible responses would be consistent with the purpose of the study. This was done to improve the reliability and validity of the questionnaire. The questionnaires were self-administered on one-to-one basis to the respondents willing to fill or provide answers to the questionnaire at the schools premises. The completed questionnaire was taken by the researcher on the same day to ensure a high response rate. The primary data

collected was reviewed by the researcher to ensure maximum accuracy, legibility, completeness, consistency and to reduce ambiguity.

3.6 Data Analysis

In this study, both quantitative and qualitative methods were employed in the data analysis. The Statistical Package for Social Sciences (SPSS) and excel were used for data entry and analysis of the data collected. The raw data collected was first structured in an appropriate format for further analysis. Data collected were collated and analysed using various quantitative statistical models such as tables, bar chart and to illustrate the results. The findings were critically examined to ensure consistency with the research objective.

3.7 Limitations and Scope of Research

Among the problems faced during the research was that of self-censorship. As a result questions may not have been answered honestly. This is probably because the participants work in the institution under study and feared victimization. To solve the issue, the researcher promised anonymity. However the researcher is unable to tell whether this completely eliminated participants' decision to answer the questionnaires as precisely as the case is. Time and lack of financial resources were also problems encountered in the research. Thus the research concentrated only on participants within the Agogo Presbyterian College of Education. Expanding the scope of the study to cover other Colleges of Education and Public Institutions would have been more desirable.

3.8 Organisational Profile of Agogo Presbyterian College of Education History

Agogo Presbyterian College of Education, formally Agogo Women's Training College is one of the oldest Teacher Training Colleges in Ghana. It was established by the Basel Missionaries

in 1931. At the 1928 Synod of the Presbyterian Church of the God coast. As per the Presbyterian, the establishment of a girls school in the Ashanti Region was in response to the Divine Commission, a biblical injunction enshrined in Gospel of Mathew Chapter 28 verse 19-20 which says 'go forth therefore and make all nations my disciple-and teach them' and the clarion and in recognition of Dr. Aggrey's clarion call for the education of the girl. Through the tireless work of the then Basel Mission, a girl's school called the Basel Mission Girl's School and the Women's Training College were established in Agogo on the 1⁵¹ March, 1931. The Church's record recounts that in fact these two schools were the result of the works by a young missionary teacher, Miss Helena Schlatter who later became Mrs. Haegele. Latter on Miss Helena Schlatter was ably aided Rev. Buechner and Miss G. Goetz.

The aim of opening the Training College was to train Ghanaian women teachers for the Girl's mission school which had started and inculcated in these young teachers Christian principles that would portray them as good teachers, parents and leaders who could build Christian homes and take up leadership roles in the society.

To ensure that high academic and moral standard is maintained, the students were subjected to the proverbial 'Presbyterian Discipline'. That level of discipline indeed yielded great wonderful dividends for the many girls and women who passed through the walls of Girls' school and the Training College, most of whom are in responsible positions, and are still very well known for their moral uprightness, general comportment and discipline.

During the World War II in 1942, the premises of the Agogo Women's Training College were transformed into a military base to orient soldiers in readiness for deployment to the battle field. At this time the school was temporarily transferred into the buildings of the Presbyterian

Seminary at Akropong. It was not until over a year later that the school regained its original location. Agogo Women's Training College remained under the directorate of the Presbyterian Church till 1972 when Miss Debrunner, the Principal at the time handed over to Miss Anno- Kwakye a Ghanaian. Since its inception, the college has ran different programmes tailored to meet the teacher training demands of the country. These programmes include:

- 2 year Certificate 'B'
- 2 year post 'B'
- 4 year Certificate 'A'

□ 2 year Certificate 'A' Post Sec

- 3 Year Certificate 'A' Post Sec
- 3 year Diploma in Basic education (DBE)
- 4 year Diploma in Basic Education (DBE) by distance
- 4 year Certificate 'A' by distance

3.8.1 Accreditation

Agogo Presbyterian College of Education has been a given accreditation as a tertiary College of Education by the a National Accreditation Board (NAB) of the Ministry of Education and currently runs the following programmes

- 3 year Diploma in Basic Education for regular students
- 4 year diploma in Basic Education (Distance programme for untrained teachers)

STUDENTS POPULATION

Level	Programme	Number
100	DBE (Regular)	180
100	DBE (distant)	1350
200	DBE (Regular)	174
300	DBE (Regular)	172

3.8.2 Facilities

To achieve its core aim of ensuring a holistic professional training for teachers in the country with the help of the following facilities: a chapel, four (4) halls of residence, a dining hall, a computer laboratory, a science laboratory, a library, a resource centre, lecture rooms, a student counselling unit and a workshop for vocational education. The ever growing enrollment figures underscore the need for a more frequent periodic procurement of works such as building of infrastructural facilities to accommodate admitted students and larger volumes of consumables to keep the school running effectively.

3.8.3 Academic Departments

Agogo Presbyterian College of Education is organized into six (6) departments each of which has disciplines under its tutorship. Below is a list of the departments in the schools and the respective subjects they deliver.

1. DEPARTMENT OF LANGUAGES

- English language
- Ghanaian Language (Asante Twi)

2. DEPARTMENT OF MATHEMATICS AND ICT

- Mathematics
- ICT

3. DEPARTMENT OF SOCIAL SCIENCES

- Environment and Social Sciences
- Religious and Moral Education
- Music and Dance

4. DEPARTMENT OF SCIENCE

- Integrated Science

- Physical Education
- Agricultural Science
- HIV / AIDS Education

5. DEPARTMENT OF EDUCATIONAL STUDIES

Education Studies

Research Method and Assessment Guidance and Counselling

- Trends in Education

6. DEPARTMENT OF VOCATIONAL EDUCATION

- Pre Voc. Art related
- catering

3.8.4 Staffing

Agogo Presbyterian College Of Education is blessed with dedicated and highly qualified academic staff of 33 made up of 8 females and 25 males. Of the total of 33 staff only (1) is a procurement officer. Other staff are however involved other aspects of the college life including procurement and any other effective non-curricular activities that the college offers.

CHAPTER FOUR

DATA ANALYSIS, DISCUSSION AND PRESENTATION

This chapter of the study synthesis the collated data and present the result in an attempt to providing answers to major research questions in chapter 1. The major areas the chapter discusses include respondent's background, the implementation of the Public Procurement Reforms, the professionalism of the procurement staffs, the accountability and transparency of the PPA system, the efficiency and value for money of the PPA system,

competitiveness and the compliance with the regulatory framework. The chapter further assesses the challenges of the Public Procurement Act.

4.1 Socio Demographic Characteristics of Respondents

This section of the study discusses the socio demographic characteristics of the surveyed respondents from the Agogo Presbyterian College of Education. The major socio demographic characteristics of the respondents discussed include gender, age of respondents, educational level, marital status, position and working experience. The results of these major socio demographic variables are shown in Table 4.1.

Table 4.1: Demographic Background of Respondents

Demographic Factors	Frequency	Percent	Mean	Std. Dev.
Gender				
Male	109	72.6		
Female	41	27.3		
Age of respondents				
20-30	23	15.3		
31-40	89	59.3		

41-51	29	19.3
51+	9	6.0

Marital status

Married	111	74.0
Single	26	17.3
Others	13	8.7

Position of respondents

Management	45	30.0
Non-management	105	70.0

Highest level of education

Basic		
SHS	3	2.0
Polytechnic/training college	57	38.0
University	90	60.0

Working experience 5.62 1.23

Source: Field Survey, 2013

From Table 4.1, out of the total surveyed respondents, the majority (72.5%) were males. Notwithstanding, this proportion is inconsistent with the gender proportion of the study area, where 47.8% and 52.2% are males and females respectively (GSS, 2012). The majority (59.3%) of the surveyed respondents were between the age category of 31 and 40 years. However, 15.3% and 19.3% of the surveyed respondents were within the age category of 20 and 30 years, and 41 and 51 years respectively. The majority of the surveyed respondents were therefore within the youthful working age of the Ghanaian population (GLSS, 2000). The majority (74.0%) of the surveyed respondents were married. However, 17.3% of the surveyed respondents were single. The majority (70.0%) of the surveyed respondents were not in management position. The respondents in the management position constituted 30.0% of the surveyed sample. The highest level of education of the majority (60.0%) of the surveyed

respondents was university education. However, 38.0% and 2.0% of the surveyed respondents have a highest level of education of polytechnic/training college and Senior High School (SHS) respectively. This level of education gives a schooling years above the average Ghanaian schooling years of 5.16 (GLSS, 2000), suggesting that this study captured more highly educated respondents. The surveyed respondents have an average working experience of approximately 6 years.

4.2 Public Procurement Reform Implementation

This section of the study assesses the procurement reforms in the Public Procurement Act, 663. The respondents were given several statements to respond ‘Yes’ or ‘No’ to them. The result of the responses is presented in Table 4.2 and further graphically shown by Figure 4.1.

Table 4.2: Public Procurement Implementation Reforms

	Yes	No
Ever had any training on the PPA	117(78.0)	33(22.0)
Ever participated in any tendering process	126(84.0)	24(16.0)
Has PPA reforms aided in reducing procurement problems	84(56.0)	66(44.0)
Are you aware of administrative review provision in Act, 166	115(76.7)	35(23.3)
Ever had problem with the procurement process	134(89.3)	16(10.2)

were issues associated with procurement process addressed	82(54.7)	68(45.3)
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Where you satisfied with the level of solution to the procurement process	95(63.3)	55(36.7)
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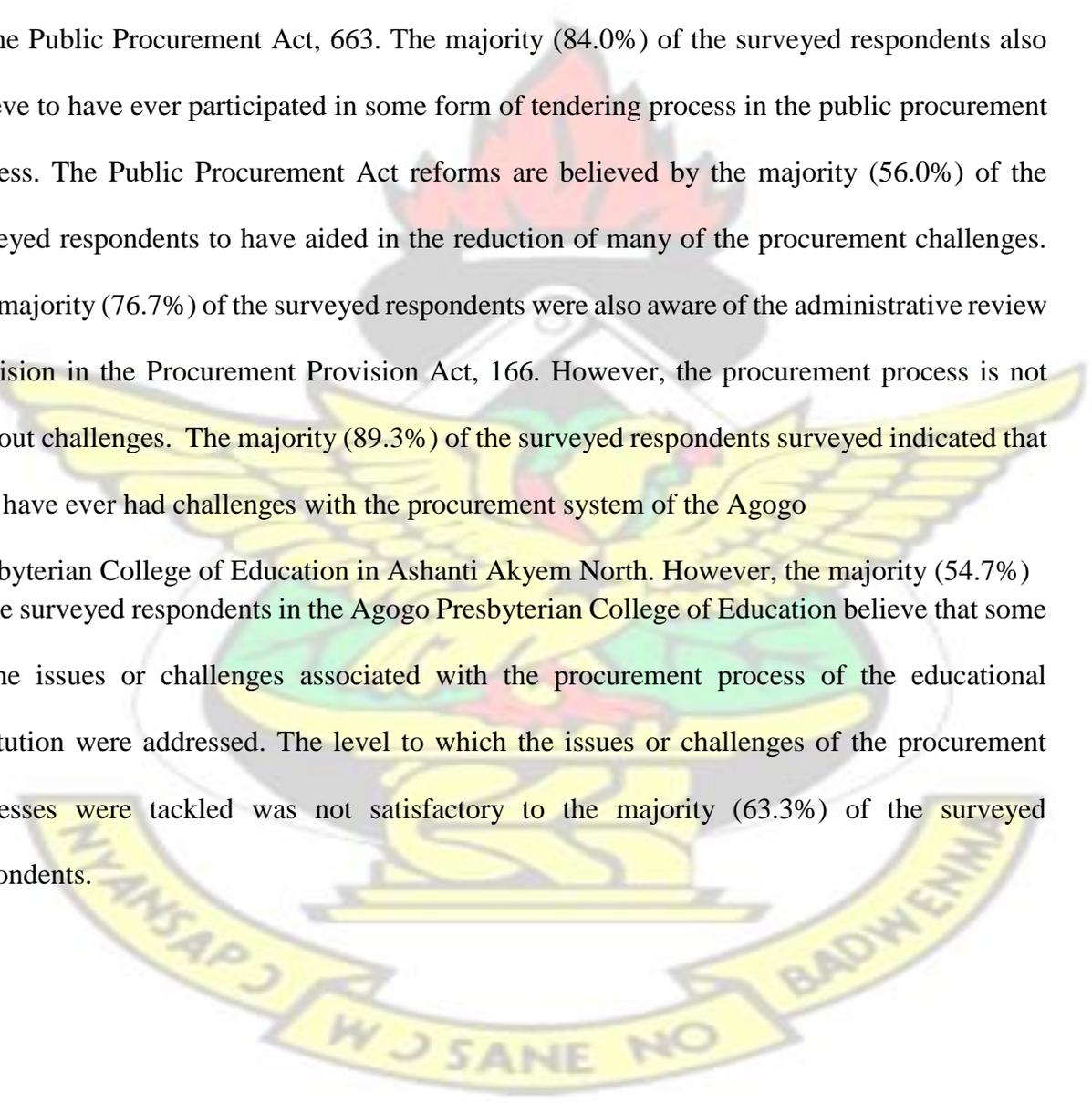
Percentages are in Parentheses

Source: Field Survey, 2013



From Table 4.2, out of the total surveyed respondents, the majority (78.0%) have had training on the Public Procurement Act, 663. The majority (84.0%) of the surveyed respondents also believe to have ever participated in some form of tendering process in the public procurement process. The Public Procurement Act reforms are believed by the majority (56.0%) of the surveyed respondents to have aided in the reduction of many of the procurement challenges. The majority (76.7%) of the surveyed respondents were also aware of the administrative review provision in the Procurement Provision Act, 166. However, the procurement process is not without challenges. The majority (89.3%) of the surveyed respondents surveyed indicated that they have ever had challenges with the procurement system of the Agogo

Presbyterian College of Education in Ashanti Akyem North. However, the majority (54.7%) of the surveyed respondents in the Agogo Presbyterian College of Education believe that some of the issues or challenges associated with the procurement process of the educational institution were addressed. The level to which the issues or challenges of the procurement processes were tackled was not satisfactory to the majority (63.3%) of the surveyed respondents.



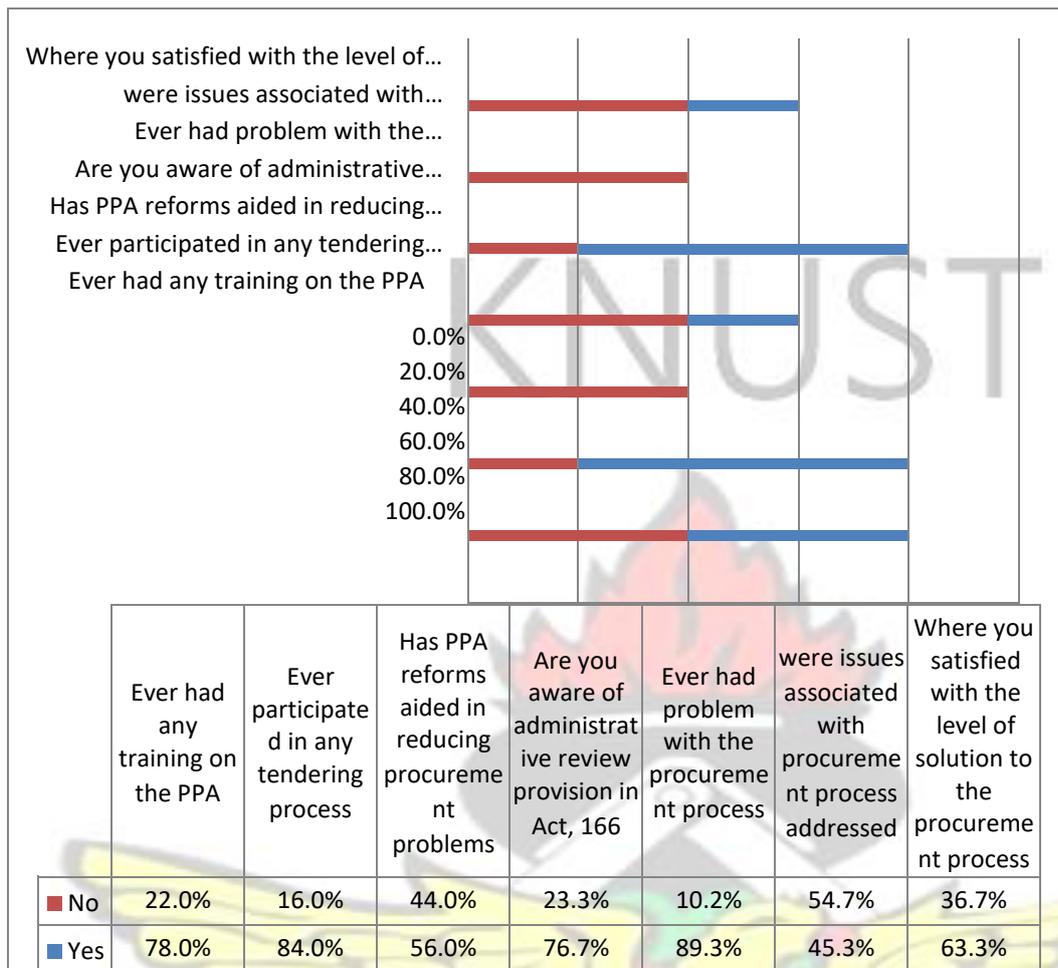


Figure 4.1: Public Procurement Implementation Reforms

Source: Field Survey, 2013

4.3 Professionalism of Procurement Staffs

This section of the study assesses the professionalism of the procurement staffs of the Agogo Presbyterian College of Education. In this section of the study, several statements were presented for respondents to show their level of agreement to them by choosing between strongly disagree [1] to strongly agree [5]. The result of the responses is presented in Table

4.3. The result is further graphically shown by Figure 4.2.

Table 4.3: The Professionalism of Procurement Staffs

1 2 3 4

Procurement staff are qualified and experienced to handle Procurement process 12(8.0) 84(56.0) 54(36.0)

Procurement officers and committee members make informed decisions regarding procurement operations 28(18.7) 96(64.0) 26(17.3)

Tender Evaluation is conducted by competent persons 15(10.0) 109(72.7) 26(17.3)

Rank: [1-Strongly Disagree, 2-Disagree, 3-Agree, 4-Strongly Agree]

Percentages are in parentheses

Source: Field Survey, 2013

From Table 4.3, out of the total surveyed respondents, the majority agreed that the procurement staffs of the Agogo Presbyterian College of Education are qualified and experienced to handle the procurement processes of the educational institution. These findings are consistent with the literature that indicates that to address the need for professionalism in procurement, the Public Procurement Authority dedicates immense resources to the training, professional development, and support for procurement department staff (Adjei, 2006). The majority of the surveyed respondents of the Agogo Presbyterian College of Education also agreed that the procurement officers and committee members make informed decisions regarding the procurement operations in the institution. The tender evaluation is conducted by competent persons as agreed by the majority of the surveyed respondents from the Agogo Presbyterian College of Education.

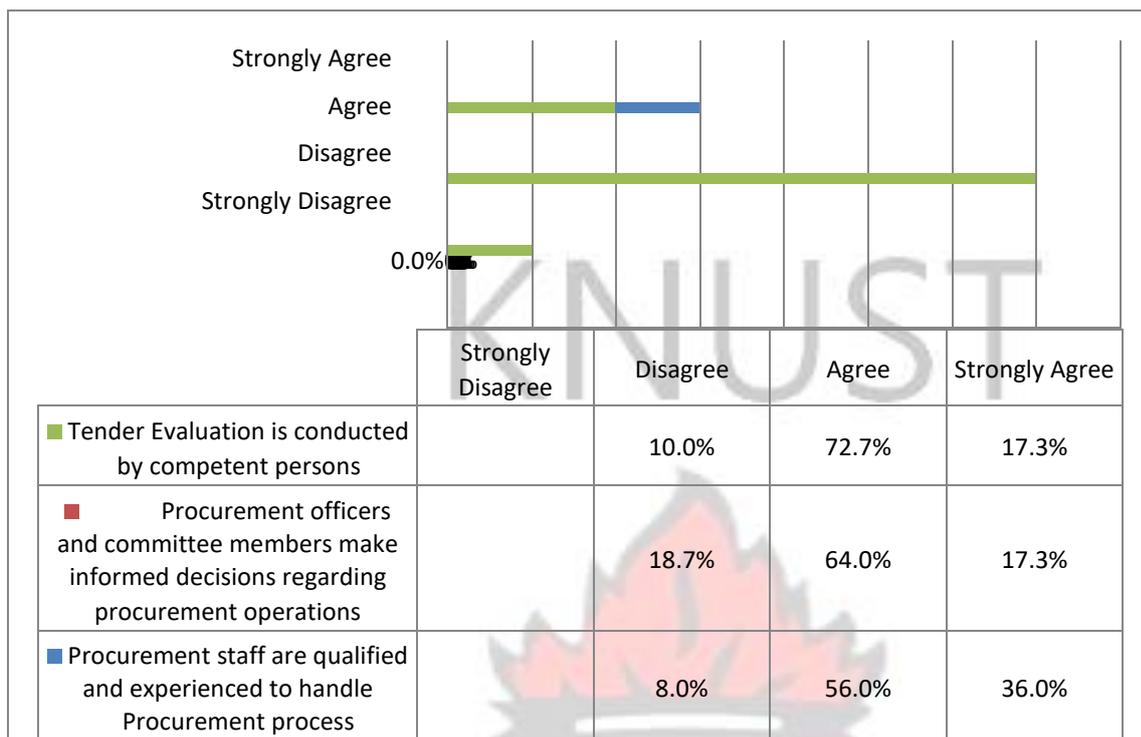


Figure 4.2: The Professionalism of Procurement Staffs

Source: Field Survey, 2013

4.4 Transparency and Accountability in the Procurement System

The transparency and accountability of the procurement process of the Agogo Presbyterian College of Education is assessed in this section of the study. To achieve this, the respondents were presented with several statements to show their level of agreement to them by choosing between strongly disagree [1] and strongly disagree [4]. The result of the responses is presented in Table 4.4. The responses are further graphically shown by Figure 4.3 and Figure 4.4.

Table 4.4: The Transparency and Accountability of the Procurement Process

1 2 3 4

Transparency

There is transparency in the procurement process	2(1.3)	12(8.0)	89(59.3)	47(31.3)
Procurement opportunities are advertised using the appropriate medium	7(4.7)	15(10.0)	98(65.3)	30(20.0)
Contract awards are posted on PPA/entity website and notice boards	4(2.7)	9(6.0)	112(74.7)	25(16.7)
There is effective monitoring and auditing of procurement activities by oversight bodies		13(8.6)	82(54.7)	55(36.7)
Unsuccessful bidders are debriefed within reasonable time		16(10.7)	96(64.0)	38(25.3)

Accountability

Procurement practitioners are held accountable for their actions			120(80.0)	30(20.0)
There have ever being a sanction against procurement entity or staff for corruption	3(2.0)	22(14.7)	86(57.3)	61(40.7)

Rank: [1-Strongly Disagree, 2-Disagree, 3-Agree, 4-Strongly Agree]

Percentages are in parentheses

Source: Field Survey, 2013

From Table 4.4, out of the total respondents surveyed, the majority (59.3%) agreed that there is transparency in the procurement process. These findings are consistent with the PPB Training Module (2007) that stipulates that the rules of the procurement process must be

publicized as the basis of procurement decisions prior to their use. Transparent procurement procedures can contribute to a more efficient allocation of resources through increased competition, higher quality procurement and budgetary savings for governments and thus for taxpayers (PPB Training Module 3, 2007). The majority (65.3%) of the surveyed respondents also agreed that the procurement opportunities of the Agogo Presbyterian College of Education are advertised using the appropriate medium. Furthermore, contracts awarded are believed to be posted on the Public Procurement Act or Entity website and notice boards as agreed by the majority (74.7%) of the surveyed respondents of the Agogo Presbyterian College of Education. The majority (54.7%) of the surveyed respondents of the Agogo Presbyterian College of Education agreed that there is an effective monitoring and auditing system of procurement activities by the available oversight bodies. The oversight bodies in the institution ensure transparency and accountability in the procurement process. The majority (64.5%) of the surveyed respondents agreed that unsuccessful bidders are debriefed within reasonable time. It can therefore be inferred from the analysis that there is transparency in the procurement process of the Agogo Presbyterian College of Education. The Act 663 and Regulations endorse the use of competitive tendering which encourages maximum competition in the procurement system through the use of advertising procurement opportunities, public opening, publication of contract awards, creating windows of addressing appeal and complains, etc (Act 663, 2003). In further consistency, Barden (2006) support the view that, government agencies can achieve transparency by strategizing through effective and efficient advertising; publicly opening bid documents; effective evaluation of bid documents; the publication of award results; fair and speedy protest and dispute resolution handling processes and the disclosure of signed contracts; and the use of independent evaluation methods, that are consistent with the terms of bid documents.

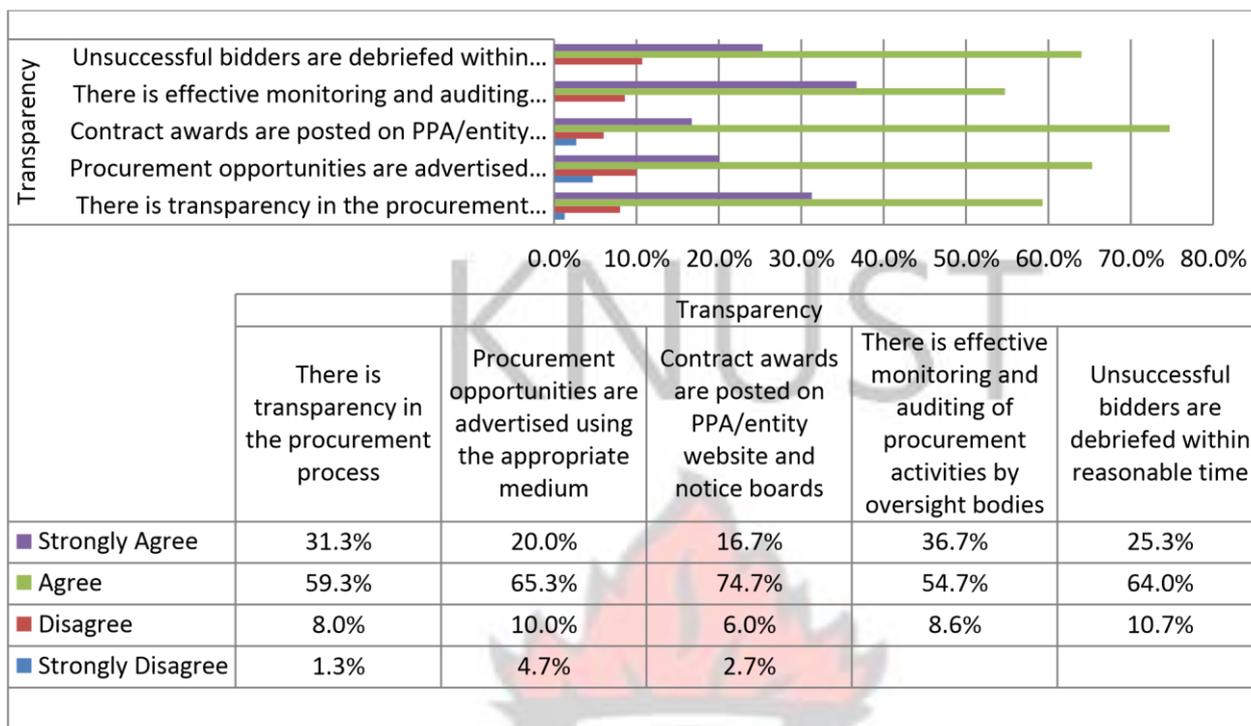


Figure 4.3: The Transparency of the Procurement Process

Source: Field Survey, 2013

From Table 4.4, out of the total respondents surveyed in the Agogo Presbyterian College of Education, the majority (80.0%) agreed that the procurement practitioners are held accountable for their actions. Furthermore, the majority (57.3%) of the surveyed respondents agreed that there is available sanction against procurement entity or staffs for corruption in the procurement process. It can therefore be inferred that there is some level of accountability in procurement process of the Agogo Presbyterian College of Education. This finding is consistent with the regulations of the PPA that indicates that the Public Procurements using other uncompetitive methods are vigorously monitored and evaluated by Public Procurement Authority and Audit Agency to ensure transparency, fairness, and value for money (Act 663, 2003).

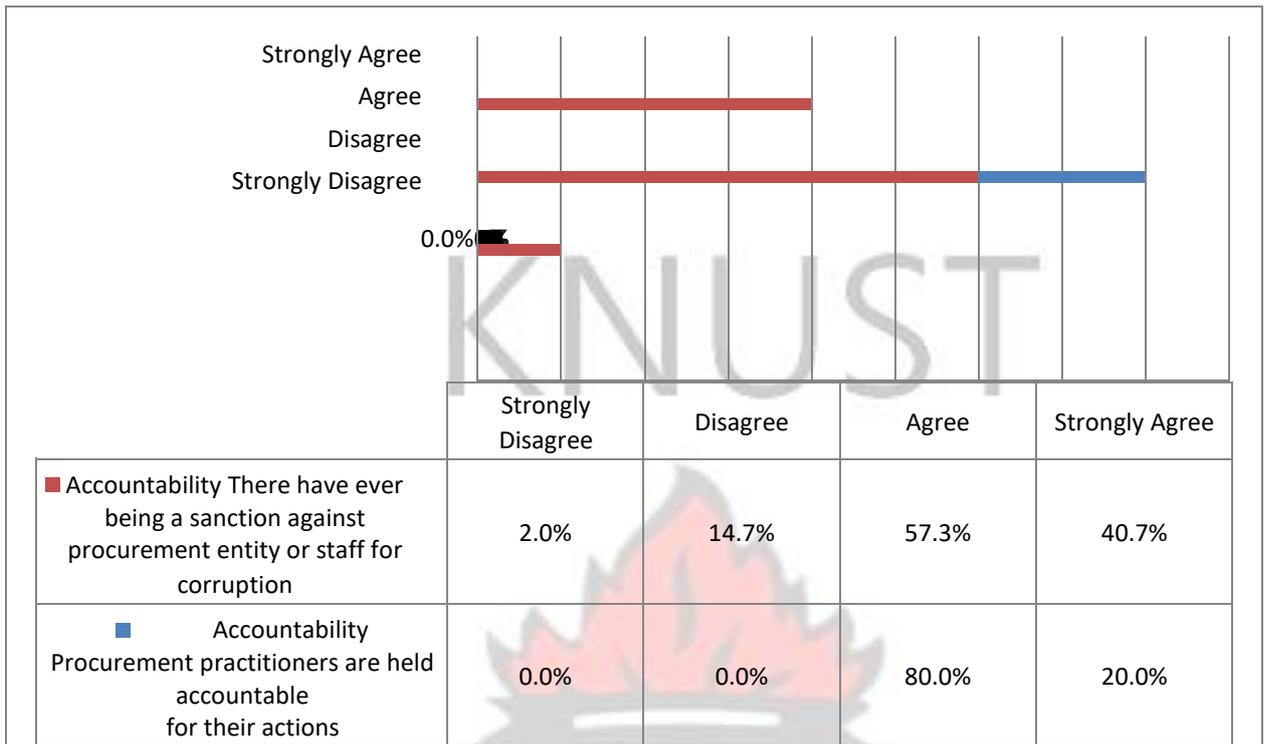


Figure 4.4: The Accountability of the Procurement Process

Source: Field Survey, 2013

4.5 Efficiency and Value for Money in the Procurement System

The efficiency and value for money in the procurement system of the Agogo Presbyterian College of Education is assessed in this section of the study. To achieve this objective, respondents were presented with several statements to indicate their level of agreement to them by choosing between strongly disagree [1] to strongly agree [4]. The result of the responses is presented in Table 4.5. The result of the responses is further presented in Figure

4.5.

Table 4.5: The Efficiency and Value for Money in the Procurement Process

	1	2	3	4
There is a greater efficiency in public procurement	12(8.0)	89(59.3)	40(26.7)	9(6.0)
Better utilization of funds by public procurement entities	17(11.3)	112(74.7)	14(9.3)	7(4.7)
There is effective contract management and reporting by entities	16(10.7)	98(65.3)	27(18.0)	9(6.0)
There is value for money in government projects in the region	34(22.7)	86(57.3)	20(13.3)	10(6.7)
Projects are completed on schedule and within cost	29(19.3)	94(62.7)	22(14.7)	5(3.3)

Rank: [1-Strongly Disagree, 2-Disagree, 3-Agree, 4-Strongly Agree]

Percentages are in parentheses

Source: Field Survey, 2013

From Table 4.5, out of the total surveyed respondents, the majority (59.3%) disagreed that there is a greater efficiency in the public procurement process of the Agogo Presbyterian College of Education. These findings are in contradiction to the objectives of Act 663 that aims to harmonize public procurement processes in the public sector to ensure judicious, economic and efficient use of public resources and to ensure that public procurement functions undertaken within the public sector are fair and transparent (Act 663, 2003). The majority (74.7%) of the surveyed respondents also disagreed to the better utilisation of funds by the public procurement entity. This therefore provides evidence of inefficiency in the procurement

process as shown by the PPA Annual report of 2009. Furthermore, the majority (65.3%) of the surveyed respondents of the Agogo Presbyterian College of Education. The Agogo Presbyterian College of Education's procurement process is bereft of effective contract management and reporting by entities as indicated by 65.3% of the surveyed respondents. The majority (57.3%) of the surveyed respondents in the Agogo Presbyterian College of Education disagreed to the statement that there is value for money in government projects in the region. It has to be noted that Value for Money (VFM) is a critical measure of the effectiveness of the procurement process, its outputs and outcomes. Achieving VFM requires a strategic and integrated approach to procurement (PPA Manual, 2006). The majority (62.7%) of the surveyed respondents disagreed to the statement that projects in the region are completed on schedule and within cost. Therefore, it can be inferred that the procurement process falls short of the efficiency and value for money required of the procurement system. According to PPA Annual report (2009) contract completion rate for the year is about 68%. This signified that contract management is a major challenge for most entities. This finding is therefore consistent with the study of Cloete (1998) that reported that efficiency in the public sector means satisfying the most essential needs of the community to the greatest possible extent using the limited resources that are available for this purpose, which implies that the level of efficiency of the procurement implementation process of Agogo Presbyterian College of Education is low.

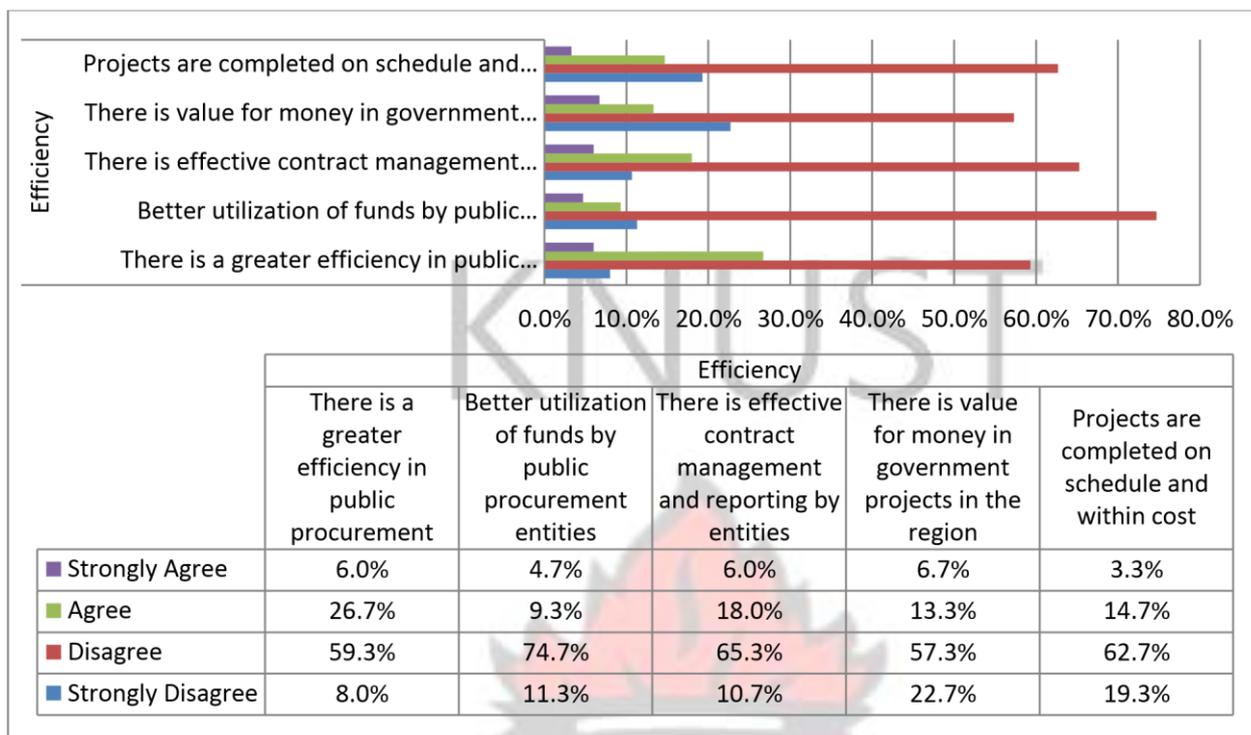


Figure 4.5: The Efficiency and Value for Money in the Procurement Process

Source: Field Survey, 2013

4.6 Competitiveness of the Public Procurement System

This section of the study assesses the competitiveness of the public procurement system. In this section respondents are presented with several statements to indicate their level of agreement to them by choosing between strongly disagree [1] to strongly agree [4]. The result of the responses is presented in Table 4.6. The result is further presented graphically by Figure 4.6.

Table 4.6: Competitiveness of the Public Procurement Process

	1	2	3	4
More companies compete for public contracts	8(5.3)	23(15.3)	98(65.3)	21(14.0)
The Public Procurement Reform has stimulated private sector growth	9(6.0)	17(11.3)	109(72.7)	15(10.0)
Increased trust and confidence in public procurement among stakeholders	23(15.3)	98(65.3)	21(14.0)	8(5.3)

Rank: [1-Strongly Disagree, 2-Disagree, 3-Agree, 4-Strongly Agree]

Percentages are in parentheses

Source: Field Survey, 2013

From Table 4.6, out of the total surveyed respondents of the Agogo Presbyterian College of Education, the majority (65.3%) agreed that more companies compete for public contracts hence making the process competitive. This finding is consistent with the object of the PPA 663 that aims to harmonize public procurement processes in the public sector to ensure no discrimination in the award of contract and hence make the PPA process more competitive (Act 663, 2003). The majority (72.7%) of the surveyed respondents also agreed that the public procurement reform has stimulated private growth. Furthermore, the majority (65.3%) of the surveyed respondents disagreed to the statement that there is increased trust and confidence in the public procurement among stakeholders. These analyses are clearly shown graphically in Figure 4.6.

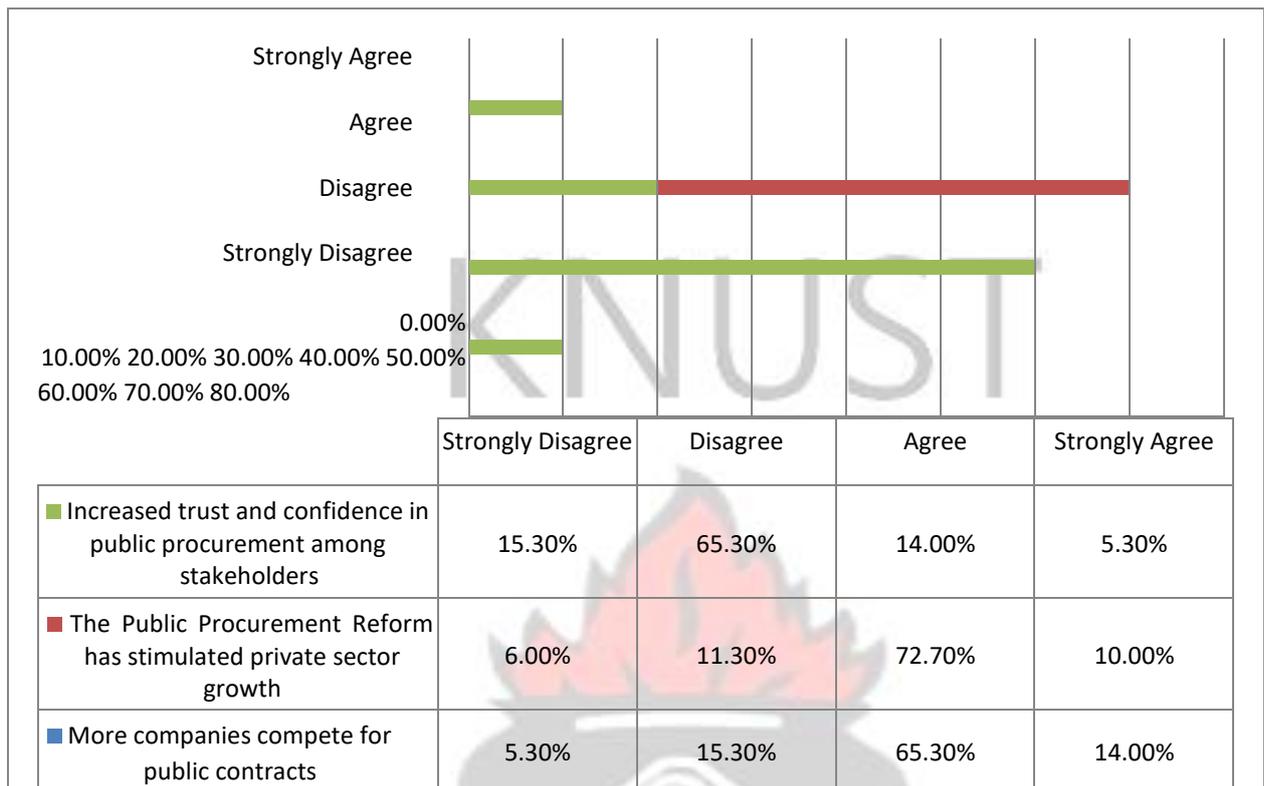


Figure 4.6: The Competitiveness of the Public Procurement System

Source: Field Survey, 2013

4.7 Ethics and Compliances with Regulatory Framework of the PPA

The level to which the Agogo Presbyterian College of Education abide by the ethics and regulatory framework lay by the Public Procurement Act, 663 is assessed in this section of the study. Respondents were presented with several statements to indicate their level of agreement by choosing between strongly disagree [1] to strongly agree [4]. The result is presented in Table 4.7. The result is further graphically presented by Figure 4.7.

Table 4.7: The Ethics and Compliance with Regulatory Framework

	1	2	3	4
All stakeholders uphold code of ethics		17(11.3)	112(74.7)	21(14.0)
I think public entities comply with the Public Procurement Act	4(2.7)	30(20.0)	89(59.0)	27(18.0)
Procurement Entities applied appropriate procurement methods for appropriate thresholds in procurement		25(16.7)	93(62.0)	32(21.3)
Entities used Standard Tender Documents from PPA in procurement		15(10.0)	97(64.7)	38(25.3)
Entities post their tender adverts and contract awards at the PPA website		14(9.3)	104(69.3)	32(21.3)
Public Entities prepare and post their Annual Procurement Plans on PPA website	15(10.0)	7(4.7)	94(62.7)	34(22.7)

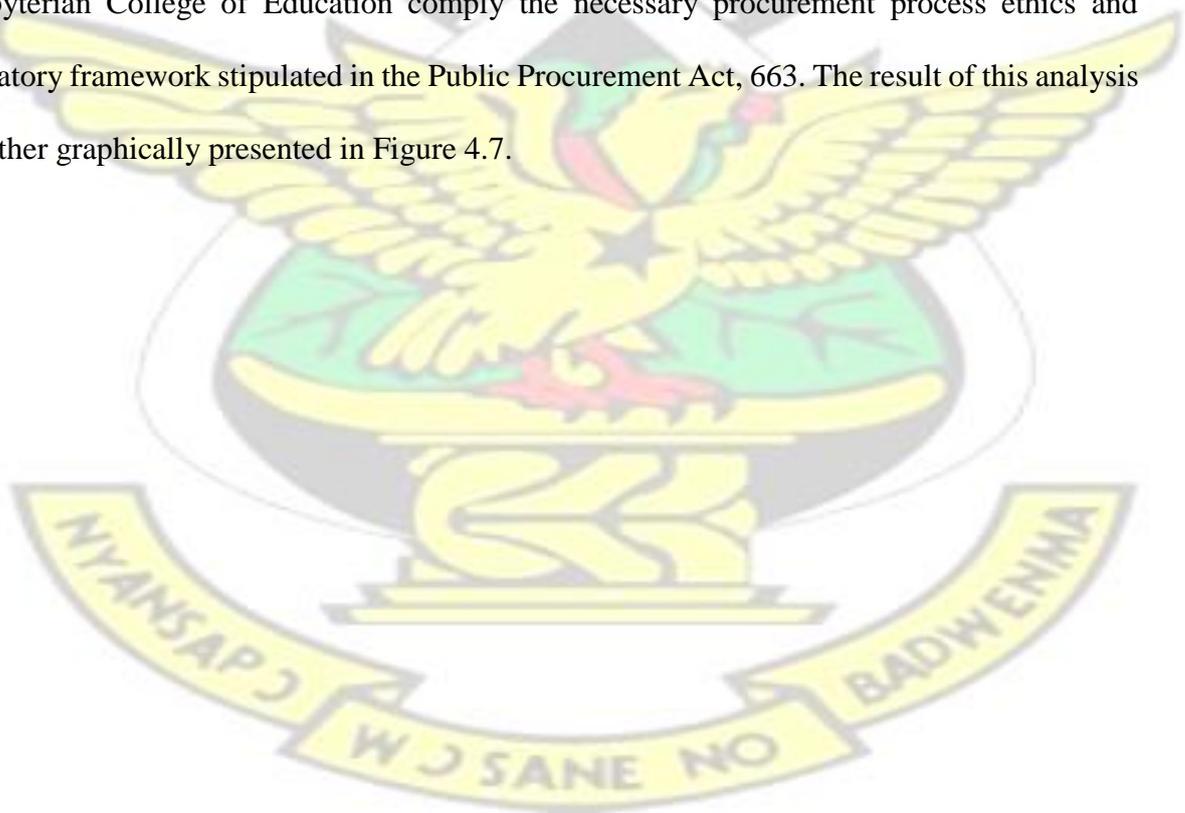
Rank: [1-Strongly Disagree, 2-Disagree, 3-Agree, 4-Strongly Agree]

Percentages are in parentheses

Source: Field Survey, 2013

From Table 4.7, out of the total respondents surveyed, the majority (74.7%) agreed that all stakeholders uphold code of ethics bind by the public procurement process. The Public Procurement Act, 2003 (Act 663) set out the legal, institutional and regulatory framework to promote transparency and public accountability in Ghana's procurement system. The majority (59.0%) of the surveyed respondents of the Agogo Presbyterian College of Education also agreed that the public entities comply with the Public Procurement Act. Furthermore, the

Procurement Entities are believed to apply the appropriate procurement methods for appropriate thresholds in procurement as the majority (62.0%) agreed to the statement. The majority of the surveyed respondents agreed that the entities use Standard Tender Documents from the Public Procurement Act. The majority (69.3%) of the surveyed respondents agreed that the Entities post their tender adverts and contract award on the Public Procurement Act website. The Public Entities also prepare and post their annual Procurement Plans on the Public Procurement Act website as agreed by 62.7% of the surveyed respondents. This is consistent with the five basic principles upon which the public procurement is based such as the legal and institutional framework; standardized procurement procedures and tender documents; independent control system; proficient procurement staff; and anti-corruption measures (World Bank, 2003). From the analyses, it can be inferred that the Agogo Presbyterian College of Education comply the necessary procurement process ethics and regulatory framework stipulated in the Public Procurement Act, 663. The result of this analysis is further graphically presented in Figure 4.7.



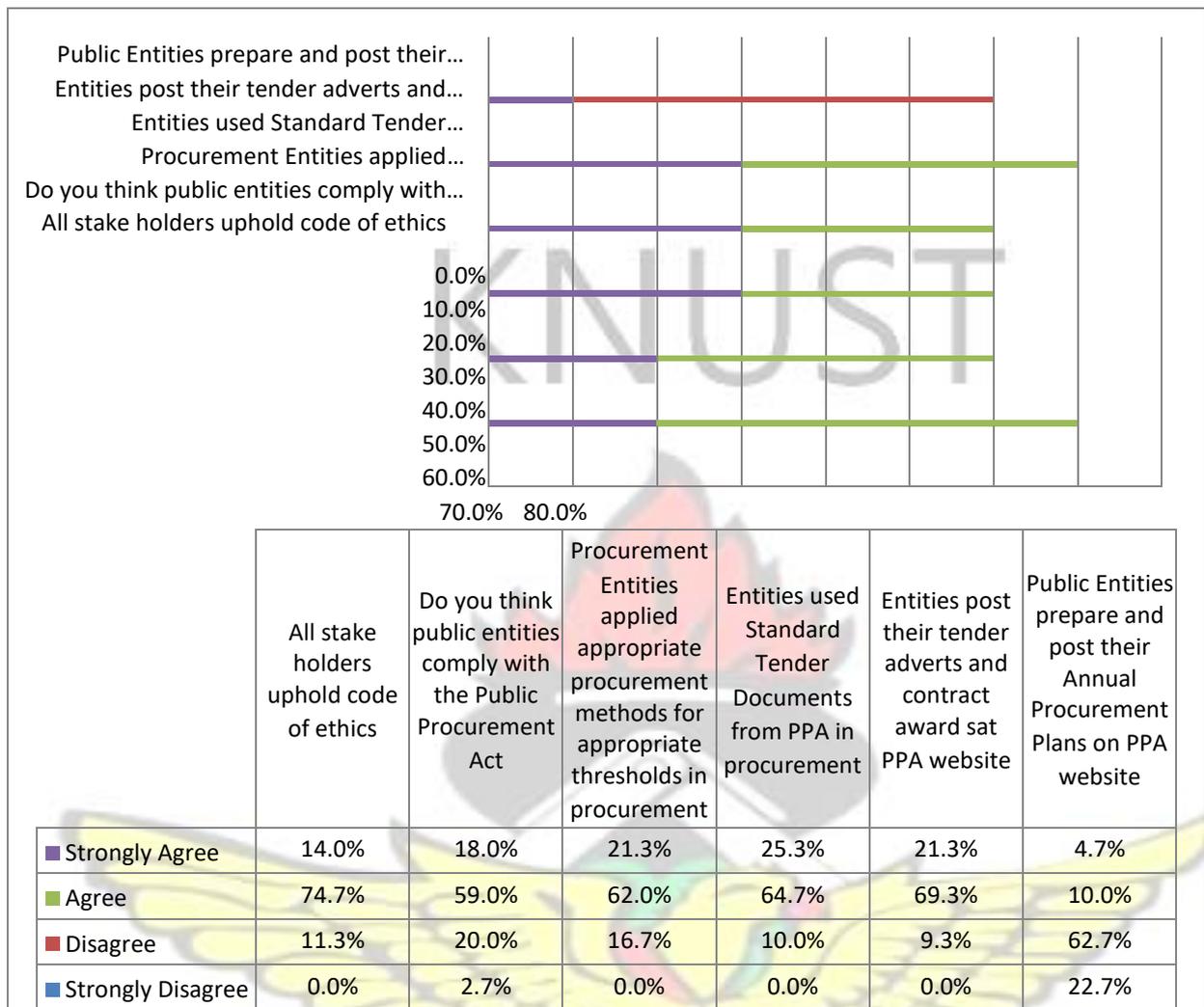


Figure 4.7: Ethics and Compliance with Regulatory Framework of the PPA

Source: Field Survey, 2013

4.8 Challenges in the Implementation of the Public Procurement Act

This section of the study assesses the challenges confronting the Agogo Presbyterian College of Education in the public procurement process or system. To achieve this, the respondents were presented with 5 statements to indicate their level of agreement by choosing between strongly disagree [1] to strongly agree [4]. The result is presented in Table 4.8. The response is further presented graphically by Figure 4.8.

Table 4.8: Challenges in the Implementation of the PPA

	1	2	3	4
Weaknesses in Public Procurement System	2(1.3)	13(8.7)	112(74.7)	23(15.3)
Public Procurement process is too long	7(4.7)	13(8.7)	109(72.7)	21(14.0)
The Public Procurement process is too expensive	8(5.3)	19(12.7)	89(59.3)	34(22.7)
Cost of public procurement of works and goods are too expensive	11(7.3)	16(10.7)	85(56.7)	38(25.3)
There are delays in the procurement process		11(7.3)	107(71.3)	32(21.3)
There is high level corruption in the PPA system	2(1.3)	7(4.7)	13(8.7)	128(85.3)

Rank: [1-Strongly Disagree, 2-Disagree, 3-Agree, 4-Strongly Agree]

Percentages are in parentheses

Source: Field Survey, 2013

From Table 4.8, the majority (74.7%) of the surveyed agreed to the weaknesses in the public procurement system as a major challenge. The public procurement process is also deemed too long and bureaucratic by the majority (72.7%) of the surveyed respondents in the Agogo Presbyterian College of Education. The majority (59.3%) of the surveyed respondents also agreed that the Public Procurement Process is too expensive. The cost of public Procurement of works and goods are deemed too expensive by the majority (56.7%) of the surveyed

respondents. The delays in the Public Procurement Process are deemed a major challenge by the majority (71.3%) of the surveyed respondent. The majority of the surveyed respondents of the Agogo Presbyterian College of Education strongly agree that there is high level of corruption in the Public Procurement Process. This level of corruption often reduces the effectiveness and efficiency of the process. This is consistent with the finding of a report of OECD (2003) which indicates that there is high level of bribery and corruption, which are particularly rampant in the procurement field in both developed and developing countries (OECD 2003).

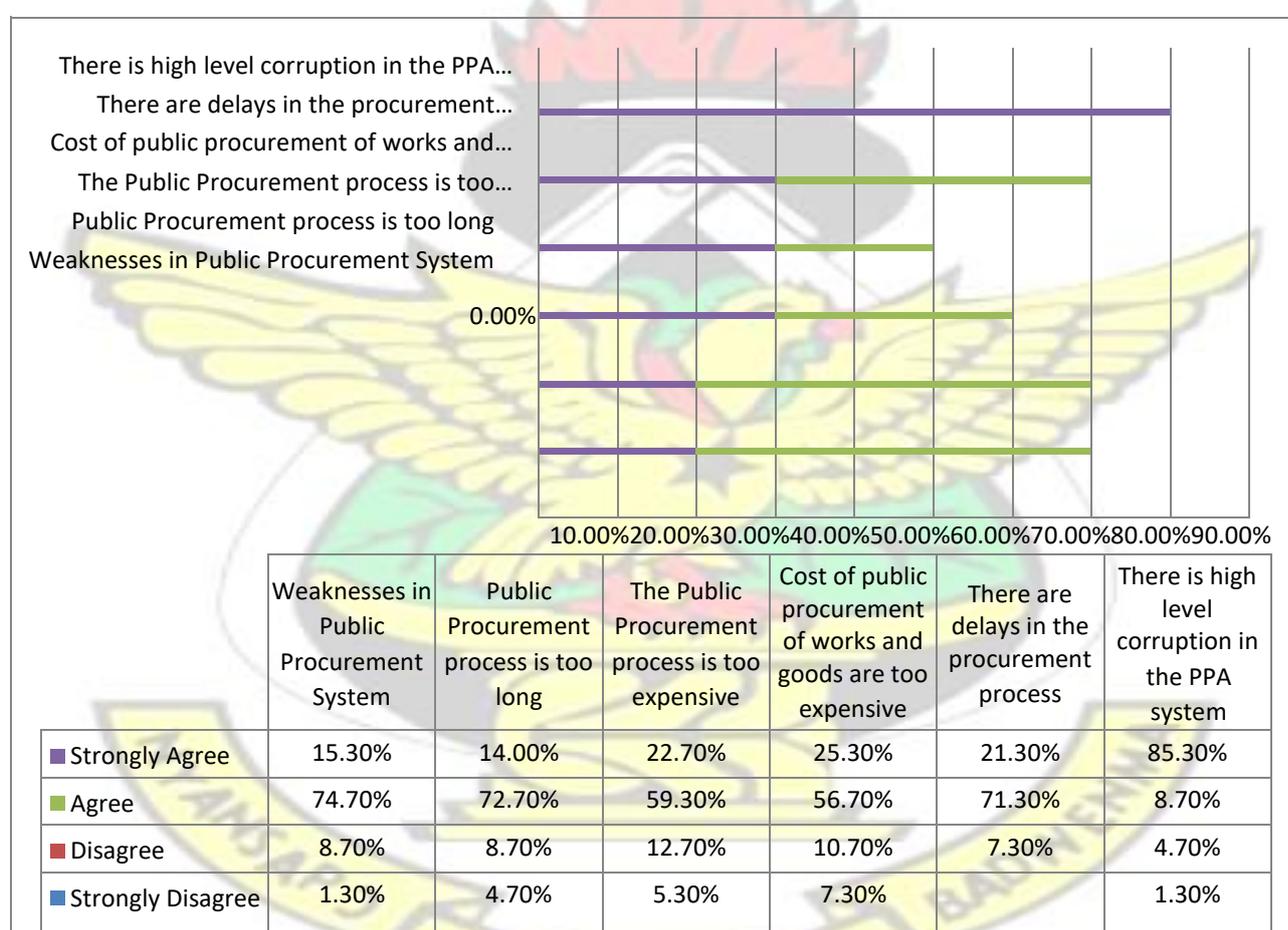


Figure 4.8: Challenges of the Procurement Process

Source: Field Survey, 2013

CHAPTER FIVE

SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

5.0 Introduction

This chapter highlights the major findings of the study. The findings are outlined in direct response to the specific objectives. Recommendations have been provided to improve the administrative structures, procedures, performance and policies of Public Procurement Authority with the overall aim of improving on the level of performance of Agogo College of Education.

5.1 Summary of Findings

This research was set to find answers to the following: 1) what is the professionalism level of the procurement staffs of the Agogo College of Education, 2) What is the transparency and accountability level of the Procurement Act 663 at the Agogo College of Education, 3) What is the ethics and regulatory framework of the PP A, 4) what is the competitiveness and efficiency of the Public Procurement System, and 5) What are the challenges of the implementation of the Procurement Act. Rigorous field works was conducted and below are the main findings:

5.1.1 Professionalism of the Procurement Staffs

The study revealed that the Agogo College of Education have personnel trained on the PPA, that have participated in the tendering process, and aware of the administrative review provisions in Act, 663. The study also revealed that the procurement staffs of the Agogo College of Education are qualified and experienced to handle the procurement process. The

procurement officers and members are also believed to make informed decisions regarding procurement operations. The tender evaluation is also believed to be conducted by competent persons in the Agogo College of Education.

5.1.2 Transparency and Accountability of the Procurement Process

With reference to the transparency and accountability of the procurement process of the Agogo College of Education, there is transparency in the procurement process, procurement opportunities are advertised using the appropriate medium, contracts awarded are posted on the PPA website and notice boards, there is also effective monitoring and auditing of procurement activities by oversight bodies and unsuccessful bidders are debriefed within reasonable time. The study revealed high level of accountability as procurement practitioners are held accountable for their actions, and corruption is often reduced through sanctions. With regard to the competitiveness of the Public Procurement Process, more companies are believed to compete for public contracts and the Public Procurement Reform is perceived to have stimulated private sector growth.

5.1.3 Ethics and Compliance with Regulatory Framework of the PP A

The ethics and compliance with regulatory framework of the PPA is perceived good. All stakeholders are believed to uphold code of ethics, the public entities are believed to comply with the Public Procurement Act and apply the appropriate procurement methods for appropriate thresholds in procurement. The Public Entities are believed to use the Standard Tender Documents from PPA in procurement and post their tender adverts and contract awards at the PPA website. The Public Entities also prepare and post their Annual Procurement Plans on the PPA website.

5.1.4 Competitiveness and Efficiency of the Public Procurement System

The study revealed that there is low level of efficiency and value for money in the procurement process as perceived by the surveyed staffs. There is less efficiency in the public procurement process since funds for Public Procurement Entities are under-utilised. The contract

management and reporting entities are perceived ineffective breeding elements of inefficiencies in the procurement process. The study also revealed that there is less value for money in government projects in the region since planned projects are not completed on schedule and within planned cost. With regard to the competitiveness of the Public Procurement Process, there is decreased trust and confidence in the Public Procurement Process among major stakeholders.

5.1.5 Challenges of Agogo College of Education in the Implementation of the PPA

The study also revealed that the Agogo College of Education is confronted by several challenges in the implementation of the Procurement Act, 663, and the level of solutions in an attempt to eradicating these challenges is perceived unsatisfactory. The challenges revealed by the study include weaknesses in the Public Procurement System, the Public Procurement Process is perceived too long and expensive, the cost of the public procurement of works and goods are perceived too expensive, the level of corruption in the PPA process is very high, and there are perceived delays in the procurement process due to the existing bureaucratic procurement process. The suppliers are not paid on time and this affected the schools management and the suppliers' organisational management. The effects were that suppliers refused to provide goods when school resume and thus teachers found it difficult giving their best. The bureaucracy in the process is believed to delay the purchase of materials and also make the procurement process cumbersome. Thus they believe that reducing some of the processes would go a long way to make the process more efficient, effective and transparent.

5.2 Conclusions

The Procurement Act, 2003 has been put in place to bring about efficiency, effectiveness and accountability. The study showed that although the government is making efforts to bring about

efficiency, and effectiveness into the system or the procurement process; challenges are still out there. The study revealed some challenges in the implementation process of the Public Procurement Act at the Agogo College of Education. Though the Agogo College of Education has trained personnel on the PPA ,that have also participated in the tendering process, have experience and qualified staffs to handle the procurement process, there are still some level of challenges in the professionalism of the staffs, the transparency and accountability in the procurement system, the efficiency and value for money in the process, the competitiveness in the system, and the ethics and compliance with the regulatory framework of the PPA system. There is less efficiency in PPA process of the Agogo College of Education as there is under-utilisation of funds by the Public Procurement Entities. There is also less effective Contract Management and Reporting Entities, and no value for money in government projects in the region due to the fact that projects are not completed on schedule and within cost. Based on this, there is less trust and confidence in Public Procurement among stakeholders. The imminent challenges in the implementation of the Public Procurement Process of the Agogo College of Education include weaknesses in the Public Procurement Process, the bureaucratic nature of the PPA system, the PPA system is also perceived to be expensive, the cost of the public procurement of works and goods are too expensive and there are also often delays in the Procurement Process. Thus, it can be concluded that the procurement law is having both positive and negative effect on the educational sector of Ghana. It has created order in the system but changes are still needed to make the system fully effective, efficient and transparent.

5.3 Recommendations

The objectives of the study was to investigate the challenges in the Public Procurement Act implementation process by assessing the level of professionalism of the procurement staffs, evaluating the transparency, accountability, efficiency and value of money, and the

competitiveness in the procurement system. The following recommendations were made to improve procurement activities in order to achieve its purpose as a tool for bringing in efficiency, effectiveness, transparency, accountability and value for money at the Agogo

Presbyterian College of Education in the Ashanti Region.

5.3.1 Reduction of Bureaucracy in the PPA Process

The procurement law was implemented to improve efficiency, effectiveness, transparency and accountability. Based on the study, the law has proven to be useful to the schools. Though, it is positively impacting on schools, problems still exist. The process to procurement is cumbersome and bureaucratic. Thus, it is recommended that government endeavours to review the Act to limit the number of steps in the procurement process so as to reduce the level of bureaucracy in the system. Bureaucracy delays the smooth process of procurement and it affects the management of the schools.

5.3.2 Review of policies of procurement procedures

It should also undertake to review the policies set out in the procurement procedures so that even schools have some policies that apply to them so that procurement would be competitive at their end as well.

5.3.2 Need for E-Procurement

There is the need for e-procurement policy to enhance the effectiveness and efficiency of the PPA process. E-Procurement also referred to as E-Government Procurement (eGP) is a comprehensive process in which government makes use of IT systems to establish agreement for the acquisitions of products and services which often hastens the process and reduce blockages and inefficiencies in the PPA system. This may be the way forward because it will bring in huge transformations in how organisations, both public and private conduct business. It may eradicate on field corruption acts and bring about higher growth and development for

the nation. The E-procurement process would reduce cost, expedite procurement and reduce the level of corruption and enhance efficiency.

5.3.3 In-service and External Training Sessions

The ministry of education should organize both in-service and external training sessions for educational staffs in the district, especially those officers who are involved in procurement procedures. This is because the Public Procurement Act 2003, (Act 663) which is a new document guiding the way and manner procurement matters should be carried out contains so many processes. Officers in procurement have to be given thorough training on the subject so that its implementation will not be a problem. With in-service training, short courses within weeks or more could be held to enable the procurement managers have in-depth knowledge of the Act. This could be an avenue for building the human resource capacity to enhance the efficiency and effectiveness of the PPA system.

As far as external training is concerned, the Ministry of Education could liaise with the tertiary training institutions like the polytechnics and the universities to hold training sessions for personnel in the service in the procedures in procurement. This could even be included in the training curriculum of the training institutions to introduce and train educational personnel to enhance their capacity in the procurement processes.

5.4 Limitations and Areas for Further Studies

The scope of the current study was limited to only the Agogo Presbyterian College of Education in the Ashanti Akyem North District. This therefore limits the reliability, validity and generalization ability of the study. The study therefore recommends further studies to include other areas and even expand the sample size. Increase of sample size would help reduce perception biases as well. The current study was limited to the educational sector and hence further studies could also be carried in areas such health.

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APPENDIX 1

RESEARCH QUESTIONNAIRE

This questionnaire is administered to collect data for a Master's Thesis on the challenges of implementing the public procurement Act 663 at Agogo Presbyterian College of Education. I will be grateful if you could answer the following questions.

Section A: Personal Data

1. Gender: Male() Female ()
2. Age Group: 16-30yrs() 31-45yrs () 46-60yrs() 61yrs and above ()
3. Position Held:.....
4. Level of Education and your area of specialization:
.....
.....

Section B: Implementation of the Public Procurement Reform

5. Have you had any training on the Public Procurement Act, Act 663?
Yes [] No []
6. Who organized the training?.....
7. Have you participate in any tendering process Yes [] No []
8. Where do you get the information about the tenders?
News Papers [] Notice Board [] Invitation Letters []
Others (specify).....
9. Do you think the Public Procurement reform has helped to reverse the problems that existed before the introduction of the reform in 2003? Yes [] No []
If yes which ways?.....
10. Are you aware of the administrative review provision in Act 663? Yes [] No []
11. a) Have you had a problem with the procurement process? Yes [] No []
b) If yes who did you complain to [] Head of Entity [] PPA [] ETC/TRB
c) Was the issue addressed? [] Yes [] No
d) Were you satisfied with the outcome [] Yes [] No

Section C: Impact of the reform

On the scale of 1-4 answer the following questions

Scale: 1=Strongly Agree, 2= Agree, 3=Disagree, 4=Strongly Disagree

1 2 3 4

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Professionalism

12. Procurement staff are qualified and experienced to handle Procurement process

13. Procurement officers and committee members make informed decisions regarding procurement operations

14. Tender Evaluation is conducted by competent persons.

Transparency

15. There is transparency in the procurement process?

16. Procurement opportunities are advertised using the appropriate medium.

17. Contract awards are posted on PP A/entity website and notice boards

18. There is effective monitoring and auditing of procurement activities by oversight bodies

19. Unsuccessful bidders are debriefed within reasonable time.

Efficiency and Value for Money

20. There is a greater efficiency in public procurement

21. Better utilization of funds by public procurement entities 22. There is effective contract management and reporting by entities.

23. There is value for money in government projects in the region.

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24. Projects are completed on schedule and within cost

Competitiveness

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25. More companies compete for public contracts

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26. The Public Procurement Reform has stimulated private sector growth.

27. Increased trust and confidence in public procurement among stakeholders

Accountability

28. Do you think Procurement practitioners are held accountable for their actions

29. There been a sanction against procurement entity or staff?

Ethics and Compliance with Regulatory Framework

30. All stake holders uphold code of ethics

31. Do you think public entities comply with the Public Procurement Act

32. Procurement Entities applied appropriate procurement methods for appropriate thresholds in procurement

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33. Entities used Standard Tender Documents. from PPA in procurement

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34. Entities post their tender adverts and contract award sat PPA website

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35. Public Entities prepare and post their Annual Procurement Plans on PPA website

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Challenges in the Implementation of the Act

36. There are weaknesses in public procurement system

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37. The general perception is that Public Procurement process is too long

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38. The Public Procurement process is too expensive

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39. Cost of public procurement of works and goods are too expensive

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40. There are delays in the procurement process

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If yes state the reasons for the delay.....

Amendment of the Public Procurement Act (Act 663)

41. Do you think the Act should be amended?

If yes, suggest section(s) to be amended.....

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42. Are you aware of amendment proposal to review the composition of ETCs/TRBs and thresholds?

43. Do you think the proposed amendment can help address the procurement challenges?

Can you suggest ways of improving on the implementation and compliance of the Public Procurement Act, 2003 (Act663).



APPENDIX 2

BASELINE PERFORMANCE EVALUATION GRID ADMINISTERED ON PUBLIC ENTITIES TO MEASURE COMPLIANCE LEVEL

Main Compliance Areas	Key Compliance Indicators	Information rated on a scale of 0-5
MANAGEMENT SYSTEMS	Effectiveness of Leadership	Training programme(s) in place, Seeking technical support from the body with oversight role Carrying out internal procurement auditing Good record keeping
	Human Resource Development	Having Staff with professional procurement qualification I Putting internal auditors in place and giving I procurement training Evaluation of performance of procurement staff
	Monitoring and Control Systems	Putting proper payment systems in place for every contract Capturing procurement transactions in Cash budgets Putting in place quality control mechanisms for contracts Effective use of available procurement information dissemination systems

	Compliance with ethics and	Appropriate use of procurement plans and contract documents Use of Standard Tender Documents(STD) and
	regulatory framework	Manuals Use of right procurement methods Anti-corruption measures put in place
	Complaints , system, structure and sequence	Fairness and transparency in resolution of cases within the terms established in the legal framework
INFORMATION AND COMMUNICATION	Procurement Information searching and Dissemination	Awareness of use procurement website, procurement internal notice boards and newspapers, Capacity to use and using the procurement information dissemination systems
	Interaction with the marketplace	Having knowledge of and interacting with the market place Interacting with all procurement stakeholders
PROCUREMENT PROCESSES	Procurement Planning	Having an adequately defined procurement plan Posting plan on the PPA website

	Procurement Publicity	Advertising tender invitations Sending information for placement in procurement bulletin Using internal notice boards to display procurement information
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	Bid Preparation and Invitation	Use of STDs All bid documents containing same evaluation criteria Stating reasonable date and time for bid opening
	Submission, opening and evaluation of bids	Stating date, time and venue for bid Stating date, time and venue for bid opening Having secured tender box in place Having tender opening register Keeping minutes of bid opening including all opening records submission Evaluating tenders in accordance with tendering requirements
	Award of Contract	Notifying Winner of Contract Publicizing contract awards Notifying
CONTRACT MANAGEMENT	Project Planning and Mobilization	Taking Works Programme from executers Taking Advance payment Guarantees for advance payments made

	<p>Project</p> <p>Implementation and Supervision</p>	<p>Preparation of project monitoring reports</p> <p>Organization of project progress meetings</p> <p>Comparing and analyzing planned progress against actual</p>
	<p>Inspection and Inventory Control</p>	<p>Preparation of Handing over certificates</p> <p>Preparation of completion or delivery reports</p> <p>Use of appropriate stock control record system</p>
	<p>Disposal</p>	<p>Forming the required membership of Board of survey</p> <p>Keeping minutes of meetings of Board of survey</p> <p>Keeping records of items disposed</p>

