



QUANTITATIVE ANALYSIS OF THE EFFECT OF COMPLIANCE WITH PUBLIC PROCUREMENT ACT 2007 ON TIME OVERRUN AMONG PUBLIC TERTIARY INSTITUTIONS

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ABSTRACT

Timely delivery of construction projects is a very vital issue that cannot be overlooked if the goals of the projects are to be achieved and for the projects to be completed to client's requirements at reasonable cost. This study investigates the relationship between time overrun and project delivery in projects procured in compliance with Public Procurement Act, (PPA) 2007 among Public Tertiary Institutions (PTIs) in Southwest, Nigeria. The objectives of the study are to determine the level of compliance with PPA, 2007 among PTIs in Southwest Nigeria, the extent of time overrun in projects they procured and the relationship between time overrun and compliance with PPA, 2007. Structured questionnaires were used to collect data from Procurement Officers representing the 44 PTIs in southwest, Nigeria. Data collected were analysed using descriptive statistics for the level of compliance with the act and the extent of time overrun. Pearson product moment correlation was used to express the relationship between the level of compliance with the Act and project time overrun. The study concluded that the level of compliance with the Act is low and that there were time overruns in projects procured by PTIs, but that the level of compliance with the Act does not contribute to delay among the Institutions. The study recommended additional efforts by the regulatory authorities monitoring and overseeing the implementation and compliance with the Act so as to ensure the achievement of the goal of the procurement Act as well as successful project delivery in the Institutions.

Keywords; Public Procurement Act, Construction procurement, Higher Education Institution, University, Polytechnic, College of Education

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1. INTRODUCTION

The importance of Public Procurement in the economic development of nations necessitates constant attention to its rules and regulations. It involves a very substantial amount of public expenditures and the overall performances of its processes determines considerably the success or failure of the enormous public spending (Hui, Othman, Normah, Rahman, and Haron, 2011; Idoro, 2012). The bulk of money invested for public procurement is usually in the form of taxes and/or grants and loans obtained by the government on behalf of the country (Lynch 2013). Transparency international (2006) maintained that Public Procurement accounted for 15-30% of the Gross Domestic Product (GDP) of any nation and that it was responsible for causing damages evaluated at between 10 and 25% and in some cases up to 40 – 50% of contract values. Equally of important consideration is the compliance with the public procurement rules and its resultant effects on construction projects. The goal of Public Procurement is to award timely and cost-effective contracts to well-deserved contractors, suppliers and service providers for the provision of goods, work and services to support government and public services operations, in accordance with principles and procedures established in the Public Procurement rules (Lynch 2013). It is governed by the principles of economy, transparency, fairness, competition and accountability among others (Public and Private Development Centre, PPDC, 2012).

Studies revealed that past government in Nigeria before the year 1999 experienced periods of frauds, corruption, malpractices, mismanagement and many unwholesome procurement practices. This was attributed to prolonged military rule and absence of statutory laws upon which public procurement are based (Musa, Success & Nwaogu, 2014; Kareem, Asa & Lawal 2014). Hunja, (2003) stated that the performance of governments is determined by the effectiveness and efficiency of its procurement rules. Absence of the statutory laws affected performance of projects delivered during the period as most of them were subjected to irregularities and ended in failures (Shwarka and Anigbogu 2012). The outcome of the anomalies includes project delay, cost overruns, corruption of divers' magnitude, project abandonment, and collapse of buildings among others (Ayangade, Wahab and Alake (2009).

In view of these, the Federal government of Nigeria issued new policy guidelines in 2001 for procurement and award of contracts in all public sectors, government Ministries, Agencies and Parastatals to ensure that public procurement is done in a manner that ensures the achievement of value for money without compromising quality (Kareem, Asa and Lawal 2014), Consequently the Federal government took step in ensuring procurement reform and entronement of Due Process in the Nigerian public offices. Due Process refers to the process whereby all government activities including procurement are carried out openly, economically and in a transparent manner without favouritism and corrupt tendency (Ezekwesilli, 2004). Sequel to this is the establishment of Budget Monitoring and Price Intelligence Unit (BMPIU) in the year 2001 which was later renamed as the Bureau of Public Procurement (BPP) in 2007 to ensure the implementation of the public procurement reforms as one of the transparency pillars in the federal government economic reform programmes. The Public Procurement Act (PPA) which gave the statutory backing to the BPP was enacted in 2007. The Act highlights the procedures that must be followed with areas that must be

fulfilled, steps to be taken and conditions that must be met before public funds can be released from the treasury for payment to contractor in line with the principles of good governance, accountability and transparency in government business. These set of procedures and steps are referred to as due process (Anthony, 2015). The inherent principles of transparency, efficiency and value for money have been attributed as some of the causes of non-compliance with procurement regulations in construction projects procured by public tertiary institutions (Hyacinth and Yibis, 2017). Decade after the enactment of the Act, several studies existed on public awareness of the benefits of the Public Procurement policy, regulations, guidelines, procedures. It also established non-compliance with PPA 2007 by MDAs.

However, studies have failed to establish the level of compliance with provisions of PPA 2007 among Public Tertiary Institutions, equally, the relationship between the levels of compliance with the Act and the performance of construction projects procured by the PTI still remains a major issue. It is on this basis that, this study attempts to fill the gap in literature on the contribution of Public Procurement Act, 2007 to project performance among Public Tertiary Institutions in Southwest, Nigeria. The objectives are to determine the levels of compliance with the Procurement Act 2007, the extent of time overruns in projects procured among PTIs and the relationship between the levels of compliance with the PPA 2007 and project time overruns in the projects procured by the PTIs. The achievement of these objectives of the study will be beneficial to the BPP and NCPP as it will enable them to know those provisions complied with by the PTIs and those provisions they do not comply with, hence they, as the regulatory body will be able to determine the appropriate action to take in order to ensure improved compliance with the Act by the PTIs. Improved levels of compliance with the provisions of the Act will be beneficial to the management of the PTIs as it will enhance their possibility of sourcing more funds from their sponsors.

1.1. Time Overrun and Construction Projects Procurement

Akhund M., Khoso A., Memon U and Khahro S (2017) defined time overrun as “a situation in which the completion period of a construction project exceeded the set target period for completion at the time of award of the contract work. Owolabi et al (2014) maintained that the issue of delay is common and ranked very high in most construction projects done in Nigeria. Dolage D and Rathnamali D (2013) affirmed that time overrun in construction projects is regarded as one of the most common difficult issue in the industry creating a number of negative effects on projects and its stakeholders. Ogunde, Dafe, Akinola, Gbemisola, Ogundipe, Oloke, Ademola, Sakariyau, Akuete, Eseohelolaniran (2017) in agreeing with this position stressed that delay in construction has adverse effects on all stakeholders in the industry hence the need to avoid it. One of the major objectives of public procurement is to ensure delivery of public projects within budgeted time and cost without compromising quality. Time and cost in construction project are two variables that are inseparable. Whenever time is elongated it means the client will have to pay more, likewise the contractors, as more money will have to be paid for the extra working hours of men on site, extra days for keeping plants and equipment on site and other cost. A construction project is said to have failed when it cannot achieve its objectives within the basic parameters of time, cost, quality and value for money invested (Construction Excellence, 2004). Since a good procurement is synonymous with a good and successful project, the process used for the delivery of the project requires a thorough investigation to ensure that the project will perform to the satisfaction of the client, therefore timely deliveries of project within the budget period and to the expected cost and quality are indicators of successful project delivery. The success and or failure of construction projects are highly influenced by the

efficiency and effectiveness of these processes. Mukura, Shalle, Kanda and Ngatia (2016) maintained that public Procurement is considered as a very important factor in economic and business circles globally, hence as a result of its economic and social implications, it becomes very crucial to ensure that the processes leading to it are handled with all manners of urgent importance in order to ensure successful delivery in all activities that are involved in it.

3. RESEARCH METHODOLOGY

3.1. Study Area and the Tertiary Institutions

This is made up of the entire 44 Tertiary Institutions in the six States of the Southwest Nigeria. namely; Ekiti, Lagos, Ogun, Osun and Oyo. The Tertiary Institutions consist of seventeen Universities, seventeen Polytechnics and ten Colleges of Education. The projects with the highest value procured by each institution in 2016 were selected by purposive sampling technique to make a sample size of 44 projects.

3.2. Respondents

The Act mandated each procurement entity to have a procurement unit headed by a procurement officer. The procurement officers are responsible for administering procurement, keeping records regarding procurement in their institutions and ensure compliance with the procurement Act. As a result, the study adopted the 44 Procurement Officers in all the Tertiary Institutions as the respondents of the study. The Procurement Officers were requested to provide such information as, the provisions of the PPA 2007 which they complied with and those ones they do not comply with, duration of projects; initial contract period; and final contract period through the use of structured questionnaire.

3.3. Data Collection and Analysis

Structured questionnaire was used as test instrument for the collection of data from the respondents. The questionnaire was validated and subsequently tested for reliability before it was administered to the respondents of the study. The Crombach alpha coefficient result for the instrument was in the range of (0.703-0.910). This result indicated that the instrument was reliable. Data collected were analysed using Statistical Package for the Social Sciences (SPSS 20). Descriptive and inferential statistics including Pearson Product Moment Correlation were used to test the relationship between compliance with Public Procurement Act, 2007 and project performance.

4. RESULTS AND DISCUSSION

The results of the analysis of data collected are presented as follows;

4.1. Levels of Compliance with Public Procurement Act, 2007 by Public Tertiary Institutions in Southwest Nigeria

One of the objectives of the study is to determine the level of compliance with Public Procurement Act, 2007 by Public Tertiary Institutions in Southwest, Nigeria. To achieve this objective, 39 provisions of the Public Procurement Act relevant to procurement of construction projects were selected. Respondents were requested to indicate 'Yes' for the provisions which they comply with and 'No' for the provisions which they do not comply with during procurement of construction projects in their Institutions. Data collected were analysed as percentage compliance using SPSS 20. The results are presented in Table 1.

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Table 1: Level of compliance with PPA, 2007 by the PTIs

Provisions	N	Sum	Mean	Rank	Compliance
Compliance with the: Currency for stating values the procurement contract are stated	44	43.00	0.98	1	major
Language of documentation of bids and contract agreement	44	41.00	0.93	2	Major
Procedure of payment for contractors/suppliers that handled capital project	44	40.00	0.91	3	Major
Person responsible for final selection of winning tenders	44	39.00	0.89	4	Major
Bidding method for procurement of construction contract by the PTIs	44	39.00	0.89	4	Major
method/ procedure for procurement of capital projects by the PTIs	44	37.00	0.84	6	Major
Basis for the award of contract for construction projects by the PTIs	44	36.00	0.82	7	Major
Requirements for participation in bidding process	44	36.00	0.82	7	major
Process adopted for the procurement of construction project by the PTIs	44	33.02	0.75	9	major
Values or consultancy services for which open bidding is solicited	44	32.00	0.72	10	major
Minimum number of bids to be received before award of contract	44	31.00	0.70	11	Major
Committee/organs in place and involve in the procurement of constitution project in the PTIs	44	29.80	0.68	12	Major
Basis of granting mobilization to a contractor or a supplier	44	28.00	0.64	13	Major
Activities performed during bid opening	44	27.75	0.63	14	Major
Processes carried out by the PTIs when implementing procurement plans	44	27.30	0.62	15	Major
Procurement of PPA, 2007 on restriction tendering by the PTIs	44	26.00	0.59	16	Major
Procurement practices applicable to construction project by the PTIs	44	25.72	0.58	17	Major

Period when certificate of "No Objective to contract award" is obtained from BPP for capital project by the PTIs	44	25.00	0.57	18	Major
Approving authority in the conduct of procurement by the PTIs	44	25.00	0.57	18	Major
Composition of the procurement planning committee	44	24.86	0.57	18	Major
Procedure for evaluating bids by the PTIs	44	24.80	0.56	21	Major
Criteria for finding of capital projects	44	24.00	0.55	22	Major
Award of contracts of capital projects to the winner	44	22.00	0.50	23	Major
Modes of bidding/tendering for construction project by the PTIs	44	21.40	0.49	24	Minor
Procurement process done for procurement planning	44	21.40	0.49	24	Minor
Content of the procurement contract agreement by the PTIs	44	21.30	0.48	26	Minor
Funding of capital project by the PTIs	44	18.00	0.41	27	Minor
Process applicable to bids excluded from evaluation	44	16.99	0.39	28	Minor
Procedure for selecting bid by the PTI	44	16.99	0.39	28	Minor
Processes carried out during solicitation	44	16.87	0.38	30	Minor
Procedure for procuring consultancy services for construction projects	44	16.60	0.38	30	Minor
Powers of the Tender Boards of the PTIs	44	15.00	0.36	32	Minor
Procedure for payment for procurement of goods, works and services by the PTIs	44	14.16	0.32	33	Minor
Mode of primary form of dispute resolution of the procurement agreement by the PTIs	44	13.00	0.30	34	Minor
Values of project for which certificate of "No Objection" is obtained from BPP by the PTIs	44	11.00	0.25	35	Minor
Time it takes the PTIs to prepare and transmit records of procurement proceeding and contract awarded for each financial year	44	11.00	0.25	35	Minor
Basis of granting mobilization to a contractor/supplier	44	11.00	0.25	35	minor
Time allowed for bidding before award of contract	44	8.00	0.18	38	minor
Inspection of unclassified procurement record by the public	44	0.00	0.00	39	Minor
Overall level of compliance by the PTIs	44	24.16	0.55		
N = No of respondents					

On the level of compliance with PPA, 2007 by PTIs, Table 1 shows that twenty two, representing (56.4%) of the provisions of PPA, 2007 namely compliance with: currency for stating values of procurement contract (98%), language of documentation of bids (93%), procedure of payment for contractors/suppliers that handled capital projects (91%), person responsible for final selection of winning tenders (89%), bidding method for procurement of construction contract (89%), method/procedure for procurement of capital projects (84%), basis for the award of contract (82%), requirements for participation in bidding process (82%), process adopted for the procurement of construction project (75%), values or consultancy for which open bidding is solicited (72%), minimum number of bids to be received before award of contract (70%), committee/organs in place and involved in the procurement of construction project (68%), basis of granting mobilization to contractor or supplier (64%), activities performed during bid opening (63%), process carried out by the PTIs when implementing procurement plans (62%), procurement of PPA, 2007 on restriction tendering by PTIs (58%), period when certificate of ‘No objection to contract award’ is obtained from BPP (57%), approving authority in the conduct of procurement (57%), composition of the procurement planning committee (57%), procedure for evaluating bids (56%) and criteria for funding of capital projects (55%) were complied with by majority of the PTIs. One (2.6%) provision of PPA, 2007 namely compliance with the award of contracts of capital projects was complied with by half (50%) of the PTIs. None of the PTIs complied with the inspection of unclassified procurement records by the public while the remaining sixteen (41%) provisions of PPA, 2007 were complied with by minority of the PTIs. On overall, the level of compliance with the provisions of PPA 2007 is fifty-five (55%) per cent.

4.2. Extent of Time Overrun in Projects Procured among Federal and State PTIs in Southwest, Nigeria

One of the objectives of the study was to determine the extent of time overrun in project procured among Federal and State Tertiary Institutions in Southwest, Nigeria. To achieve this objective, respondents were requested to provide initial and final contract periods of the highest contract procured in their Institutions in the year 2016. Data collected were analysed as mean time overruns. The results are presented in Table 2.

Table 2: Project Time Overrun among Federal and States Tertiary Institutions

Project Time Overrun	N	Mean
Federal	19	0.22
State	21	0.38
Total	40	0.30

N= No of respondents

Table 2 shows that project time overrun among Federal Tertiary Institutions is 22% of the initial contract period while the project time overrun among the State Tertiary Institutions is 38% of the initial project period. The table shows that project time overrun is higher in the State Tertiary Institutions than in the Federal Tertiary Institutions.

4.3. Relationship between the Levels of Compliance with PPA, 2007 and Construction Project Performance

One of the objectives of this study was to examine the relationship between the level of compliance with PPA, 2007 and construction project performance. Project time overrun as parameter of project performance was selected. To achieve the objective, a research hypothesis was formulated. The hypothesis states that there is no significant relationship

between the level of compliance with PPA, 2007 and project performance. The hypothesis was tested for significant relationship between the level of compliance with the provisions of PPA, 2007 and project time overruns using Pearson Product Moment Correlation test at $p \leq 0.05$. The rule for the rejection of the hypothesis was that when $p\text{-value} > 0.05$, the test fails to reject the hypothesis, but when $p\text{-value} \leq 0.05$, the test rejects the hypothesis. The results are presented in Table 3.

Table 3: Results of Pearson moment correlation test for relationship between compliance with PPA, 2007 and project performance – project time over-run.

Variable Correlated	N	r-value	Df	p-value	Relationship
Project Time Over-run Compliance with;					
Funding of capital projects	41	-0.164	40	0.307	Ns
Values of project for which certificate of “No objection” is obtained from BPP	41	0.222	40	0.164	Ns
Basis for the award of contract for capital projects	41	0.206	40	0.196	Ns
Period when certificate of “No objection to contract award” is obtained from BPP	41	0.046	40	0.777	Ns
Method adopted for procurement of capital projects	41	0.096	40	0.552	Ns
Time allowed for bidding before award of contract	41	-0.008	40	0.936	Ns
Minimum number of bids to be received before award of contract	41	-0.062	40	0.700	Ns
Procedure of payment for contractors/suppliers that handled capital project	41	0.121	40	0.451	Ns
Criteria used to select contractors for capital projects	41	0.029	40	0.857	Ns
Process applicable to bids excluded from evaluation	41	-0.156	40	0.330	Ns
Language of documentation of bids and contract agreements	41	0.010	40	0.952	Ns
Time taken before preparation and transmission of records of procurement proceedings and contract awarded for each financial year to BPP	41	0.098	40	0.541	Ns
Treatment of unclassified documents/procurement records	41	*			
Award of capital project to the winning bidder	41	0.240	40	0.131	Ns
Person responsible for final selection of the winning tender	41	0.171	40	0.284	Ns
Powers of the Tenders Board	41	0.013	40	0.938	Ns
Requirements for the participation of sub-contractors	41	0.224	40	0.159	Ns
Primary form of dispute resolution in the procurement contract agreement	41	-0.122	40	0.487	Ns
Currency used to express the values in the procurement contract agreement	41	0.160	40	0.317	Ns
Content of the procurement contract	41	0.074	40	0.646	Ns
Approving authority in the conduct of procurement	41	-0.132	40	0.410	Ns
Process regarding the planning of procurement	41	0.042	40	0.793	Ns
Processes regarding implementation of procurement plan	41	0.284	40	0.072	Ns

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Organs/committee in place and involved in the procurement of construction projects	41	0.118	40	0.464	Ns
Composition of the procurement planning committee	41	0.163	40	0.308	Ns
Processes followed in the procurement of construction projects	41	0.182	40	0.254	Ns
Mode of bidding/tendering for construction projects	41	0.150	40	0.349	Ns
Activities required to be performed during bid opening	41	-0.061	40	0.703	Ns
Processes carried out during bid solicitation	41	0.005	40	0.975	Ns
Margins of mobilization given to contractors	41	-0.122	40	0.447	Ns
Basis of granting of mobilization to a contractor	41	0.043	40	0.788	Ns
Procedure of payment for procurement of goods, works and services	41	0.011	40	0.944	Ns
Procurement practices on contents of procurement proceeding	41	0.066	40	0.681	Ns
Bidding methods for procurement of construction projects	41	0.131	40	0.413	Ns
Procedure applicable to approval for restricted bidding	41	0.004	40	0.978	Ns
Value of consultancy services for which open bidding is solicited	41	-0.150	40	0.350	Ns
Procedure for procuring consultancy services for construction projects	41	0.034	40	0.834	Ns
Procedure for evaluating bids	41	0.092	40	0.568	Ns
Procedure for selecting bids	41	0.012	40	0.940	Ns
Overall level of compliance with PPA, 2007	41	0.122	40	0.447	Ns

N = No. of Respondents, Df = Degree of Freedom, Diff. = Differences, S = Significant, NS = Non-Significant

Table 3 disclosed that the p-values for the test of relationship between compliance with all the provisions of PPA, 2007 and project time over-run are higher than the critical p-value (0.05), therefore, the test fails to reject the hypothesis that there is no significant relationship between the provisions of PPA, 2007 and project time over-run. The results in Table 3 imply that compliance with all the provisions of PPA, 2007 does not contribute to project time over-run. In other words, the efforts of PTIs to comply with the provisions of PPA, 2007 neither delay the delivery of projects which they procured nor fast-track them

5. DISCUSSION OF FINDINGS

The results on levels of compliance with Public Procurement Act, 2007 by Public Tertiary Institutions have shown clearly that twenty-two (56.4%) provisions of PPA, 2007 were complied with by majority of PTIs. One (2.5%) provision of PPA, 2007 was complied with by half (50%) of PTIs. None of the PTIs complied with the inspection of unclassified procurement records by the public, this seemed to suggest that the PTIs might have some shady things in their procurement, hence keeping them from scrutiny by the public. This is because section 16 subsections 14 of the Act requires that all procurement documents that are not regarded as confidential shall be made available for inspection by the public at the cost of copying and certifying the documents plus an administrative charge as may be specified occasionally by BPP. This obviously is to ensure openness and transparency in the conduct of Public Procurement. The remaining sixteen (92.3%) provisions of PPA, 2007 were complied

with by minority of the PTIs. The overall level of compliance with the provisions of PPA 2007 by all the PTIs is fifty-five (55%) per cent.

Findings on time overrun in projects procured among Federal and State Tertiary Institutions reveals that the Federal Tertiary Institutions experience delay amounting to 22% of the initial contract period while the project time overrun among the State Tertiary Institutions is 38% of the initial project cost. The table shows that project time overrun is higher in the State Tertiary Institutions than in the Federal Tertiary Institutions. The difference in delay experienced by the different categories of ownership of the Tertiary Institution may have been as a result of several factors such as Government bureaucracy, instructions, unrealistic project acquisition, delayed or disrupted communication or late approvals (Mugo, 2014). The level of compliance with any of the thirty-nine provisions of the PPA 2007 does not contribute to project time-overrun or delay in project delivery by PTIs

6. CONCLUSION AND RECOMMENDATION

The study has established that the overall level of compliance with public procurement Act 2007 by Public Tertiary Institutions in Nigeria is 55%. The implication of this result is that the Tertiary Institutions' compliance with the Act is just a little above average. This tends to suggest the need for more compliance in the Institutions so as to achieve the objectives of the Procurement Act in ensuring probity, accountability, and transparency in the projects procured in the Institutions. The BPP and NCPP are the regulatory authorities established by the provision of the Act on matters of monitoring and oversight functioning on Public Procurement in Nigeria. The result may further suggest that these two bodies are not doing enough in terms of supervision and implementation of the Act in the Institutions as enshrined in the provisions of the Public Procurement Act. The study also established that none of the PTIs complied with the inspection of unclassified procurement records by the public, this seemed to suggest that the PTIs might have some shady things in their procurement, hence keeping them from scrutiny by the public. Compliance with this provision is an indication of openness and transparency in public procurement by procurement entities hence, the need for BPP to ensure compliance with the provision.

The study further established that there is time overrun in the projects procured by the Institutions, however the delay has nothing to do with the compliance or non-compliance with the provisions of the Public Procurement Act 2007.

The study therefore recommended that the BPP and the NCPP should intensify the supervision and the implementation of the Procurement Act in the Public Tertiary Institutions so that the objective of the Procurement Act will be achieved in the delivery of construction projects procured by the Institutions.

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