

E-Procurement Systems in Public Sector: Implications for Corruption and Development in Nigeria

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Abstract

The study evaluated by comparative study the efficacy of e-procurement systems and their prospect in the reduction of corruption in the course of public procurement for public service delivery and development in Nigeria. This is because corruption in the public sector is a huge problem that affects development in Nigeria. It deployed the evaluative approach in the comparative investigation of the systems, with the view of establishing the current status of the systems, where they are applied, and appraise the likely occurrence of corruption therein. This method of inquiry was intended to generate data to aid further decision-making on the subject matter. It drew secondary data from the 'Public Procurement Act 2007,' and the applicable processes of 'E-Procurement as obtainable in Shell Petroleum Development Company (SPDC), Total -E & P (formerly ELF Petroleum), and ExxonMobil Unlimited. The data obtain were used in explaining the susceptibility of each of the system of procurement to abuse hence corruption. The inquiry revealed that the Paper-based Procurement system contains several loopholes which encouraged abuses, contrary to the purpose which it was enacted to address in the public sector of Nigeria. It then recommended that in the spirit of 'Public-Private-Partnership, E-Procurement which is being applied by the Multinational Corporations (MNCs) in Nigeria should be adopted in the Public Sector Management just as the TSA is currently in use. E-Procurement should be introduced incrementally starting from the Nigerian National Petroleum Company, Ministry of Finance, Budget office before the extension to all the Ministries, Department and Agencies of the state. The expediencies of the E-Procurement over Paper-based system include among others; economy in the use of paper (Zero paperwork), procurement process cycle-time would be reduced, effectiveness and efficiency would be enhanced and service delivery would improve, above all, abuse of procurement would reduce. The challenges that would arise would include; the technical know-how by suppliers, availability and accessibility of electronic portals and secrecy of quotations may not be guaranteed.

Keywords: *E-procurement Systems, Comparative, Corruption, Transparency and Development*

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Background to the Study

Nigeria has been described as the lame duck in the race for development among her mates, the group of countries that obtained independence at about the same time with her and are not so endowed as Nigeria in terms of both natural and human resources (Jonathan, 2018). The poor development indicators of Nigeria compared to other nations of the same age, and many others without the quantum of resource endowment of Nigeria, has raised many inquiries into Nigeria's underdevelopment. One of the causal factors among many others is corruption. This was the reason that the International community gave President Obasanjo as a principal condition for foreign assistance, to institute concerted effort against corruption. The first attack on corruption was the promulgation of the 'corrupt practices and other related offences Act, 2000, otherwise known as the Independent Corrupt Practices Commission (ICPC) Act, 2000 and this was followed by the Economic and Financial Corrupt Commission Act (EFCC) respectively. However, the extent to which both have succeeded to turn the tide of corruption is not impressive. This was followed with the Public Procurement Act, 2007, when it was discovered that the largest business field is the Government, purchasing, constructing and delivering services at both the Federal, State and the Local Government levels respectively. These centres are the headquarters of corrupt practices both by those holding offices and those being engaged.

These efforts seemed fruitless as the corrupt practices seemed to continue to be on the rise. According to Corruption Perception Index (CPI), CPI score relates to the perception of the degree of corruption as experienced by business people and analysts and ranges between 100 (highly clean) and 0 (highly corrupt). So, when a country is scored close to zero matrices it means it is enmeshed in corruption. In 2012 Nigeria scored 27%, in 2013, the country scored 25%, 2014 it scored 27%, 2015, 26%. The 2016 ranking placed Nigeria at 136th position with a score of 28% over 100% while the in 2017 Nigeria scored 27 percent that is, ranked 148th (together with Comoros and Guinea) among 180 countries surveyed. The 2017 report indicates that corruption has gotten worse in the last years (Okonjo-Iweala, 2018).

In 2018 and 2019 Nigeria ranking is 144th and 146th and scored 27% and 26% respectively (CPI, 2019). This means the public sector where the bulk of governance activities take place is perceived to be very corrupt. These raised questions on the efficacy of these anti-corruption outfits. What all these means is that services rendered by the state are not reaching the majority of the people but being 'arrested by few persons in the government circle and businessmen', while the rest of the people wallowed in abject poverty.

The 2018 Corruption Perceptions Index (CPI), published by Transparency International, measures the perceived levels of public sector corruption in 180 countries and territories. Drawing on 13 surveys of business people and expert assessments, the index scores on a scale of zero (highly corrupt) to 100 (very clean). The results paint a sadly familiar picture: more than two-thirds of countries score below 50, while the average score is just 43. Perhaps most disturbing is that the vast majority of countries assessed have made little to no progress. Only 20 have made significant progress in recent years. As long as corruption continues to go largely unchecked, development is under threat around the world.

Nigeria March Inflation Rate Nears 2-Year High of 12.26%, Nigeria March Factory Activity Growth Nears 3-Year Low, Nigeria Trade Surplus Narrows in December, Nigeria Private Sector Activity Growth at 7-Month Low, Nigeria Services Activity Growth Slows in February, Nigeria GDP Grows the Most since 2016 Recession Nigeria Stocks Fall for 8th Session, Nigeria Holds Key Interest Rate at 13.5% Fitch Revises, Nigeria Credit Outlook to Negative. The implications of these extensive and persistence corruption are witnessed in the low Human development indices, that is, a country's quality of life. Some of these are; Unemployment rate which is worsening, the ratio moved from 14.8% in 2017 to 18.8% in 2018, meaning more people are losing their jobs. The number of out-of-school- children currently stand at 13.2million according to UNICEF and UBEC (2018).The World Bank in its recent release on the poverty ration of countries around the world, posited that 92.1% of Nigerians are living under \$5.5 per day. Above all, Nigeria has become the poverty capital of the world taking over from India (Okonjo-Iweala, 2018).

All these indicators notwithstanding, Nigeria is the world sixth largest producer and exporter of crude oil. When the quantum of other resources endowment is taken into cognizance, then one could conclude that indeed one of the banes of Nigeria's underdevelopment is but corruption. This is not to discount the role of leadership in the development calculus of the state.

One of the steps taken to address this situation was the enactment of the 'Public Procurement Act, 2007, because the bulk of government processes rest on public procurement in volume and frequency. It is therefore vulnerable to corruption. The main goal of this study was to evaluate the use of E-Procurement Systems in the Public Sector and the implications for corruption and development in Nigeria.

The main objective of this study was to examine the efficacy of the Procurement Act 2007, in the reduction of the incidences of corruption in comparison with the E-Procurement practices. This was with the view of recommending the one that is likely to minimize corruption for application in the governance system of Nigeria.

Method of Study: Evaluative Approach

Evaluation technique is a systematic determination of a subject's merit, worth and significance, using criteria governed by a set of standards. It assists an organization to assess the achievement of its set goals or otherwise to assist in decision-making, or to ascertain the degree of achievement or value regarding the aim and objectives and results of any such action that has been completed.

The primary purpose of evaluation, in addition to gaining insight into prior or existing initiatives, is to enable reflection and support in the identification of future change. It is often used to appraise subjects of interest. It is a long term and applied at the end of a period. In the context of this study, the technique applied was section -by-section evaluation of the strength and weaknesses of the section in the prevention of abuses by the both the Ministries, Departments and Agencies of the government. This was against the backdrop of the; (i)

purpose of the project, this refers to the desired outcome, (ii) strength in achieving set goals, and its (iii) and its weaknesses in guarding against abuse.

The Framework of Analysis

Robert Klitgaard (2000) Economic theory of corruption was the applicable and relevant perspective of analysis in this work. It posited that corruption would occur if the corrupt gain is greater than the penalty multiplied by the likelihood of being caught and prosecuted. In other words, that increase in the cost of corruption for those involved in it by making fines more likely and severe, this would curtail the incidences of infractions. When corrupt gains are greater and the likelihood of being caught and prosecuted is greater and the likelihood of punishment much greater, then the incidences would be on the downward trend. The degree of corruption equals to monopoly plus discretion less transparency and morality would give high corruption.

Conceptual Clarifications

E-Procurement Systems

E-Procurement or electronic procurement refers to the process of purchase and sale of goods or services through electronic methods, primarily the internet. It is an alternative to the manual process of procurement, and is certainly superior to the latter in many respects. Organizations are increasingly opting e-Procurement platforms and systems, realizing its potential to curb irregularities and unnecessary costs.

E-Procurement consists of indent Management, RFX creation, e-Tendering, e-Auctioning, Vendor Management and Contract Management among other processes. An e-Procurement solution can automate the whole process, thus saving the organizations from the hassle and irregularities involved in manual procurement. E-Procurement portals are designed for users to register as a buyer or supplier, submit all the relevant documents online and take part in the tendering process that follows.

Components of an E-Procurement Suite

The e-Procurement suites may differ based on of what they offer to the user. The main components of a typical e-Procurement suite are as follows;

- i. Indent Management. This process is the first step involved in e-tendering. Indent creation or the creation of requisition is undertaken, followed by its evaluation and approval.
- ii. RFX creation -RFX is a catch-all term for 'Request for Proposal (RFP), Request for Information (RFI), Request for Bids (RFB) and Request for Quotes (RFQ). These steps involve the creation of RFX and information for technical and commercial qualification criteria. The RFX is then published and the prospective bidders are invited.
- iii. Bid Submission-The interested bidders then register themselves on the e-Procurement portal and submit their bids which would give a detailed account of their technical as well as commercial qualifications.
- iv. Bid Opening and evaluation-Once the bids are successfully submitted, they are evaluated and the vendors are scrutinized. The shortlisted vendors are invited for e-Auction.

- v) e-Auction-The e-Auction is then carried out for procuring the goods or services under consideration. E-Auction too can be of several types depending on the specific requirements.
- vi. Vendor Selection and Finalization-After the e-Auction, according to the requirement, one or more vendors are finalized and the Purchase Order issued. The steps conclude the procurement processes.
- vii. Vendor and Contract Management-This additional module are included to manage and catalogue the vendors and to evaluate their services.

The Expediencies of E-Procurement over the paper-based acquisition of goods and services in an organization or country could be listed as; it allows professional all over the world to be aware of an organization needs assessment and communicate the appropriate information on the availability, price and delivery deadlines to the procuring organizations. In the process, corruption is reduced. It reduces time and cost often spent in the paper-based procurement processes which create an enormous avenue for fiscal infraction-thereby increasing the final cost of the programme, product or output. In the same vein, e-procurement reduces transaction time because office hours may not be a hindrance and costs without compromising on standards and quality of goods supplied. Electronics catalogues-of goods can be assembled and as a fall -back position when some goods or a similar one is being sourced. The widespread supplier based-e-procurement portals are web-based, buyers can search suppliers world-wide, thus, when items are not available locally, it is still possible to source it -though shipping time and cost would apply the certainty of supply, price and quality may overwhelm this setback. It also ensures that Savings are obtained when procurements are made from preferred vendors. The frequency of purchase, from a preferred vendor, there would be a reduction, in the unit cost and quantity discount would be obtained. This translate into cost savings. It is also important to state here that the E-procurement processes can be monitored and supervision from a remote location.

Corruption

Corruption has been described differently; the Oxford Dictionary averred that 'corruption means;

Illing to act dishonestly or illegally in return for money or personal gain. It can also be defined as not following the accepted standards of behaviour or to change something from its original state (Cited in Nzimiro, 2005).

Another perspective sees it as a form of dishonesty or criminal activity undertaken by a person or organization entrusted with a position of authority, often to acquire illicit benefit. However, yet another scholar sees it as a deliberate violation of the established rule to take advantage of oneself as against public interests (Frank, 2014).

Corruption is a sociological occurrence which appears mostly in kleptocratic, oligarchic, narco-states and mafia states. It ranges from bribery and embezzlement to political corruption which occurs when office-holders or other governmental employees acts in an official capacity for personal gains (Nzimiro, 2005). Transparency International described it as the abuse of entrusted power for private gain. It can be classified as grand, petty and political, depending on the amount of money lost and the sector where it occurs.

“Corruption chips away at democracy to produce a vicious cycle, where corruption undermines democratic institutions and, in turn, weak institutions are less able to control corruption,” said Patricia Moreira (2018), managing director of Transparency International. “With many democratic institutions under threat across the globe – often by leaders with authoritarian or populist tendencies – we need to do more to strengthen checks and balances and protect citizens' rights.”

“Our research makes a clear link between having a healthy democracy and successfully fighting public sector corruption,” said Delia Ferreira Rubio (2018), chair of Transparency International. “Corruption is much more likely to flourish where democratic foundations are weak and, as we have seen in many countries, where undemocratic and populist politicians capture democratic institutions and use them to their advantage.”

Drawn from the above conceptions are; (i) It is a willing illegal action. (ii) It creates personal benefits against public interests (iii) It violates lawful standards (iv) It arrests public development. (v) It is prevalent with public officials where the bulk of governance activities take place. (vi) It reduces the stock of productive inputs and denies many people benefits. All these variables associated with corruption have a negative impact on the national development indices of Nigeria.

The causes of corruption have been identified to include excessive personal greed, unmitigated desire for luxury or materialism and excessive monopolization of power among others. In all these, one area in which corruption are striving without abatement is in Public Procurement in public institutions, which account for the rationale for the Public Procurement Act 2007. If Nigeria was to fight corruption successfully, it needed not just to arrest and prosecute people – which was vital-but also to build the institutions, processes, and systems that enhance transparency and make corrupt practices more difficult in the first place (Okonjo-Iweala 2018).

Public Sector

The public sector (also called the state sector) is the part of the economy composed of both public services and public enterprises. Public sectors include public goods and governmental services such as the military, law enforcement, infrastructure (public roads, bridges, tunnels, water supply, sewers, electrical grids, telecommunications, etc.), public transit, public education, along with health care and those working for the government itself, such as elected officials. The public sector might provide services that a non-payer cannot be excluded from (such as street lighting), services which benefit all of society rather than just the individual who uses the service (Web Finance, Inc. 2016). Public enterprises, or state-owned enterprises, are self-financing commercial enterprises that are under public ownership which provide various private goods and services for sale and usually operate on a commercial basis.

Development

"Development in human society is a many-sided process. At the level of the individual, it implies increased skill and capacity, greater freedom creativity, self-discipline, responsibility and material well-being." (Walter, 2009).

Development thus means the institutions, discourses and practices established in the post-Second World War period and applied to newly independent countries through international agencies such as the World Bank, reproduced and adapted to the present through a growing 'aid industry' involving multiple donor agencies, consultants, governmental and non-governmental organisations.

Development is now recognized as relevant for everyone everywhere, in Brighton as much as Bamako or Bogota – as emphasized in the 'universal' framing of the United Nations Agenda 2030 (Sustainable Development Goals), calling for transformations towards more sustainable and prosperous futures for people and planet (The British Academy, 2020).

E-Procurement Systems in the Nigerian Public Sector

The principal element of this study was to evaluate the capacity of the E- Procurement to prevent corrupt practices in governance in Nigeria. Corruption is pervasive in the procurement aspect of governance, yet it is the largest component of governance because it covers from the federal to the local government levels, curtailing corrupt practices here, would be a step in the right direction.

It is important to focus on this sector because it is the hub of all government activities. The principal issues include; when the rights prices are applied in all supplies, purchases, payments and construction, the cost of governance would have been reduced and service delivery would have improved and the citizens would have obtained greater value from governance at all levels.

Consequent upon the above problematic, the study is then focused on the evaluation of the Public Procurement Act, 2007. According to Nzimiro (2005: 24), corruption cannot be wiped out by doctrines of moral rearmament but by the change in the system that supports corruption. To reduce corruption and foster development, the government must focus on creating Institutions, Processes and Systems that will enhance transparency and reduces corruption which is our major challenge as a country.

Paper-Based Procurement Act 2007, is the law which seeks to regulate and control the processes of acquisition of goods, work or services by the Federal Government and its Ministries, Department and Agencies. After almost (11) eleven years of its operations, the procurement process in Nigeria is still bedevilled with many shortcomings which reflect in long project delays, abandonment of contracts, high project costs and infractions. There is therefore urgent need to amend the Public Procurement Act or change to a more effective version which ensure timely completion of procurement processes and minimize cases of infractions. The sections considered problematic are highlighted seriatim below.

Section 2

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Section 19

19(b) (i & ii) Provided for the invitation of two credible persons, one of whom should be a private sector professional knowledgeable in the sector of the item being acquired. The other being an NGO to observe the processes of the acquisition of the goods or service. This section is observed in breach of these provisions.

Section 20

20(2 a b, c) where the accounting officer or CEO presides over the procurement processes is the biggest gateway to abuse of office and procedure. They use front and award the contract to themselves and forge compliant documents.

Section 35

35 (2) Once mobilization fees have been paid; no other payment shall be made without an 'Interim Performance Certificate'. This is observed in the breach by most Chief Executive Officers.

Challenges of Corruption and the Implication of E-Procurement System

i)The table below indicates Nigeria's corruption index eleven years after the enactment of the Procurement Act, 2007.

Table 1: Showing Nigeria's Corruption Index 2008-18

Year	No of Countries in the Survey	Ranking	CPI Score	# of Surveys Used	Confidence Interval Range
2008	180	121	27	7	2.3 – 3.0
2009	180	130	25	7	2.2 – 2.7
2010	178	134	X	X	2.4
2011	180	143	24	X	X
2012		139	27	9	22 – 31
2013	177	144	25		
2014	136	176	27		
2015		148	27		
2016	176	35	28	X	X
2017	180	148	27		
2018	180	148	27	X	X

Source: Frank & Ebong (2018), compiled from eleven (11) years report of Transparency International- CPI reports. 2008-18.

Public Procurement Act, 2007, came into effect as soon as it was enacted, however, Table 1, indicated that despite its presence, corruption in Nigeria grew at the rate of 5.25 percent annually in the eleven years of its existence. This also points to the fact that the current onslaught on corruption is not in any way effective, as indicated in table 1, Nigeria kept sliding down the abyss of corruption in the Index table. It is instructive to note that the incidence of corruption may not have all arisen from the procurement angle, but it remained a major source of all incidents of corruption.

Like the constitution, the operators have 'found a way around' the Act because of gaps therein in the Act, hence corruption in the procurement system in the public sector, has not been mitigated by the Act.

Table 1, cast against the evaluative method of this study, indicated that (i) the purpose of the Act has not been achieved because of the increasing outcome of the incident of corruption depicted in table 1. (ii) The Act has no worthwhile strength in forestalling infraction in the Procurement processes in the public service. (iii) It is weak in all its sections, hence cannot guarantee fewer infractions of the Act and greater service delivery.

ii) Inexpediciencies of the Act were identified to include among others, time-wasting in the various protocols involved in the processes. Against this background, Nwokak, *etal*, (2009), averred that a portion of corporate buyer's time is spent on non-value -added activities such as data entry, correcting errors in paper-work, expending delivery or solving quality problems. For high-value items purchasing, personnel spend a great deal of time and effort on procurement activities as obtainable in the Nigerian National Petroleum (NNPC) unlike what is obtainable in the Multinational Corporations (MNCs) operating in the country such as Total E and PLtd, ExxonMobil and Shell Petroleum Developing Company (SPDC). Dunleavy (1994), affirmed that indeed the paper-based procurement system, involves time and cost overrun.

iii) It is important to note that procurement includes the following activities, pre-qualification of suppliers, Bidding, negotiating prices and terms, building rapport with strategic suppliers, as well as carrying out supplier evaluation and certification (Nwokak, 2009). The shortcomings of the system as espoused have made the system susceptible to abuses.

The Procurement Act like any paper-based acquisition system, has certain drawbacks which include the fact that it paper-based purchase orders waste a lot of time in processing and execution and realization of the intended purposes. It is further prone to errors and fraud which in the first place is one of the cardinal objectives which the New Public Procurement Act. This is because fraudsters are in the sprawl. Fraud experts established what is known as the '10-80-10' rule. This rule states that 10 percent are inclined to steal and the other 80 percent could go either way dependency on circumstance and opportunity. The opportunity to steal is greater when the business uses paper-based purchase orders.

Implications of E-Procurement Systems in Public Sector

In the first place, digitalization of the procurement processes would lead to seamless workflow in the Government Ministries, Department and Agencies of the states and would enhance a great deal of transparency in all transactions. Secondly, it would increase the market reach for both buyers and suppliers and reduce greatly infractions that are associated with the paper-based procurement. It is very likely to ensure the security of bid information, which often are compromised in the manual procurement system, lastly, it significantly expands the market and the search for the right quality of goods and services required in the positive direction.

The probability of a reduction in the unit cost and quantity discount would be significantly greater with e-procurement from the vendor than what would be obtainable under the paper-based system. This would become cost-saving for the Ministries, Department and Agencies of government. The Public Procurement Act had as part of its intent, the minimization of infractions in the course of the acquisition of public services and goods. It is important to state herein, those eleven years after its enactment, no one person has been indicted on its infraction. This is not to assume that public servants have not violated the Act in anyway, yet 'internal cost' of governance, arising from procurement processes is on the increase at all strata of governance (local, state and federal) levels respectively. This is a critical point because it has no enforcing body. The assumption that each procuring entity should ensure its compliant, is the weakest link in the attempt to enforce compliance.

In response to the need to fight corruption, the former President of Nigeria Goodluck Ebele Jonathan (2028) said it is important to note how we supported the institutional development of secure systems and mechanisms, to curb corruption in public service and plug revenue leakages. My administration spread headed the development of the Treasury Single Account (TSA), the Integrated Personnel and Payroll Information System (IPPIS) and the Bank Verification Number (BVN). Consequently, Velocity Capital, a Dutch private equity firm, in their independent assessment showed that, the Electronic Wallet initiative of the Federal Ministry of Agriculture and Rural Development under the Growth Enhancement Support Scheme (GESS), had save the Federal Government of Nigeria \$192million by 2012, the first year in which it was introduced. My administration developed and implemented the Integrated Personnel and Payroll Information System (IPPIS), which was initiated by Obasanjo Administration towards the end of his tenure. Through this technology we arranged for federal, civil and public servants to register their biometrics as a condition for receiving their salaries and as a result we weeded out over fifty thousand ghost workers and save N15 billion every month which was then equivalent to \$100 million (Jonathan, 2018, p.47). The money that are saved can be used for development projects in the country.

Conclusion

Based on the above analysis, fighting corruption requires taking necessary measures to set up systems and strengthen our public institutions by embracing global best technology like the E-Procurement Systems to systematically fight corruption in Nigeria. The essence of streamlining the procurement system included the need to reduce corruption, improve effectiveness in service delivery in governance. The Procurement Act 2007 has not been able to lead Nigeria into that comity of modern nations because of the weaknesses of the paper-based procurement system. The E-Procurement system promises to address to turn the opportunity into strength and address the threats in the Public Procurement Act, 2007. It is, therefore, the position of the submission of this study that Nigeria should go digital by adopting E-Procurement Systems for it would address all the shortcomings of the Paper-based procurement otherwise known as the Public Procurement Act 2007.

Recommendations

This study recommends that E-Procurement Systems should replace the paper-based Public Procurement Act 2007, because of the advantages associated with it. It is encouraging to note

that the Federal Government had announced a pilot plan to migrate to the E-Procurement platform for it is expected to save the country a lot of money currently being lost through the application of the paper-based Public Procurement Act. It is expected that E-Procurement Systems could generate savings of at least 10-20 percent on recurrent and 10 percent on capital expenditure respectively. The E-Procurement System would greatly reduce the cost of governance which is one of the desires of everyone to free fiscal resources for development. It is important to note that in Nigeria 'corruption' is a person. It has assumed a huge status of an influence, so powerful that nobody can resist the instruction it gives. This is the greatest challenge with 'Paper-based Procurement', which made E-Procurement Systems an attraction, if the desire to minimize corruption and progress towards accountable governance that lead to development in Nigeria.

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