

Sustainable Public Procurement Practice: Panacea to Good Governance in Nigeria

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A b s t r a c t

The world is paying much attention to sustainability issues, especially on the environment (-global warming). Sustainable public procurement (SPP) is a tool which allows governments across the globe to leverage public spending in order to promote their country's social, environmental and economic policies. Public procurement expenditure in Nigeria amounts to as much as 20 % of the GDP -however the present public procurement policy in Nigeria does not formally take into account sustainability aspects. The Government of Nigeria recognizes that procurement decisions by public entities, Ministries, Departments and Agencies (MDAs) have inherent social, public health, environmental and economic impacts both locally and globally, at present and in the future. The objective of this paper is to contribute and expand the existing literature the potential of Sustainable Procurement for promoting good governance and realizing its benefits for the citizens. The study therefore introduced the concepts of good governance and sustainable public procurement, its relevance in governance, and significance of its application for sustainable economic development. The paper reviewed the implementation of sustainable public procurement in Ghana and Kenya. Based on the reviewed literatures the study found that Nigeria is far from having any requisite law for sustainable public procurement not to talk of implementation. A conclusion was drawn that sustainable public procurement is one major way to achieve good governance goals especially in Nigeria. The Nigerian government and other stakeholders should therefore make concerted efforts to ensure that the enabling legal frame for sustainable public procurement is enacted and implemented for good governance and its attendant benefits to the citizens.

Keywords: *Public procurement, Good governance, Sustainable public procurement*

Background to the Study

Within the overall pattern of public expenditure, that portion of public expenditure attributable to purchases of goods and services, has been the subject of significant recent attention (Fernandez-Martin, 1996; Trionfetti, 2000; McCrudden, 2004; Brühlhart and Trionfetti, 2004). As with total public expenditure, this interest arises in part from the absolute scale of public procurement with between 8% and 25% of the Gross Domestic Product (GDP) of Organisation of Economic Cooperation for Development (OECD) countries and 16% of European Union (EU) Gross Domestic Product GDP being attributable to government purchases of goods or services (OECD, 2000; European Commission, 2006; Afonso Schuknecht, and Tanzi., 2005). Furthermore, public procurement is also a significant activity in the developing world with a study of 106 developing countries finding that the purchases of their governments accounted for 'approximately 5.1 percent of their combined national outputs' (Evenett and Hoekman, 2005). Beyond issues associated with the scale of public procurement, the existing literature has focused attention on a number of important issues including the tendency of public procurement to favour relatively local companies with possible impacts on efficiency and effectiveness, the growing importance of collaborative partnerships between the private and public sectors, and the processes of tendering and contracting for government contracts often in the context of particular products or services (Cox, Chicksand, and Ireland, 2005; Martin, Hartley and Cox, 1999; Bovaird, 2006; Gelderman, Ghijssen, and Brugman, 2006). Within evolving discussions concerning public procurement, the role of government purchases as a stimulus for sustainable development has been a topic of particular interest in recent years (McCrudden, 2004; Weiss & Thurbon, 2006).

The Nigerian nation is in dire need of structural reforms in key aspects of her national life. She needs structural reforms in order to shore up her development horizon. There is urgent need for governance reform in order to attain desired growth and national development. This because Nigeria has been confronted with excruciating development challenges since 1960 when she obtained independence. (Adeyeye, 2005). Some of Nigerian development challenges include poverty, political instability, monolithic economic structure, food insecurity, weak technology base, uncontrolled pollution, illiteracy, social insecurity, ethnic rivalry etc. More critical to national growth are also the problems of bad leadership, corruption and weak institutional framework which are necessary for sustainable national development.

Nigeria has not been that lucky to have visionary and purposeful leaders in this category since independence. Available models of leadership in Nigeria since independence are based on anti-development and mundane tendencies. Since it includes leadership configurations that are determined by unexciting considerations such as godfatherism, religious consideration, good luck factor. Other negative models in Nigerian leadership configurations include reluctant leaders, accidental leaders, tribal leaders, leaders by thuggery, leaders through non cognitive years of experience, concessional leaders and leaders by good governance tours (Adeyeye, 2014). The implication of this is that leadership in Nigeria generally lacks requisite philosophical cum ideological vision and

orientations that are committed to developing a dream society beyond satisfaction of personal selfish desires of such leaders (Oyinlola, 2011). The other issue is development of idea imposition as a precondition for assistance by international development partners such as IMF and the World Bank which Okonjo, Philip and Safo (2007) argue was due mainly to lack of visionary leaders.

Although sustainable public procurement has an increasingly high profile in policy circles around the world, very little is known about the extent to which sustainable public procurement policies and practices are embedded within the practice of public procurement professionals globally. One notable exception is the European Commission's (2005) 'status overview' of sustainable public procurement in Europe (European Commission, 2005).

This paper has provided a systematic and comprehensive insight into the state of sustainable procurement practice globally and locally in Nigeria as well as the barriers to the implementation of sustainable public procurement. Given the scale and importance of public procurement, the lack of earlier research in the public procurement practice, and the capacity for sustainable procurement to play an important role in delivering social benefits both directly and by influencing the activities of private sector organisations, it is important to shed greater light on how public money is spent (McCrudden, 2004; Weiss & Thurbon, 2006). These provided the basis for this paper being exploratory in nature. Because sustainable public procurement is still a relatively new subject in Nigeria, this paper is meant to provide background information concerning the international context in which the theme has emerged, to stimulate debate among those interested in improving the performance of public administration in general, and among procurement officials in particular, and ultimately contribute to promoting the dissemination of sustainable public procurement in the country.

Literature

The Concept of Good Governance

The search for a governance system that works well is as old as the idea of government itself. The concept of good governance was however again brought to the fore in 1989 in a report by the World Bank on the economic and development problems of sub-Saharan Africa. The report reflected on why structural adjustment programmes had failed to create economic growth. In the foreword to the report the then president of the World Bank (2000) Barber Conable, stated that 'A root cause of weak economic performance in the past has been the failure of public institutions. Private sector initiative and market mechanisms are important, but they must go hand-in-hand with good governance – a public service that is efficient, a judicial system that is reliable, and an administration that is accountable to its public'.

Defining the principles of good governance is difficult and controversial. The United Nations Development Program (UNDP 1997) enunciates a set of principles that, with slight variations, appear in much of the literature. There is strong evidence that these UNDP – based principles have a claim to universal recognition. In grouping them under

five broad themes, we recognize that these principles often overlap or are conflicting at some point, that they play out in practice according to the actual social context, that applying such principles is complex, and that they are all about not only the results of power but how well it is exercised., they include legitimacy and voice, direction, performance, accountability and fairness

Concept of Sustainable Public Procurement

The United Nations Environment Programme (UNEP) defines Sustainable Public Procurement (SPP) as “a process whereby organisations meet their needs for goods, services, works and utilities in a way that achieves value for money on a whole life basis in terms of generating benefits not only to the organisation, but also to society and the economy, whilst minimising damage to the environment” (United Nations Environment Programme, 2015). A sustainable procurement choice is one that accounts for the full value of a service or product over its whole lifecycle, including costing of social and environmental risk and opportunities.

Sustainable procurement is implemented in private and public organisations across developed and developing countries, recognising that there are financial and other gains to be made through more strategic purchasing. There is significant opportunity to use this buying power of public procurement to drive and support resource efficiency, local manufacturing, and socially and environmentally responsible practices in the economy (Turley & Perera, 2014). According to them sustainable public procurement = price + quality + environment + society + economy.

The Dimensions (Pillars) of Sustainable Public Procurement

Sustainable public procurement has three dimensions known as pillars. These are environment, social, and economic. There are sustainable issues under each pillar that should be integrated into the procurement processes. Environment: Every product or service bought has environmental impacts throughout its life-cycle- from the extraction of raw materials, the manufacturing of the product through to its use and disposal. The product must be environmentally harmonious, in the sense that its manufacture, use, or disposal will not negatively impact on the environment. For example the use of energy should be moderate (-use of energy saving lighting systems), and the method of generation should take advantage of renewable energies, to maintain fossil fuel levels.

Social: Purchasing actions have social implications, and public procurement can be used to drive social improvements- for example working conditions for publicly contracted construction workers, disabled access in public buildings, employment opportunities for marginalised groups, working against child labour or supporting Fair Trade. Another example of social sustainability: products that have been manufactured under good conditions and fairly traded.

Economic: The term economic in this case does not just mean the initial purchase price but also means efficient procurement including usage costs such as electricity and water consumption, maintenance expenditures and disposal costs at the end of its life. Also, economic sustainability ensures that there is an economic benefit both to the community from which the product was manufactured and to that in which it was sold.

Sustainable Public Procurement and Good Governance

Public procurement has been used historically by various governments, as well as other government funded bodies to reach political, economic or social objectives, including effective delivery of public services, promotion of transparency and good governance and support for domestic industries. More recently, particularly since the mid-nineties, various countries have been taking steps towards adopting so-called “green” procurement policies that take into account the nature of production (of raw materials and components of the final product), as well as use and disposal costs, and hence contribute to achieving environmentally desirable outcomes. For instance, in Ngeria, taking life-cycle and maintenance costs into account in a purchase will also typically allow to reduce the use and disposal costs, and is today considered a good procurement practice even from the strictly economic point of view. Governments being the largest single buyers, it is evident that what and how governments buy and acquires in terms of goods, services and works contribute significantly, both to its ability to deliver sustainable development and to its credibility with its development partners. Public Procurement carried out purely on the basis of upfront costs demonstrates unsustainable economy, since the cost of ownership will far outstrip the upfront cost.

Buyers have a lot of control over what is manufactured, and how it is manufactured. Each time a product is purchased, the buyer is effectively "electing" or "voting" for the company that has provided it. When products are purchased from companies that are ethically irresponsible, e.g. companies that exploit their workers, or companies that degrade the environment through their operations, then these companies engaged such unsustainable practices are being encouraged to continue. The purchasing power should rather be used to support companies that produce sustainable products, e.g. recycled paper.

Government procurement therefore needs to consider sustainability issues as it is the only way that it can be sure to offer real value for money over a longer term without compromising environmental and social responsibilities. This would ensure that development targets are achieved through the acquisition of goods, works and services without much damage to society and the environment. With these considerations, sustainable public procurement seeks long term impact on economic, social and environmental issues, by helping to:

1. Achieve value for money;
2. Sustain economic development;
3. Improve ethical behaviour of suppliers / contractors especially, and the general public at large;
4. Reduce harmful emissions and waste generation;
5. Improved air and water quality;
6. Make local industries applying sustainable public procurement internationally competitive;
7. Increase the wealth and health of the society (hence improve living standards),
8. Improve working conditions - health and safety, labour standards;
9. Reduce labour agitation;

10. Improve condition of disadvantaged groups in the country;
11. Help accelerate the achievement of the Millenium Development Goals, and
12. Create a better society, among other things.

Emperical Review

Until recently procurement practitioners and professionals focused their initiatives primarily on three dimensions: price, quality and time. With the dynamics in modern procurement practices there has emerged yet another (fourth) dimension; sustainability. Managing the various social risks that arise from environmental and social factors has become more important than ever before. Sustainable procurement has gained more prominence as both a concept and practice. The definition (s) presented above in regard to sustainable procurement, provide a broader view of the term 'Sustainable Procurement' as they indicate its concern for environmental, social and economic aspects. It emerges from a broader concept of Sustainable Development: a "development that meets the needs of the present without compromising the ability of future generations to meet their own needs (according to the report by the World Commission on Environment and Development –submitted to the United Nations General Assembly; in 1987)". This requires the reconciliation of environmental, social and economic demands i.e. the "three (3) pillars of sustainability (improving the quality of human life while living within the carrying capacity of supporting eco-systems (IUCN/UNEP/WWF (1991))". Sustainable Procurement involves application of Sustainable Development principles to procurement and is a key activity in helping to ensure that the world remains habitable and that people have a decent quality of life promoting good governance. Their research findings also indicate that while cost has been found to be the leading barrier to sustainable procurement, top management support is the leading facilitator.

Preuss, (2009) contends that despite the importance of the public sector procurement, the number of studies that investigate the role of public authorities in sustainable supply is still small. His research focused on the role of public procurement in bringing about sustainability in particular on the procurement function of Local Government Authorities in England.

According to Kennard (2006), Sustainable Procurement is the process whereby economic development, social development and environmental protection are balanced against business needs. He outlines the benefits of adopting a Sustainable Procurement Policy as Cost control, improved internal and external standards through performance assessment, and compliance with environmental and social legislation, business risk management, improved reputation, sustainable SC and local business community involvement. According to Kennard, greater consideration should be given to bid evaluation criteria so that they support sustainable methods of construction. The age old fixation of lowest price must go in favour of a whole life solution.

Adjei (2010) said that sustainable public procurement implementation will certainly not be without challenges there will be hurdles to be surmounted. However, the remedies outlined in this section will largely address the implementation challenges. The challenges will arise from the following areas, among others:

- i. Getting a reasonable budget for sustainable public procurement;
- ii. Availability of sustainable public procurement Compliance Inspectors;
- iii. Legal framework;
- iv. Budget holders;
- v. Suppliers / contractors;
- vi. Entities;
- vii. Politicians.

Overview of Sustainable Public Procurement Laws of Other Countries

Republic of Ghana

The Republic of Ghana is a lower middle-income country (Gross National Income (GNI) per capita 2010, Atlas Methodology: USD 1,240) with a population of 23.8 million. The Ghana Coordinated Program for Economic and Social Development outlines the national development priorities and the implementation is undertaken through Medium-Term National Development Policy Frameworks. The Ghana Shared Growth and Development Agenda 2010-2013 covers the first phase and includes, as one of seven key thematic priority areas, transparent and accountable governance. The objective is that through sustainable and accelerated value-adding growth of the economy, the per capita income will raise to a minimum of USD 3,000 by the year 2020 (OECD 2011d; WB 2010b; PPA).

Government procurement in Ghana represents over 18 % of GDP and accounts for more than 50 % of the national budget. 42 % of the national budget is funded through Overseas Development Assistance (ODA) (PPA 2010; Schweizerische, 2010). Given the importance of public procurement in Ghana, procurement reform is one of the targets under the Multi-Donor Budget Support and plays an important role to ensure aid effectiveness. The Government of Ghana recognizes that a more effective procurement system is critical to achieve the country's growth and poverty reduction goals and has fundamentally reformed its procurement systems.

The Public Procurement Act (Act 663) of 2003 has laid the foundation for a comprehensive public procurement system taking into account the country's decentralization policy and local industry development. The Act established procurement structures, rules, and tendering procedures.

The Public Procurement Authority (PPA) was created as the central body for policy formulation and oversight. Actions were taken to harmonize procurement proceedings, assess compliance and performance of procuring entities, and increase transparency. Capacity development has focused on large-scale short-term training programs, the development of curricula and modules for tertiary training institutions, and on the establishment of a scheme of service for procurement officers. Ghana has been an active member of international procurement networks such as the Task Force on Procurement and the Marrakech Task Force on Sustainable Procurement. In 2010, the Government of Ghana decided to embark on SPP (OECD 2011d; PPA 2011; PPA 2012).

Implementation Status

SSP in Ghana is implemented through the Swiss-Ghana Sustainable Public Procurement (SPP) Project, a three-year project being implemented by PPA and financed by the Swiss Government with a USD 2.7 million grant. The overall goal of the SPP Project is “to embed the principles of transparency, accountability and sustainability in public procurement by strengthening the monitoring & evaluation system and by increasing the supply of more sustainable goods and services procured by the government.” (Schweizer, 2010). The targeted outcomes focus on introducing a national system for SPP and on strengthening the existing M&E system by incorporating sustainability criteria. Both legal compliance with the Public Procurement Act and the monitoring of SPP implementation is considered pivotal for the institutionalization of SPP. The SPP process is modeled in accordance with the Marrakech Task Force (MTF) Approach to SPP and addresses the three dimensions of sustainability, i.e. the economic, social, and environmental dimension.

First, implementing arrangements were put in place: The project is under the leader- and ownership of Ghana's Public Procurement Authority (PPA), which is responsible for its management and implementation. Consultancy contracts were concluded to secure internationally recognized support in the field of SPP. Arrangements were made for the accreditation of training institutions and the certification of trainers on SPP and M&E. In December 2010, the Ghana Task Force on SPP was set up to provide technical advice on issues related to SPP and to promote SPP in the public. The task force comprises representatives from the private sector, civil society organizations, government bodies and other professional institutions. Awareness programs were carried out and cross national experiences exchanged to build a strong multi-stakeholder group able to promote SPP in the country. The private sector has reacted in a positive way. Companies are aware of international conventions and core labor standards. Internationally engaged companies see new business opportunities while locally operating companies are still being sensitized and may need technical support to cope with new requirements.

Benefits

The project planning documents states three reasons on why to engage in SPP. The first reason is based on cost effectiveness, given that some “green” products are less costly in terms of their use, maintenance, and disposal despite higher upfront investment costs. A second reason is that governments, due to their importance as customers in some markets, can make a difference in environmental outcomes by choosing environmentally and socially friendly options. Thirdly, governments can use their market power to influence producers to shift more rapidly to cleaner technologies (Schweizer Eidgenossenschaft 2010). Since the SPP program will only be rolled out in 2013, it has not been possible yet to measure actual benefits.

Barriers and Challenges

The SPP project document includes a risk analysis and measures to mitigate development, reputational, and fiduciary risks. One risk rated “high” is that PPA may be too ambitious to implement a system for SPP while the implementation of the Public Procurement Act is not fully completed. To deal with this risk, synergies are sought with ongoing activities at

the PPA. For example, the Public Procurement Assessment Tool (PPME – Public Procurement Model of Excellence) is used to enhance the assessment of procurement performance of procuring entities and new key performance indicators are being developed to monitor the use of sustainable products.

Requirements and Conditions

It was stressed in the interviews, that public awareness on the importance of sustainable development and a clear Government commitment for SD based on a long-term vision is a prerequisite for SPP (Ghana has a SD policy statement and planning schemes). SPP needs to be backed by a SPP policy statement, which defines priorities and provides guidance for decision making. Clear responsibilities need to be assigned and a multi-stakeholder approach is needed to establish SPP as a crosscutting issue. Individuals need to act as champions. Complimentary sector policies and laws are required, for example with regard to private sector development to promote new technologies and assist local industries in making production processes more sustainable in the long run. A market readiness analysis should be conducted to ensure that SPP priorities are defined which do not distort the domestic market. Donor support is needed to implement the programs both in terms of knowledge and funds.

Lessons Learned

It would be premature to evaluate lessons learned before implementation has really started. However, the following views have been shared in the interviews conducted:

Stakeholder Involvement: A solid multi-stakeholder group had to be build first to help create public awareness on what SPP stands for and to further engage stakeholders, in particular in procuring entities. Inclusion into wider procurement reform: By considering SPP at an early stage of procurement reform duplication of work can be avoided and synergies be created.

Donor cooperation: Approaches and tools of general procurement reform and SPP implementation, as pursued by different development partners, should be harmonized to ensure a consistent national approach towards procurement reform.

Republic of Kenya

The Republic of Kenya is a low-income country with a GNI per capita of USD 780 (2010) and a population of approximately 39 million residents. 43 % of the population is aged below 15 years, an estimated 46 % of Kenyans live below the poverty line. The population data for Kenya shows a momentous demographic transition taking place, which is characterized by a huge rise in population size, and a youthful and productive population that is highly urbanized. The post-election crisis and economic turbulences in 2008 led to a reform agenda focused on constitutional, electoral, land, and institutional reform as well as increased accountability for corruption and political violence. The new Constitution, approved in August 2010, has the devolution of power as a central promise and the Government is in the process of implementing an enormous policy and legislative agenda to ensure implementation. Major milestones in establishing two levels of government, the

national and the county government, include the enactment of The Transition to Devolved Government Act, the County Government Act, and the new Public Finance Management Act (all enacted in 2012) (OECD 2011a; Republic of Kenya 2012).

The public procurement system in Kenya has been steadily undergoing reforms since 1998. The landmark in public procurement reform came when the Public Procurement and Disposal Act (PPDA) and supplementing regulations became operational in 2007. The Act introduced new procurement standards and institutions and, among others, established the Public Procurement Oversight Authority (PPOA). PPOA is mandated to monitor the functioning of the public procurement system, formulate policies and tools, initiate training and professional development and provide support to procuring entities. Since 2008, PPOA is being supported through technical assistance by the Deutsche Gesellschaft für International Zusammenarbeit (GIZ) on behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ). The “Capacity Development in Public Procurement” project is part of the GIZ “Support to Public Finance Reforms (SPFR)” program (OECD 2011a).

In September 2012, the Ministry of Finance and UNOPS carried out a joint public procurement devolution needs assessment. The assessment took stock of the current procurement capacities at the national and local level and identified key technical and management issues pertaining to the devolution of public procurement in Kenya. A set of short, medium and long-term recommendations was developed and broadly discussed with stakeholders to pave the way for the further decentralization of public procurement functions. The transition process is expected to focus on retrofitting the legal and regulatory framework, institutionalizing procurement at the county level, and enhancing capacities of procurement officers and local enterprises while increasing efficiency, transparency and accountability. One of the recommendations of the devolution needs assessment is to develop a comprehensive strategy and guidelines for SPP (UNOPS 2012).

Implementation Status

The PPDA highlights the following objectives of public procurement in Kenya: to maximize economy and efficiency; promote competition, integrity, and fairness; increase transparency, accountability, and public confidence; and to facilitate the promotion of local industry and economic development (PPDA 2005). There are currently several separate policies in place in Kenya which relate to SPP. Examples include a policy of the Office of the President to award at least 10 % of all public contracts to enterprises owned by youth and policies on how to better involve females or micro, small and medium enterprises in public procurement. There are also some environmental policies or directives in place aimed at reducing paper consumption by duplex printing, prohibiting fuel guzzling vehicles, promoting the building of solar water-heating houses and using energy saving electrical appliances. Some procuring entities have issued individual policies for green or climate friendly procurement. These policies however have not been integrated into a common or national policy or strategy on SPP. The Kenyan Government considers this a task for the future and the German Agency for International Cooperation (GIZ) capacity building project supports this agenda. The legislation of Kenya already

includes a few provisions on SPP. The Constitution of Kenya of 2010 demands a fair, equitable, transparent, competitive and cost effective system. It specifies that the procurement law may provide for: a) categories of preference in the allocation of contracts; b) the protection or advancement of persons, categories of persons or groups previously disadvantaged by unfair competition or discrimination; c) sanctions against contractors that have not performed according to professionally regulated procedures, contractual agreements or legislation; and d) sanctions against persons who have defaulted on their tax obligations, or have been guilty of corrupt practices or serious violations of fair employment laws and practices (The Constitution of Kenya 2010, Article 227).

Benefits

Public procurement in Kenya is estimated to account for some 70-80 % of the national budget of 1.2 trillion Kshs and in the view of parts of the Kenyan government, civil society organizations and the GIZ SPFR program, the implementation of SPP can help protect the natural environment and national resources. This is considered very important for Kenya, since the country is very much affected by climate change and by an increasing use of land and natural resources. The implementation of SPP is also believed to save public funds or to help using public funds more efficiently and effectively by considering the cost over the lifetime of products and services. In the long run, SPP can contribute to achieve better value for money in government procurements by saving resources, supporting innovative local industries, SMEs, and disadvantaged groups. The Kenyan private sector is in general very open and in favor of SPP and most stakeholders view SPP as a chance for local industry, in particular micro, small, and medium enterprises. With the implementation of SPP, the government might also achieve more transparency, competitiveness, fairness and non-discrimination in the award of contracts. SPP would spur socio-economic development if well adopted and implemented.

Barriers and Challenges

In general, the country suffers from a poor implementation of procurement rules and regulations or guidelines, a lack of procurement planning and wide spread corruption. As for the Public Procurement and Disposal (Preference and Reservations) Regulations, there is a general lack of knowledge on part of public procurement officers and the target groups with regard to policies, requirements and procedures. No monitoring schemes have been established yet to measure the effectiveness of the Preference and Reservations Regulations.

One important provision that needs to be changed when amending the PPDA refers to the provision in Article 66, section 4, which governs that the successful tender shall be the tender with the lowest evaluated price. Risks of having a SPP system in place in Kenya refer to poor procurement planning, the wide spread deficit in drawing up a sufficient tender document, inadequate capacities in the evaluation of tenders and poor contract management. Other problems are that award procedures tend to be very long and very bureaucratic. There is a concern that with new and additional procurement provisions those problems might even grow. It would be necessary – and possible – to address these challenges with capacity building activities.

The local industry is believed to be flexible enough to live up to the new challenges and thus competition should not be adversely affected by SPP but no market readiness analysis has been conducted so far.

Requirements and Conditions

To ensure the successful implementation of SPP in Kenya, the following is needed: Adequate and suitable legislation on SPP; creation of awareness on SPP; good practical training programs and materials; improved oversight and monitoring; and better enforcement of existing rules.

Lessons Learned

As stated before, Kenya is just starting SPP implementation and it is considered too early to speak about lessons learned or good practices. It has become clear however that a lot of awareness raising will be necessary. To disseminate the gender specific government policy and to eventually increase the inclusion of women owned businesses in government procurement, PPOA and GIZ SPFR will conduct a series of regional workshops during the coming months in cooperation with the Kenya Association of Women Business Owners (KAWBO) and UN Women. More awareness raising campaigns and a regional stakeholder forum are planned after the next elections, which will take place on March 4, 2013

Sustainable Public Procurement in Nigeria

There is critical hurdle of how to deepen public procurement law regime across entire 36 federating states and all the 774 local governments in Nigeria. The Public Procurement Law (2007) is applicable only to federal government. This is due to the federating nature of Nigerian political configurations. Other tiers of government (states and local government) are expected to adopt the law out of their own volition. It is a fact that until all the three tiers of government (federal, states and local) subscribes to public procurement law regime, the obvious gains of public procurement sub-sector as a major governance reform agenda may not make any meaningful impact and help achieve desired Nigerian development goals. The budget office, (2004) has confirmed that the federal share of public expenditure from federal collectable allocation stands at 48%, while the combined expenditure by other tiers (states and local) governments is 52%. The implication of this is that substantial part of public procurement expenditure profile is yet to be institutionalized or captured by public procurement reform agenda. It will be pretty difficult to feel real impacts of public procurement reform in national development context. Unless every segments of government adopt and practice Public Procurement Law regimes, the original expectation was that all the tiers of government will subscribe to public procurement law regime given the potency of public procurement laws as veritable reform mechanism to fast track sustainable national development.

While substantial number of states have refused to pass the law, those that passed it have remarkably tinkered with the law in order to achieve objectives other than good governance reform. There is also no single local government in Nigeria that deemed it fit, to key into public procurement law regime in order to enhance proper procurement

practices. Various reasons have been advanced for this appalling situation. These include the problems of Nigerian federating system of government which encourage laxity and free choice among the tiers of government to pass law. There is also the issues of lack of political will towards radical national development change; absence of strong or compelling institutions, high-level corrupt tendencies among political class, absence of philosophical and ideological vision and orientation to developing a dream society (Oyinlola, 2011).

Of all the above, the problems of knowledge-gap as to the real intention of public procurement law regime in terms of how it can help to enhance security, independence and good governance instead of endangering the political class and making government officials prone to unnecessary probe by anti-corruption agencies has been identified as key disincentive. While efforts have been made by concerned and relevant stakeholders such as International Development Partners (IDP), the World Bank and relevant Civil Society Organizations (CSOs) to broaden the scope of application of public procurement regime in order to ensure that all the three tier of government come under the new procurement regime COPE-AFRICA (2013) the Nigerian political class seems averse to public procurement law regime because they see it as endangering. They are more concerned about their political future and capacities for unencumbered access to political and economic resources. They believe that procurement laws limit their capacities for unrestrained access to government largesse. They believe that the law will stifle their expected return on political investments. This is pathetically so against the backdrop of the fact that in Nigeria and other developing African countries, quest for political office is not about service (Stephen and Basil (2012), but what political office can offer in term of wealth, power and other perks of office (Ogbeidi, 2012, Gyong (2012), Ene, Arikpo and Jeffrey (2013). For these reasons, state governors and local government political gladiators seem averse and are out rightly unwilling to subscribe to public procurement law regimenot to talk of sustainability issues in public procurement. They seem not to be too happy about legal requirements of procurement law regime. They are also not easily disposed to new way of doing things. Political office holders prefer the old secretive and opaque manner of public procurement that does not in any way expose transactions in government business. Besides, there is utter distaste and disdain for the new legal arrangement which seeks to subject their transactional activities to future legal scrutiny.

Findings

From the forgoing reviews this research has made the follwing discoveries.

1. That the perception of sustainable public procurement is low in most in Nigeria.
2. That several factors/barriers impedes the implementation of sustainable public procurement regime in Nigeria.
3. That the Nigeria Public procurement Act ,2007 does not contain elements of public procurement sustainability.
4. As a result of no. 3 above there is practically no or low level of enlightenment, education and campaign by relevant agencies, such as the Bureau for Public Procurement (BPP).

Conclusion

From the foregoing reviews it is clear that proper implementation of the principles of sustainable public procurement would bring about good governance in Nigeria for the betterment of the general citizens. It is therefore imperative that concerted efforts should be put in place by all stakeholders and governments at all levels (that is, both Federal, States and Local) to ensure that the enabling legal frame for sustainable public procurement is enacted and implemented.

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