

THE DEVELOPMENTAL STATE, INFRASTRUCTURE COLLAPSE AND PUBLIC PROCUREMENT PRACTICE IN NIGERIA

MATTHEW D. OGALI, PhD

*Department of Political & Administrative Studies,
University of Port Harcourt, Port Harcourt*

Abstract

This paper examines the persistent collapse of public as well as private structures across Nigeria, which collectively constitutes the nation's infrastructure. It has assumed the proportion of a national embarrassment, calling for serious intellectual scrutiny. Many public structures are constructed, delivered and payment effected only for such edifices to collapse within a very short period. Such structures include buildings, roads, bridges, flyovers, etc. The paper presents the thesis that the collapse of public infrastructure is the result of poorly articulated and ineffectively implemented procurement laws/policies of the state as a facilitator of development. It argues that the current nonchalant, prejudiced and self-serving disposition of the state towards the enactment and implementation of public procurement laws/policies constitutes the major hindrance to the achievement of sustainable infrastructural development in Nigeria. The objective of the paper is to critically evaluate the procurement laws/policies of the state, articulate the implications of the politicization and manipulation of the public procurement process and recommend measures for proper procurement policy formulation and implementation for the development of public infrastructure in Nigeria. The Marxist political economy approach is adopted as the theoretical framework. The paper is significant for its exposure of the political intrigues associated with the process of the enactment of public procurement laws and execution of public projects. The method of data collection relies mainly on secondary sources. The scope of the paper is Nigeria-wide but would focus mainly on Rivers and Bayelsa States. The paper argues that the incessant collapse of public structures in Nigeria is a function of poor articulation and implementation of public procurement laws/policies. Thus, the paper recommends an attitudinal change on the part of the managers of the Nigerian state.

Keywords: *The State, Development, Procurement, Infrastructure, Industrialization, Construction.*

Introduction

“Even that which they build if a fox go up, he shall even break down their stone wall” (Nehemiah 4:3). Tobiah's mockery of the Jerusalem wall aptly depicts the modern trend in unsustainable infrastructure development in Nigeria, a nation that is decidedly consumptive and opens up as a dumping ground for all kinds of substandard goods from various parts of the World. Apart from the familiar platitudes no serious effort has been made to strengthen its industrial or productive base. High taste for foreign goods and services, both standard and substandard, is

traveling abroad, particularly Asia, to give substandard specifications of goods to the manufacturers before importing them into the country. This culture of substandard production has permeated the Nigerian productive sector where the weak regulatory institutional framework is taken advantage of to produce low quality goods that are then utilized in the process of development of infrastructure.

The result has been the incessant collapse of various structures within a very short period after construction. These include roads, bridges, culverts, flyovers, airplanes,

life-spans means a reconstruction of collapsed structures to meet the daily needs of the citizens with resources that would have been deployed for new public infrastructure. Considering the common practice of overpricing or over-valuation of contracts in Nigeria the financial implications do constitute a huge loss on the nation's resources and an additional financial burden on the cost of development. One other ignominious dimension of this problem is the ready availability of regulatory legislation and institutions designed to standardize and control the operations of personnel and corporate bodies in the procurement and construction processes but, which are either neglected or flouted for several reasons. The Public procurement Act is one of the "sunshine laws":

Specifically, the "sunshine laws" included Fiscal Responsibility Act (FRA), Public Procurement Act enacted to streamline the way governments award contracts and reduce corruption in the contracting system, Nigeria Extractive Industry Transparency Initiative, to promote transparency and accountability in the management of the nation's extractive sector and achieve value for money; and recently, the Freedom of Information Act, passed into law under President Jonathan to revolutionize access to information (Nelson, Guardian Newspaper 20 March, 2013, p. 55).

However, corruption thrives despite these regulatory "sunshine laws". The abhorrence of government personnel for being controlled and regulated, or what has been termed a culture of impunity, has permeated executive authorities, in reverence of whom some laws have been deliberately adjusted. In another dimension procurement and supply-line legislations have been rendered completely impotent due to the pervasive culture of corruption in Nigeria. In most cases these legislative instruments only

serve as legitimizing cloaks under which government officials conceal their illicit operations in the award of contracts and project execution. These and many other related issues will be discussed below in this paper.

Conceptual Clarification

The developmental state has been subjected to various conceptualizations revolving around the centralization of a nation's resources in order to generate and facilitate development. To Castells (1992:56) a state is developmental when it establishes as its principle of legitimacy its ability to promote and sustain development, understood as the combination of steady and high rates of economic growth and structural change in the productive system. In Pronk's (1997:5) view a developmental state is one which is able and willing to create and sustain a policy climate that promotes development by fostering productive investment, exports, growth and human welfare. Chibber (2005:237) associates the developmental state with the period of national development planning to achieve conscious and self-reliant development in Third-World countries, a period that preceded the current wave of western-inspired and imposed neoliberal Washington Consensus, globalization and multilateralism (Stiglitz 2002). It was the period government controlled the commanding heights of the economy aimed to accelerate development using planned reconstruction, rehabilitation and renovation (Nwokocha 2007:167). However, even in the modern era the "ideology of development" (Ake 2001:8) still rules and inspires the Third-World states. Taken this way, a developmental state could be defined as one whose ideological underpinnings are developmental and systematically endeavours to achieve rapid economic development either as the real actor in development engineering or as an umpiring

agent whose primary responsibility is to provide the conducive or enabling environment for state or private agencies or actors to generate economic development. The developmental state, therefore, is not functionally minimalist but rather decidedly interventionist as a developmental catalyst. It emerges in societies with a manifest weakness of the productive sector, a vacuum the state steps in to fill.

Public procurement connotes “acquisition by any means of goods, works or services by the government” (Rivers State Public Procurement Law No. 4 of 2008) as project execution is usually preceded by procurement of materials. It is the quality of these materials or components that determine the durability or sustainability of the project. Public policy has variously been defined as “governmental actions or course of actions, or proposed actions or course of proposed actions that are directed at achieving certain goals” or “official statements determining the plan of action or what the government wants to do” or “whatever government chooses to do or not to do” (Ikelegbe 2006:3). Public policy is therefore an indispensable element of governance.

The most frequently referenced conceptualisation of sustainable development is that provided by the 1987 Report of the Brundtland Commission or World Conservation Commission as “development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs” (<http://www.answers.com>, Retrieved 15 October, 2011). Infrastructure refers to the economic and social underpinnings of a community or nation.

Background to the study

The colonial pattern of urban bias and export orientation in the determination of infrastructure development forms the

background to this study. Infrastructure injection into the development process was patterned to satisfy the exploitative needs of the colonialist. The result was that “the benefits of government expenditures on education, health, water supply, industries and roads in Nigeria are concentrated almost exclusively in urban areas” (Nwosu As quoted in Amucheazi 1980:105). Even in the urban areas, facility distribution was skewed in favour of the Government Reserved Areas (GRAs).

The colonial administration focused on infrastructure designed to exploit Nigeria's resources, a vacuum the post-colonial state had to fill. Development planning from the 1960s to the 80s was the strategy for massive infrastructure development in the country (Ohale As quoted in Alapiki (ed.), 2004:142-164). This has been a sustained trend but of recent, Nigeria has been experiencing a pervasive decay and collapse of infrastructure across the country, sometimes with heavy casualties and more worrisome, not long after completion. Between the neglected countryside and energetic modern city the social pressure for the erection of new structures instituted a dual configuration which colonialism bequeathed to the contemporary era. One salient point that needs to be made is that physical structures erected in the past have shown greater sustainability and resilience than the modern edifices that appear to have been ravaged by corruption, hence, susceptible to premature collapse.

Research problem

One of the most conspicuous and attractive aspects of societal development is the persistent and consistent physical transformation of a natural and traditional environment through the planning and construction of modern infrastructure. The most recent example in Nigeria is the city of Abuja, a completely barren and rocky rural

landscape occupied by indigenous peoples living in muddy rustic huts with grass roofing strewn all over. The building of a new city or modernization of an old one involves massive public procurement. Mabogunje (1980:38-39) has identified modernization, in form of “building of schools, and colleges...growth in the number of health centres and medical establishments, provision of better housing and recreation facilities”, as one of the paradigms of development. This process is being consistently undermined or compromised in Nigeria leading to the collapse of public infrastructure. Several causes have been advanced for this embarrassing state of affairs but this paper interrogates the processes involved in the procurement of materials for the construction of public works. To guide our enquiry we raise the following research questions;

1. Are there any functional procurement laws regulating public procurement for infrastructural development in Nigeria?
2. Are these laws properly articulated to effectively guide the processes involved in public procurement practice in Nigeria?
3. How well have these laws been implemented to ensure quality and standard in project execution?
4. What has been the attitude of the government at various levels towards failure or substandard performance in project execution?
5. What is the price that Nigerians have to pay for the use of substandard materials in project execution?

Objectives of the Study

The objectives of the paper are:-

1. To critically evaluate the extant legislative and regulatory

instruments of the Federal and State Governments for guiding public procurement for infrastructural development in Nigeria.

2. Provide an overview of the processes involved in the management and administration of public procurement to facilitate sustainable infrastructural development in Nigeria.
3. Articulate the economic implications of the politicization and mismanagement of the public procurement process resulting in the frequent collapse of public structures in Nigeria.

Theoretical framework

Marxist political economy begins from a premise on the interrelatedness of the different elements or structures of a society such as the economic, political, social and ideological (Ake 1981:4). Political economy is not about the relations between commodities, prices, supply and demand but rather first and foremost about people and the social relations between them – about the owners of wealth and how they use it to exploit others; about what is produced and how. In this sense physical infrastructure are political, social and historical. There is a necessary and organic nexus between infrastructure, their components and the individuals that operate and utilize them. Poor infrastructure management is also class related as tax is paid by all segments of the society whereas it is ruling class elements that get the contracts the poor execution of which denies others beneficial access to these facilities. The failure of the state to prosecute such procurement abusers also has class correlation as state managers are their collaborators seeking to consolidate political power by the acquisition of economic power and vice versa (Ake 1981:5) through “bribery, kick-backs and the ten percent syndrome” (Ekekwe 2009:104).

Research Hypotheses

Thus, the paper hypothesizes that:-

1. The collapse of public infrastructure is caused by the poorly articulated and ineffectively implemented procurement laws/policies of the various levels of government.
2. The weak and ineffective monitoring mechanisms for the execution of public procurement contracts constitute a major hindrance to the achievement of sustainable infrastructural development.

Methodology

The methodology adopted for the collection of data for this paper includes both primary and secondary sources. The primary source is based on observation which took us to various sites where projects were being or had already been executed to enable us assess the quality of work done. Secondary sources include newspapers, news magazines, books, internet sources, journals, etc. A content analysis of the extant laws governing procurement practice was also undertaken. The method of analysis adopted is essentially qualitative and historical.

Data Presentation and Discussion

Here we proceed to present and discuss the data on the functionality of public procurement laws/policies in Nigeria as well as the challenges, failures and the need for proper management. During the colonial period railways lines, seaports and roads were constructed for the purpose of evacuating primary agricultural export products to Europe. To correct this anomaly the post-colonial state in Nigeria was confronted with the challenge of massive and rapid development of infrastructure which involved public procurement. Elements of

infrastructure include systems of transportation, power generation, communications, banking, education, and health. It also includes the whole gamut of physical structures that facilitate human activities and satisfy human needs in society such as bridges, roads, sewage disposal, telephone, telegraph, postal services, radio, library, public utilities, electric power lines, water transmission system, transportation vehicles, seaports, railways, airports, prisons, hospitals, schools, refineries, parks and gardens, public and private buildings, stadia, flyovers, etc.

The products involved include cement, iron rods of various sizes, steel structures, asphalt, coal-tar, sand, chippings, wood, pipes, fittings, paint, lighting materials, electrical cables, reinforcing rods, re-bars, valves, bolts and nuts, gaskets, insulation materials, adhesives, screws, flanges, welding materials/electrodes, filters, pumps, aggregates, wire mesh, alloys, fire proofing materials, anti-rust, etc. These are very critical construction materials that are all readily available in the market and could easily be obtained and supplied for construction work, but what really matters is the quality or standard and/or quantity of the materials being supplied.

To ensure high quality and standards product specifications (quantity) are usually contained in the material purchase orders as part of the contract package. In some instances specific brands and material codes are required, which have been tested and are therefore trusted. This means that any other brand or product utilized in the execution of a contract compromises the specified quality/quantity and thereby reduces the lifespan of the project or edifice under construction. Some specific examples would suffice. In September 2012 a fly-over bridge built by the Odili Administration in Rivers State less than eight years ago along Aba Road in Port Harcourt suddenly collapsed (Picture

1). Fortunately no casualties were recorded. About sixty flats at the Jakande Low Cost Housing Estate, Isolo - Lagos have been marked for demolition on account of their low quality and possibility of sudden collapse after one of them came crashing killing several people on November 21, 2012 (Picture 2). All occupants of the structures were given 48 hours ultimatum to vacate (Okpi & Baiyewu, Sunday Punch, November 25, p. 23). A Writer sarcastically wondered: Have we been building the right quality of

roads for our soil texture? Why do our roads collapse before they are five years old? On 28 November, on my way to Odi in Bayelsa, as soon as I hit a portion of what is called the East-West Highway, I realized how insincere we are to ourselves as a nation! Beneath a thin film of asphalt is sand, beach sand! In the same way if you scratched the surface of the Shagamu-Ore-Benin expressway with a spoon, you would immediately get red earth! These are expressways plied by trailers and heavy tankers! (Jason, Vanguard Newspaper,



Picture 1: Collapse of 10-year old bridge in Port Harcourt, September 2012
Source: Field Study (2012).

Picture 2: Collapse of a building in Jakande Estate, Lagos, November 2012.



Source: Field Study (2012).

Picture 3: Collapsed and treacherous Lagos- Benin Expressway



Source: Field Study (2012).

Furthermore, just a month after commissioning the refurbished General Aviation Terminal or domestic terminal of the Lagos Airport on October 22, 2012, it was discovered that its cooling system and two baggage conveyor belts at both the departure and arrival halls were faulty. Standard was compromised when the central cooling system called "Chillers" was hurriedly replaced with split units of air conditioners which failed to work. Perhaps the most embarrassing experience associated with public infrastructural failure is that of regular Turn-Around Maintenance (TAM) of Nigeria's four refineries. Nigeria has an installed refining capacity of 445,000 barrels per day but had 18% capacity utilization. Refining capacity utilization in 2010 was 21.53% as against 10.90% in 2009 and 24.11% in 2008. In 1997 a \$215 million was awarded by the Abacha Administration for TAM on the Kaduna Refinery alone. During President Olusegun Obasanjo's first term (1999 – 2003) between \$254million and \$400.4million was spent on the rehabilitation of the refineries and pipelines. In 2007, the TAM contract for Kaduna alone cost about \$24 million in cash and materials worth \$30 million, bringing the total to about \$54 million (Editorial, Punch Newspaper, November 26, 2012, p. 24). Despite these huge sums spent on TAM the refineries have remained comatose, unable to satisfy domestic demand.

The sum of \$1.6 billion has been set aside for TAM on all the refineries, a project scheduled to begin in January, 2013 and to be completed in October, 2014. It is generally known that these cash injections will go down the drain. The condition of the refineries only adds to the culture of infrastructural failure sustained by unethical procurement practices. On November 10, 2008, Nigeria's Telecommunications Satellite (NigComSat-1) planned for the restoration of NITEL scandalously disappeared into space. The N40 billion satellites began to malfunction barely 18 months after being launched with fanfare. The Minister of State for Science and Technology, Dr. Alhassan Zaku had admitted that NigComSat-1, as the Satellite is known, actually developed technical problems that "resulted in the inability of the operational batteries to be charged by the solar panels". Thisday Newspaper reported thus:

There are reports that inferior materials were used in building the satellite and that the Satellite was built to fail from the very beginning. A few months after its launch, the International Communications Union allegedly informed the Nigerian government that the Satellite was wrongly positioned. Nothing was done about this. Besides, there were indications that the Satellite was using a technological standard that was not meant for Africa but Asia. We demand full explanation on all of these. Except this is done,

NigComSat-1 would have turned out to be a white elephant project, and a pure gamble . . . Ironically, there has been much talk about the likely launch of an alternative satellite, with NigComSat-1 seeking approval for a concessionary loan of N59 billion for the construction of NigComSat-2. While we appreciate the need for government to be optimistic and venture into new areas that would enhance the country's developmental goals, we do not subscribe to the idea of wasting scarce national resources on spurious projects (Editorial, *Thisday Newspaper*, November 28, 2008, p. 21).

An estimated \$16 billion spent by the Obasanjo Administration on the National Integrated Power Projects (NIPSS) could not be properly accounted for as Nigeria continued to experience epileptic power supply. At several project sites, as revealed by the Ndudi Elumelu Power and Steel Committee of the House of Representatives probe, nothing was done. Where the projects were executed the plants malfunctioned and therefore cannot generate electricity. All the power generation and supply targets only turned out to be a mirage. In October, 2008 it was reported that the radar system at the Murtala Mohammed International Airport in Lagos had broken down putting aircraft and passengers using the airport at risk. The radar system was installed in 1978 when the airport was built. It had become obsolete and packed up forcing Air Traffic Controllers to rely on ground-based equipment, which would not afford the ATCs a perfect picture of approaching aircraft in terms of its size, sound and light. This situation was revealed by the Chairman, House of Representatives Committee on Aviation, Mr. Bethel Amadi (Abioye & Amuwa, *Punch Newspaper* October 27, 2008, p. 33). This has been the experience with several types of equipment in the public sector, which are never maintained or replaced at the appropriate time until they collapse. Even minor cracks on the roads are

allowed to expand and deepen until they form craters and render the road impassable. The Federal Roads Maintenance Agency (FERMA) created by Obasanjo to carry out regular maintenance on federal roads all over the country can hardly justify its creation.

Only recently, on November 22, 2012 the Federal Executive Council approved the award of various road contracts worth N176 billion covering the dualization of the Lokoja-Okene-Auchi-Benin Road; the Gasua-Bayamari Road linking Yobe and Borno states; and the Suleija-Abuja Road. The Kano-Maiduguri Road contract, awarded six years ago but not executed, was reviewed and augmented from N172 billion to N285 billion. The Calabar-Ugep, Ogoja-Katsina Ala Road contract was also augmented and approved, among others. Another contract was for the dualization of the East-West Road, first awarded in 2006 for N204 billion, it was augmented to N349.8 billion, with the completion date fixed for December 2014 (Editorial, *Punch*, November 30, 2012, p. 24). This is one road contract that has been awarded and re-awarded several times but the road remains a death-trap. It has been reported that between August, 2011 and June, 2012, the Jonathan Government awarded N927 billion worth of contracts but most of them non-performing and the roads remain in a deplorable condition, having been abandoned and therefore degenerated into extreme state of disrepair (Editorial, *Punch*, November 30, 2012, p. 24). Currently the River Niger Bridge at Onitsha and the Third Mainland Bridge in Lagos are in a serious state of deterioration.

Other roads in serious need of rehabilitation are the Enugu-Port Harcourt Expressway and Onitsha-Enugu Road that have been eaten up by erosion. The Shagamu-Ore-Benin Road has been in a very bad shape and caused so much hardship for motorists for more than a decade. It has created an avenue for robbers and rapists to attack travelers.

Recently some school children returning to Lagos on holidays were raped when their vehicle broke down along that road as a result of the poor state of the road. The Lagos-Ibadan Expressway, one of the economically most important roads in the country, was recently re-awarded to Julius Berger Plc and RCC Nigeria Limited after Bi-Courtney Highway Services failed to execute a contract to rebuild it. Nobody knows how much of the contract sum was recovered.

The road, for close to two decades now, has been responsible for scenes of ghastly accidents, resulting in avoidable deaths. In July, a retired Brigadier General in the Nigerian Army, Sylvester Iruh, was murdered by marauding Fulani herdsmen as he was trying to change his tyre damaged due to the poor state of the road. There is no doubt that, given the number of road contracts awarded by the government, Nigerian commuters should be enjoying very smooth rides wherever they may be going. That this has not been so means there is a lot that is wrong with the way contract awards are monitored and executed in these parts of the world. The House of Representatives is investigating a N2.3 billion road contract awarded since 2001 but abandoned. Another set of road contracts valued at N6.8 billion was revoked by the Federal Government in November. Altogether, the Federal Government is grappling with 12,000 abandoned projects worth N7.8 trillion (Editorial, *Punch*, November 30, 2012, p. 24).

On this Lagos-Ibadan expressway in September, 2010 a most horrendous accident occurred at the Berger section which claimed about sixty (60) lives with 23 vehicles burnt. There was a similar accident at Ibafo on the same expressway on September 5, 2010 resulting in the death of six persons, including children as well as 13 vehicles in an inferno, while scores of people sustained injuries. It has

been the experience in Nigeria that majority of the road contracts are given to companies with no demonstrable capacity for the execution of such jobs. Contracts are awarded to acolytes of politicians, who have no equipment whatsoever for road construction. In most cases the contract is sold to more competent companies who would either abandon it or do a shoddy job, using inferior and cheap materials, on account of the low profit after paying the original awardees. In the name of empowering indigenous companies, contracts have been awarded to companies that just collect the money and walk away and nothing happens because of their affinity with government personnel. Others boldly get away with poorly executed jobs because government engineers monitoring them have compromised.

One could go on and on to discuss the sports stadia, including the National Stadium in Abuja, schools, hospitals, etc. Lekan Salami Stadium in Lagos has been abandoned and converted into a crusade ground, inhabited by hoodlums, criminals, the infirm and the destitute. The class dimension to infrastructure development is the fact that most "projects still bristle with elitist urban-based super-expressways, specialist hospitals, glamorous hotels and festival houses, etc. for the ostentatious luxury of the urbanized petty-bourgeoisie" (Onomode 1983:164).

Analysis of Public Procurement Laws/Policies

The predilection of the developmental state is the facilitation of the development process which involves rapid structural transformation of the post-colonial society to measure with the standards of western-oriented modernity. However the post-colonial society is viewed as an alien arena of struggle for capturing the state for the purpose of extending patronage. Such

h paternalistic social structure cannot but compromise public values and virtues for personal advantage. Hence, the official paradox of procurement practice in Nigeria, at both state and federal levels, is predicated on the predisposition to manipulate the provisions of procurement laws to extend gratification to political and business associates thronging the corridors of power.

It is general knowledge that the award of contracts for the purpose of project execution constitutes a very critical element of political affinity with the business class in Nigeria. The critical alignment of political and economic dynamics in the governance process has permeated procurement practice. At both state and federal levels there are extant laws beautifully designed to regulate procurement practice in Nigeria, such as the Public Procurement Act of 2007 (Federal Republic of Nigeria Official Gazette No. 65, Vol. 94), the Rivers State Public Procurement Law No. 4 of 2008, Bayelsa State Public Procurement Law, 2009, etc. In these legislative instruments could be found all the regulatory provisions, often backed by threats of sanctions for procurement and infrastructure development in Nigeria.

The federal principle demands the consistency of state laws with those of the Federal Government, which fairly applies to the procurement laws. Consequently, apart from some minor sub-national variations, procurement laws and the methods of their implementation at state and federal levels remain largely consistent. The institutions include the National Council on Public Procurement with the Minister of Finance as Chairman, the Bureau of Public Procurement (Bayelsa State has Due Process Bureau) with a Director-General who is the Chief Executive and accounting officer to be appointed by the President on the recommendation of the Council "after competitive selections." For obvious reasons of political patronage such

selection processes leading to appointments are never competitive. Rather political stooges are strategically placed in such positions to financially lubricate the political machineries in readiness for elections. Just as competitiveness in appointments is compromised so also is the process of selection of contractors for public procurement. Once set in motion compromise continues down the line, including the integrity of construction materials. All the bold, patriotic and ethical concepts such as "fairness, openness, competitiveness, transparency, value-for-money, standardization, quality control, price monitoring, undertaking procurement research and surveys, prevention of fraudulent and unfair practices, application of administrative sanctions, performance of procurement and quality audits, etc. are effectively captured in the procurement laws.

Also constituted and clearly defined, on paper, are the regulatory agencies, personnel, standards, quality prescriptions for materials procurement, timelines, certification, etc. Workshops are also organized for annual previews and reviews of procurement plans to ensure implementability and compliance, like the following newspaper advert:

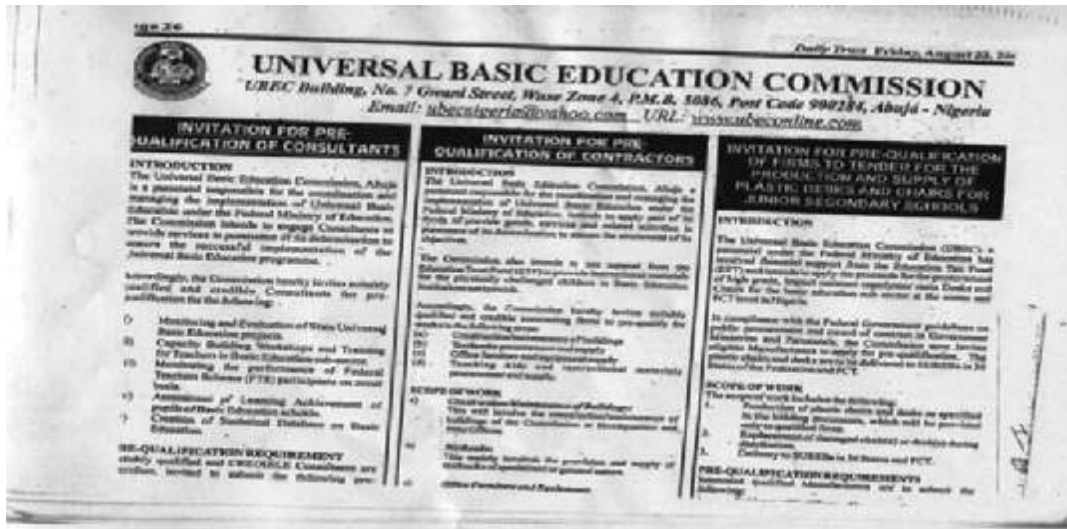
The Bureau of Public Procurement (BPP) hereby invites permanent secretaries, directors of procurement and four procurement officers in the Ministries and two officers from Departments and Agencies of the Federal Government to the year 2013 Procurement Planning Workshop...designed to review the year's procurement plans to ensure compliance with the BPP approved template...to ensure the effective implementation of 2013 budget. The workshop will also enable participants address deficiencies in 2012 Procurement Plans to make for improvements in the New Year (Bureau of Public Procurement, Punch, February 13, 2013, p. 45).

However the nexus between legislation and practice is what seems to have disappeared. Mendacious as these laws are, even the proposers, sponsors and legislators usually take the first steps to desecrate and render them dead on arrival. Such pieces of legislation only serve to blindfold the public rather than maintain standards. This appears to be the view of Biebele Arimie of the Rivers/Bayelsa Chapter of the Chartered Institute of Purchasing and Supply Management of Nigeria:

The Rivers State Bureau for Public Procurement as presently headed and staffed is more of a political procurement Bureau and not a professional procurement Bureau that can give Rivers people the desired value for money at the right price and quality. We strongly advise Rivers people to ask anybody who comes to enlighten them about public procurement, to please confirm that the

In Nigeria it is standard practice to use newspaper adverts to hoodwink the public and create the impression that due process is being followed, like Picture 4, used by UBEC, a parastatal of the Federal Ministry of Education, which received financial support from the Education Tax Fund (ETF) for the procurement of high-grade impact resistant copolymer resin desks and chairs for the basic education sub-sector at the states and FCT level in Nigeria. The result was the arrest and prosecution of the Executive Secretary, Universal Basic Education Commission (UBEC), Dr. Ahmed Modibbo Mohammed and Prof. Mahmood Yakubu of the Education Tax Fund (ETF), now TETFUND over an N850 million scam.

Picture 4: Fraudulent Procurement Advert to cover up N850 Million UBEC/ETF Scam



Source: Pointblank News <http://clemsdebest.blogspot.com/2012/11>
Retrieved 25 April 2012

Politics and Public Procurement

Next is the issue of politicization of the procurement process. Politics in Nigeria and indeed Africa has been reduced to an adventure for wealth acquisition (Ake 2001:5) rather than service delivery and the procurement process provides the interface or partnership between politicians or political businessmen and economic businessmen. The purpose of political leadership is to seek the opportunity to capture the state and use the vantage position to extend patronage to political allies, sponsors and supporters. In Africa political power is everything (Ake 2001:7; Williams 1980:69). Some have Nigerianized the Biblical injunction: "seek ye first political power and all other things shall be added unto thee". Most commonly contracts are awarded for the supply of a whole variety of items ranging from toiletries to rods, vehicles and all manner of equipment. Indeed that is the only way to survive in business. Depending exclusively on entrepreneurial activity outside state contracts is like the proverbial camel trying to pass through the eye of a needle. Contract execution cannot be effectively monitored because of the close affinity between the awarder, who more often than not is the real owner of the contract or business and the awardee, who might just provide the front. Any attempt to enforce the rules is viewed as an affront on the political power holder interested in the contract. It is easy to see why standards are compromised resulting in infrastructure collapse or malfunction.

Implications of Poor Public Project Execution

Compromise in contract execution is only a national self-deceit that sets off a chain of reactions or results which make criminal wealth acquisition an albatross that haunts the entire society when the reality eventually manifests in form of rapid infrastructure

decay and collapse. The illusion of comfort from amassing criminal wealth comes around when the perpetrators are confronted with the pot-holed roads, flying coffins and wobbly bridges they inadvertently created. Compromising standards and circumvention of rules in contract execution, a regular ruling class indulgence, is always a costly enterprise for the entire society in the long run. When structures fail to complete their life-span they call for early renovation or complete replacement at great financial loss to the nation. When projects are reconstructed repeatedly within a short period at great cost the entire society is portrayed as an object of mockery and global derision. In the event of accidental collapse lives are usually also involved.

Conclusion

It has been sufficiently demonstrated in this paper that the developmental state which claims to be facilitating the process of development by centralizing and deploying the resources of a nation from the top actually ends up facilitating the process of underdevelopment by incurring huge losses through corruption and compromise in procurement practice and contract execution. Consequently an underdeveloped state like Nigeria is only progressing in self-delusion when perpetrators of the unorthodox utilization of substandard materials in project execution are pampered for political, ethnic or personal reasons rather than being prosecuted and given appropriate sanctions. Nigeria is only roving in cycles of underdevelopment rather than progression or development as public structures across the nation fail to provide the services for which they were constructed. This is precisely where to locate the root of the failure of virtually all development strategies that have been adopted in Nigeria.

Recommendations

Based on the foregoing it is recommended that:

1. The process of awarding contracts should be more transparent and the awarding and monitoring institutions legally strengthened rather than leave such activities at the mercy of the men/women at the top.
2. Contractors who fail to execute their contracts satisfactorily should be persuaded to return to site and, if they fail to do so, should be arrested and prosecuted.
3. At all times, contracts for important roads should always go to proven and competent hands; not necessarily to the lowest bidder but to those who exhibit the capacity to deliver the goods.
4. In monitoring project execution greater emphasis should be placed on ensuring the integrity of the materials procured for the project.
5. Contractors, building owners and monitoring engineers should be held responsible and prosecuted in the event of the collapse of a public or private structure.
6. Contract-awarding personnel should also be prosecuted for compromising due process in the event of the collapse of public infrastructure.
7. Generally until the monster of corruption is tackled with an attitude of zero-tolerance the problem of infrastructure collapse is likely to remain with Nigeria.

References

- Abioye & David (2008), "Lagos Airport Radar Breaks Down". *Punch Newspaper*, October 27, p. 33.
- Ake, Claude (1981), *A Political Economy of Africa*. New York: Longman.
- Alapiki, Henry (2004), *Modernization and Development in Africa*. Port Harcourt: Amethyst & Colleagues Publishers.
- (2001), *Democracy and Development in Africa*. Ibadan: Spectrum Books.
- Bureau of Public Procurement (2013), "Calling on Ministries, Departments and Agencies (MDA)". *The Punch*, February 13, p. 45.
- Castells, Manuel (1992), "Four Asian Tigers with a Dragon Head: A Comparative Analysis of State, Economy and Society in the Asian Pacific Rim". In Henderson (eds.), *State and Development in the Asian Pacific*. Newbury Park: Sage Publications.
- Chibber, Vivek (2005), "Reviving the Developmental State? The Myth of the National Bourgeoisie". In *the Socialist Register*, pp.226-246.
- Editorial (2012), "Harvest of Contracts amidst Appalling State of Roads". *Punch Newspaper*, November 30, p. 24
- Editorial (2012), "Jonathan, Sell the Refineries Now". *Punch Newspaper*, November 26, p. 24
- Ekekwe, Eme (2009), *An Introduction to Political Economy*. Chuzzy Services Nigeria.

- Federal Government of Nigeria (2007), "Public Procurement Act, 2007", Official Gazette Vol. 94, No.65. Lagos. Federal Government Printer.
- Government of Rivers State of Nigeria (2008), "Rivers State Public Procurement Law", No. 4.
- Government of Bayelsa State of Nigeria (2009), "Bayelsa State Public Procurement Law".
- Nelson, Chijioke (2013), "Nigeria's Development Woes amid Fiscal Responsibility Law". Guardian Newspaper, March 20, p. 55.
- Nwokocha, B. O. (2007), Politics and Administration in Nigeria. Aba: Eagle Publishers.
- Okpi & Baiyewu (2012), "Collapsed Building: Lagos to Demolish 60 Flats in Jakande Estate". Sunday Punch, November 25, p. 23.
- Onimode, Bade (1983), Imperialism and Underdevelopment in Nigeria: The Dialectics of Mass Poverty. London: Macmillan Press.
- Pronk, J.P (1997), "Changing Relationships between State and Society and their Implications for Development Policy". Public Lecture, Centre for Development Studies, University of Groningen, Netherlands, February 26.
- Stiglitz, Joseph (2002), Globalization and its Discontents. London: Penguin Books.
- Williams, Gavin (1980), State and Society in Nigeria. Idanre: Afrografika Publishers.