

**AN ASSESSMENT OF THE ROLE OF NATIONAL ASSEMBLY IN PUBLIC  
PROCUREMENT PROCESS IN NIGERIA  
CASE STUDY OF THE SENATE COMMITTEE ON PROCUREMENT, 2015-2023**

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**JUNE 2024**

DECLARATION

I hereby declare that this dissertation, *An Assessment of the Role of National Assembly in Public Procurement Process in Nigeria: Case Study of the Senate Committee on Procurement, 2015-2023*, is a product of my own research efforts, undertaken with the supervision of Dr. Usman Wali. It is an original work and has not in whole or part been presented elsewhere for the award of any degree. Where material has been used from other sources, it has been properly acknowledged through references.

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CERTIFICATION

This dissertation titled: *An Assessment of the Role of National Assembly in Public Procurement Process in Nigeria: Case Study of the Senate Committee on Procurement, 2015-2023*, presented by Henry Opara (PG/NILS/**2110033**) met the partial requirement for the award of the degree of Masters in Parliamentary Administration (MPD) National Institute for Legislative and Democratic Studies/University of Benin, Benin City

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## **DEDICATION**

This research project is dedicated to Almighty God who gave me divine guidance, knowledge, tremendous energy and determination to accomplish the work. “To God be the Glory”

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I am grateful to the Almighty God for His infinite mercies and grace. I thank my supervisor, Dr. Usman Wali, for his guidance throughout the entire time I wrote this dissertation. My appreciation also goes to my lecturers at NILDS for their patience and love in imparting knowledge to the students of the NILDS/UNIBEN Postgraduate Programme. Most especially, the Director of studies Dr AG Abiola who taught us research methodology and painstakingly ensured that we understood the process. I also acknowledged the contributions of my examiners/reviewers both internal and external who made valuable contributions during the oral presentation of this work. Dr Ndanusa Manzuma of NILDS and Prof Olu Okotoni of University of Ife were the internal and external examiners respectively. I am grateful to my classmates for the love and comradeship we shared while learning. My special appreciation goes to my ever-loving life partner, Mrs. Ijeoma Opara, for her support throughout the programme, and my boss for his understanding while I was away for my Master's Programme. I thank you all.

## ABSTRACT

This study focuses on the role and effectiveness of the National Assembly, particularly the Senate Committee on Public Procurement, in enhancing the public procurement process in Nigeria. The research objectives included examining the Senate Committee on Procurement's role, (ii) Assessing the effectiveness of the Senate Committee in Public Procurement Process and (iii) Understanding the challenges faced by the Senate Committee in improving public procurement processes in Nigeria.

The study employed qualitative research design and collected data from 12 purposively selected respondents drawn from legislators (Members of Senate Committee on Procurement), Relevant Civil Society Organizations (CSOs), and selected staff of the Bureau of Public Procurement (BPP), using semi-structured interviews. Their insights and deep knowledge of the operations of the procurement process was transcribed into useful research data for analysis.

The findings of the study revealed with respect to objective one, that the Senate Committee on Procurement played a Pivotal role in shaping Nigeria's procurement landscape through lawmaking, oversight, and representation. After the passage of procurement act 2007, the committee on Procurement monitor compliance at Ministries, Departments and Agencies of the Government. With respect to objective two, the study noted that despite several impressive legislative and oversight activities performed by the Committee, including meetings, oversight visits, and public hearings, the Committee fell short in one of its important mandates notably, investigative hearings. This raised concerns about the depth of scrutiny and accountability in public procurement issues. With respect to objective three the study noted the challenges faced by the Committee within the study period to include inadequate resources, low technical capacity, high turnover, executive interference, limited office space, and the impact of the COVID-19 pandemic.

The study made Recommendations for enhancing the performance of the Committee which included professionalizing the committee system, diverse secretariat staffing, comprehensive training, hiring of experienced legislative aides, use of consultants, fostering political will, advocating for adequate funding, and providing well-equipped office space. The study concludes that these measures will help to reposition the Public Procurement Committee to be able to achieve its legislative mandate effectively.

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## **CHAPTER ONE**

### **1.0 INTRODUCTION**

#### **1.1 Background to the Study**

The Impetus for Public Procurement Reforms in Nigeria came from a 1999 World Bank Country Procurement Assessment survey, which identified a correlation between inadequate procurement processes and corruption. The survey disclosed a substantial financial loss due to fraudulent activities in public contract awards and implementation. To fix problems with how the government buys goods and services, the Federal Government made changes to bring back fair processes. In 2001, the FG created a new unit called the Budget Monitoring and Price Intelligence Unit (BMPIU), to enforce new rules for government buying. Because people continued to ask for more changes, a new law was written in 2003/2004. This law was passed by the National Assembly on May 30, 2007, and signed into law on June 4, 2007, known as the Public Procurement Act.

The Act led to the creation of the Bureau of Public Procurement, which is responsible for establishing a legal and institutional framework and developing skilled expertise for public procurement in Nigeria. The goals of the Bureau include; harmonizing government policies, ensuring probity, accountability and transparency, establishing pricing standards, fostering fair competition, ensuring transparency, and maximizing value-for-money standards in procurement. The Bureau has various functions, including formulation of general policies, certifying federal procurement, supervising policy implementation, monitoring tendered item prices, publishing major contracts, maintaining databases, conducting procurement research, organising training programmes, reviewing procurement procedures, performing audits and coordinating capacity building initiatives. The overall goal is to achieve transparency, competitiveness, cost-

effectiveness, and professionalism in the public procurement sector. Since the implementation of the Public Procurement Act in 2007 and the establishment of the Bureau of Public Procurement, there has been a noticeable inadequacy in the Procurement Act. Consequently, the National Assembly has introduced several bills to amend the Act to rectify the shortcomings in public procurement in Nigeria.

The legislature is a crucial institution within any political system. According to the 1999 Constitution of the Federal Republic of Nigeria, the legislature is endowed with significant power to legislate, oversee, and represent citizens (Alabi & Fashagba, 2010). Particularly in the realm of public funds management, the constitution assigns substantial responsibilities to the Legislature (Yusuf, 2020). For instance, Section 88 of the Constitution authorizes the National Assembly to investigate the actions of individuals or ministries, departments, and agencies (MDAs) to uncover corruption, inefficiency, or waste in the enforcement of laws within its domain. To carry out these functions, Section 89 (1) and (2) grants the National Assembly the power to summon evidence, demand testimony under oath, compel the production of documents, and impose penalties for non-compliance. Essentially, the amended 1999 Constitution gives the National Assembly the authority to effectively oversee the executive branch and its administrative bodies across all aspects of public administration (Adanikin, 2021). Additionally, Nigeria's National Legislature holds the authority to create additional institutions and frameworks, such as the Bureau of Public Procurement, the Economic and Financial Crimes Commission, and the Independent Corrupt Practices and Other Offences Commission, to aid in fulfilling its oversight duties.

Furthermore, within the authority of the same Constitution, NASS is empowered to establish committees. The Senate and House Standing Order establish several committees, including Senate and House Committees on Public Accounts, Public Procurement, and Anti-

Corruption and Financial Crimes. For example, according to the Senate Standing Order 95 (52), the Senate Committee on Public Procurement shall be appointed at the commencement of the Senate and has jurisdiction over the National Council on Public Procurement, Bureau of Public Procurement, Oversight of the implementation of the Procurement Act in all Federal government ministries, departments and agencies. Also, since the establishment of these public procurement-related committees, the Committee has processed several bills and motions referred to it and has performed oversight visits to strengthen the public procurement process.

## **1.2 Statement of the Problem**

Public procurement is recognized as a central and essential mechanism for ensuring the proficient and corruption-free management of public resources (Siyal and Xin, 2020; Ali, 2020). Government procurement constitutes about one-third of all public expenditure and serves as a means to achieve government policy goals while procuring goods, services, and works efficiently and cost-effectively (Siyal and Xin, 2020). The Bureau of Public Procurement (2011) identifies key elements for successful public procurement: cost-effectiveness, efficiency, impartiality, dependability, openness, accountability, and adherence to ethical principles. Public procurement represents a significant economic activity for the government, contributing a substantial portion of GDP, with financial impacts estimated at 10-15% of GDP globally (OED, 2005). Despite its importance, public procurement remains an under-researched and overlooked topic (Olusegun, 2024). Academically, it is a less studied area, although it plays a crucial role in achieving social, economic and other benefits in fulfilling governmental duties towards society (Olusegun & Ikenwa, 2020). Despite the National Assembly's significant powers to enhance the public procurement process, procurement decisions have been criticized for not consistently delivering value for money or fostering sufficient innovation in service delivery (Olusegun, 2024). This

research evaluates the role of the National Assembly, specifically the Senate Committee on Procurement, in the public procurement process from 2015-2023.

### **1.3 Key Research Questions**

The following research questions guided the study:

- i. How effective is the role of the Senate Committee on Procurement in the Public Procurement Process in Nigeria from 2015 to 2023?
- ii. To what extent does the effectiveness of the Senate Committee on Procurement strengthen the Public Procurement Process from 2015 to 2023?
- iii. What are the challenges of the Senate Committee on Procurement in strengthening the Public Procurement Process from 2015 to 2023?
- iv. What are the strategies the National Assembly adopted to strengthen the Public Procurement Process in Nigeria?

### **1.4 Research Objectives**

The objectives of the study are to:

- i. Investigate the role of the Senate Committee on Procurement in the Public Procurement Process in Nigeria from 2015-2023.
- ii. Assess the effectiveness of the Senate Committee on Procurement in Strengthening the Procurement Process in Nigeria?
- iii. Examine the challenges faced by the Senate Committee on Procurement in its efforts to strengthen the Procurement Process from 2015-2023.
- iv. Examine the strategies adopted by the National Assembly to strengthen the Public Procurement Process in Nigeria.

## **1.5 Scope of the Study**

This research examines the Senate Committee on Public Procurement's role in improving Nigeria's public procurement processes. It focuses specifically on the committee's activities and contributions. The timeframe for the study was 2015-2023 because there is data available from the 8<sup>th</sup> Assembly to the 9<sup>th</sup> Assembly in terms of documentary evidence and participants for interviews.

## **1.6 Significance of the Study**

This research will provide valuable insights into the public procurement process in Nigeria. It will contribute to both theoretical understanding and practical knowledge. Specifically, it will help lawmakers understand their role in the process and identify ways to improve it.

## **1.7 Definition of Terms**

**Procurement:** Procurement in any business involves sourcing and purchasing goods or services from them. This process includes negotiation and bidding, managing contracts, and overseeing business expenditures.

**Senate Committee on Public Procurement:** A standing committee of the Senate that oversees the public procurement process and relevant agencies of government.

**Procurement Act 2007:** the law establishing the procurement committees in MDAs signed in 2007 to reduce the corrupt practices and infractions during the procurements in government.

**Legislators:** these are members of the National Assembly (both Senate and House of Representatives) that have been elected.

**Clerks:** Bureaucratic staff to each of the committees of the National assembly

**Civil Service Society Groups:** A non-governmental organization (NGO) is a community-based group that operates without government involvement. These organizations are formed voluntarily and aim to improve societal conditions at local, national, or global levels.



## **CHAPTER TWO**

### **2.0 LITERATURE REVIEW**

In this chapter, the concepts that are relevant to the research were discussed. These concepts include the National Assembly, its functions and committees, and the procurement process. Next, empirical literature discussed the knowledge gaps in the literature. Finally, the theoretical review adopted for this research is discussed and the knowledge gaps. Lastly, the principal agency theory, which is the theoretical framework adopted for this research is discussed.

#### **2.1 Conceptual Review**

In what follows, the study critically reviews the concepts that are relevant to this study, namely, the National Assembly, Senate Committee on Procurement and the procurement process.

##### **2.1.1. National Assembly**

The legislature is characterized as a political institution whose members hold formal equality, derive authority from representing the political community, and collectively make decisions through intricate procedures, according to Hamalai (2014). Hamalai (2014) defines legislatures as assemblies of elected representatives with the function of making laws in the governing process. Similarly, McLean and McMillan (2009) view legislatures as law-making assemblies comprising elected officials who have equal standing and are responsible for creating laws. The evolution of legislatures traced back to medieval bodies assembled periodically for tax levies, gradually transforming into continuously sitting bodies, particularly in seventeenth-century English parliaments. The modern form of the legislature emerged from the ideas of Locke and the parliaments he envisioned McLean and McMillan (2009).

Hamalai (2014) states that the primary responsibility of the legislature is lawmaking. However, the National Assembly also has additional roles, including constitutional amendments, oversight of executive actions, impeachment proceedings, financial control, and general supervision of the executive branch. The legislative bodies in Nigeria consist of the National Assembly, State Houses of Assembly, and Local Government Legislative Councils (Alabi & Fashagba, 2010).

The National Assembly in Nigeria is a bicameral legislature consisting of the Senate and the House of Representatives, with both chambers considered equal in practice. Each state, regardless of size or population, has three senatorial districts in the Senate, ensuring equality among federating states and addressing concerns about the rights of minority or smaller states. Gahia (2012) points out that the House of Representatives reflects the population size of each state in its representation, while the Senate ensures that all states have equal voting power regardless of population. The Senate holds precedence over the House, as demonstrated by the priority given to the Senate President in joint sessions of the National Assembly and their right to succeed to the presidency in certain situations. Additionally, the Senate ratifies treaties, authorizes war, and confirms ministerial and ambassadorial appointments. In summary, legislatures, whether in the National or State Houses of Assembly, are elected representatives responsible for making laws following the Constitution for effective governance of the country.

#### **2.1.1.1. Functions of the National Assembly**

This section discusses the functions of the Nigerian NA. A crucial purpose of the NA is making laws. By creating laws, the National Assembly guides and directs the nation's affairs in accordance with Section 4 of the 1999 Constitution. Notably, the National Assembly is not only authorised to enact legislation such as procurement laws, which are established by the Bureau of Public

Procurement. Additionally, the National Assembly holds the authority to amend the Constitution as needed and ratify treaties entered into by the president.

The National Legislature is also vested with oversight and investigative functions, as outlined in Section 88. The National Assembly has the authority to examine matters related to its legislative duties, the actions of government agencies responsible for implementing its laws, and the expenditure of public money approved by the NA. This investigative power allows the Assembly to uncover corruption, inefficiency, or waste in government operations and spending.

Financial control is another vital responsibility of the NA, detailed in Sections 80 through 89 of the Constitution. The legislature plays a key role in approving budgets, ensuring compliance with authorized expenditures, and determining remuneration for public office holders. It can also pass laws to cover areas of not previously provided for in the budget, using ‘contingencies funds’ when necessary. Furthermore, the NA oversees the auditing of all public accounts. According to the Constitution, the NA has the authority to establish committees, including the Senate and House Committees on Procurement, responsible for overseeing procurement institutions and related matters (Eweremandu, 2020).

Representative functions are integral to the National Assembly by constitutional mandate. Described as having expressive, teaching, and informing functions, legislators serve as a link between the government and the governed. They convey demands from the public, provide information and explain policies. These representative functions contribute to legitimizing and authorizing government policies, resolving conflicts, and addressing a broader audience beyond the assembly.

Additional functions of the National Assembly encompass endorsing presidential appointments, controlling and approving executive financial expenditures, investigating financial

misappropriation cases under Section 88 of the 1999 Constitution, and having the authority to dismiss or propose for removal of the Chief Justice of the Federation as well as impeaching the President when necessary.

#### **2.1.1.2 Committees of the National Assembly**

Legislative committees are comprised of groups of Members of Parliament (MPs) established by the parliament to fulfil explicit responsibilities or tasks assigned to them. The National Assembly Democratic Institute (NDI, 2006) states that committees are smaller groups of lawmakers formed for specific or ongoing periods to study issues in detail. These committees are part of the main legislative body but have limited power over the tasks given to them. The typical work assigned to committees by the parliament includes the examination of bills, scrutiny of executive operations, or the investigation of issues of public concern.

The committee system offers numerous benefits. One of the most apparent advantages is that committees allow the parliament to efficiently utilize its resources, both in terms of people and time, to thoroughly examine complex issues that might be challenging to discuss on the floor of the House. This includes activities such as examining witnesses and providing detailed consideration to legislations, estimates, and technical matters. Moreover, given the complexity and diversity of issues faced by modern legislatures and the time constraints on legislators, specialization and division of labour are essential, and committees serve this purpose effectively. Consequently, legislative committees of various types have taken on much of the workload in many countries, with the use of committees being considered a distinctive feature of modern democracies. Committees are often viewed as the powerhouse of legislatures. They enable members to engage in informal discussions, build dealings with members from different parties, and create forums for agreement and compromise. Committees offer opportunities for opposition

party members to contribute to the policy-making process. Lawmakers and committee staff together provide consistent knowledge, stability, and past experience, and they can become experts in specific areas. Additionally, committees can hold public meetings to share information with the news media and the public, and get feedback on proposed laws.

### ***Senate Committee on Procurement***

The Senate Committee on Public Procurement is a Standing committee in the Senate responsible for overseeing how the Public Procurement Act is followed. They watch over the Budget Monitoring and Price Intelligence Unit and ensure government spending on big projects is done correctly. In addition to these, it ensures that any entities, not specified previously, that seek at least 35% of their procurement funds from the Consolidated Revenue Fund must follow the provisions of the Public Procurement Act. Other jurisdictions include;

- i. Ensuring all government agencies, including ministries, departments, parastatals, and military/paramilitary organizations, established by the Constitution must follow fair procedures, be accountable, and be transparent when buying goods or services.
- ii. Dealing with complaints about government buying and working with other groups to make sure government money is spent wisely and follows international best practices.
- iii. Annual Budget Estimates.

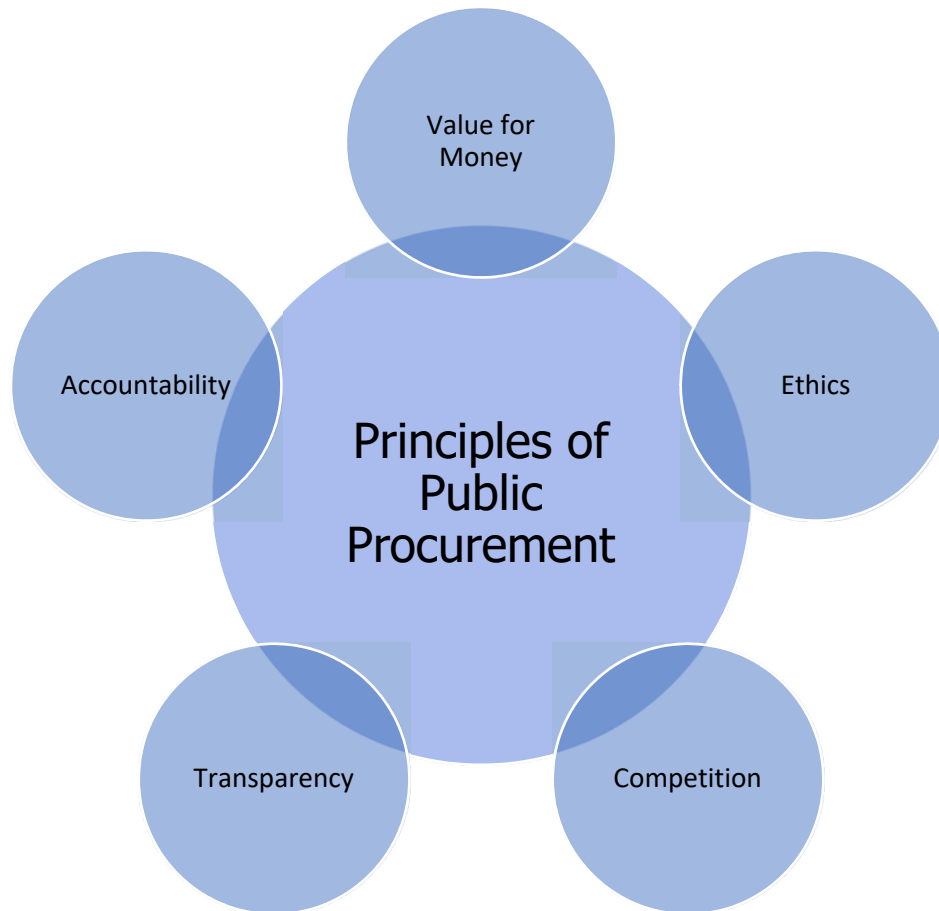
### **2.1.2 Public Procurement**

Public procurement is inherently understood as the process by which government entities purchase goods, services, or a combination (Thai, 2001). The term “procurement” as defined by Fleming

(2003) broadly refers to the purchase of goods and services by both private and public institutions in the context of contract administration. Specifically, in the realm of government operations, public procurement involves the acquisition of goods, works, or services via different means. The process is crucial for supporting public-sector savings in physical infrastructure, institutional development, and human capacity building, which are foundational to national development efforts (BPP, 2011). According to the Procurement Procedures Manual for Public Procurement in Nigeria published by the Bureau of Public Procurement (2011), these inputs are typically categorized into three main groups: civil works, such as bridges and buildings; goods, including equipment, materials and supplies like textbooks and medical supplies; and services, encompassing expert advice, training, and operational activities like building maintenance and computer programming.

#### **2.1.2.1 Principles of Public Procurement**

Certain principles of public procurement underpin the process of procurement as captured in Figure 1. These principles of Public Procurement are values for money, ethics, transparency, competition and accountability (Siyal & Xin, 2020).



**Figure 1: Principles of Public Procurement**

*Source:* (Siyal & Xin, 2020)

***Value for money***

The paramount standard in procurement is obtaining value for money. This entails public organizations considering the development of their policies, rules, and priorities to achieve the best returns and results in comparison to their expenditures (Bauld & McGuinness, 2006). Occasionally, states have the flexibility to explore measures beyond the lowest cost, such as assessing the technical skills, and educational qualifications of strategic employees, and past performance records when awarding contracts to suppliers (Qiao & Cummings, 2003). While these

considerations may incur higher costs for governments, they also promise greater benefits and improved performance. Various barriers impede the realization of the value for money principle, including weak central organizations, political influences, customs, norms, traditions, and a lack of education and training programs (Palmer & Butt, 1985). Overcoming these challenges is essential for achieving worth for money in public procurement.

### ***Ethics***

Ethics represents a crucial facet of public procurement, as procurement professionals are expected to adhere to ethical conduct more rigorously than their counterparts in other fields (Atkinson, 2003). Unfortunately, there is a lack of awareness among some professionals, leading to potential issues such as violations of the relevant code of conduct. Atkinson (2003) notes that in the USA, there are 500,000 procurement professionals, but only 10% of them are members of professional associations that provide ethics training. The remaining 90% lack awareness of the ethical standards and legal aspects associated with the procurement.

Recent developments in developed nations like the USA and the UK indicate that financial contributions to political party funds and parliament members have become common practices. However, corruption related to procurement is more severe in developing states compared to developed ones. Developing countries, including Nigeria, Kenya, Venezuela, Bangladesh, India, and Sri Lanka, witness annual corruption exceeding \$1 million, constituting nearly 12% of their GDP, according to a World Bank Report (Ali, 2020). This rampant corruption is exacerbated by high poverty rates and weak enforcement of the rule of law, rendering public procurement highly susceptible to corruption (Nwabuzor, 2005). Urgent measures are required to control and minimize corruption.



While some countries like Sweden, Switzerland, Austria, Netherlands, and Australia exhibit effective control over corruption, Bangladesh is reported as the most corrupt country globally (Tandoor, 2004). There is a pressing need for a comprehensive and globally applicable benchmark to address the ethical challenges associated with international codes of ethics in the global market.

### ***Competition***

The majority of products and services are acquired through competitive tendering processes. For example, if the port authority needs to procure gantry cranes, they will initiate the process by advertising the technical requirements and inviting bids from relevant suppliers. Subsequently, received bids are submitted to the tender board for evaluation against specified requirements. This procedure is highly competitive, with the credibility of suppliers and cost playing pivotal roles in securing tenders. After a thorough evaluation of all bids, the tender is awarded to the most competitive and reputable supplier. Competitive tendering serves to diminish the likelihood of favouritism, corruption, and fraud. Furthermore, it promotes increased supplier participation, fostering high competition that, in turn, leads to cost reduction and enhancement in the quality of products and services (Erridge, 1999).

### ***Transparency***

Transparency is the quality of openness within a system, and it holds significant importance in the procurement process. It is a crucial element for ensuring accountability and reducing corruption. As a fundamental value in governance, transparency has gained prominence in OECD states and plays a crucial role in shaping government agendas (Deighton-Smith, 2004).

Public procurement, both in developed and developing states, is susceptible to widespread corruption, involving not only procurement professionals but also ministers and political parties. Transparency is crucial for preventing misconduct in government spending, encouraging ethical behavior, and upholding the rule of law (Deighton-Smith, 2004). It also reassures domestic and foreign investors that contracts are awarded fairly. A lack of transparency and information about government procurement processes hinders trade, particularly for foreign businesses (Arrowsmith, 2003).

### ***Accountability***

This extends beyond public sector organizations to include private entities, where they are accountable to stakeholders for financial transactions (Barrett, 2000; Hughes, 2003). Workers in government institutions often experience political pressures in their duties, while the private sector operates within market dynamics (Stewart, 1999). Despite these differences, both sectors are equally bound by the principle of accountability. In public procurement, accountability is crucial at national and international levels. Governments globally engage in trade, procurement of goods and services, aid transactions, and diplomatic relations with other nations, which pose financial risks and accountability challenges (Department of Foreign Affairs and Trade, 2006). At the national level, managers in public sectors navigate competitive landscapes and respond to public demands for accountability, and improved goods and services (Gunasekaran, 2005).

Similarly, the Bureau of Public Procurement of Nigeria (2011) delineates the fundamental principles underpinning PP in Nigeria, as outlined in the PP Act 2007. These principles include “ensuring value for money, fostering competition, promoting transparency, ensuring accountability, complying with the Public Procurement Act, adhering to timeliness and equity, and being aligned with planned budgetary provisions.” According to Section 16 of the Public

Procurement Act 2007 of Nigeria, “all public procurement processes must adhere to review thresholds established by the Bureau of Public Procurement, based on procurement plans supported by prior budgetary allocations.” Procurement activities should commence only after ensuring the availability of funds and obtaining a "Certificate of 'No Objection' to Contract Award” from the Bureau (in accordance with approval thresholds).

Procurement should be carried out through open competitive bidding unless exempted, ensuring transparency, timeliness, and fairness to uphold accountability and compliance with the Public Procurement Act and regulations. The process aims to achieve value for money and suitability for intended purposes, while also fostering competition, cost-effectiveness, and efficiency, adhering strictly to established procedures and timelines.

#### **2.1.2.2 Issues in Public Procurement in Nigeria**

PP in Nigeria is currently in a phase of ongoing development, as the legislation governing the award of public contracts has not yet fully achieved its intended objectives. Regardless of the enactment of the PP Act in 2007 and the establishment of a procurement framework within government ministries, departments, and agencies, the procurement system continues to face challenges such as inefficiencies, misconduct, inappropriate behaviors, irregularities, corruption, and bureaucratic hurdles (Armstrong, 2017).

#### **2.1.2.3 Overview of the Public Procurement Act, 2007**

The PP Act of 2007 was signed into law by the Nigerian President Alhaji Umar Musa Yar’adua on June 4, 2007, marking it the first legislation enacted during his tenure. This procurement bill consists of thirteen parts and sixty-one sections, establishing the legal framework known as Due Process that governs public procurement processes. It relates to FG procuring

entities and other entities that receive at least 35% of their procurement funds from the Federation share of the consolidated Revenue Fund (Section 15, PPA, 2007).

Part one (Section 1 and 2) established the Nation Council on Procurement and outlines its functions. Part two (Section 3-14) establishes the Bureau of Public Procurement, detailing its functions, powers, staffing, and other relevant aspects. Part three (Section 15) explicitly defines the scope of application of the act. Part four (Section 16) specifies the fundamental principles of public procurement, including mandatory criteria for individuals, contractors, or service providers involved in the procurement process. These criteria include requirements such as Tax Clearance Certificates, proof of company registration with the Corporate Affairs Commission, and compliance with tax, pension, and social security obligations, among others. The section emphasizes that the evaluation criteria for contractors, suppliers and service providers must remain consistent throughout the procurement process. The responsibilities and accountabilities of the Accounting Officer and other officers are clearly delineated in subsections 21 and 22 of Section 16.

Part five of the Act (Section 17-23) deals with the procedural requirements for organizing procurements, outlining the authority responsible for approvals, the procurement planning process, procurement execution, the role of the accounting officer, the procurement planning committee, the tenders board, and the pre-qualification of bidders. Part six (Section 24-38) focuses on procurement methods, specifying that, unless otherwise stipulated by the PPA, 2007, all procurement of goods and works by procuring entities must follow the process of open competitive bidding. This section also covers topics such as bid invitations, bid security requirements, bid submission procedures, bid rejection criteria, bid opening procedures, bid examination and

evaluation processes, bid acceptance criteria, and documentation of procurement proceedings, among other aspects.

## **2.2 Empirical Review**

This research reviewed empirical literature that is relevant to the study to determine the knowledge gaps of previous studies. Several studies have been conducted on the NASS oversight role (Fashagba, 2009; Stapenhurst, Jacob and Olaore, 2016; Pelizzo and Stapenhurst 2014). These studies conclude that the National Assembly's oversight role has not been up to expectations (Fashagba, 2009; Stapenhurst, Jacob and Olaore, 2016. However, according to Staddon (2020), the function of the legislature is to perform effective oversight. The study suggests that parliamentarians view internal oversight mechanisms as moderately effective, with any perceived shortcomings attributed to legislators' lack of interest in holding the government accountable or in anti-corruption initiatives more broadly.

To ascertain if NASS has made a substantial contribution to the fight against corruption and how effective it is, Kabari (2021) looked at the National Assembly's role in this effort. Content analysis of documentary evidence from newspapers, journals, textbooks, magazines, and the Internet was used in the study. The study found that, ironically, the National Assembly's members were only interested in serving their interests and not the interests of the people who elected them to various positions, even though they made some effort to combat corruption by introducing anti-corruption bills like the Nigerian Financial Intelligence Unit (NFIU) Bill, the Witness Protection Bill, Anti-Money Laundering Bill, Mutual Assistance in Criminal Matter and Whistle Blower Bill. The investigation found that the National Assembly's members did not care about the interests of

the people who elected them to their various positions; rather, they were primarily interested in serving their interests. The investigation concluded that the National Assembly's inability to provide strong legislation was due to corruption. Therefore, it was suggested that the National Assembly lead by example in the battle against corruption.

A report prepared by the Parliamentary Centre (Parliamentary Centre/World Bank: undated) cautions about the frequent disparity between theoretical principles and practical implementation in parliamentary accountability, leading to a growing interest in establishing 'arm's length' institutions like ombudsmen and auditors general. However, the report emphasizes that while specialized accountability bodies serve a critical role, they should complement rather than replace parliamentary accountability. Barkan (2004; 2010) argues that legislatures are increasingly asserting themselves as influential institutions, although their power varies significantly across different countries and many still contend with a subordinate position relative to the Executive. Despite this, even weaker legislatures are beginning to aspire to a more substantial role, as evidenced by initiatives like APNAC.

The paper adopts a systems theory framework to evaluate how institutional frameworks have addressed corruption during Nigeria's two decades of democratic governance under successive administrations. Employing a comparative approach and conducting content analysis of secondary data, it assesses the effectiveness of these frameworks, focusing on the achievements and challenges faced by successive Nigerian administrations from 1999 to 2020 at both global and regional levels. The study argues that over the past twenty years, the Nigerian government has invested significantly in institutional mechanisms to combat corruption, including establishing new anti-corruption agencies and revitalizing existing ones such as BPP, CCB, EFCC, and others listed. Despite these efforts by the government and democratic institutions like the legislature to

expose, control, and manage corruption, the problem persists. One of the key findings is that these institutional frameworks have seen more failures than successes in the fight against graft, despite substantial governmental attention over the past two decades. In light of these findings, the paper concludes that successive governments' efforts in combating corruption in Nigeria have not yielded significant progress, but rather the country has lost ground. The paper recommends, among other measures, enhancing inter-agency collaboration, enacting effective legislation, improving personnel welfare, bridging the implementation gap between anti-corruption laws and their enforcement, and ensuring prompt investigation and prosecution of corruption cases without delay.

Burnell (2003) highlights that parliaments can be further undermined by MPs who may not fully grasp their roles—a topic explored further in this report's main body. Transparency International studies, especially their country-specific National Integrity Systems reports, reveal numerous deficiencies within African parliaments. Individual MPs sometimes lack the necessary intellectual or academic capacity to effectively fulfil their legislative duties. Moreover, parliament often faces inadequate resource allocation, compounded by its lack of direct control over the budget and taxation. In contexts with political competition, parties frequently prioritize opposition over organizational and policy development.

Several studies on public procurement have focused on several dimensions of public procurement. For example, Uneam and Mark (2015) define public procurement as the process by which government agencies purchase goods and services from private businesses according to specific regulations, involving the acquisition of products, construction projects, and services from external suppliers. Kari, Mona, and Jan (2010) define public procurement as the government's purchase of goods and services from private businesses. This includes a wide range of areas, such as construction and military supplies. Public procurement is essential for governments to operate

effectively and fulfill citizens' needs. Additionally, according to the Procurement Procedures Manual for Public Procurement in Nigeria published by The Bureau of Public Procurement (2011), public procurement is defined as the process through which governments acquire inputs essential for public-sector investments. These investments, whether in physical infrastructure or in bolstering institutional and human capacities, form the bedrock of national development. The BPP (2011) further categorizes these inputs into three main groups: Civil works, such as bridges, buildings, and highways; Goods, encompassing equipment, materials, commodities, textbooks, and medical supplies; and Services, including expert consultations, training, building maintenance, and computer programming, among others.

The enactment of the Nigeria Public Procurement Act (PPA, 2007) aimed to strengthen previously weakened institutions, contributing to good governance in public procurement. Recognizing that weak institutions and corruption hinder Nigeria's sustainable growth and development, the PPA seeks to address these issues (Adewole, 2014). Procurement functions to acquire necessary resources such as equipment, logistics, materials, supplies, and services required by an organization to support its core business operations and development programs (Procurement Manual, 2009).

Enofe, Okuonghae, and Onobun (2015) reported how well the Public Procurement Act has worked in making the Nigerian government accountable for its spending. The research utilized a well-structured questionnaire administered to 80 respondents, with 57 responses retrieved, coded, and analysed using tables, pie charts, and the Eview8 statistical regression tool. The findings indicate that professionalism in public procurement is likely to have a positive impact on government accountability. While transparency in the procurement process shows a positive correlation with government accountability, this relationship is not statistically significant. On the other hand,



competition in procurement may negatively affect government accountability, whereas efficiency and achieving value for money in the process are positively associated with it. The study suggests that enhancing government accountability could be achieved by recruiting procurement officers based on competency and professionalism. Additionally, it recommends prioritizing transparency, competition, efficiency, and value for money in the public procurement process in Nigeria.

Furthermore, the Nigeria Economic Summit Group (2017) examines the operation of public procurement in Nigeria in comparison to international practices. The paper argues that despite the enactment of the Public Procurement Act (2007) aimed at improving the procurement process, its effectiveness remains inadequate, thus impacting the delivery of public goods. The paper proposes the establishment of a procurement council and underscores the need to strengthen Nigeria's budgeting system.

Asogwa and Obetta (2022) conducted a study at the University of Nigeria, Nsukka, to assess the impact of the 2007 Procurement Act on public accountability in Nigeria. Employing a descriptive survey design, they administered questionnaires to 41 respondents and analyzed the data using weighted mean and standard deviation. The findings indicated that the Procurement Act facilitates fair competition among suppliers and ensures harmonization and transparency in the contract process. Moreover, the study revealed that planned mechanisms within the Act contribute to reducing corruption in procurement, aiming to award contracts directly to minimize fraud. Additionally, the Procurement Act was noted for its role in enhancing quality control assurance.

Adelakun and Ige (2014) explored the effectiveness of public Procurement Act on the cost of contract awards within the construction industry. Their findings indicated a notable decrease in contract award costs, which they attributed to the requirement for open competitive bidding, enhancing transparency and competition in procurement practices. Likewise, Osemeke and Emeti

(2016) investigated the influence of the PPA on contract award costs in the healthcare sector. Their study also revealed a reduction in contract award expenses, attributed to the pre-qualification requirement for bidders, ensuring participation only from qualified candidates.

However, other studies have highlighted challenges in implementing the PPA and procurement procedures in Nigeria. For instance, Oluwaseun and Oluseyi (2018) identified corruption, a lack of political commitment, and inadequate funding as major obstacles to PPA implementation. Similarly, Abubakar and Aibinu (2016) pointed out issues such as poor planning, inadequate monitoring, and lack of accountability as challenges facing the procurement process in Nigeria.

### **2.3.1 Knowledge Gap**

The literature reviewed in this study presents several key findings. Previous research has shown varied outcomes regarding the effectiveness of the National Assembly (NASS) in combating corruption. Conversely, some studies have indicated that despite substantial attention from successive governments over the past two decades, institutional efforts in the anti-corruption campaign have seen more failures than successes. Additionally, concerns have been raised about the compromised oversight role of NASS (Fashagba, 2009; Pelizzo and Stapenhurst, 2014; Abah, Andrew, and Obiajulu, 2017). Other studies have highlighted that while parliamentarians perceive internal oversight mechanisms as somewhat effective, the legislative oversight functions outlined in Section 88 (b) of the 1999 Constitution face challenges due to insufficient interest among legislators in holding the government accountable and addressing corruption issues (Staddon, 2017). This research aims to address these gaps in the literature by validating previous findings on the legislature's performance in combating corruption.

## **2.3 Theoretical Framework**

Several theoretical frameworks can be used to interpret the result of the study on oversight, such as institutional theory, accountability framework, and principal-agent theory. This study employs the principal-agent theory (PAT) to interpret the result of the study.

### **2.3.1. Principal Agent Theory (PAT)**

The Principal-Agent Theory (PAT) provides a suitable theoretical framework for evaluating the National Assembly's effectiveness in enhancing the Procurement Process in Nigeria. PAT explains the relationship between the legislature and its committees with the executive. Pioneers and proponents of the PAT include Moe (1984) and Fukuyama (2004). According to Pelizzo and Stapenhurst (2012), the principal-agent paradigm emphasizes institutional structures via which principals (legislature) can monitor and impose compliance on their agents (executive). The Principal-Agent Theory effectively explains two key power dynamics: the relationship between citizens and their elected officials (the executive and legislative branches), and the relationship between lawmakers (representing citizens) and the government bureaucracy. PAT is well-suited for comprehending the oversight responsibilities of parliament, given its constitutional authority and powers to oversee and supervise the actions of the executive and its agencies on behalf of citizens.

Fukuyama (2004, pp190-191) used the PAT to describe public service. He stated that the ultimate principals are the general public (people). He contends that in a democracy, elected representatives are the first-level agents who function as principals in the executive branch, which acts as agents authorised to implement legislation and policies enacted by the legislature. He observed that issues arise when individual agents - government employees - prioritize their financial interests over the interests of their patrons. To mitigate such conduct and better align the

interests in the principal-agent model, increased transparency in agent activities is necessary. Additionally, agents should be held accountable for their actions through a range of incentives and penalties (Pelizzo and Stapenhurst, 2012).

Fukuyama (2004b) pointed out three problems when applying the principal-agent theory to public sector governance: unclear goals, high transaction costs, and differing degrees of delegated discretion. This set of mechanisms is referred to as oversight tools or mechanisms, which have been discussed in Section 2.4 and Table 2.1 above. The principal-agent theory is suitable for this research because the study focuses on the efficiency of committees of the National Assembly. This is because PAT allows the opportunity to examine the connection amongst the executive and the legislature and how legislatures deploy oversight tools to ensure agents' compliance with the principal's intention. While the PAT explains the nature of governance in an ideal context, this is far from the case in Nigeria, where the legislature's oversight role has been marred with corruption (Fashagba, 2009) and lack of political will (Pelizzo and Stapenhurst, 2014). One of the critiques of the PAT is that it does not assign a collaborative or partnership role to the executive in the oversight functions besides one of compliance. Moreover, PAT wrongly assumes that all agents would want to undermine the authority of the executive. The theory is silent in instances where there are multiple principals such as the legislature and the executive.

## **CHAPTER THREE**

### **3.0**

### **RESEARCH METHODOLOGY**

This chapter explores the research methodology used for data collection in the study. It includes the research design, population, sampling techniques, and the methods used for data collection and analysis.

### **3.1 Research Design**

The study utilized a qualitative research design to explore the phenomenon under investigation within its real-life context. The research design is employed to describe the attitude, opinion and behaviour of the people concerning the role and effectiveness of the National Assembly in strengthening the procurement process in Nigeria especially the Senate Committee on Public Procurement. This research approach was adopted as it gives the opportunity to study the phenomenon under investigation in its natural setting with the view to understand the reality behind the main issues

### **3.2 Population of the Study**

The population of the study consist of people who have similar features that are of interest to the researcher. The population of a study is related to the context of the study upon which a study is based and conducted. In this research which seeks to examine the role and effectiveness of the Senate Committee on Public Procurement in strengthening the procurement process, the target population is made up of legislators (Members of the Senate Committee on Public Procurement 12), Secretariat staff of the Committee on Public Procurement (NASS staff 8), Civil Society Organisation (relevant to procurement 8), and Management staff of the Bureau of Public Procurement (BPP 8). Total population of the study of the study is 36.

### 3.3 Sampling and Sampling Techniques

The study employed purposive sampling, a non-probability sampling technique, to select respondents based on their ability to provide relevant data and information for the study. Sandelowski (1995) contends that in qualitative research, sample size is often determined subjectively, focusing on individuals who possess substantial knowledge about the phenomenon under investigation.

#### 3.3.1 Sample Size

Twelve respondents were selected for interview in this study, as shown on Table 3.1. While there are several civil society organisations working in the legislative space, particularly anticorruption and procurement, this research purposively selected Civil Society Legislative Advocay Centre (CISLAC) and the Socio-Economic Rights and Accountability Project (SERAP) because they work both in the anti-corruption space (procurement process) and in the legislature. These respondents were purposively selected because they are most suitable for providing the relevant information required for the study. Four legislators were selected from the Members of Senate Committees on Public Procurement; and two Clerks of the Senate Committee on Public Procurement. Two members each as representatives of civil society from CISLAC and SERAP and 2 Management staff of BPP. The total sampled selected for interview is 12, as presented in Table 3.1.

**Table 3.1: Category of Organisation and Sample size**

S/N		Category of Organization	NO
1.	Secretariat of the	Clerks of Senate Committee on	2

	Committee	Public Procurement	
2.	Legislators	Members of the senate committee on public procurement	4
3.	Civil Society	CISLAC SERAP	2 2
4.	Civil Service	Bureau of Public Procurement (BPP)	2
	<b>Total</b>		<b>12</b>

Researcher, November 2023

### 3.4 Method of Data Collection

Data gathering for this study employed two sources; primary source and secondary sources. Specifically, it utilised a structured interview directly administered on 12 critical stakeholders on the subject being studied.

#### 3.4.1 Primary Source

The primary method of data collection chosen for this research exclusively involves conducting oral interviews using a semi-structured interview format (Refer to Appendix 1 for the interview guide). The semi-structured interviews were conducted for the study with 12 respondents drawn from legislators from the Members of Senate Committee on Public Procurement; Secretariat of the committee; CISLAC and SERAP; and BPP. The information gathered were transcribed, recorded and labelled for easy analysis. The aims were to allow the researcher to collect data in the stakeholders' own voices.

### **3.4.2 Secondary Sources of Data Collection**

The secondary data were sourced largely from reports produced by SERAP AND CISLAC, Sessional Reports of the Senate Committee on Public Procurement and the bills progression charts and reports from the Bureau of Public Procurement.

### **3.5 Technique of Data Analysis**

This section explains the data analysis process in this study. The analysis in this study commenced with transcribing the interview manually. The transcripts were used as the basis for the analysis through the use of thematic analysis. The researcher adhered to the analytical procedures outlined by Creswell (2007). Initially, all interviews were transcribed. Subsequently, each transcription was thoroughly read and re-read for familiarization and to prepare for coding. Finally, the researcher categorized the collected data into different themes using coding techniques (Hills, Huberman, & Saldana, 2014).



## **CHAPTER FOUR**

### **DATA PRESENTATION, ANALYSIS AND DISCUSSION OF FINDINGS**

This chapter covers the presentation, analysis, and discussion of the data collected from respondents in the field. It also covers the interpretation of results from interviews and pieces of literature reviewed in the course of this research. The primary objective of the study was to examine the role and effectiveness of the Senate Committee on Public Procurement in strengthening the procurement process in Nigeria. The data employed in the study were generated using in-depth interviews and augmented with secondary data such as sessional report of the Senate committee on procurement. The respondents did not want to be identified by their real names; hence pseudonyms were employed. The presentation, analysis and discussion of data were done according to the objectives of the study as outlined in chapter one.

#### **4.1 Investigate the Role of the Senate Committee on Procurement in the Public Procurement process in Nigeria from 2015-2023**

In this section, the study explores the function of the NA in the Public Procurement Process in Nigeria, with a specific focus on two primary functions: oversight and law-making. Section 4 of the 1999 Constitution (As amended) assigns legislative powers to the NA, enabling it to enact laws essential for the peace, order, and good governance of the Federation, particularly concerning matters listed in the Exclusive Legislative List. Additionally, the Constitution empowers the legislature to conduct oversight on executive activities, address legislative deficiencies, and uncover instances of corruption, inefficiency, or mismanagement in law implementation and fund allocation. Section 88 of the 1999 Constitution allows the NA the authority to initiate investigations through resolutions into various matters within its legislative competence. This includes scrutinizing the operations of individuals, authorities, ministries, or government departments responsible for executing or administering laws passed by the NA and disbursing allocated funds.

Furthermore, data collected from the field highlights that the Senate Committee on Procurement play a crucial role in reviewing draft legislation related to procurement, investigating public concerns affecting their jurisdiction, and scrutinizing the policies, budgets, projects, and programmes of relevant ministries, departments, and agencies. The insights gained from interviews with participants are stated below.

*The Senate Committee on Procurement is mandated to work toward improving the procurement Processes in the Country through concerted legislative activities such as making laws that strengthen the procurement process, and conducting oversight to ensure that public procurement complies with the laid down process. According to section 4 of the*

*Nigerian Constitution, the National Assembly is authorized to enact legislation, including laws aimed at enhancing the procurement process and establishing anti-corruption bodies to enforce accountability for violations of Nigeria's procurement laws. Additionally, section 88 grants the National Assembly the authority to investigate suspected misconduct within the procurement process. The overarching objective of the National Assembly in procurement is to promote economy, efficiency, fairness, reliability, transparency, accountability, and ethical standards. (Sen. John Paul, December 7, 2023; 1.00pm; Personal Interviews).*

*The National Assembly, as outlined in the 1999 Constitution, performs three primary roles: legislation, oversight, and representation. Regarding legislation, the National Assembly formulates laws governing the procurement process, exemplified by the enactment of the 2007 Procurement Act. Additionally, the National Assembly legislates anti-corruption measures to prosecute offenders of the procurement laws. Through its oversight function, the National Assembly acts as a watchdog, conducting investigations and overseeing agencies and the Bureau of Public Procurement to ensure compliance with procurement regulations in contract awards across Nigeria. (Mr. Musa, staff of Bureau of Public Procurement, January 16, 2024; 8 pm. Personal interviews)*

The interview aligns with existing literature and the sessional reports of the Senate Committee on Procurement regarding its role in enhancing the procurement process. As documented in the Senate Committee on Procurement's sessional report covering June 2019 to December 2019, the committee's responsibilities are multifaceted. These include overseeing the implementation of the Public Procurement Act, monitoring the activities of the Budget Monitoring

and Price Intelligence Unit, supervising the execution of all Capital Projects as stipulated in the Appropriation Acts, ensuring adherence to the Public Procurement Act in all government procurement endeavours, and ensuring due process, accountability, and transparency across various government entities involved in procurement. Additionally, the committee is entrusted with addressing complaints and petitions arising from procurement activities, collaborating with NGOs, donor agencies, and international communities to support the implementation of government economic reform programs, and promoting international best practices in procurement-related matters, including Annual Budget Estimates. According to the interviews conducted with the clerk,

*The committee carried out detailed legislative scrutiny on the activities of the Bureau of Public Procurement since the inception of the present political dispensation, the Committee oversight activities on the implementation of the Public Procurement Act, 2007; have been going on smoothly. The Secretariat had been carrying out their functions effectively and efficiently despite inherent challenges” (Mrs Bose, Senate Committee on Procurement, October 2023, 1.00 pm, personal interviews)*

#### **4.2 Assess the effectiveness of the Senate Committee on procurement in strengthening the Procurement Process in Nigeria from 2015-2023**

This subsection of the dissertation evaluates the efficacy of the Senate Committee on Public Procurement in enhancing the procurement process during the 8th and 9th National Assembly.. The activities of the Committee were assessed to determine its effectiveness. The scope of activities assessed includes meetings, public and investigative hearings, bill and motion referrals,

oversight visits and project inspections. To assess the effectiveness of the Senate Committee on Public Procurement, the output of the committees and the outcomes or direct results or effects of the activities conducted by the Committee were assessed. This data was complimented by oral interviews conducted with 12 respondents and the analysis of the sessional reports of the Senate Committee on Public Procurement, 2015-2023.

### Committee Meetings

A meeting is a gathering of a group of people that is planned for a specific reason. The study reveals that the committee convened a total of 37 meetings, during the reviewed period. In the 8th Session, the Senate Committee on Procurement organised 14 meetings: three in the second session, one in the third session, and 10 in the fourth session. In the 9th Senate, the Committee held 23 meetings: 2 in the first session, 1 in the second session, 12 in the third session and 8 in the fourth session, as indicated in Table 4.1.

**Table 4.1: Committee Meetings of the Senate Committee on Public Procurement, 2015-2023**

	8 <sup>th</sup> Senate					9 <sup>th</sup> Senate				
<b>Committee</b>	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	Total	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	Total
<b>Tool</b>	Session	Session	Session	Session		Session	Session	Session	Session	
<b>Meetings</b>	0	3	1	10	14	2	1	12	8	23

Source: Sessional Report of the Senate Committee on Public Procurement, 2015-2019

The variations in the frequency of the meeting was beyond the researcher because it is solemnly at the discretion of the committee. Table 4.1 reported above was lifted from the seasonal report of the committee and no details was attached.

The meetings included regular Committee meetings, budget defence meetings, and interactive meetings with the agencies i.e. Bureau of Public Procurement and all Federal Government Ministries, Departments and Agencies. The meetings of the Senate Committee on Public Procurement were held to discuss and plan on how the committee can execute its mandate. These meetings were convened to address matters falling within the Committee's purview, particularly concerning the implementation of the Public Procurement Act, 2007; the assessment of current government policies and practices regarding public procurement; and the promotion of integrity, accountability, and transparency in procurement processes conducted by federal government ministries, departments, and agencies. Several agencies were summoned to clarify their adherence to the Public Procurement Act, 2007, regarding their procurement activities for the years 2020 and 2021, respectively (Sessional Report of the Committees on Public Procurement, 2019-2023). The Committee stressed the importance of strict compliance with the Act and cautioned agencies against actions that could contravene the Procurement Act, including guidelines from the Bureau of Public Procurement (BPP) and the Office of the Secretary to the Government of the Federation (Sessional Report of the Committees on Public Procurement, 2019-2023).

However, due to the COVID 19 Pandemic, the Committee could not hold meetings in the 2nd session of the 9th Assembly. However, the Committee adopted the method of sorting and obtaining procurement records from them. The records were analyzed and letters of invitation are being sent out. During the period under review, the Committee had written to several Ministries Departments and Agencies (MDAs) seeking for their previous procurement records. The receipt records were analyzed by the Secretariat and the Consultant employed by the

Committee. (MDAs) are being invited to appear before the Committee to clarify some of the infractions noted in their submissions.

### **Oversight Visits and Project Inspections**

Oversight visits and project inspections are physical visits by legislators to inspect policy, programme and project implementation to government ministries, departments and agencies on which the legislature exercises oversight. These visits entail onsite inspection of projects and programmes for which funds were appropriated to ascertain the progress of implementation and possible challenges. Table 4.2 reveals that a total of 5 oversight visits were conducted by the Committees on Public Procurement in the period under review (2015-2023). In particular, in the 8th Session, a total of 5 oversight visit were conducted particularly in the 4th Session of the 8th Assembly. In the 9th Senate, the Committee did not embark on any oversight function and no reason was given on the report. However, it held a post-procurement visit.

**Table 4.2: Oversight Visits Conducted by the Senate Committee on Public Procurement, 2015-2023**

	1 <sup>st</sup> Ses sion	2 <sup>nd</sup> Sessio n	3 <sup>rd</sup> Sessio n	4 <sup>th</sup> Sessio n	<b>Tota l</b>	1 <sup>st</sup> Sessio n (June 2019- Dec 2019	2 <sup>nd</sup> Sessio n	3 <sup>rd</sup> Sessio n	4 <sup>th</sup> Sessio n	<b>Tota l</b>

<b>Oversight</b>	0	0	0	5	5	0	0	0	0	0
<b>Visit</b>										

Source: Sessional Report of the Senate Committee on Public Procurement, 2015-2023

According to Hamalai (2014), there is usually no regulation on the number of visits that a committee should undertake. However, the more the number of visits the better because such visits enable committee members to obtain first-hand information and enable the Committees on Public Procurement to ascertain the activities and projects on which money approved is being expended and to determine if MDAs are complying with legislations in the education sector.

During the period under review, the committee carried out its oversight visit to several ministries, departments and agencies of government. In the 8th Senate, the Senate Committee on Procurement conducted 5 oversight visits. Agencies visited include Bureau of Public Procurement, National Pension Commission (PENCOM), Maitama, Abuja; Federal Capital Territory Administration (FCTA) at Area 11, Nigeria Customs Services Headquarter under construction at Maitama, Abuja; and Federal Inland Revenue Services (FIRS) Corporate Headquarters under construction, located at Central Business District, Abuja. During these oversight visits, the Budget Performance of these agencies was appraised.

In the 9th Senate, the Committee did not embark on any oversight function, due to COVID 19 Pandemic. However, during the period under review, the Committee received written submissions from several Ministries Departments and Agencies (MDAs) and sought for their previous procurement records. The receipt records were analyzed by the Secretariat and a consultant of the Senate Committee on Procurement. More so, (MDAs) invited to appear before the Committee to clarify some of the infractions noted in their submissions.



In the third session of the 9th Assembly the Committee embarked on post-procurement oversight visit to the Nigeria Customs Service Headquarters Building Project in Maitama, Abuja; on Wednesday, 9th March, 2022. The Committee took a tour of the on-going project and sought clarifications on the delay in completion of the projects. The core objective of the visits was to get first-hand information on the needs and infrastructural requirements of the Service aimed at ensuring application of competitive, transparent, fair, practices and value for money in the execution of the corporate headquarters of the Service.

In addition to that during the 9th Senate, the Committee wrote to several Ministries, Departments and Agencies (MDAs) seeking for their previous procurement records. The receipt records were analyzed by the Secretariat and the Consultant employed by the Committee. (MDAs) were subsequently invited to clarify one some of the infractions noted in their submission ((Senate Committee on Procurement, Sessional Report, June 2019-December 2019).

### **Public Hearings**

Public hearings on draft bills are frequently praised as a method of soliciting input from different parties. It is a venue for the exchange of ideas on topics of private and national interest with the executive branch, independent legal or academic experts, representatives of business groups, civil society movements, labour unions, non-governmental organisations, private persons, and so on (Hamalai, 2014). Committees' public hearings served several functions. For starters, it allows committees to acquire as much information as possible regarding potential financial crime legislation. In the context of legislative oversight, committees collect information regarding the operations of the executive branch and its agencies under scrutiny through the public hearing

process. As a result, public hearings are a key component of oversight efforts since they encourage public discussion of concerns. Despite this, public hearings were not among the top oversight techniques used by Senate Committees on Public Procurement throughout the time under consideration. For example, The Committee on Procurement conducted a total of 6 public hearings: 1 and 4 in the First and Fourth Sessions of the 8th Senate, respectively and only One public Hearings was conducted in the First Session of the 9th Senate, as Table 4.3 reveals.

Table 4.3 Public Hearing Conducted by the Senate Committee on Public Procurement, 2015-2023

	1 <sup>st</sup> Sessio n	2 <sup>nd</sup> Sessio n	3 <sup>rd</sup> Sessio n	4 <sup>th</sup> Sessio n	<b>Tota l</b>	1 <sup>st</sup> Sessio n  (June 2019- Dec 2019)	2 <sup>nd</sup> Sessio n	3 <sup>rd</sup> Sessio n	4 <sup>th</sup> Sessio n	<b>Tota l</b>
<b>Public Hearin g</b>	1	0	0	0	<b>1</b>	1	0	0	0	<b>1</b>

Source: Sessional Report of the Senate Committee on Public Procurement, 2015-2023

In the 8th Senate, one public hearing was conducted on 26th May, 2016 on the two bills that seek to amend the Public Procurement Act, 2007. During the Public Hearing, inputs from various stakeholders were collected which was used in Committee’s report to the Senate. In the report, three areas were amended namely, Preference to be given to Local Contents; Time of

completion of contracts; and Review of mobilization fee on contracts awarded. The report was successfully considered by the Senate.

In the 9th Senate, the Senate Committee on Public Procurement held a single Public Hearing during the First Session. The Chairman of the Committee presented the report of the Hearing, highlighting that the Committee had received memoranda from significant stakeholders, including Ministries, Departments, and Agencies (MDAs) as well as Non-Governmental Organizations (NGOs). This was followed by a 2-day Public Hearing on Tuesday, 26th and Wednesday, 27th November 2019, providing the public an opportunity to offer oral presentations on the Bill.

### **Investigative Hearings**

According to Hamalai (2014), investigative hearings are an important aspect of public hearings. Investigative hearings or legislative probes are employed to conduct investigations on subject matters relating to issues of public concern/national interest and wrongdoing. Probes are to ensure that due process was not breached. Unfortunately, the Committee did not perform any investigative hearings in the 8th and 9th Senate, as revealed by Table 4.5

**Table 4.5 Investigative Hearings Conducted by the Senate Committee on Basic and Secondary Education, 2015-2023**

<b>Committee</b>	<b>1<sup>st</sup></b>	<b>2<sup>nd</sup></b>	<b>3<sup>rd</sup></b>	<b>4<sup>th</sup></b>	<b>Tot</b>	<b>1<sup>st</sup></b>	<b>2<sup>nd</sup></b>	<b>3<sup>rd</sup></b>	<b>4<sup>th</sup></b>	<b>Tot</b>
<b>Tool</b>	<b>Ses</b>	<b>Sessi</b>	<b>Sessi</b>	<b>Sessi</b>	<b>al</b>	<b>Sessi</b>	<b>Sessi</b>	<b>Sessi</b>	<b>Sessi</b>	<b>al</b>
	<b>sio</b>	<b>on</b>	<b>on</b>	<b>on</b>		<b>on</b>	<b>on</b>	<b>on</b>	<b>on</b>	
	<b>n</b>									

<b>Investigative Hearings</b>	0	0	0	0	0	0	0	0	0	0
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Source: Sessional Report of the Committee on Public Procurement, 2015-2019; 2019-2023

Investigations are aimed at unravelling the circumstances surrounding various issues of public concern or interest and the need for public accountability. However, most of the findings and recommendations from the probes are never implemented (Hamalai, 2014). There is the perception that although there is evidence of increased legislative oversight in the last few years, especially through increased investigations of malfeasance in the activities of MDAs and collaborating private sector operators, nothing seems to happen thereafter. From the above-stated investigations, it is clear probes are aimed at unravelling the circumstances surrounding various issues of public concern or interest and the need for public accountability. However, most of the findings and recommendations from the probes are never implemented (Hamalai, 2014). There is the perception that although there is evidence of increased legislative oversight in the last few years, especially through increased investigations of malfeasance in the activities of MDAs and collaborating private sector operators, nothing seems to happen thereafter. It is interesting to note that the Committee did not employ the oversight tool of investigative hearing in the 9th National Assembly.

***Bill Referral***

Committees through its bill scrutiny functions, engage in reviewing proposed legislation to ensure they are effective. The National Assembly through the Senate Committee on procurement tried to strengthen the procurement process by playing active role in law-making. In this regard, bills on public procurement were processed and a public hearing was organised by the

Committees to aggregate the views of the stakeholders. After the Second Reading, bill is usually referred to legislative committee covering the subject matter for detailed consideration. Considering that Committees in the National Assembly are an integral part of the legislative process, their level of engagement in the review of draft legislation is a pointer to their level of activities (Hamalai, 2014).

In the 8th Senate, two bills were referred to the Senate Committee on Public Procurement. These Bills were SB (238) sponsored by Senate Enyinnaya Abaribe, and SB (232) sponsored by Senator Sam Egwu both seeking to amend the Public Procurement Act 2007. The Bills aimed to amend the Public Procurement Act to include a Local Content Policy and ensure the timely completion of procurement processes and other related matters. These two bills were harmonized with specific goals: to mandate that government ministries, departments, and agencies prioritize procuring a certain percentage of locally made goods before considering foreign products when local options are available; to increase the contract mobilization fee from 15 percent to 25 percent to address the issue of abandoned projects nationwide; and to transfer the contract approval authority from the Federal Executive Council (FEC) to the National Council on Public Procurement (NCPP). Additionally, the Bills aimed to reduce the number of days for the Standard Procurement Processing Time for QCBS, cutting the timeline from a minimum of 165 days to a maximum of 112 days, covering the period from preparation of terms of reference to contract signature. The Senate passed the Bill on Thursday, June 16, 2016. A conference committee was formed on Tuesday, July 18, 2017, to reconcile differences between the Senate and House versions. The conference committee report was presented and considered by the Senate on July 26, 2017. However, the Bill did not receive presidential assent by the expiration of the 8<sup>th</sup> NA.

In the 9th Senate, particularly in November 2019, three Bills (SB 107, SB 109, and SB 158) which sought to amend the No 14 of the Procurement Act 2007 were referred to the Senate Committee on Public Procurement for further legislative action. The Committee considered the bills and recommended that the Bills be harmonised into one. The Bill was laid and passed by Senate on 4th December, 2019. (Senate Committee on Procurement, Sessional Report, June 2019-December, 2019). The three Bills which sought to amend the Public Procurement Act 2019 were SB 106; SB 109 and SB 158. According to the Chairman of the Committee in the 9th Senate, the proposed amendments aim to achieve several objectives: the establishment of the National Council on Procurement, including its inauguration and membership; the creation of an e-procurement model using ICT to reduce interference in procurement systems; and the formation of a Committee of Directors, chaired by the Director-General of the Bureau of Public Procurement, responsible for issuing Certificates of No Objection to local contractors. Other goals include expanding the scope of the Principal Act to encompass Ministries, Departments, and Agencies (MDAs), national defense and security agencies, the National Assembly, and the judiciary, as well as the upward review of the mobilization fee for local contractors. Table 4.7 provides details on some of the Bills that sought to amend the Public Procurement Act 2007 in the 8th and 9th Senate.

**Table 4.6 No of Bills Referred to the Senate Committee on Public Procurement, 2015-2023**

<b>Committee Tool</b>	<b>1<sup>st</sup> Session</b>	<b>2<sup>nd</sup> Session</b>	<b>3<sup>rd</sup> Session</b>	<b>4<sup>th</sup> Session</b>	<b>Total</b>	<b>1<sup>st</sup> Session</b>	<b>2<sup>nd</sup> Session</b>	<b>3<sup>rd</sup> Session</b>	<b>4<sup>th</sup> Session</b>	<b>Total</b>

<b>Bills referred to the Committee</b>	0		2	0	2	3	0	0	0	3
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Source: Sessional Report of the Senate Committee on Public Hearing, 2015-2023

**Table 4.7 Details of Bills Referred to the Senate Committee on Public Procurement in the 8th and 9th Senate**

S/N	TITLE OF BILLS	Objective of the Bill	STATUS
8 <sup>th</sup> Senate			
	Public Procurement Act (Amendment) Bills 2016 (S.B. 232), sponsored by Sen. Sam Egwu (Ebonyi North).	The Bill seeks to provide for and adopt a Local Content Policy and Timely Completion of Procurement Process and for other related matters.	Consolidated with SB 238 and passed on June 16 2016
	Public Procurement Act (Amendment) Bill 2016 (S.B. 238), sponsored by Sen. Enyinnaya Abaribe (Abia South).	to provide for and adopt a Local Content Policy and Timely Completion of Procurement Process and for other related matters, 2016	Consolidated with SB 232 passed on June 16 2016
9 <sup>th</sup> Senate			

1.	the Public Procurement Act (Amendment) Bill, 2019 (SBs 106,109, 158)	The aim of the Bill was to review contractors' mobilization fee, establish an e-procurement model, and set a time frame for procurement processes.	Passed on Wednesday, 4 December 2019
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Source: Sessional Reports of Senate Committee on Public Procurement 2015-2019; 2019-2023

***Motions Referral***

Motions are legislative proposals requesting that the legislature take certain actions or take a required decision (Hamalai, 2014). Motion frequently leads to resolution. In the 8th Senate, two motions both sponsored by Senator Dino Melaye were referred to the Senate Committee on Public Procurement. The motions addressed: (1) The urgent need to investigate allegations of failure to conduct mandatory post-procurement audits and the corrupt issuance of "Certificates of No Objection" by the Bureau of Public Procurement from 2011 to 2017, and (2) Irregularities in the awarding of contracts by the Bureau of Public Procurement (BPP). There was no action on any of the motions taken by the Committee. The two motions were sponsored by Senator Dino Melaye. There was no action on any of the motions taken by the Committee because the then elsewhere Chairman decided not to.

In the 9th Senate, however, only one motion was referred to the Senate Committee on Public Procurement. The motion referred to this Committee with two other Committees: Senate Committee on Marine Transport and Senate Committee on Works on 12th November, 2019, for further legislative actions. The Motion calls for the urgent completion of all necessary components



of the Baro River Port Project on the Lower River Niger, with a joint referral to the Senate Committee on Marine Transport, Works, and Public Procurement. But no action has been taking because of the lockdown caused by Covid -19.

The interview with the committee clerk of the Senate Committee on Public Procurement, shed light on the committee's performance in scrutinizing the Bureau of Public Procurement throughout the current political dispensation. The committee's oversight activities pertaining to the execution of the Public Procurement Act have been described as functioning smoothly. Despite inherent challenges, the Secretariat has been effective and efficient in executing its functions, as emphasized by Mrs. Bose during a personal interview conducted in October 2023 at 1:00 pm.

#### **4.3. Examine the challenges faced by the Senate Committee on procurement in its efforts to strengthen the Procurement Process from 2015-2023**

Data from oral interview with respondents suggest that Committees are challenged by the problem of capacity, building inadequate financial resources, high turnover rate of members of the Committee, and executive interference. The texts of the interviews conducted with participants are captured below:

*The committee was faced by several issues while carrying out their duties. For example, poor funding was an issue the committee grappled with. You see when committees are given fixed amounts to run the committee activities, it won't work. Another issue was that of low attendance at committee engagements. Some members were not active in the committee activities-oversight or meetings because of personal reasons or official engagement or belonging to other juicy committees. This affected committee activities. When committee assignment is given, enough time is not given for committees to perform*

*these functions. This affects the quality of our work. (Sen. John Paul, December 7, 2023; 1.00pm; Personal Interviews).*

*I can only say some challenges. Many of our committees' members do not have adequate technical capacity in the technical area of procurement. Also, the committees do not have adequate funds to perform its work; there is also lack of political will by many members. In a situation where committee activities are financed by MDAs because of inadequate oversight is defeated. Also, storage facilities for storing files are a problem for the committee (Hon Lanre, December 22, 2023; 4.00 pm; personal Interviews)*

Similarly, the Sessional report of the Senate Committee on Public Procurement notes that one major constraint faced by the Committee is inadequate working space and tools for staff: Staff members share seats and tables to accommodate them for writing and other clerical duties (June 2021-June 2022). Also, the Committee lacks office equipment such as laptop for every staff and regular training to empower the staff for higher responsibilities. In addition to the above, the committee is challenged by financial constraint given the volume of writings and dispatches of mails made by the Secretariat and the rising cost of courier services in the Nigeria. The Committee impress of half a million Naira is grossly inadequate. More so, the Committee during this second (2) Sessions was challenged by the global pandemic of COVID 19 which paralysed the activities of the Committee. This made the committee not to be a active in the performance of its legislative duties. The sessional report of June 2021 to June 2022 state that The work of this Committee includes requesting for submission of procurement activities from different MDAs which normally comes in large volume and when those submissions are made, the place to keep those documents becomes a problem, because the Committee does not has a suitable place to keep them.

Moreover, these findings corroborate the result of previous studies on the performance of legislative committees at the Federal and State level. For example, Fashagba (2009b) studied the effectiveness of the committee system in enhancing legislative efficiency in Nigeria between 2003 and 2006, relying on personal interviews and documentary evidence. The study found that the effectiveness of committees is constrained by several factors: (1) the executive considers oversight activities as interference; (2) inadequate financial resources; (3) lack of implementation of the recommendations from committees; and (4) the problem of *godfatherism* in Kwara State hinders the legislature and its committees from performing their task dispassionately. Also, Akande (2020) assessed the Appropriation Committee's contributions to the 8th National Assembly's budget oversight operations. The study found that the committee was challenged by insufficient technical capacity, a lack of organic budget law, a high rate of lawmaker turnover, and late budget presentations by the Executive.

#### **4.4 Examine strategies the National Assembly adopted to strengthen the Public Procurement Process in Nigeria.**

Analysis of the field data on the ways to strengthen the effectiveness of the Senate Committee on Public Procurement reveal there is need for professionalism of committees and constitute committees in such a way that it is composed of people from different fields of knowledge based on capacity and legislative needs of the committees. Moreover, field data reveal that there is need for committees' members to be trained on legislative practice and procedure and on how to perform their task effectively. Legislators need to cultivate political will to perform their task as intended. The excerpt from oral interviews on how to strengthen the effectiveness of the Senate Committee on Public Procurement is captured below:

*More funding should be allocated for committee activities-such as public hearings, oversight visits etc so that MDAs will be help to account when they fail without fear or favour. Second, attendance of committee's functions should be made compulsory and members who fail to participate without good reason should be sanctioned. Also committee membership should be streamlined and each members should be assigned to few committee. Enough time should be given to committees for their function (Sen. John Paul, December 7, 2023; 1.00 pm, personal interviews).*

*The committee system needs to be professionalized. There is also a need to balance the composition of the Secretariat Staff with different fields of knowledge based on the capacity and legislative needs of the Committee. The Committee equally recognizes that experiences garnered during training and re-training of staff are enormous, hence the need for more adequate training on Legislative matters, ICT and Legislative procedures, in turn, will enrich and reposition the Committee system (Hon Lanre, December 22, 2023; 4.00 pm, Personal Interview)*

*It seems to me that as legislators, we need to hire experienced and well-trained legislative aides. The use of consultants is also helpful because sometimes legislators are assigned to the Committee without consideration for expertise. Legislators should develop the political will to perform their duties judiciously (Sen. Emmanuel, January 10, 2024, 1.00. pm, Personal interviews).*

According to the Sessional Report of the Senate Committee on Procurement, June 21-June 2022, the National Assembly's effort in strengthening the procurement can be improved through regular training and retraining of staff on specialized legislative duties and other areas as pertains to mandates of Committees of the National Assembly; Provision of office equipment such as

laptop for every staff; To step-up the funding of Committees to ensure effective Oversight activities in line with the Legislative Agenda of the 9th National Assembly; and ensuring transparency, competition, efficiency, value for money and accountability through efficient budget scrutiny. The Committee, in the pursuit of its mandate observed that most ministries, departments and agencies are complaining of sections of the Public Procurement Act, 2007; as a cog in the wheel of progress. However, the Committee had asked them to collate such sections, revert back to the Bureau of Public Procurement, who will then forward it to the Committee for legislative review in consonance with parliamentary practices.

These findings are in line with previous studies. For example, Akande (2020) assessed the Appropriation Committee's contributions to the 8th National Assembly's budget oversight operations and recommended that members of the National Assembly's Appropriation Committee should be fully trained as well as adequately resourced.

In summary, the followings are the ways through which the activities of the committee can be strengthened: The committee system needs to be professionalized. The secretariat staff should be composed of people with different experiences and fields of knowledge based on the capacity and legislative needs of the Committee. The Committee staff should be adequately trained and retrained on Legislative matters, ICT and Legislative procedures, this in turn will enrich and reposition the Committee system. Moreover, legislators should hire experienced legislative aides. The use of consultants is also helpful because sometimes legislators are assigned to the Committee without consideration for expertise. Legislators should develop the political will to perform their duties judiciously. Adequate funding of committee activities should be encouraged to ensure that the legislator performs its workout with fear or favour. Lastly, adequate and well-equipped office space should be provided for the Committees Secretariat

## **4.5 Discussion of Findings**

The study finds that the Senate Committee on Procurement considered draft legislation on public procurement referred to it; and conducted 5 oversight visits in the period under review. Also, the Senate conducted 2 public hearings on a visit that sought to amend the Public Procurement Act 2007 to enable it to become more efficient and performed exceptionally in the area of meetings and interactive sessions: it conducted a total of 37 meetings in the period under review. Lastly, the Senate failed to conduct an investigative hearing.

### **4.5.1 Investigate the Role of the Senate Committee on Procurement in the Public Procurement Process in Nigeria from 2015-2023**

The study examined the role of the National Assembly in public procurement process. By evaluating the three primary functions of the National Assembly—law-making, oversight, and representation—the study underscores the legislature's significant influence on the procurement landscape. The enactment of the 2007 Procurement Act exemplifies the National Assembly's dedication to directing the procurement process and preventing malpractices. The oversight function is described as a watchdog role, where the National Assembly investigates and supervises agencies like the Bureau of Public Procurement to ensure compliance with procurement laws in contract awards.

Under Section 4 of the 1999 Constitution, the National Assembly is empowered to enact laws for the Federation's governance. This includes oversight functions, enabling the National Assembly to scrutinize executive activities, rectify legislative deficiencies, and expose corruption, inefficiency, or waste in law execution and fund disbursement. Field data emphasizes the crucial role of the Senate Committee on Procurement in reviewing draft legislation related to procurement,

investigating public concerns, and scrutinizing policies, budgets, projects, and programs. The committee's goal is to achieve economic efficiency, fairness, reliability, transparency, accountability, and ethical standards in the procurement process.

The 2007 Procurement Act highlights the National Assembly's commitment to guiding the procurement process and curbing malpractices. The committee works with stakeholders to uphold global best practices in procurement-related matters. Interview data supports existing literature and sessional reports, shedding light on the Senate Committee on Procurement's diverse responsibilities. These include overseeing the implementation of the Public Procurement Act, monitoring budget activities, supervising capital projects, ensuring compliance, and addressing procurement-related complaints. The committee collaborates with various stakeholders, including NGOs, donor agencies, and international communities, to maintain global best practices in procurement. Despite challenges, the committee is portrayed as effective and efficient in fulfilling its responsibilities, as highlighted in interviews with the clerk.

#### **4.5.2 Examine the Effectiveness of the Senate Committee on Public Procurement in Strengthening the Procurement Process in Nigeria.**

The effectiveness of the National Assembly, specifically the Senate Committee on public procurement, in strengthening the procurement process in Nigeria was examined in this study. The assessment covered the 8th and 9th National Assemblies, focusing on committee activities such as meetings, oversight visits, project inspections, public hearings, investigative hearings, bill referrals, and motions referrals.

The Senate Committee on Public Procurement held a total of 37 meetings during the reviewed period, with variations between the 8th and 9th Senates. These meetings included regular

committee meetings, budget defence meetings, and interactive sessions with relevant agencies. Despite challenges posed by the COVID-19 pandemic, the committee adapted by sorting and obtaining procurement records from agencies, analyzing them, and sending out invitations for clarification. More so, oversight visits and project inspections, crucial for evaluating policy and project implementation, were conducted. The 8th Senate carried out 5 oversight visits, while the 9th Senate did not conduct oversight functions but engaged in post-procurement visits. These visits provided insights into agencies' activities, and the committee emphasized the importance of such visits in obtaining first-hand information.

Also, public hearings, a means of soliciting input from various stakeholders, were not extensively used by the Senate Committee on Public Procurement. Only two public hearings were conducted during the entire study period. These hearings addressed bills amending the Public Procurement Act, of 2007, collecting input from stakeholders and facilitating legislative changes. Investigative hearings, another oversight tool, were not employed by the committee in both the 8th and 9th Senates. The absence of investigative hearings raises questions about the depth of scrutiny and accountability in issues of public concern or wrongdoing within the procurement process.

The study highlighted the significant role of bill referrals in strengthening the procurement process. In the 8th Senate, two bills were referred to the committee, aiming to amend the Public Procurement Act, but they were not assented to by the President. In the 9th Senate, three bills were referred, leading to the passage of an amended Public Procurement Act in December 2019.

Furthermore, motions, and legislative proposals requesting specific actions or decisions, were also considered. In the 8th Senate, two motions were referred to the committee, addressing issues of post-procurement audit and irregularities in contract awards. However, no action was



taken on these motions. In the 9th Senate, one motion related to the Baro River Port Project was referred, but due to the COVID-19 lockdown, no action has been taken.

Overall, the study suggests that while the Senate Committee on Public Procurement engaged in various oversight activities and legislative processes, there were notable gaps in the utilization of certain tools, such as investigative hearings and public hearings. The effectiveness of the committee in strengthening the procurement process is evident in the passage of amended bills, but challenges like the lack of presidential assent and disruptions due to the pandemic also surfaced.

#### **4.5.3 Examine the challenges faced by the Senate Committee on procurement in its efforts to strengthen the Procurement Process from 2015-2023**

The challenges faced by the National Assembly, particularly the Senate Committee on Public Procurement, in their efforts to strengthen the procurement process from 2011 to 2023 are multifaceted. Data from oral interviews with key stakeholders, as well as insights from the Sessional Reports of the Senate Committee on Public Procurement, reveal several persistent challenges that have hindered the committee's effectiveness.

One of the primary challenges is the issue of inadequate financial resources. The committee faces difficulties due to fixed amounts allocated for its activities. Insufficient funding negatively impacts various aspects of the committee's functions, including oversight, meetings, and general operations. The constraint of poor funding has been acknowledged by Senator John Paul, emphasizing that when committees are constrained by limited financial resources, their ability to carry out essential functions is compromised.

Another significant challenge is the low technical capacity of committee members in the area of procurement. Many members lack the requisite technical knowledge to effectively engage in the complexities of procurement processes. This knowledge gap poses a hurdle in ensuring thorough scrutiny and understanding of procurement-related matters, ultimately impacting the quality of the committee's work.

Furthermore, the high turnover rate of committee members is identified as a challenge. Members' low attendance at committee engagements, whether due to personal reasons, official engagements, or affiliations with other committees, disrupts the continuity and consistency required for effective committee activities. Insufficient time allocated for committee assignments exacerbates this challenge, affecting the overall quality of the committee's output.

Executive interference is highlighted as another obstacle. The interviews underscore that oversight activities are often perceived as interference by the executive, hindering the committee's ability to carry out its functions independently. This interference compromises the committee's effectiveness in ensuring transparency and accountability in the processes of procurement.

The Sessional Report of the Senate Committee on Public Procurement emphasizes additional challenges, including inadequate working space and tools for staff. Insufficient office equipment, such as laptops, and the absence of regular staff training hinder their ability to handle higher responsibilities. Financial constraints, exacerbated by the rising cost of courier services, further impede the committee's efficiency in managing large volumes of documents related to procurement activities.

The impact of the global COVID-19 pandemic is also noted as a significant challenge, causing a temporary halt in the committee's activities during the second session. The lack of a suitable place

to store documents, given the large volume of submissions from different MDAs, further compounds the challenges faced by the committee.

These challenges resonate with findings from previous studies on legislative committee performance in Nigeria. Factors such as executive interference, inadequate financial resources, and a lack of implementation of committee recommendations have been identified in earlier research, such as Fashagba, 2009. The challenges outlined in this study collectively underscore the complexity and multifaceted nature of obstacles that the National Assembly encounters, particularly the Senate Committee on Public Procurement, in their endeavours to strengthen the procurement process over the examined period. Addressing these challenges is crucial for enhancing the committee's effectiveness and, by extension, improving the overall procurement governance in Nigeria.

## **CHAPTER FIVE**

### **5.0 SUMMARY, CONCLUSION AND RECOMMENDATIONS**

This chapter presents a summary of the findings, the author's conclusions, and recommendations derived from the outcomes of each research objective.

#### **5.1 Summary**

This study examines the role and effectiveness of the National Assembly, specifically the Senate Committee on Public Procurement, in improving the public procurement process in Nigeria. It explores the evolution of public procurement reforms in the country, which were initiated in response to concerns about weak procedures and corruption. These reforms led to the establishment of the Bureau of Public Procurement and the enactment of the Public Procurement Act in 2007. The research highlights public procurement as a vital mechanism for efficient

resource management and notes the lack of sufficient research in this area. To address this gap, the study assesses the National Assembly's role in public procurement from 2011 to 2023. The objectives include evaluating the NA's role and effectiveness, understanding the challenges faced, and identifying strategies for improving the public procurement process. A qualitative research design was employed, with data collected from 12 purposively selected respondents, including legislators (Senate and House), Civil Society Organizations (CSOs), and selected staff of the Bureau of Public Procurement (BPP), using semi-structured interviews. Thematic analysis was used to analyze the data.

The Senate Committee on Procurement holds a pivotal role in shaping Nigeria's procurement landscape through law-making, oversight, and representation. The 2007 Procurement Act reflects the National Assembly's commitment to guiding the procurement process. Despite several legislative and oversight activities, including oversight visits, public hearings and meetings, the committee fell short in exceptional performance. Notably, investigative hearings were lacking, raising concerns about the depth of scrutiny and accountability in public procurement issues. Challenges faced by the committee encompass inadequate resources, low technical capacity, high turnover, executive interference, limited office space, and the impact of the COVID-19 pandemic.

## **5.2 Conclusion**

The Senate Committee on Procurement plays a crucial role in shaping the procurement landscape in Nigeria, with its main functions being law-making, oversight, and representation. The 2007 Procurement Act demonstrates the National Assembly's commitment to guiding the procurement process and curbing malpractices. The oversight function is portrayed as a watchdog role, ensuring adherence to procurement laws and exposing corruption or inefficiency. The

committee conducts 37 meetings, conducting oversight visits, and conducting two public hearings to amend the Public Procurement Act 2007. However, the Senate failed to conduct an investigative hearing.

Though the National Assembly performed several legislative and oversight activities, it failed to perform exceptionally. The 8th and 9th National Assemblies held 37 meetings, including regular committee meetings, budget defence meetings, and interactive sessions with relevant agencies. Despite challenges posed by the COVID-19 pandemic, the committee adapted by sorting and obtaining procurement records from agencies, analyzing them, and sending invitations for clarification. Moreover, public hearings were not extensively used by the Senate Committee on Public Procurement, with only two conducted during the entire study period. Investigative hearings were not employed, raising questions about the depth of scrutiny and accountability in issues of public concern or wrongdoing within the procurement process. Bill referrals played a significant role in strengthening the procurement process, with two bills referred to the committee and three bills passed in the 9th Senate.

The study identified the challenges faced by the National Assembly, particularly the committee. These include inadequate financial resources, low technical capacity of members, high turnover rates, executive interference, insufficient office space, and the impact of the COVID-19 pandemic. These challenges underscore the complexity of obstacles faced in strengthening the procurement process.

### **5.3 Recommendations**

The following is how the activities of the committee can be strengthened. The committee system needs to be professionalised. The secretariat staff should be composed of people with

different experiences and fields of knowledge based on the capacity and legislative needs of the committee. The committee staff should be adequately trained and retrained on legislative matters, ICT, and legislative procedures; this in turn will enrich and reposition the committee system.

The adoption of e-procurement systems is common among adherents, who are leveraging digital technologies to collect valuable data for assessing effectiveness and efficiency. Furthermore, adherents could (i) increase peer learning and experience sharing through the Toolbox, (ii) create performance management systems with key performance indicators to generate data for evaluating the implementation of strategic policy objectives, and (iii) continue to promote and raise awareness of the Recommendation both nationally and internationally.

More importantly, legislators should hire experienced legislative aides. The use of consultants is also helpful because sometimes legislators are assigned to the committee without consideration for expertise. Legislators should develop the political will to perform their duties judiciously. Adequate funding of committee activities should be encouraged to ensure that the legislative branch performs its work without fear or favour. Lastly, adequate and well-equipped office space should be provided for the committee secretariat.

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## **APPENDIX A**

### **INTERVIEW QUESTIONS**

#### **Introduction**

I Henry Opara with registration number PG/NLS/0033, a Masters degree student in Parliamentary Administration at the National Institute for Legislative and Democratic Studies/University of Benin is conducting a research on “*An Assessment of the Role of National Assembly in Public Procurement Process in Nigeria: Case Study of the Senate Committee on Procurement, 2015-2023*”. Any information provided in the course of this interview will be used solely for this research and will not be release whatsoever.

#### **Bio-data**

1. Please, may I know you by name Sir/Ma?
2. Can you be kind to tell me your highest educational qualification?
3. May I know the department/unit you oversee in organization?

### **Interview Schedule**

1. What is the mandate of your organization/Committee?
2. What do you understand as the role of the National Assembly in the Public Procurement Process in Nigeria?
3. How effective had National Assembly been performing these roles in Public Procurement process
4. Do you think that the Senate Committees on procurement is effective in discharging its function?
5. In respect to question 4, please what are your reasons?
6. What challenges do you think confronting the Senate Committees on Procurement in the 8<sup>th</sup> and 9<sup>th</sup> Assembly?
7. In your opinion, how can the challenges of the National Assembly in the area of procurement be overcome?
8. In your opinion, what strategies can the National Assembly adopt to strengthen the Public Procurement Process in Nigeria.