

The Influence of Public Procurement and Disposal of Public Assets Authority Advisory Role on Corruption in Kabale Municipal Council, Uganda

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Abstract: The study assessed the influence of the Advisory role of PPDA Authority on corruption in Kabale municipal council. The main objective was to establish the influence of the Advisory role of PPDA Authority on corruption in Kabale municipal council. A descriptive correlational research design was used to get information from a cross-section of respondents using census and simple random sampling techniques; a sample size of 147 respondents was selected from a target population of 233 subjects. Data was analyzed using SPSS and the results were as follows. The average of results of the claims set in the questionnaires obtained indicate that PPDA's advisory role was found to be significant on corruption in Kabale municipal council. Basing on correlation co-efficient between PPDA roles and corruption, the study thus concluded that PPDA roles significantly combat corruption especially through its advisory roles. In recommendation, PPDA Authority should routinely apply and enhance its advisory and compliance monitoring roles while carrying out pilot schemes to actually predict their impact. PPDA Authority should develop interim, spot checks and progress audits to promote transparency, accountability and value for money. PPDA Authority should develop and advocate for programs to monitor the welfare of procurement officers including sponsorship for professional courses irrespective of whether they are central or local government employees. PPDA should advocate for inclusion of area political representatives for certification of completed works, supplies and services to improve the quality in contracted projects.

Key words: Public procurement and disposal of public assets authority (PPDA), Corruption

I. INTRODUCTION

Corruption in government procurements is a perennial problem [24] and, it is one of the greatest obstacles to successful contract management [21] which to some scholars has been caused by the failure of the government to reward innovative practices [25]

Such unethical practices include kickbacks, bribery and embezzlement of government funds [9], lack of fairness, discrimination, lack of transparency, disregard of procurement procedures in contract awards, high procurement expenditure yet low service and misuse of public resources [19]. This inefficient use of public resources is generated from problems across the entire procurement process from the definition of the needs and preparation of solicitation bidding documents to

a lack of transparency and competition at the invitation for bids, bidding, evaluation and award of contracts, to poor contract supervision and management [9].

In the United States, the rules controlling the federal government allocation of \$350 billion dollars have always been emphasized as a safeguard to procurement corruption [15], this strategy has not been exhaustive since federal officials make up the majority of government officials convicted of corruption [10]. Corruption in the procurement process is also the biggest problem facing the African continent [2].

In Africa, procurement-corruption nexus is a major challenge for accelerated growth and development in spite of abundant human and material resources; with most African states continually displaying capacity failures to cope up with the rising cases of graft through compromised procurement process despite the presence of anti-corruption initiatives and coalitions [9] Corrupt officials may start as early as the planning stage of a particular project [3] and in some countries, a positive correlation usually exists between tunneling around elections and obtaining government contracts [11]; where a huge chunk of money ends in corrupt activities [12].

Consequently, corruption stifles development, leads to low incomes and poverty [7]. In South and Sub-Saharan Africa, corruption has been a major feature in government contracts and this has been worsened by post-apartheid politics and nepotism which sometimes prevents allegations and suspicion of corruption from being adequately prosecuted [8]. Recent reports on public procurement in sub-Saharan Africa have estimated procurement corruption to be about 70% of public procurement contracts which fact inflates contractual costs by about 20% to 30% [11]. In Uganda for example, the government enacted the Anti-corruption Act 2009 which broadened and defined corruption by its various manifestations to include; solicitation, offering, giving and accepting any goods of monetary value or other benefit for personal enrichment, embezzlement, bribery, nepotism, influence peddling, fraud, forgery, causing financial or property loss, false accounting, neglect of duty, corruptly procuring tenders, diversion of public resources, conflict of

interest, impersonation and illicit enrichment, a definition earlier echoed at African Union Convention [27]. These government efforts however, have been supplemented by Non-Government Organizations (NGOs) on a range of institutional, financial, technical and social interventions; yet attainment of a corrupt-free public procurement is still non-existent (Okok & Ssentongo, 2020). This is not a new trend as Transparency International a not-for-profit organization once ranked Uganda as one of the most corrupt countries in the World, particularly in 2001 when it was ranked as the third most corrupt country after Nigeria and Bangladesh [25]. [21] followed estimating an 18-20 billion dollars budgeted loss due to procurement fraud at local government level while the 2007 African Peer Review Mechanism report put it at \$286.5 million in procurement corruption for Uganda [16]. By the late 1990s, such failures of the existing procurement system to cope with the expansion in government procurement requirements and deliver value for money had become generally accepted among government and donor partners with campaigns by politicians not enough to effect procurement reforms [27]. This usually came with procurement reforms which would reflect a range of models from developed and developing countries [1]

Thus, in December 1997, a National Public Procurement Forum was held in Uganda to bring together key decision makers to discuss procurement reform [15]. The Ministry of Finance established a task force on public procurement reform, which commenced operations in May 1998 to study the possible procurement models and identification of blueprint for reform. The report of the task force was published in January 1999. Among its principal recommendations was the replacement of the Public Finance (Tender Board) Regulations 1977 by a legal framework that would decentralize responsibility to each procuring entity while defining the procurement procedures to be followed, giving preference to competitive methods [23]. This saw the Public Procurement and Disposal of Public Assets Act (PPDA Act) passed into law in 2003 [12]. It is this Act that called for the establishment of the Public Procurement and Disposal of Public Assets (PPDA) Authority an autonomous body to advise, build capacities and monitor the compliance of procuring and disposing entities (PDES) in Uganda [25]

II. LITERATURE REVIEW

PPDA's advisory role and corruption

Advisory services have an enabling role that can support entities into implementation, and particularly overcoming barriers and helping them to achieve the expected benefits [18] with lots of value additions on procurements in European Union and Sub-Saharan Africa [7]. In Uganda, the issuance of the Local Government PPDA Regulations of 2006 and its guidelines of 2008 to procuring and disposing entities was to promote fairness [20], since the first virtue of procurement systems is to fight the disregard of procurement procedures in contract awards [4] using a competitive basis under a system that has clear procurement

guidelines [9], procedural forms and contract documents [16]. This has increased public confidence in procurement procedures; [26]. The PPDA regulatory reforms, frameworks and advices include; the PPDA Act 2003, the Local Government PPDA Guidelines 2008 for regulation of reference numbers, procurement thresholds, bidding periods (Basheka, 2008), the revised PPDA Act as amended 2014 [6], the 2014 PPDA regulations for schools [25], advice and guidelines on procurement and disposals during the COVID pandemic [11] and the PPDA amendment Act 2021. These PPDA advisory services are however noted to be bureaucratic especially in emergency situations yet other forms of communication from the Authority in form of telephone consultations are regarded as informal and unenforceable causing a challenge in advisory records filling and management

Bidding documents means solicitation or any other document inviting bidders to participate in procurement and disposal proceedings; and includes bids inviting potential bidders to prequalify and standard bidding documents (Act, 2003). The PPDA Act (2003) is the law that regulates public sector procurement in Uganda, whereas the PPDA authority is the body that is mandated to oversee public procurement [22] designing standard bidding and or solicitation documents [23] and procedural forms [17]. The procuring and disposing entities are guided by the PPDA Act (2003), regulations and guidelines which are from time to time issued by the PPDA Authority [12]. With all these regulatory frameworks in place, PPDA usually ensures that any deviation from the use of the standardized bidding documents, procedural forms contract documents [11]; and other unethical behaviors are punished or effected only after the prior written approval of the Authority (Act, 2003; [23]). However, a critical review of PPDA annual audit reports has revealed noncompliance of some entities to standard bidding documents, requisition and procedural forms.

Benchmarking refers to a continuous evaluation and comparison of the organization with the worldwide leading companies to obtain information that will help the organization take action to improve its performance [27]. This is usually through measuring products, services and practices against the toughest competitors or those companies recognized as industry leaders [26]. In other words, it is an act of imitating, copying and or innovation [3]. The purpose of benchmarking is to systematically identify the processes and performance outcomes of an outstanding organization with those of its competitors as well as to compare processes and outcomes within the organization itself in the constantly changing business environment [1]. Best fit practice models, such as those of benchmarking have enabled the Authority to apply continuous learning [26] with reforms implemented through a number of legal and institutional changes [9]. Procurement also heavily borrows from other professions like law, management, business management, marketing, finance, human resource, organization behavior among other so as to make it comprehensive [8]. This is usually through

collaboration with Development Partners, use performance standards, benchmarking and performance based payment [4], as well as using procurement benchmarks from developed countries of Europe [25]. This usually improves the quality of public procurement systems, as well as the perceived weakness [21] as influenced by world class management philosophies [9]. This usually includes rewards and other best practice performance benchmarks [12], like procurement cost and scalability benchmarks [22] while other procurement benchmarks have included practices such as strategic development, purchasing horizons, purchasing procedures, customer services, supply chain integration, price management, cost management, supplier relationship and risk management [23]. A critical review of the procurement system however show that benchmarking has been and is still a monopoly of PPDA Authority and diverting from the set standards might be a cause for penalties to entities and individuals even if the move is a cost-saving one. For instance, procurement officers have to purchase from frameworks and prequalified service providers even if such firms become expensive.

Many organizations today are focused on updating and fully employing mature information technologies using cloud based system [14]. Specific sets of technologies and organizational solutions have been introduced worldwide, particularly granting public entities the possibility to manage tendering processes and auction online and reduce the physical trekking to seek advice from regulatory Authorities [25]. This also reduces corruption in public procurement makes the officials or the politicians in charge to directly purchase goods or services from the best briber [9]. PPDA therefore undertakes the responsibility of carrying out procurement and disposal research and surveys nationally and internationally, adopting new technologies, such as those used for electronic procurement (Act, 2003; Uba et al., 2013); because of the significant benefits [8]. For instance, PPDA supported the implementation of e-procurement in Uganda's public sector [27] which had begun earlier in 2003 when East African countries secured government procurement codes [2]. The system is credited for transforming the way that business is conducted [6] since the use of ICT platforms among others helps governments to fight corruption and speeding up service delivery [8]. E-procurement system in Uganda's public sector has however been subject to reviews for instance from Procurement Performance Measurement System (PPMS) to Government Procurement Portal (GPP), as well as in updates on payment systems and methods; that is, from Microsoft Nav to Oracle which usually require skills update and prolonging of the procurement cycle. The study utilized Simple Random Sampling (SRS) technique to collect data from politicians and civil servants. A questionnaire and interview guide were the tools used to collect data.

III. METHODOLOGY

The study used a descriptive design with a population of 233 respondents who are directly or indirectly affected by the Municipal procurement process A and a sample size of 147.

The study utilized Simple Random Sampling technique to collect data from politicians and civil servants. The main tool of data collection was a questionnaire. All data in questionnaires collected, were serialized, entered and analyzed by SPSS to extract descriptive and inferential statistics.

IV. FINDINGS

PPDAS' Advisory role on corruption

The researcher used percentages to describe the extents of PPDA'S advisory roles on corruption among the participants investigated. Likert scale scores for strongly disagree and agree were aggregated and reported as 'disagreement' while strongly agree and agree were aggregated and reported as 'agreement'.

Table 0.1: Descriptive statistics for PPDA's Advisory role and corruption

Variable List	Disagreement (%)	Not sure (%)	Agreement (%)
1. PPDA carries out regulatory reforms in public entities to check on corruption	1(0.8%)	6(4.0%)	140 (95.2%)
2. PPDA updates and issues standard versions of bidding documents	00(00%)	1(0.8%)	146(99.2%)
3. PPDA carries out regulatory benchmarks from other Authorities to curb corruption	00(00%)	18(12.1%)	129(87.9%)
4. PPDA carries out technological updates combat corruption	00(00%)	10(7.0%)	137(93%)
5. PPDA regularly advises your entity on the best ethical procurement practices	00(00%)	10(7.0%)	137(93%)
6. PPDA counsels your entity on appropriate course of action to avert corruption	00(00%)	15 (10.5%)	132 (89.5%)
7. PPDA advises your entity on appropriate disposal procedures to avert corruption	00(00%)	19 (12.9%)	128 (87.1%)
8. PPDA regularly uploads new developments on its website for transparency against corruption	1(0.8%)	11(7.3%)	135(91.9%)
Average	02(1.6%)	11(7.78%)	135(92.1%)

The study sought to establish whether PPDA has executed its Advisory role in combating corruption in public procurement in Uganda. The study findings on regulatory reforms support [6] who found out that PPDA has improved the performance of entities through the revised PPDA Act as amended 2014 to fight the disregard of procurement procedures in contract awards [25]. Adopting this tool improves the performance of procuring and disposing entities (PDES) especially in directing the entity towards a transparent corrupt-free future. On a negative side, majority of the politicians interviewed were found to having little knowledge about the availability of any PPDA Acts, regulations and guidelines. This is perhaps because of poor publicity and inadequate awareness campaigns as found out by [13] who stated that the Authority is still faced with an awareness gap amongst the general public which is more evident in Local government where most members of the public are still unaware of the PPDA Act, Regulations and the roles of PPDA. It was actually observed

that majority of the respondents amongst the politicians did not possess the PPDA Act, regulations and or guidelines in their custodies, which partly attributed to the political winds of January 2021 elections which had ushered in new entrants to the political arena.

“I don’t know PPDA and I don’t have those books. We’re new in office and they have not bought us any Acts”

To a greater extent however, PPDA was credited with having a procurement regulatory framework that promotes fairness, a view held by [19].

One PPDA’s advisory role relates to updating and issuing standard versions of bidding documents. PPDA in Kabale municipality appeared be helpful in updating and issuing of standard version of solicitation documents (98.3%). The findings agree with [16] who found out that PPDA attaches great importance to the use of the standardized bidding documents, procedural forms contract documents and does not allow any deviations there from.

The findings (86.9%) also agree with [26] who found that benchmarking have enabled the Authority to apply continuous learning. This is usually through collaboration with sister Authorities in neighboring countries and beyond and through Development Partners such as the World bank, European Union among others who usually advocate for the use of performance standards, benchmarking and performance based payment [4], as well as studies by [19] who argued the use of procurement benchmarks from developed countries of Europe to improve the quality of public procurement systems, as well as the perceived weakness. Though the book was published in Europe, its recommendations have practical implications to Authorities in Uganda and Kabale municipality in particular and its adoption gives the true meaning of the word phrase, ‘Benchmarking’. At the Municipal council however, benchmarking from Non-Government Organizations (NGO^S) was limited, if available at all. This was attributed to the government stringent measures of adhering to the set standards and procurement methods. For instance, expensive competitive bids were preferred to cost effective direct procurement or single source approaches because they don’t attract audit queries, hence a lack of value for money.

The findings of the current study are in line with [9] who argued for the adoption of e-procurement because of the significant benefits. For instance, the findings (92.1%) supported earlier findings which found that PPDA supported the implementation of e-procurement in Uganda’s public sector [25] which had begun earlier in 2003 when East African countries secured government procurement codes [22].

Although few politicians were conversant with ICT systems, the system was supported and is credited for transforming the way that business is conducted as found by [11], which saw [8] among other proponents also, supporting the use of ICT platforms since it helps governments to fight corruption and speeds up service delivery. At the Municipal Council,

systems like the Procurement Performance Measurement Systems (PPMS) for timely reporting of macro and micro procurements to PPDA, process evaluation and self-assessment, had been successful until its change to a more powerful and dynamic Government Procurement Portal (GPP). It however demanded for more entries on micro procurement and could have caused its overhaul to the new system

Similarly, the study saw a magnitude of 86.8% of the participants in agreement with PPDA disposal advises to entities. These findings support [9] who found out that these disposal advises promote best practices in relation to disposal by procuring and disposing entities in order to ensure fairness, transparency, competitiveness and non-discrimination to all potential bidders.

The findings (91.2%) of the study also supported [18] and [11] on website uploads of information advises and publications to procuring and disposing entities in forms of reports, Acts, guidelines, registers for service providers among others. Building from participants claims on the importance of PPDA website uploads, website uploads were found to offer the following benefits:

“PPDA website upload role is of uttermost importance in providing direction to entities and field staff needs; for example, on site visits, or on what PDUS, Contracts committees and Accounting officers ought to do with respect to emergence procurements, urgent legal advice, procurement and disposals downloads and other related guidance so that they don’t fall prey to corrupt officials”

On the downer side however, 8.35% of the participants investigated agreed with [23] for a lack of adequate awareness campaigns of these advisory roles of PPDA in Local governments. The above statistics imply that PPDA could be having roles that are unknown to a percentage of the stakeholders, particularly employees. Secondly, PPDA could be having some advisory roles but have not labored to make them plain.

In essence, PPDA’s advisory services in their applicability were likely to combat procurement corruption in public procurement. According to [2] however, the findings to some degree are limited by their advisory and recommendatory role rather than an institution with power to enforce implementation. The researcher’s findings showed PPDA’s advisory services as a vital tool uprooting corruption from the public procurement system in Uganda.

On the whole, the statistics suggest that PPDA’S Advisory roles stands at about 91.3% among the participants investigated.

IV. CORRUPTION

The researcher used percentages to describe the extents of corruption among the participants investigated. Likert scale scores for strongly disagree and agree were aggregated and

reported as ‘disagreement’ while strongly agree and agree were aggregated and reported as ‘agreement’.

Table 0.2: Descriptive statistics for corruption in public procurement

Variable List	Disagreement (%)	Not sure (%)	Agreement (%)
1. Corruption is the misuse of public power, office or authority for private benefit	00(00%)	19(13.2%)	128(86.8%)
2. Corruption includes disregard laws, regulations, guidelines and procedures in contract awards	01(0.9%)	12(7.9%)	134(91.2%)
3. Deviating from Standard Bidding Documents is a form of corruption	03(1.8%)	06(4.4%)	138(93.8%)
4. Corruption can be combated through procurement benchmarks from developed countries	03(1.8%)	12(7.9%)	132(90.3%)
5. ICT platforms help governments to fight procurement corruption	01(0.8%)	06(4.4%)	140(94.9%)
6. Professionalism reduces bribes by service providers	15(10.5%)	31(21.1%)	101(68.4%)
7. Transparent procurement procedures reduce corruption	00(00%)	19(13.2%)	128(86.8%)
8. Sending audit reports to competent authorities for legal action combats corruption	23(15.8%)	39(26.3%)	85(57.9%)
9. Administrative reviews and blacklisting of errant service providers reduce corruption	01(0.9%)	25(16.7%)	121(82.5%)
10. Retooling and rewarding of best performance combats corruption	06(4.4%)	13(8.8%)	128(86.8%)
11. Effective site visits and supervision reduce corruption	00(00%)	14(9.8%)	133(90.2%)
12. A collective approach is the best way to tackle corruption in public procurement.	12(7.9%)	15(10.5%)	120(81.6%)
Average	06(3.8%)	17(11.9%)	124(84.3%)

The researcher analyzed 12 claims on combating corruption among the participants investigated. 86.6% agreed with the definition of corruption which was in concurrence with [7] who stated that corruption is the misuse of public office for private benefit. The findings also 91.2% supported [21] who believed that corruption includes disregard of established laws, guidelines and regulations while 93.8% agreed with [16] who found out that deviating from Standard Bidding Documents is a form of corruption. A total of 90.3% of the participants concurred with [25] on the use of benchmarks from developed countries to combat procurement corruption while 94.8% agreed [8] who found out that the use of ICT platforms among others helps governments to fight corruption and speeding up service delivery

A total of 68.4% again believed in enhancing professionalism to reduce bribes. These findings support [9] who found out that professionalism which is defined by status, methods or standards within a career area is one of the means of controlling corruption especially by curbing improper behavior through actions which are judged against standards accepted by the profession. The findings 86.8% were found to be in agreement with [24] who supported transparent procurement procedures as a strategy to reduce corruption-caused distortions of competition. Although 57.9% of the

participants backed taking legal action, majority of the participants interviewed disagreed with the modalities of enforcing legal actions and recommendations. One of the participants after a long conversation commented,

“if it is reported that a serving Minister took over a government ranch and the story ends in Newspapers and whistle blowers, where are we going?!!! In fact, today, the masses fear blowing those whistles because they can backfire informs of the so-called mafia gangs”.

The study findings 82.5% were found to be in agreement with [24] and [11] who found out that administrative reviews and blacklisting of errant service providers were efficient tools of tackling corruption in public procurement systems. A magnitude of 86.8% of the participants investigated on combating of corruption through retooling and rewarding agreed with [23] who found out that better transparency starts with retaining and retooling of best performers, 90.2% supported [5] on site supervisions and visits which can explain service delivery of procuring and disposing entities while 81.6% were found to be in agreement with [7] Collective action theory that corruption is caused by allied efforts to counter corrupt elements within the system. These statistics imply that the above strategies are of uttermost importance in combating corruption in public procurement

The participants investigated however indicated a lack of awareness as to the efficiency and effectiveness of some of the above claims especially with professionalism 21.1% and legal action from audit reports 26.3%. This was also evidenced by an average of 11.9% of the participants who were not sure of the extents, impact and or existence of these claims.

The above statistics imply that there could be some remedies and solutions that are unknown to a percentage of the stakeholders especially the politicians and the masses who are the intended beneficiaries of projects [21]. Secondly, oversight bodies could be having some solutions that they have not labored to make them plain. On the whole, the statistics suggest that combating corruption stands at about 84.3% among the participants investigated.

Model summary of PPDA advisory role and corruption

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	0.769 ^a	0.591	0.588	0.26330

a. Predictors: (Constant), Advisory role

The model summary in Table above shows an adjusted R2 value of 0.588 between PPDA advisory roles and corruption, suggesting that PPDA advisory role alone predicted 58.8% (0.588*100) of the variance in corruption. The adjusted R2 = 0.588, suggested that PPDA advisory role was a relatively strong significant predictor of corruption.

Variation in Advisory services and Corruption using ANOVA

Model	Sum of Squares	Df	Mean Square	F	Sig
Regression	11.239	1	11.239	162.114	0.000 ^b
Residual	7.765	112	0.069		
Total	19.003	113			

- a. Dependent Variable: Corruption
b. Predictors: (Constant), Advisory role

The regression results in ANOVA above can be deduced that PPDA advisory role had a significant effect on corruption, $F=162.114$ (0.000b). This means that improvement in PPDA Advisory role would improve on ethical practices in public procurement entities. Since significance calculated 0.000a is lower than 0.05, the researcher accepted the hypothesis, which was stated that “PPDA advisory role had a significant effect on corruption”.

This implies that administrators should center on PPDA advisory roles like carrying out regulatory reforms in public entities to check on corruption and carrying out regulatory benchmarks from other Authorities to achieve a corruption free organization in public procurement.

Coefficients for Advisory role and corruption

	Unstandardized Coefficients		Standardized Coefficients	t	Sig.
	B	Std. Error	Beta		
(Constant)					
Advisory role	1.433	0.213		6.730	0.000
	0.634	0.050		12.732	0.000

- a) Dependent variable: Corruption

The coefficient test results show a high magnitude in the relationship between PPDA Advisory role and corruption with coefficient significance at .000, which means improving PPDA advisory role, would have a significant effect on corruption.

V. RECOMMENDATIONS

This study recommends that PPDA should routinely apply these advisory roles while carrying out situational analysis to accurately predict their impact on procurement corruption.

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