

Implementation of the Public Procurement Act No. 8 of 2020. A case of the Technical Education Vocational and Entrepreneurship Training Authority

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ABSTRACT

The study evaluated the implementation of Public Procurement Act No. 8 of 2020 by public entities, focusing on the case of the Technical Education, Vocational, and Entrepreneurship Training Authority (TEVETA). The aim of this study was to assess the implementation of the Public Procurement Act No. 8 of 2020 at TEVETA. A descriptive research design was employed. The target population included Directors, Managers, specialists, and officers from the Finance, Audit, Procurement, and Information Communication and Technology (ICT) departments. Purposive sampling techniques were utilized to select seven (7) finance staff, two (2) Audit staff, and three (3) procurement staff. Data from Finance staff, Audit staff, and Procurement staff were collected using interview guides, while Information Communication and Technology staff participated in focus group discussions. Observation checklists and document analysis were also employed. The researcher personally conducted the administration of the guides and focus group discussions. The collected data were analyzed using descriptive statistics and presented in tables, charts, and graphs using Microsoft Excel.

The study identified challenges in the implementation of the Public Procurement Act No. 8 of 2020 at TEVETA, leading to non-compliance with the existing public procurement law. It was found that the electronic government procurement system (e-GP) was not implemented due to a lack of capacity among procurement professionals. There was a lack of interaction between procuring entities and the Zambia Public Procurement Authority (ZPPA) to organize training workshops, seminars, and conferences on interpreting and implementing the Public Procurement Act. Challenges were also noted in implementing section 12 of the Public Procurement Act No. 8 of 2020 related to the use of the market price index. The study highlighted that the quarterly market price provided by ZPPA was susceptible to price fluctuations and the depreciation of the Zambian currency against major currencies. Consequently, the study concluded that the Public Procurement Act No. 8 of 2020 was not effectively implemented at TEVETA.

It was recommended that ZPPA and TEVETA collaborate to enhance the capacity of procurement professionals for effective interpretation and implementation of the Public Procurement Act. Additionally, it was suggested that the quarterly market price index (MPI) be reviewed monthly due to price fluctuations and currency depreciation compared to major currencies.

Keywords: Public Procurement Act, electronic government procurement (e-GP), Procurement, Market Price Index.

1.0 Introduction

Public procurement is the process through which government agencies like local authorities, public health authorities, education authorities, law enforcement agencies, and defense forces purchase goods, services, and works using taxpayers' money. These entities must follow established procedures and best practices (Bailey, 2005) to ensure transparency and accountability to the public.

The Technical Education, Vocational, and Entrepreneurship Training Authority (TEVETA) is a government institution created under the Technical Education, Vocational, and Entrepreneurship Training Act No. 13 of 1998 and its amended Act No. 11 of 2005. TEVETA's primary role is to oversee, coordinate, and supervise the Technical Education, Vocational, and Entrepreneurship Training (TEVET) sector in collaboration with industry, employers, employees, and other stakeholders. Additionally, TEVETA is responsible for procuring equipment and tools for accredited institutions registered under the TEVET Act, using funds from the skills development fund in compliance with the provisions of the Public Procurement Act No. 8 of 2020.

1.1 Problem Statement

The enactment of the Public Procurement Act No. 8 of 2020 aimed to improve transparency, efficiency, effectiveness, economy, value for money, competition, and accountability in public procurement. It also sought to regulate public procurement practices to ensure integrity, fairness, and public confidence in the process. Despite this, the Auditor General's report for 2020 has revealed ongoing irregularities in the procurement process at TEVETA. These irregularities point to non-compliance with the Public Procurement Act, such as issues in contract management and pricing discrepancies. The study intends to evaluate the level of implementation of the Public Procurement Act No. 8 of 2020 at TEVETA and explore why audit queries persist.

1.2 Study Objective

This study aims to evaluate the implementation of the Public Procurement Act No. 8 of 2020 concerning the procurement of goods, services, and works by public entities, focusing on the Technical Education Vocation and Entrepreneurship Training Authority (TEVETA) in Zambia.

1.3 Overall Objective

To assess the implementation of the Public Procurement Act No. 8 of 2020 at TEVETA.

1.4 Specific Objectives

The specific research objectives of the study are as follows:

- a) To investigate the presence of qualified procurement and supply staff at TEVETA for executing the Public Procurement Act.
- b) To determine TEVETA's progress in implementing the Public Procurement Act No. 8 of 2020.
- c) To evaluate the staff's perceptions regarding the impacts of Public Procurement Act No. 8 of 2020 breaches.

- d) To identify the challenges encountered by TEVETA staff during the implementation of the Public Procurement Act No. 8 of 2020.

1.5 Specific Research Questions

1. To what extent were Procurement staff competent to implement the Public Procurement Act?
2. What successes had TEVETA made in the implementation of the Public Procurement Act No.8 of 2020?
3. What was TEVETA staff members' perception of breaches of the Public Procurement Act?
4. What challenges did TEVETA staff members face during the implementation of the Public Procurement Act No.8 of 2020?

1.6 Significance of Study

The study has the potential to generate very useful information on the implementation of the Public Procurement Act No.8 of 202 at TEVETA and the entire public sector, as well as highlighting the risks which may arise in the process. The information generated from the study will be used as a basis for policy formulation and implementation by Public Procuring Entities and Zambia Public Procurement Authority. The study would complement the existing body of knowledge as far as the subject of the impact of the Public Procurement Act on the acquisition of goods, work, and services by the public sector. Scholars, researchers, the government, and other stakeholders interested in understanding the impact of the Public Procurement Act in Zambia will have a comprehensive base from which to commence further research work.

2.0 Related Research

There has been a significant amount of literature developed in the field of public procurement, through various studies that have been conducted. This study discusses the literature that is more relevant to public procurement laws and regulations from the global, Continental, regional and Local Perspectives. The literature surveyed in this study is intending to understand the impact public procurement laws and regulations have had on the procurement of goods, works, and services.

2.1 Implementation of Public Procurement laws on a Global Perspective

Public Procurement represents a set of strict formalized rules, established by law, which regulates how procuring entities contract for goods, services, and works. Public procurement refers to the purchase of goods, services, and works by public institutions, government agencies, and stated owed enterprises and is characterized by taxes as a major source of funding. (Leenders, 2006)

The critical evaluation of Public Procurement on how it impacted on the global supply chain reveals that it is affected by the political instability and the legal environment of the countries participating in the global supply chain. The use of public procurement to provide public goods and services may lead to delays, due to its bureaucratic nature.

2.1.2 The American Context

Public Procurement Regulations in the U.S. federal system instead typically focus on best value, i.e., on how to shape procurement rules to maximize competition within procurement itself, to gain the best value for the public money spent. The United States Federal Government contracting has the same legal

elements as contracting between private parties: a lawful purpose, competent contracting parties, an offer, an acceptance that complies with the terms of the offer, mutuality of obligation, and consideration. However, federal procurement is much more heavily regulated, subject to volumes of status dealing with Federal contracts and the Federal contracting process. This form of regulation of procurement denied procurement personnel discretion to consider qualitative dimensions of value in determining the appropriate source for a given procurement.

2.1.3 Latin American

In Latin America, all countries have autonomous norms in place that regulate public procurement and are separate from general public financial management norms. In the majority of Latin American countries, these are legal norms that can be materially considered a statute, enacted by the legislative body. The excessiveness of controls in public procurement systems across Latin America has resulted in complex, overregulated, and over-managed systems that sometimes inhibit bidders from submitting proposals. In Mexico, for instance, the domestic labor and material cost component of a bid must equal at least 50 percent of the total cost. In Peru, in some cases, foreign firms are forbidden from participating in national competitive bids, irrespective of the firm's product or its willingness to adhere to national procurement policies. Excessive procedures have also encouraged agencies to break down large projects into small packages or simply resort to noncompetitive methods to avoid cumbersome procedures. (Benavides, 2016)

2.1.4 The European Context

EU's procurement directives set minimum requirements for all the European member states' procurement laws, European policymakers' central goal in framing those directives was to integrate the European internal market—not to maximize the best value in procurement. The directives are concerned primarily to promote the internal market, as indicated by their legal base, and they do this by performing three functions: prohibiting discrimination, securing transparency to allow monitoring and enforcement of the non-discrimination rule, and removing barriers to market access. Finally, and importantly, we rejected the notion that the directives seek value for money [best value] for the Member States, either in a narrow sense of reliably securing what is needed on the best terms or in a wider sense that embraces the decision on what to buy (Thomson Reuters, 2018)

2.1.5 The Asian Context

The implementation of regulatory reform in public procurement will have a substantial economic impact in India as government contracts annually average approximately 30 percent of India's GDP and cover almost every sphere of government activity. Hence, such reform will improve India's anti-corruption/ease of doing business global rankings. (Sen, 2019)

Public procurement is one area needing governmental reforms in India. It is largely governed by out dated rules that businesses feel are not able to encompass the complex needs of a modernizing Indian economy. They also feel that there are a plethora of public contract rules often not in harmony with each other creating confusion and giving opportunity for corruption. (Pratap, 2017)

2.1.6 India

The study conducted by Bhabesh Hazarika and Pratap Ranjan Jena in 2017, assessed the public procurement system and recent reform initiatives in India and outlined the need for changes in the

institutional frameworks. There are several issues in the public procurement activities in India, which stem from fragmented procedures and rules, lack of transparency, widespread irregularities, and unavailability of sufficient procurement professionals. The recent initiatives to establish a consistent and transparent public procurement system have not yielded the desired results. The emergence of the practice of e-procurement as a vital tool in integrating the public service delivery and good governance, however, shows some forward movement toward a transparent, accountable, and competitive procurement regime (Pratap, 2017).

2.1.7 Middle East

The Middle East region faces unprecedented governance challenges, with citizens demanding transparency, accountability, and a greater say in their governments. It also needs to improve the efficiency of managing public finances. The challenges can be viewed as opportunities for real change and fundamental improvements, and public procurement reform lies at the heart of this opportunity. Public Procurement laws have been viewed as a catalyst for improving public policy and engaging civil society and other stakeholders. In this context, public procurement reform becomes an important tool for strengthening and supporting governance reforms and better public sector performance across the region. It is one of a government's most effective tools for sustainable public sector reform. It is at the core of translating public policy into tangible results for citizens, delivering essential services, and implementing projects and programs. Further, effective implementation of public procurement reform can contribute directly to improving a country's business, investment, and social environments. (World Bank, 2012)

2.1.8 African Perspective

There has been several studies conducted on the African continent on the implementation of the public procurement laws and regulations and how the breaches of these procedures and regulations have affected the supply chain. Some of the notable effect of lack proper implementation and breaches of the public procurement procedures and regulations which have resulted into in non-compliance, lack of accountability, transparency and fairness in the procurement process.

2.1.9 Nigeria

A similar study was done in Nigeria, to assess the implementation and compliance challenges with public procurement law. The study was undertaken by Musa Success Jibria al etal. The study identified the implementation and compliances challenges as media publicity, planning, organisation culture, political interference. The study further suggested that there was a need to insulate procurement decisions against political interference in order to enhance compliance with the public procurement laws.

The finding of the assessment revealed the following that there was progress in the compliance levels and that has been due to an increase in the awareness of the public procurement Act. The study also revealed that more ministries, departments and agencies had acquired capacity in terms the technical knowledge and skills in regard to the preparation procurement plans and use of standard procurement documents. Procuring entities had adequate budgetary allocations therefore making the implementation easy. Despite the recorded improvements there were still some implementation challenges due to continued political of the procurement process, Many public procurement activities suffering from neglect, lack of direction, poor co-ordination, lack of open competition and transparency and most importantly not having a cadre of qualified procurement specialists, who are competent to conduct and manage procurements.

The study also revealed that the inflexible and bureaucratic systems of procurement contributed to unacceptable contract delays, increased costs, the potential for manipulation of contract award and lack of fair competition, all of which create the perception in the population at large, that public expenditure is slow, ineffective, expensive and often corrupt.

2.1.10 Kenya

The study was conducted to evaluate the challenges posed by Public Procurement and Disposal Act (PPDA) during implementation on the procurement for emergencies or unplanned maintenance works in Kenya. It explored the effects of the PPDA on the delivery of unplanned maintenance projects; the challenges faced while carrying out public maintenance projects as well as determined the most suitable procurement and tendering system for such procurements. The hypothesis was Public procurement and tendering procedures did not affect the delivery and maintenance of projects. Data was collected using questionnaires and a structured interview schedule which was administered via face-to-face survey method and others mailed to a sample of 40 procurement and maintenance officers. The findings indicated that the Public Procurement and Disposal Act had an impact on Public Procurement and tendering of corrective maintenance projects in the public institutions. The major challenges the study highlighted were delays in terms of time due to a lot of documentation required, cost overruns, and compromised quality of work. Thus approving the alternate and disapproving the null hypothesis. The study, therefore, concludes that PPDA is to be reviewed to make it more inclusive and responsive to the requirements of procurement for emergencies. The government to ensure that the existing legislative framework and regulations are enjoined with the monitoring and evaluation framework which would be crucial in the successful implementation of PPDA. A vote for emergency response should also be set aside because with restrictions imposed by the PPDA most of the prequalified contractors are not always ready to provide the services within a short notice owing to liquidity problems. (Nyoike, 2019)

2.1.11 SADC Regional Perspective

The effects of not complying with the laid down procurement procedure in most Southern African Regional has been on the increase in recent years, as a result there has been a lot of efforts in the region with gradual improvement to remedy the effects. (Angelin, 2016)

2.1.12 Zimbabwe

The study to analyze the implementation and impact of public procurement regulations in the public sector in Zimbabwe was undertaken by Yvonne Muzondo. The study's main objective was to assess the level of compliance with the regulatory framework in the procurement of goods and services. The findings revealed that effective control must be in place when procuring to safeguard the public funds to improve service delivery. Also, it shows that all goods and services must not be purchased outside the budget, and also the purchases must be authorized by the appropriate personnel. The study revealed that 75% of the respondents had challenges in complying with the public procurement regulatory system, which resulted in compromised service delivery.

2.1.13 South Africa

A study to explore the implementation of procurement policies and their regulation on the performance of the commuter bus sector in South Africa. The study revealed that the policies and regulations were not

fully implemented and the commuter bus sector continued to face challenges that were a reflection of the current realities in the sector. The findings of the article suggested that there were inconsistencies in the implementation of procurement policies and regulations in this sector compared to the enacted principles in the key policies. (Ngcamphalala, 2016)

2.1.14 Zambian Perspective

Public procurement stresses the need for public procurement officers to always ensure that there is value for money in all the procurement processes. Value for Money refers to the optimal balance of the benefits and costs associated with a particular purchase. Price alone is not a reliable measure for obtaining value for money but ensuring that the best results are obtained from the money spent.

The study conducted was to explore corruption in the public procurement process and its effects on the economy of the country. The main objective of the study was to find out the effects of corruption in the procurement process on the economy of a country like Zambia. The study concluded that corruption in the public procurement process was still a problem. Further efforts in solving problems associated with corruption in the public procurement process were more concerted efforts needed during the implementation of the Public Procurement Act, therefore policymakers in the public sector should enhance their efforts in strengthening anti-corruption culture through awareness creation, sensitization, and capacity building, empowering procurement officers to have input in decision making, at departmental and function level. (Muntinta, 2016)

3.0 Research Methods

3.1 Research Design

The study used a descriptive design. A descriptive research is used to describe a subject, situation or phenomenon. Qualitative research is used to answer questions of who, what, when, where and how associated with a particular research question or problem. Descriptive research studies are concerned with finding out “what is” in this type of design the researcher’s gather information about the present existing condition. Creswell (2014) contended that the major purpose of descriptive research was the description of the state of affairs as it exist at present

3.2 Design Approach

The design approach refers to preconceiving the process steps and priorities before proceeding with the development of any initiative. Being qualitative study meant data had to be collected through the use of interview guide and focus groups.

3.3 Study Population

The population refers to the total set of observations that can be made. According to Vanderstoep and Johnston (2009) is a universe of people to which a study can be generalized. The study population included the Directors, Managers, specialists and officers.

The study sample is the subset of people drawn from the population who would participate in the current study. It is not practical to study all the members of a population. This study employed a sample size of 30 participants drawn from the target population.

3.4 Sampling Procedure

The study employed purposive sampling because it is the most suitable for a qualitative study. The type of sampling is also known as a non- probability sampling. According to Vanderstoep and Johnson (2009) in non – random sampling participants are selected on characteristics they possess or their availability to participate. Therefore, each population member was not equally likely to be selected to participate. A non- random sample does not use a probabilistic aspect of selection. Under purposive sampling quota sampling was adopted in this study,

Kothari (2014) contends that the actual selections of the items for the sample is left to the interviewer’s discretion and that this type of sampling is very convenient and is relatively inexpensive. Therefore, during the study the Director Finance, Finance Manager, Manager Internal Audit and Procurement Staff and other participants were selected through non – probability sampling by utilizing quota sampling.

3.5 Research Instruments

Research instruments are fact-finding strategies. They are the tools for data collection. They include Questionnaires, Interviews, Observation, and Reading. Essentially the researcher must ensure that the instruments chosen are valid and reliable. (Antoniadou, 2017) This study used interviews and observation as research instruments. Marezyk et al (2005) stated that a thorough interview is a form of self- report that is a relatively simple approach to data collection. An interview can cover any number of content area and an efficient way to collect a wide of data.

4.0 Research findings.

4.1 Presentation of findings of the study

This chapter focused on the presentation of findings of the study. The collected data was analysed according the study objectives. The chapter began by presenting the demographic characteristics of respondents, followed by the presentation of responses of Managers, Procurement staff, availability of resources and infrastructure, training and orientation of staff and remedies for the effective implementation of the Public Procurement Act No.8 of 2020. The responses were based on the research questions which were related to the study in questions. The data was also presented in form of frequency distribution tables, pie charts and bar graphs. The analysis of data and presentation of findings was done under the following themes.

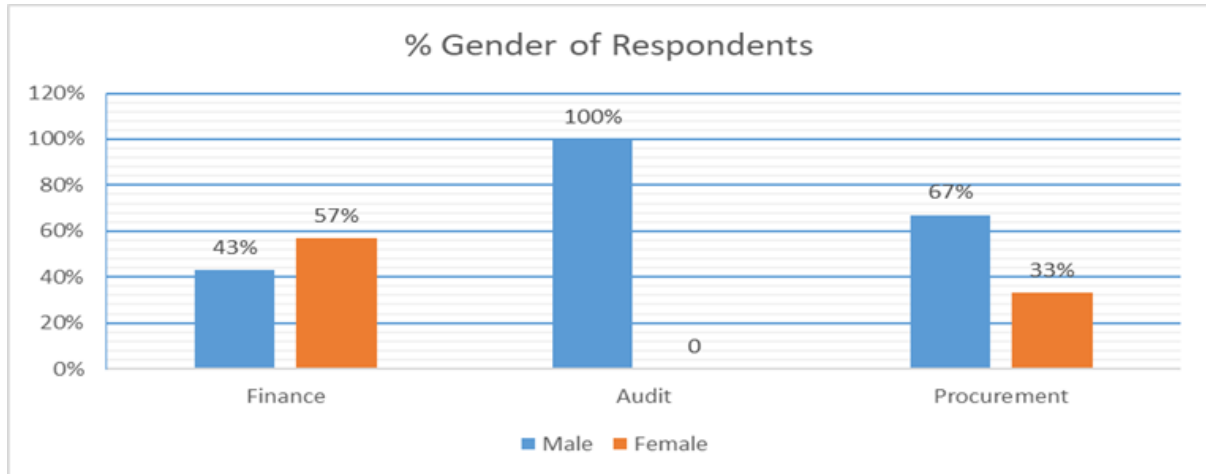
1. Demographic Information
2. Public Procurement Act Implementation
3. Electronic Government Procurement System implementation
4. Availability of Resources and infrastructure
5. Training and orientation of staff
6. Remedies for effective implementation

4.1.1 Demographic characteristics

In this section, the demographic of the Finance, Audit, and Procurement staff are outlined. The respondent’s gender.

Gender	Finance Staff		Audit Staff		Procurement Staff	
	f	%	f	%	f	%

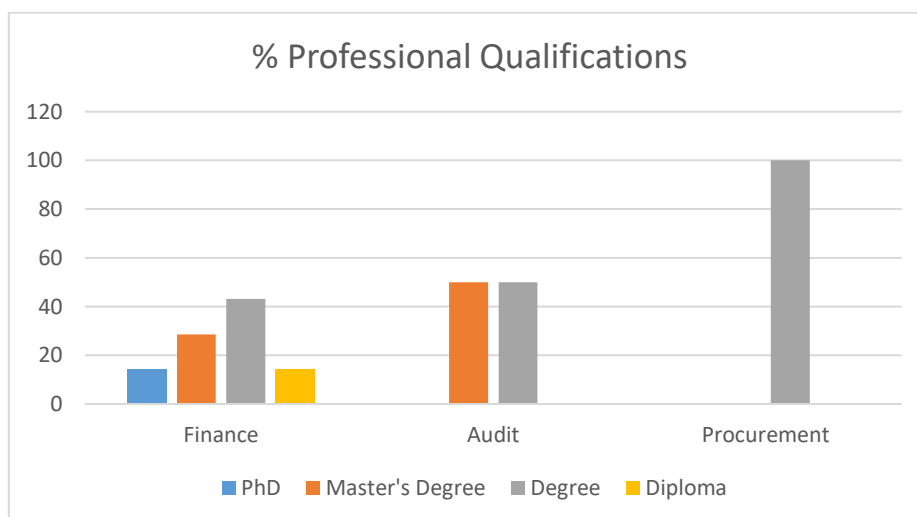
Male	3	43	2	100	2	67
Female	4	57	0	0	1	33
Total	7	100	2	100	3	100



4.1.2 Professional qualification of finance, audit, and procurement staff

Table 4.1.2 Frequency and percentage distribution of the finance, audit and procurement staff according to professional qualifications This established the professional qualification of the respondents as recorded in table 5.2

Qualifications	Finance		Audit Staff		Procurement Staff	
	f	%	f	%	f	%
PhD	1	14	0	0	0	0
Master's Degree	2	29	1	50	0	0
Degree	3	43	1	50	3	100
Diploma	1	14	0	0	0	0
Certificate	0	100	0	100	0	100



The data tabulated in table 5.2 indicated that one staff from finance had a PhD in finance representing 14%, two (2) representing 29% had master’s degree, three (3) representing 43% had first degrees and one had a diploma representing 14%. The Audit staff comprised of two (2) one (1) 50% with a master’s degree and the other with a first degree while three (3) 100% from procurement had first degrees.

(Source: Field data)

4.1.3 Staff Experience

The study sought to establish the qualification wan of finance, audit and procurement staff. The data collected was presented below in Table 5.3

Table 4.1.3 Frequency and distribution of the finance, audit and procurement staff according to professional experience.

Professional Experience	Finance		Audit Staff		Procurement	
	f	%	f	%	f	%
0 -5	0	0	0	0	0	0
6 -10	2	29	0	0	0	0
11 above	5	71	2	100	3	100
Total	7	100	0	0	0	0



Table 4.1.3 indicated that 29% (2) of respondents from finance had professional experience ranging from six (6) to ten (10) years while 71% (5) had served for more than ten (10) years. However, two (2) 100% staff from audit and three (3) 100% staff from procurement had more than 10 years’ work experience. 6 - 10

It can be deduced that all the respondents had been in service long enough to gain the necessary competencies to execute their various tasks.

4.1.4 Implementation of the electronic government procurement system e-GP

This study further sought to establish whether TEVETA had implemented the electronic government procurement system as provided for by the section of the Public Procurement Act No.8 of 2020. This was aimed at establishing the actual extent to which the implementation of Public Procurement Act No.8 of 2020 was implemented. Audit and procurement staff were if TEVETA had implemented the electronic government procurement system.

Concerning the issue as to whether the electronic government procurement system was implemented at TEVETA.

Audit and procurement staff in their responses that the electronic government procurement system was not implemented at TEVETA.

The study also sought to establish from the Audit and procurement staff whether the introduction of the electronic government procurement system was a good policy. The responses from the two (2) audit staff and three (3) procurement staff all stated that it was a good policy owing to the fact that there will be transparency and efficiency in the procurement process.

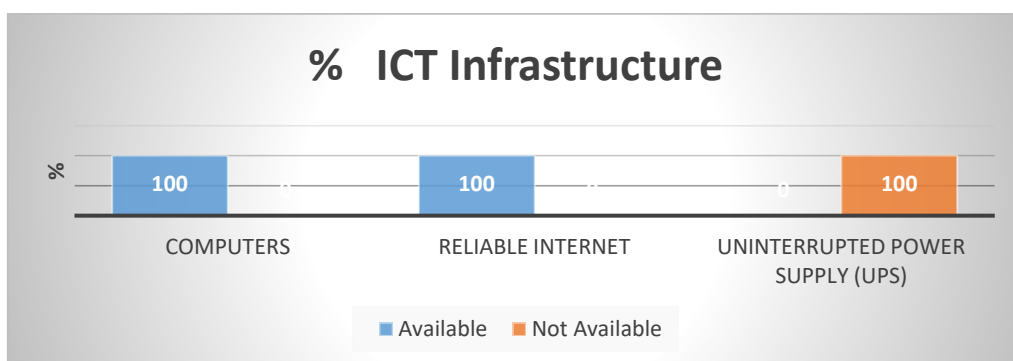
However, the respondents expressed disappointment due to lack of capacity building training and support during the implementation process.

4.1.5 Resources and infrastructure

The study sought to establish the resources and infrastructure were available at TEVETA to implement the electronic government procurement system (e-GP). Thus, finance, audit and procurement staff were asked to rate the availability of resources and infrastructure. Responses from seven (7) finance staff, two (2) audit staff, four (4) Information Communication and Technology (ICT) staff and three (3) procurement staff are presented below in Table 5.4

Table 4.1.5 Frequency and distribution for resources and infrastructure to support the implementation the electronic government procurement system (e-GP)

Resources and Infrastructure	Availability		Not available	
	f	%	F	%
Computers	16	100	0	0
Reliable Internet	16	100	0	0
Uninterrupted power supply (UPS)	0	0	16	100



Capacity Building Training	Trained		Not Trained	
	f	%	F	%
New Salient features – PPA no.8 of 2020	12	100	0	0
Training in e-GP and Price Reasonableness	3	25%	9	75%

Results in Table 5.4 revealed that 100% of the respondents confirmed the availability of computers and reliable internet service. However, the uninterrupted power supply (UPS) were not available. The research also revealed during the Information Communication Technology’s focus group discussion that the resources and infrastructure were not adequate, When ICT staff were asked to discuss the implementation of the electronic government procurement system, they stated that the computer’ operation system needed upgrading or acquisition of new computers because of non-compatibility.s

4.1.6 Training in the new salient features of the Public Procurement Act

The study further establishes TEVETA staff’s capability to the implementation of the new salient features of the Public Procurement Act No.8 of 2020.

4.1.6.1 Training of TEVETA Staff in the new salient features of the Public Procurement Act

Respondents were asked if they were trained in the new salient feature of the Public Procurement Act No.8 of 2020

All respondents 100% stated that they had not been trained in new salient features of the Public Procurement Act no. 8 of 2020.

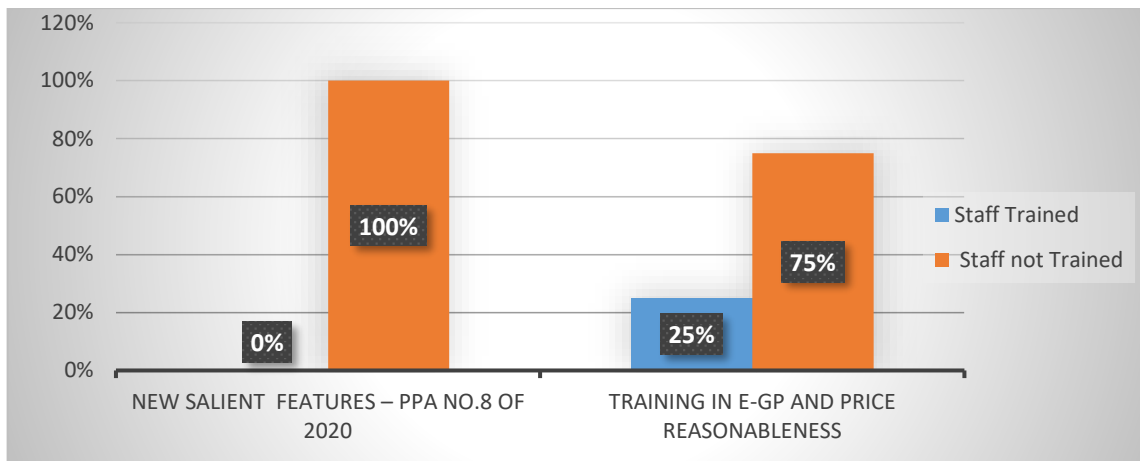
One procurement staff stated that the importance of in-service capacity-building activities cannot be over-emphasised, because it provides a platform for procurement staff to enrich their Knowledge and Competences

When asked whether they have been trained in the electronic government procurement system

One of the respondents did indicate that “it was difficult to support and implement something one is not conversant with.”

Table 4.1.6.1 Frequency and distribution for capacity building training in the new salient feature of the Public Procurement Act No. 8 of 2020.

Computer literacy level	Frequency	Percentage
Very literate	0	0
Literate	10	77
Fairly Literate	3	23
Illiterate	0	0
Very Illiterate	0	0
Total	13	100

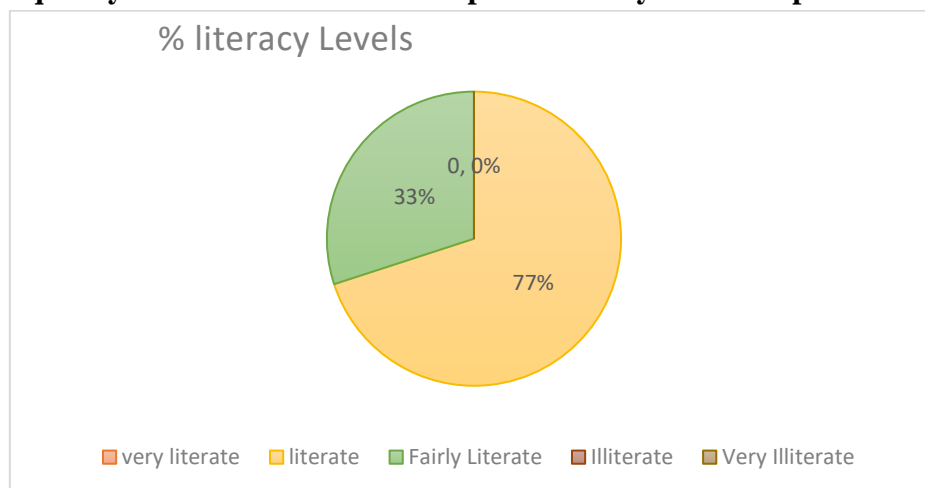


The study established that 100% of the respondents were not trained in the new salient features of the Public Procurement Act. The study also established that only three (3) staff representing 25% of the respondents were trained in e-GP.

4.1.7 Computer Literacy Level

The question sought to establish the level of computer literacy among procurement staff to facilitate the implementation of the electronic government procurement system (e-GP). The respondents were asked to comment on the computer literacy among procurement staff. Responses given by Thirteen (13) respondents in the study sample were as presented in the Table below.

Table 4.1.7 Frequency and distribution for computer literacy levels for procurement professional



The results in table 5.5 show that 77% of the respondents felt that procurement staff are computer literate. According to 23% of the respondents felt that the procurement staff were fairly computer literate. It can be deduced from the results that the levels of computer were adequate to support the implementation of e-GP.

4.1.7 Effect of Computer Literacy Level on the implementation of electronic government procurement system.

This study sought to establish skills and training of procurement staff in terms of their computer literacy levels to effectively implement the electronic government procurement system as one of the salient

features of the Public Procurement Act No. 8 of 2020. The research findings from all the respondents included the seven (7) finance staff, two (2) audit staff and four(4) information and Technology staff.

All the respondents contended that computer literacy had an effect on the implementation of the electronic government procurement system

4.1.8 Implementation Challenges of the Public Procurement Act No.8 of 2020

The study further sought to find out the challenges faced by staff at TEVETA during the implementation process. The study established the following challenges when the respondents were asked to state the challenges, they faced during the implementation of the Public Procurement Act.

One respondent stated that there has been a tendency of the users bypassing the procurement department when initiating procurements which had contributed to the numerous audit queries and noncompliance to the Public Procurement Act

Respondents also highlighted the low capacity levels among the procurement staff to effectively and efficiently execute their duties in compliance with the Public Procurement Act.

Another respondent stated that there were implementation challenges due to non – compliance with the provisions of the Public Procurement Act as result of procurement professionals not being conversant with the legal framework governing public procurement.

Another respondent said the Government had added another tier of contract approval process to an already length approval process as outlined in the Public Procurement Act. The respondent further stated that the length approvals resulted in some officers ignoring some stages resulting in non –compliance.

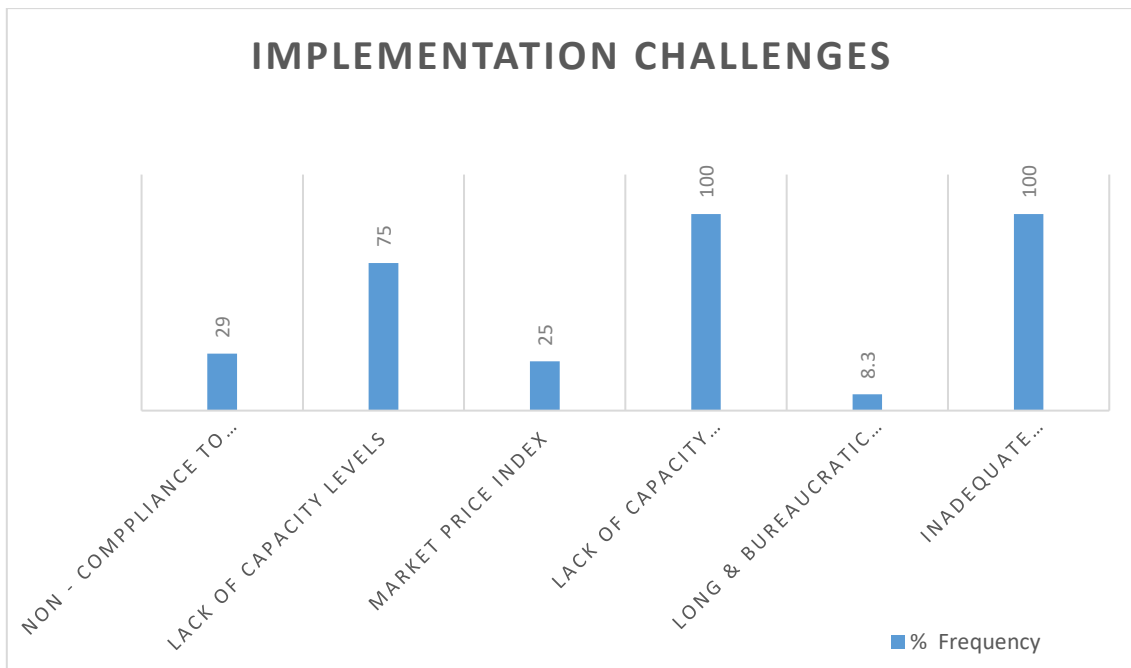
Respondents also identified a lack of adequate capacity-building training in procurement by both TEVETA and ZPPA prior to the implementation process coupled with inadequate resources.

Three respondents said that according section of the Public Procurement Act No. 2020 made it mandatory to use the market price index (MPI) issued by the ZPPA on a quarterly basis; however, they further stated that the implementation of the MPI was being affected by price fluctuations due to the raising rate of inflation and depreciation of the Zambia Currency which renders the MPI unusable.

The analysis of data and presentation of findings was done under the following themes.

1. Non – Compliance to legal framework governing Public Procurement Act,
2. Low Capacity Levels among Procurement Staff,
3. Market Price Index non usability
4. Lack of capacity building in Public Procurement,
5. Long and bureaucratic procedures
6. Resources and infrastructure
7. Inadequate Resources and Infrastructure

Implementation Challenges	Frequency	% Frequency
Non – Compliance to legal framework governing Public Procurement Act	2	29
<u>Low Capacity</u> Levels among Procurement Staff	9	75
Market Price Index non usability	3	25
<u>Lack of capacity</u> building in Public Procurement	12	100
<u>Long and bureaucratic</u> procedures	1	8.3
Resources and Infrastructure	12	100



29% of the respondents indicated that non –compliance to the Public Procurement procedures as an implementation challenge, 75% responded that lack of capacity amongst procurement professionals was one of the challenges faced during implementation. 25% respondents indicated that the market price index issued quarterly ZPPA was becoming difficult to implement due to price fluctuations, 100% respondents stated that lack of capacity building in public procurement was one of the challenges they faced. 8.3% indicated long and bureaucratic procedures as a challenge to implementation and 100% of the respondents felt that inadequate resources were inhibiting the smooth implementation of the electronic government procurement of the Public Procurement Act No.8 of 2020

4.1.9 Remedies for the effective implementation of the Public Procurement Act No.8 of 2020

This study further sought suggestions from the respondents on the remedies for the effective implementation of the Public Procurement Act at TEVETA. The following remedies were proposed.

4.1.9.1 Zambia Public Procurement Authority (ZPPA) support

All the respondents, 100% of the finance staff, 100% of the audit staff, 100% of the procurement staff and 100% of the Information Communication and Technology (ICT) proposed that there should be more support and interactions between procurement entities and Zambia Public Procurement Authority (ZPPA) One respondent further stated that ZPPA “deliberately conducting seminars, workshops and conferences to build capacity in public procurement entities.”

Another respondent suggested that ZPPA should organise regular seminars and workshops to sensitise non procurement staff on their role in the procurement process and particular sections of the Public Procurement Act they needed to comply with.

4.1.9.1 Management support

The findings established that all the respondents representing 100% indicated that TEVETA management needed to fully support implementing the Public Procurement Act.

Respondents indicated that financial resource allocations support the acquisition of the latest computers with operational software compatible with the electronic government procurement system and capacity-building training.

One respondent further proposed some induction training workshops for all management staff so they to appreciate the need to allocate adequate financial resources to support the e-GP and all activities enabling the implementation of the Public Procurement Act.

5.0 Conclusion

The researcher concluded that technological challenges, acceptance, and usage due to lack of capacity among procurement staff coupled with low level of interactions between procuring entities and ZPPA hindered the effective implementation of the Public Procurement Act No.8 of 2020. The research further concluded that the quarterly market price index was ineffective and needed to be reviewed monthly if the implementation of procurement price is to be affected in line with the provisions of section 12 of the Public Procurement Act No. 8 of 2020. Procurement staff's Skills and competencies in electronic government procurement and salient features of Public Procurement Act No.8 of 2020 had negatively impacted the implementation process. and it was concluded that there was need for ZPPA to regularly hold workshops and seminars to interpret the new salient features of the Public Procurement Act.

The researcher concluded that the challenges faced in the implementation process the Public Procurement Act No.8 of 2020 at TEVETA was negatively affecting the compliance levels and consequently resulting into audit queries.

It can be concluded that lack of staff competences and training has hindered smooth implementation of the Public Procurement Act No.8 of 2020 at TEVETA and consequently resulting in continued audit queries. Building upon this awareness, future studies can embark on explaining the causal mechanism of these implementing challenges and how best to address them in a context-specific manner.

Finally, it can be therefore inferred that the continued irregularities in the procurement process as highlighted in the Auditor General's report which translated into clear signs of non-compliance to the Public Procurement Act were because of failure to fully implement the Public Procurement Act No. 8 of 2020 at TEVETA.

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