BINDURA UNIVERSITY OF SCIENCE EDUCATION

RESEARCH TITLE
THE IMPACT OF THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS ACT CHAPTER 22:23 (PPDPA) IN CURBING CORRUPTION IN PUBLIC ENTITIES. A CASE STUDY OF ZESA HOLDINGS.

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A DISSERTATION/THESIS SUBMITTED IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR THE MASTER OF SCIENCE IN PURCHASING AND SUPPLY MANAGEMENT OF BINDURA UNIVERSITY OF SCIENCE EDUCATION. FACULTY OF COMMERCE

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Research Project

APPROVAL FORM

The undersigned certifies that they have supervised the student, Lloyd Madzokere. Dissertation entitled: The impact of the Public Procurement and Disposal of Public Assets Act Chapter 22:23 (PPDPA) in curbing corruption in public entities. A case study of ZESA Holdings, submitted in Partial Fulfilment of the Award of Master of Science in Purchasing and Supply Chain Management at Bindura University of Science Education.

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DEDICATION

The research project is a dedication, devotion and enthusiasm to Judith, Tapiwanashe, Chipo, Tatenda, Nenyasha and Mazvita. You are all highly valued and greatly appreciated and your support overwhelmed me.
ABSTRACT
Global institutions namely UN and WB have been leading the reforms and new management approaches in public procurement systems. The initiatives have gathered a lot of interest among nations and great success stories have been witnessed in a bigger number of nations. These results have been prominent in developed nations while the developing nations are still lagging behind although great strides towards achieving the desired standards are being exhibited in all the nations that have joined the public procurement reformation exercise. The biggest worry observed across all nations in public procurement is corruption. This scourge has ignited fierce battles towards taking out corruption which seems to have been engraved among the players in public procurement. The greatest weapon being used to destroy corruption is legal instruments and frameworks. Successes have witnessed as a result of these interventions but this has not achieved total victory against corruption.

In January 2018, Zimbabwe introduced the Public Procurement and Disposal of Public Assets Act, Chapter 22:23 as tool to manage public procurement with the aim of bringing world class procurement system. The aim of this research is to evaluate to what extent the Act can go towards eradicating public procurement corruption. Procurement corruption in general is widespread including the private sector. The fact that public procurement cut across and affects all classes of a nation and it involves large sums of money has thus interested the researcher to focus on public procurement since it has been accepted and witnessed to be a universal menace and tormentor.

The piece of work begins with the first Chapter which gives a brief introduction, the objectives including the research questions which will catapult the search for appropriate and valid information in this subject matter. The proceeding Chapter 2 will reveal what other researchers and authorities are saying about fighting public procurement corruption using ethics as a weapon. The research methodology and population will be discussed in Chapter 3 which provides the way how the research was carried out. The researcher’s findings, data analysis and presentation will be contained in Chapter 4 where the findings are explained. The recommendations and conclusions will be talked about in Chapter five trying to present the possible answers proffered to address and solve the problem. The chapter tries to provide what the world has learnt, benefited and what value has been added to current knowledge and possible benefits and how this may be profitable to the world for both current and future stakeholders.
ACKNOWLEDGEMENTS

The success of this research was made possible by a lot of people who gave me support in various forms. It has been a tough, rough and mind-numbing/tedious exercise but the support I received all smoothen the whole endeavour and mission.

I will pronounce great and honest thanks to my Supervisor. Dr B Mushanyuri for guiding and steering me through. I do appreciate and I am forever grateful for your help which you openly offered any time of the day. Your efforts were not in vain and everything towards the completion of this undertaking is highly valued. The Faculty Chairperson and whole team of lectures in the faculty did a splendid job in various capacities that enabled me to finally undertake this piece of work. I very glad about the teachings, support, guidance and advice you generously and unreservedly proffered to me to ensure that I successfully reach and pass this stage.

My other bundle of thankfulness and credit goes to my classmates who made every stage smooth and workable. Thank you all guys for helping me to straighten things along the way towards and during this research work.

Special gratefulness, gratitude and recognition are showered to my family who stood and anchored me in this dreary, tiresome and wearisome exploration and you honestly and candidly propped shored me up and the exploration became easy, fantastic, funny and hopeful due to your sustenance. I will end my thanking by doing justice to my ever supportive and lighting woman, my wife Judith. Netsai Madzokere. You are a brave woman, superwoman, champion, conqueror and source of hope, a foundation of encouragement spring of confidence and cheer. Thank you for your unparalleled and unequalled encouragement and for being everything to me and the family throughout this endeavour.
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Chapter 1

1.0 Introduction

The first chapter explicates the overall synopsis of this research work through providing a transitory of the contextual and the research problem which institute the substance and underpinning reason for undertaking this research study. Successfully, the research study objective, research question, import and limitations of the study will mark the conclusion of this initial stage.

1.1.0 Background of this Study

The power generation and distribution sector in Zimbabwe is shrouded with innumerable constrictions and among these, is unethical and corrupt practices which are most perceived to be emanating from administrative and corporate governance shortcomings. The same can be said about the state purchasing system across all government institutions, public entities and local authorities. This has thus seen the government engaging in the procurement reforms embarking on a transition towards global state purchasing best practices in order to comply with worldwide good corporate governance tenets. The research is thus interested in assessing how this piece of legislation will bring up the expected results from the instrument put in place towards the reformation journey.

1.1.1 ZESA Perspective

ZESA Holdings Private Limited is a parastatal whose main task is power generation and distribution. The Zimbabwe power production and provision is hundred percent carried out by this state enterprise. The subsidiaries are under the group are Zimbabwe
Research Project

Power Company (ZPC), Zimbabwe Electricity Transmission and Distribution Company (ZETDC), Powertel and ZESA Enterprises (ZENT). ZPC is involved in the power generation and its major units are Kariba Hydro Power Station, Hwange, Munyati, Bulawayo and Harare Thermal Power Stations. ZETDC is the transmission and distribution army which is mandated and ensures that the generated power is then conveyed, strewn and fed to all sizes of individual consumers across the nation. ZENT is a special purpose vehicle (SPV) being managed as a multi-purpose business venture offering various support services to the subsidiaries and all other customers from all other diverse industries and economic players. This entity is a commercial army which is into manufacturing and retail of all electricity equipment and other diverse services activities. Powertel is into ICT services mainly focusing on optical fibre communication systems, mobile and data services as well as vehicle tracking systems.

Given the size and volume of procurement transactions of these industries, the dollar value expenditure is very high running into millions of procurement and acquisition expenditure from works, goods and services, both consultancy and non-consultancy requirements. Generally huge procurement transactions are associated with high profile unethical and corrupt practices which involve public resources. This has thus resulted in huge outcry from stakeholders as these poor governance practices are directly linked to poor service provision as well as unnecessarily huge tariffs charged to consumers. State purchasing unethical and corrupt practices have been declared by the Zimbabwean government as a disruption of national development as well as piling a lot of budgetary pressures on the national coffers. ZESA Holdings as a key player and huge spender of public finances, and its recent and current stories of procurement unethical and practices, the researcher thus saw it fit and worthwhile to investigate how the new PPDPA (Act) will help in eliminating this scourge. The new Act replaced the Procurement Act 22:14 which had limited provision for public entities to procure on their own for their requirements. The government through the then State Procurement Board (SPB) was involved in procurements of all informal and formal tenders. The culmination of the new Act. PPDPA 22:23 has seen the birth of the Public Procurement Regulatory Authority of Zimbabwe (PRAZ) taking over the SPB now as a regulator than a player and referee as was in the previous arrangement. There is an international view and acceptance that state purchasing is susceptible and exposed to enormous and substantial unethical, corrupt and collusion procurement practices particularly in the
developing nations. The birth of PRAZ was as a result offer and avail an effective oversight and regulatory board to curtail and prevent illegal procurement activities. It is therefore against this evolution that the researcher intends to evaluate how the new structure and Act will foster the objectives and aspirations of the Act in meeting the expectations of the stakeholders. The definite objective of this schoolwork is to evaluate how the introduction of the Act will help the organisation in improving and the elimination of improper procurement practices.

1.1.2 Public Procurement, A Global Perspective

The worldwide realisation and acceptance that state purchasing has critical role in reducing corruption and improve the economic performance, social wellbeing and environmental impact on the citizens has resulted in many organisations led by the UN investing more and more resources, committed and time in reforming and greatly improving the state purchasing management system. Hjelmborg, etal, (2006) stated that state purchasing was stared as an imperative trade barrier that is not a tariff by European Union. Transparency International has discovered that state purchasing commands a noteworthy segment towards corruption due to the high sizeable amount of money apportioned and used for acquisition of goods, services and works by governments around nations in the world.

The global community has focussed on consolidation and strengthening integrity and openness/ transparency in state procurement activities in an endeavour to reducing and eradicating corruption. The opening of state purchasing to international markets and competition has attracted public eye and attention from several local, regional and international organisations who are focussing on the development and implementation of more transparent and integrity tests and measures to minimise and eventually eliminate state purchasing malpractices. As demand and ultimatums for governments to be more accountable, fair and transparent grows beyond borders, most countries have embarked and instituted programs and reforms to reduce unethical and corrupt procurement tendencies from the public sector. The war against state purchasing is being advanced through reinforcement of transparency and instilling accountability among all players through enactment of laws and regulations, Sharma (2014). It has been realised that there is extensive fissure between developed and developing nations in the state purchasing area. Developing nations have been lagging behind in transforming state purchasing systems. For them to adopt best practices, these countries have engaged in rapid and robust procurement reforms which has got valuable support.
from UN organisations, governments, civil society groups, NGOs, private sector players and other interested parties. Of note, some countries in Africa are cited as examples of success stories in state purchasing reforms. Tanzania, Kenya, Rwanda, Uganda and others are some of the beneficiaries of these reforms, Kiiai (2018). The above issues have aroused the interest of the researcher to study on the impact and to which extend will the PPDPA can assist in curbing unethical and corrupt practices and tendencies in Zimbabwe’s state purchasing system. State purchasing captures quite a huge element of a country’s economy and is regarded as a key function for proficient and acceptable provision of goods and services by the government incorporating its related entities in fulfilling its mandate to the nation and other international obligations. In order to sufficiently meet these various requirements, there is need to obtain the various goods/equipment, services and works from across the worldwide sources and these things require huge sums of money. State purchasing is said to be one of the biggest consumers of public funds and thus require special attention in order for the government to fulfil its various constitutional mandates. Given this, state purchasing is an attractive and critical public policy formulation and implementation instrument for initiating and bringing progressive changes for the benefit of the wider national economy. Particularly, state purchasing can potentially be utilised to inspire procurement best practices. Thus, it is with this in mind that the Zimbabwean Government has produced and enacted statutory rules and regulations to openly and efficiently execute the state purchasing function in conformity with world state purchasing best practices.

Due to the huge amounts of money spent and the involvement of various stakeholders like politicians in public procurement, the rate of improper / mis-procurement is very high as compared to private sector procurement, Vogl (2016). Such unethical or corruption cases are said to be running into billions of losses especially in developing nations thereby negatively affecting supplying of goods and amenities to the citizens. As a move to curb and eradicate this unethical element in public procurement, the government has resorted to enacting an Act aimed at upgrading and improving the procurement function through the adoption and implementation of procurement laws which are guided, supported and are in tandem with the procurement best practices as directed and led by the UN, World bank, African Union, European Union and many bodies under the arm of the UN. Zimbabwe started a similar exercise of aligning its state buying system to world best procurement practices through the enactment of the Public Procurement and Disposal of Public Asset Act, 22:23. This state purchasing
legislation came into effect from 01 January 2018. The aim is to reform and align the procurement practices with the world best practices in order to improve the procurement function through a clear, just, frank, economic and viable manner in accordance to Zimbabwean Constitution, Section 315. Over and above these benefits, the reforms are targeted in reducing state purchasing losses while increasing effectiveness and efficiency while also providing quality services and goods through sustainable procurement systems.

It is therefore against this background that this research is interested in evaluating the impact and effectiveness of this new legal instrument in achieving the goals of the government and constitutional requirement of procuring goods, services and works in a transparent, fair, cost effective and competitive method. Improper state purchasing practices are said to be a threat to social, economic and human development and this has also resulted in huge distortion of market fundamentals and obstruct economic development. These threats and dangers associated with state purchasing corruption has seen the involvement and participation of many international organisations such as United Nations (UN), World Bank (WB), World Trade Organisation (WTO), Organisation for Economic Co-operation and Development (OECD), European Union EU, Asian Economic Community (AEC), African Development Bank (ADB), African Union (AU) and many others like Non-Governmental Organisations (NGOs), Civil Society Groups, Human Rights Organisations investing large amounts of resources towards managing this scourge. Several authors on both public and private procurement have pointed out that ethics has been identified as the main hustle in many organisations towards implementing and practising effective procurement functions.

1.1.3 State purchasing in Zimbabwe

The country is one of the developing countries which recently joined the list of nations who have initiated state purchasing reforms. Prior to the move and decision to reform and align the Zimbabwe state purchasing landscape, the state purchasing function was administered by the Procurement Act Chapter 22:14 under the auspices of the State Procurement Board which was superintendenting over all state procuring entities. Disbanding of the Procurement Act and the SPB gave birth to the PPDPA Chapter 22:23 and PRAZ the Act and the regulatory respectively is the beginning of the new Zimbabwe state purchasing reformation and restructuring journey. www.praz.org.zw.

The double activities of the then SPB which was condemned by stakeholders as a big
hindrance in an efficient and transparent state purchasing were taken over by PRAZ whose main task is now not be directly engaged in procurement activities but only mandated to watch-over, order and control procurement deeds of state offices, sectors, statutory bodies and municipal governments. The new Act through the authority is responsible for putting in place processes, procedures and policies to be followed and used in state purchasing in order to attain fairness, transparency and honesty. These developments were done after realising that the Zimbabwe state purchasing was lacking the internationally accepted tenants of public procurement. Schooner (2002) identified and came up with a comprehensive key minimum elements and objectives of state purchasing which are; competition, integrity, transparency, efficiency, customer satisfaction, best value, wealth distribution, risk avoidance and uniformity. Arrowsmith (2011) pointed the following as key state purchasing intentions; worth for money, competence in the national contracting process, honesty, fair and equal treatment of dealers, promotion of business, communal and ecological objectives and subcontracting. The World Trade Organisation (WTO) international perspective and viewpoint on state purchasing through the (WTO) (GPA) is to open the country procurement market to trade competition as much as possible. Zimbabwe state purchasing system has been seen and viewed to be lagging behind and lacking some of these key facets of public procurement. The high record of state purchasing unethical and corrupt practices is an indication that the Zimbabwe public purchasing sector and administration is not meeting minimum world best state purchasing standards. According to Transparency International, 2017 ratings, Zimbabwe is ranking of number 157 out 180 countries on corruption rating is true and clear testimony on how high unethically and corrupt are our state purchasing systems is regarded. This perception is thus detrimental to economic growth, development and investment. In order to achieve world best procurement practices in tandem with UN trade provisions, the World Bank sponsored the Zimbabwe government purchasing reforms through providing financial and technical assistance. All UN member states who are signatories to the UN Convention against Corruption have an obligatory mandate to espouse and embrace real system of national examination, with an operative system of plea, to guarantee legal remedy and corrections in the incident that the rules or procedures recognized in the resolution for the buying method are not adhered with, www.unitednations.org
This has resulted in the implementation of these reforms which are being taken aboard by all government procurement entities. The transition from the previous procurement practice started 01 January 2018 and is expected to end by 31 December were and when all public entities are expected to be fully compliant and practising within the realm and in accordance with the new Act which is a reflection of the international procurement best practices. www.praz.org.zw

1.1.4 Global trends in public procurement

The worldwide realisation and acceptance that state purchasing has critical role in reducing corruption and improve the economic performance, social wellbeing and environmental impact on the citizens has resulted in many organisations led by the UN investing more and more resources, committed and time in reforming and greatly improving the state purchasing management system. Hjelmborg (2006) stated that state purchasing was beheld as a central non-price trading blockade by European Union states. Transparency International has noted that state procurement commands a large chunk of corruption due to the high dollar value apportioned and consumed during acquisition of goods, services and works by governments across the globe.

The global community has focussed on consolidation and strengthening integrity and openness/ transparency in state procurement activities in an endeavour to reducing and eradicating corruption, Sharma (2014). The opening of purchasing purchasing to international markets and competition has attracted public eye and attention from several local, regional and international organisations who are focussing on the development and implementation of more transparent and integrity tests and measures to minimise and eventually eliminate state purchasing malpractices. As demand and ultimatums for governments to be more accountable, fair and transparent grows beyond borders, most countries have embarked and instituted programs and reforms to reduce unethical and corrupt procurement tendencies from the public sector. The war against state purchasing is being advanced through reinforcement of transparency and instilling accountability among all players through enactment of laws and regulations.

1.2 Problem Statement
Degree of government procurement unethical and corrupt practices is judged to be very high. It is highly linked to poor service delivery and high cost of the product in the power generation and distribution sector. A lot has been said and done in relation to fighting corruption but results are indicating that state purchasing corruption continually manifest itself in different forms and levels. The tenacity of research is to evaluate how PPDPA will help in reducing and eventually eradicate unethical and corrupt procurement practices in this sector and across the entire state purchasing entities. The research aims at assessing the adequacy of the elements in the Act which are supposed to end corruption in the Zimbabwean public procurement environment at large.

1.3 The objective of the Study
This piece of work will investigate the PPDPA and Regulations provisions towards curbing state purchasing corruption. The research will make recommendations premised on the outcome from this piece of work.

The major aim of this whole project can be viewed in the tabulated issues below:

i. To probe the instruments of the Act which will assist to fight government purchasing corruption

ii. To assess the impact of the Public Procurement and Disposal of Public Asset Act in combating corruption in public sector.

1.4 Research Question
The research study is focussing on responding to the following research questions:

i. Does the PPDPA Chapter 22:23 and the (General) Regulations have enough tools to address state purchasing corruption?

ii. Can the Act and all its provisions be able to effectively and efficiently help to curtail state purchasing corruption and how?

iii. Is there evidence to support that legislation is key in fighting corruption within organisations

iv. What else if any, can the statutes do to achieve best procurement practices

1.5 Significance of the Study
The research is intended to make some contributions to the available publications and available knowledge concerning all issues of unethical practices and corruption in public procurement. It will further assess and bring out whether the use of the Act can assist in preventing and eliminating corruption. The research will expose the extent to which the Act has gone and will go in curbing this destructive problem. The findings
and recommendations will be of great benefit towards achieving state purchasing best practices, the outcomes will be of use to various stakeholders such as management, policy makers, procurement practitioners, suppliers and others players and most importantly the society.

This study is of great importance to the researcher as this is a requirement towards the attainment of the qualification under study. Furthermore, future researchers and students will also benefit from the findings and recommendations from this research. There is a lot of literature and publications in procurement focussing mainly on the private sector and its procurement processes and practices. A lot of academic textbooks, publications and learning institutions are mainly focusing on private sector procurement with very little coverage on state purchasing despite that its consumption of a country’s financial expenditure and other resources is very huge. Very few educational institutions offer qualifications in state purchasing or specialisations in public procurement, for example, in Zimbabwe all the universities offering procurement and related courses are not offering a state purchasing qualification or specialisation. Most public purchases are B2B (business to business) procurement types especially with big projects and large supplies like health services and the drugs.

1.6 Scope of study
Procurement is found in two main categories which are public and private procurement functions. This piece of work will focus on state purchasing, a function through which government universally follow accepted laws in trying to retrieve maximum benefits from its activities. The emphasis is to analyse on how best the new Act will try to achieve good corporate governance in state purchasing in the energy sector using ZESA Holdings as an example. The exercise will be done in eight months ending May 2019.

1.7 Delimitations
The researcher has confined the study to state purchasing within the energy sector particularly ZESA Holdings and its subsidiaries. The area of study will be focussing on the ability of the new PPDPA in addressing the poor corporate governance, unethical and corruption activities associated with procurement.

1.8 Limitations
The researcher is likely to get very little cooperation from potential interviewees as this topic is very sensitive and contributors may regard it as investigation which may result in charges. The researcher will give an assurance to partakers that the information is specifically for educational purposes only. Gathering and collecting data may be difficult due to the fact some of the information may be seen to be private and confidential. In order to reach out for more respondents, questionnaires will be administered and shared through emails. Since the new act is within its first year, the results may not be a true reflection in relation to the objectives of this study. However, this piece of research will set up a ground for further research and comparison in this area.

The main differences between public and private procurement is that state purchasing is administered by strict decrees and well documented systems and procedures which each and every public entity has to religiously follow and adhere to. In the private sector, each individual organisation is at liberty to craft and apply procurement systems which are in tandem with its policies, strategy, industry practices and there is more room in adjusting and align with the operating environment to suit the prevailing business operating condition/state and market demands.

1.9 The structure of the report and Chapter conclusion

This chapter, which is the Introduction part has set the tone for the project work and emphasised on what ignited the need to embark on the project and the expected outcomes. The background, problem statement research questions and scope were covered in this chapter.

The second part is the Chapter 2 which will cover Literature Review. This is an elaboration of what other previous researcher, experts, authors, scholars and many more have produced in relation to this to unethical and bribery in state purchasing and the use of statute in curbing this menace.

Research Methodology is covered in Chapter 3 which contains clarification and description on how data was collected, the methods applied and the validation and rationalisation for utilising such methods. The analytical frame of the study is also found and elaborated in this chapter.

The analysing of data and the interpreting the results and findings will presented under the topic Data Analysis and result in Chapter 4.
CHAPTER 2

Literature Review

2.0 Introduction

The chapter is providing and groping the available information and what other authors have said and are saying on corruption in the context of state purchasing sector. The main objective of this research is to scrutinise the elements in the Act which are directly and indirectly aimed at the eradication of state purchasing corruption. The theoretical framework will be covered and the theory will be underpinned on the highlighted objectives in the preceding chapter. This chapter therefore, presents an explanation of the essential theoretical and empirical literature on how rules and regulations have been used and applied elsewhere across the globe in winning over corruption. The research will scrutinise how other regional member states have achieved significant positive strides in battling off state purchasing corruption. Various sources such as textbooks, publications by professional boards, institutions, research papers and all other authoritative publications will be utilised to gather more information in order to get more understanding in this matter. The management of corruption is one key result area of the Act. The evaluating of the effectiveness of these elements will and is expected to be objectively rated after some more longer time since the Act is in its inception and initial stages. The focus will be on sections and provision of the Act that are aimed at reducing and fighting unacceptable state purchasing practices in Zimbabwe. Globally, state purchasing is regarded as the most single biggest employer and is also regarded as the biggest single consumer of public funds through purchases of various goods, services and works, OECD, (2007). Public entities are highly expected to provide high quality services, goods and infrastructure to the citizens through best procurement practices. Public sector procurement is perceived as a fundamental
function to achieve socio-economic development, but however too often, it has been reflected as a weaker and fragile companion of any national economy, Hashani, et al, 2012. This is so due to its association with dull jobs, lack of respect, bureaucracy, red tape, bottlenecks and unethical/corrupt practices. State purchasing is expected to design creative, innovative and sustainable strategic policies for providing of buildings, equipment and facilities directly/indirectly which meet and exceeds the needs and expectations of the people, World Bank Group, 2017. According to Arrowsmith, (1998) as quoted in Chingandu, 2014, state purchasing must be exercised through efficient use of public money while upholding and safeguarding core values of integrity, impartiality, honest and objectivity. Public entities are mandated to offer value for money services while at the same time targeting to provide excellence in order to meet higher exigency from citizens and all stakeholders, Chingandu, 2014. Unethical practices and corruption are regarded as extremely delicate topics among governments and all classes of society and it is a very difficult subject matter for common policies, Arrowsmith, 2010. Chingandu, 2014 stated that much has been done and reports produced as well as policies are always being put in place and evaluated through statutes and other platforms. While policies on other topics have been put in place via other pointers and gauges, corruption is still a territory of fly-by-night assessments and valuations, Hunja, (2001).

2.1 Theoretical framework
This piece of research work is based on the Organisational Culture Theory. This philosophy assumes that culture and the institutional arrangements which members of staff work and operate under has great potential to trigger and propel corruption. Martins and Martins (2003) as quoted by Kimemia (2013) explains organisational culture as a scheme of mutual understanding believed by a group of workers differentiating the firm away from others. According to Arnold (2005) as said by Kimemia (2013), the unique customs, principles and habits of conduct which together portray a particular organisation differently with its own exceptional identity. These two definitions above clearly point out that each entity is different from the other. Organisational culture refers to a form of elementary rules created, learnt and established by particular people in their endeavour to acquire skills to tackle problems and the adaption of outside and inside environment and this is passed on to new comers, Schein (1985) in Kimemia (2013). This thus explains and supports the assumption that
culture is directly and indirectly taught, learnt, acquired and absorbed. This theory then assumes that organisational culture therefore plays vital around the expanse of state purchasing corruption.

This research utilises descriptive approach through the inquisition of the available literature concerning state purchasing corruption. A case study of the power utilities was used, data was collected, documented and described in a methodically process. The researcher thus gathered data from other previous research works, textbooks and publications from institutions which are fighting state purchasing corruption.

The theoretical framework covers past and present literature concerning reformatations in state purchasing function reforms and steps taken and currently underway in fighting corruption. has developed immeasurably since then among government and in industry. Thai, (2009), postulated that in every country in Africa, there is evidence of conscious advancements towards establishment of a new procurement law controlled dominantly by a procurement unit for the harmonisation of the behaviour of public procurement. All facets of human life interact with procurement functions as a result of huge portion of different capitals in its daily activities of acquiring and making available goods, services and works (infrastructure) which supports societal and commercial needs of any nationals worldwide. During the past decades, procurement process has been essentially interrelated with practices which are detrimental to good corporate governance and are both retrogressive and anti-development. The huge procurement expenditure has resulted in billion-dollar self-enrichment practices with serious and at times deadly ramifications to the society and environment as a result of these corrupt activities. This then raised the appetite for investing more resources of all types towards reforming the procurement functions as a means to fight and bring corruption to an end.

2.2 Procurement

Procurement is divided into two branches namely private and public procurement.

2.2.1 Public procurement

One of notable biggest encounter in state purchasing in the past years in many governments and in Zimbabwe is the traditional connotation about inference and treating procurement function in public bodies as being a mere administrative function done only to meet and mollify the dictates and demands of the audit process and requirements. State purchasing is said to be lengthy and bureaucratic and the
justification for this is that it is public money so it has to be done in a clear, transparent and open manner.

Transparency International (2014) describes state purchasing to the attainment by government –held institution of merchandises and building/ works covering the first steps of need identification and assessment, budget allocation and market research. This later followed by bid document preparation, publication, receiving, tender evaluation, award and then contract management. The document explained that other activities such as contract implementation and superintending, examining and appraisal are similarly incorporated among the government buying process. State purchasing is characterised by practices which put more emphasis on rules and regulations while at the same is conditioned by the happenings taking place in the private market circumstances due to the competitiveness of the environment.

2.2.2 Private Procurement
This is one of the two main branches of procurement and this side has its share of challenges and positives while corruption and unethical procurement practices are found in each side with different ramifications and they are quite a number of similarities and differences as well. However, despite these similarities, the differences are the key demarcation features which provide the basics. Surbhi, (2015) described private procurement as a function that is practised and competed in the perspective of for-profit organisations and it occurs within non-stated owned and run firms or private sector. The two sectors, public and private procurement professionals exhibit identical demands, constrictions and accountabilities. The chief target is the realisation of worthiness, being answerable to expenditure judgements while sticking to procurement and financial policies. Surbhi, (2015) pinpointed the following observations among an array of differences and noted some key dissimilarities among public and private enterprise as shown below;

1. Agility- the private sector is quick and swift to adjust to existing at prevailing business environment while the public sector will follow laid down procedures which are take and follow procedures and protocols that that usual takes longer periods.

2. Bottom line focus- private sectors is profit driven so it is greatly aimed at cost reduction while maximising on gaining profit. Public sector is moved by the need to provide a service with little focus no cost cutting programs
3. **Number of stakeholders** - public sector aims to satisfy a bigger number of customers this refers to the varied requirements and expectations from each individual, group, community etc. Public sector stakeholders demand more transparency as desire to know how their resources are utilised. The public entity has a very large group of stakeholder to be answerable to and satisfy as well. As public procuring entities are acting on behalf of the government and the stakeholder base is very extensive, therefore these principals ought to see ethical actions in place.

4. **Bureaucracy** - public entity involves dealing with an enlarged number of long and winding formalities which have to be followed and abide with in order to start and complete a procurement transaction. There is great reliance on policy adherence, transparency. rules and regulations.

WTO explains the expression state buying to mean state purchasing while the United States utilises the words public or government contracts. Arrowsmith (2010) explains state purchasing as the attaining of commodities, infrastructure and facilities by government in undertake duties and responsibilities. It is further described that it is composed of procurement planning, contract granting, engagement and administration.

2.3 **Origins of public procurement**

Thai (2001) illustrated that state purchasing has been in existence and can be traced back from the 800BC period during silk marketing between the Chinese and the colony of Greek. It was reported by Coe (1987) that there is indication and proof that first procurement order was engraved on red clay tablet originated and established in Syria with orders dated from 2400 up to 2800BC for fragrant oil and grain. According to Page (1980), as stated in Thai (2001), municipalities buying in USA is said to precedes state and federal governments which had no purchasing staff. It is further explained that in the late 1800s, the state started to put in place boards or bureaus tasked and accountable for procurement function and activities. This gave birth to centralised purchasing which slowly and progressively grew to be the norm under local and state/central government. Of late investors and investigators contended and debated over centralised or decentralised structure with the aim of addressing and achieving responsiveness to fulfil public needs. The other aim was to eradicate bureaucratic impediments while improving cross sectional harmonisation and coordination and strengthen service delivery to be
achieved with less or non-hindrances by public entities Thai (2001). Thomas, (1919) states that the United States introduced and implemented an array of reorganisations in the past eighty years ago, it therefore seems that the challenges remain the same today and may exist in perpetuity due to everlasting unfavourable and disapproving discernments from the community.

2.4 Defining State purchasing

State purchasing involves the engagement of third part players as well as private players who are indirectly and directly contracted to provide goods, services and works. These players may directly provide key services on behalf of government to citizens in areas like social care, education, welfare, and many other services. The works may span over years to complete like rail, dam and other big projects. There are many weaknesses in state purchasing systems of many nations including developed countries thus causing inadequate or obsolescent legislation, slow and complex formalities, the absence of control mechanisms, but also fraud and corruption (IDLO,2007). Zelle, van Veen and Cuppers, (2014) states that the state purchasing sector is interrelated to enormous amounts of expenditure resulting in it being a perpetual aim and point of unethical and corrupt practices due to deficiencies in overseeing the procurement tasks. Deasy etal (2014) in Zelle etal (2014) wrote that public sector procurement is principally stimulating and fascinating because it is always blamed and suspected of focussed on and tilted towards mainly on cost reduction but incompetent with a lot of inefficiencies as equated and measured against private sector. The major attribution to this is that state purchasing utilises and spends very big volumes of funds and resources thus recurrently suffers from corruption commonly and highly in developing nations, Cohen and Montoya, 2010 in Zelle etal, (2014).

State purchasing is the purchasing by an organisation expending public monies, World Bank, (1995). The OECD describes state purchasing as the acquirement completed by a state and or parastatal of services, works and goods. OECD has revealed statistics concerning the cost related to state purchasing costs.

- About 10-30% of public financed construction ventures are likely missed due to mismanagement and corruption, (CoST,2014).
- (OECD, Foreign Bribery Report 2014) predicts over fifty percent of international bribery stories do happen so as to win procurement contract
Over 30% of companies which participated in a public confirm that their bid was thwarted by corruption thereby blocking them from winning, Flash Eurobarometer, (2015).

In an endeavour guarantee authentic procurement procedures and clear proper audit trail, article 9 of UNCAC entails:

a. Creation of a comprehensive procurement system
b. Procurement openness
c. Impartial procurement policymaking
d. Internal bid challenging structure
e. Uprightness of public office bearers

State purchasing is the method through regimes and other bodies administered through civic statutes acquire merchandises, facilities and infrastructure works, European Commission (2015). Diego (2018) explained that Senge (2006) described that organisations are established and do exist for a reason. Dewburst etal (1991) in Diego etal (2018) categorises public organisations as those entities which are not for profit, they are not profit driven and focussed. The explanation is further expounded in Fryer et al (2007) where the outstanding features which separate the public from the private entity are given as:

✓ Main objective of public institution is not for profit maximisation
✓ Absence of precisely identifying and pinpointing the public’s real and actual needs and expectation of the customers
✓ Public institutions are overseen and answerable to a very huge number of stakeholders
✓ The entity is highly subject to government controls, scrutiny, and oversight

Azman et al (2013) as noted in Diego et al (2018) said that public projects are political while Crawford and Helm (2009) was quoted pointing out the responsible and accountable use of public money in policy implementation and the provision of services and infrastructure through governments is subject to a thorough attention of media and stakeholder so it will result in political harm to the government. It is further explained by Crawford and Helm (2009) that the value of project management in public sector focus on its ability to be positively anchored on transparency, accountability, efficiency, and effectiveness in resource use, policy implementation and change maintenance of public trustworthy. Diego et al (2018) referred to Kwak and Anbari (2012) who
accentuated that the focus on performance under government continues to be a current growing demand as a result heaping pressure on accountability of government laws and public pressure on projects, programs, and public money.

The state purchasing process is summarised in the following steps: Planning, Bidding, Bid Evaluation, Implementation and Monitoring. Figure 1 below illustrates the stages:

- **PLANNING**
  - Needs assessment
  - Advertising
  - Bidding documents
  - Procurement plan
  - Specifications drafting
  - Contract requirements
  - Evaluation criteria
  - Initial market research

- **BIDDING**
  - Short listing
  - Pre-qualification
  - Pre-bid conference
  - Tendering and clarification
  - Contract requirements

- **BID EVALUATION**
  - Bid opening
  - Bid evaluation
  - Bid evaluation report
  - Award of contract

- **IMPLEMENTATION AND MONITORING**
  - Drafting of contract
  - Contract implementation
  - Contract changes
  - Monitoring and auditing
  - Lodging appeals


### 2.5 Public and private procurement Corruption

According to the World Bank Group, (2007), it says that, ‘a corrupt practice is the offering, giving, receiving or soliciting, directly or indirectly, of anything of value to influence improperly the actions of another party’. It is further explained that corruption is “dishonest activity in which a person abuses his/her position of trust in order to achieve personal gain or advantage for themselves, or provide an advantage/disadvantage for another person or entity”. Research and evidence has revealed that both public and private officials around the globe partake and are implicated in activities that disadvantage and dispossess the state and the citizens of goods and services amounting to billions of dollars. Such scenarios are where the culprits are keenly, intentionally and purposefully crafting techniques and ways of sidetracking public resources from their envisioned purpose towards their personal
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benefits. The OECD (2014) has pointed out that state purchasing is among other constitutional roles much open to susceptible to corruption and fraudulent activities and all sorts of unethical practices. It is further expounded that corruption entails the defilement of the philosophies and tenets of proper acceptable state purchasing by a single official or organisation or a set of officials and or firms through complicity and consent with the target of achieving personal gains, through public manipulation and misapplication of public resources. Most malpractices in state purchasing are traced back to premeditated, deliberate and calculated misappropriation and abuse of resources while such cases as errors, anomalies maybe ascribed to lack of awareness, skills and knowledge of people involved in public procurement. The latter malpractices are very challenging to rectify because it emanates from wilful craving to evade and dodge set rules, regulations and procedures for illicit and illegitimate amassing of resources and a lot of conspiracies for the perpetrators of such actions, OECD, (2014)

2.6 The Consequences of Corruption
OECD has noted that unethical practices can occur at each stage all the three key levels of the state purchasing life cycle stages which are: pre-tendering, tendering post-award phases. In its 2017 report, The World Bank stated that the chief task towards double goals of eradicating life-threatening poverty by period 2030 and increasing shared prosperity for the 40% poorest of people in developing nations is hindered by corruption. The organisation further explained that the task of minimising corruption is at the centre of its sustainable development goals (SDG) and accomplishing the determined aims planned for financing for development.
Ndolo (2014), revealed that the level of application of procurement ethics has been used as a rating of the state and public entities’ corporate image and social responsibility practices therefore ethics in procurement management today. This assertion thus brings out the point the that corruption damages the corporate image or standing of an entity. Good corporate governance and ethics is nowadays considered a crucial and fundamental stimulus for business success. Ndolo (2014) also highlighted that lack of full adherence to state purchasing rules and regulations by government ministries and public entities coupled with nonexistence of real implementation and prosecution of regulations enacted by the government promotes incidents of unethical procurement practices in Kenya.
Venality or corruption is referred to immodesty and includes all practices of unacceptable, ill-mannered and dishonourable deportment in the enactment of officials and non-officials’ actions and responsibilities. It therefore relates and points to any deed which goes against and prevaricates the values and norms of any society and community.

Serubanza (2016), as cited by Twala (2017) explained that according to Rwanda’s Vision 2020 document titled ‘Good governance and a Capable State’ pointed out that the responsibility of ensuring good governance through accountability, transparency and efficiency in allocating limited resources lies squarely in the hands of the state.

Early followers and fighters of corruption started researching deeper in the area of corruption and tried to bring out what corruption is through various definitions. Nye. (1976) explained corruption as a conduct that sways from the appropriate responsibilities of a public character in order to achieve secretive achievements in relation to individual, family, private circle, economic or prestige achievements. The author further illustrated that these are activities or arrangements that interrupt on rules opposing the performing of specific sorts of obligations for secluded advantages concerning influence. In the publication, the author also referred to the definition by Banfield (1961) which says that corruption cuddles things like subornment, one-sidedness and deceit.

Mensah et al, (2003); Gyimah-Boadi, (2002) as quoted in Osei-Tutu etal, (2010), referred corruption as a societal portent which nurtures a highhanded atmosphere categorised by ambiguity, volatility and waning ethical values and contempt of constitutional bodies and power. This definition clearly spells out that although corruption economically benefits a small clique of the society, the majority are however socially disadvantaged and affected. Ministries and public entities are established through appropriate enactment of legislative instruments with certain constitutional mandates but these are not met due to corrupt activities thus defeating the purpose for which these institutions are established to serve. Kramkin, (2007) reports that proof from across the world reaffirms that indeed corruption blocks and retards economic development, diminishes social services, distracts and turn away ventures in buildings and community amenities thus inflicting heavily directly on the underprivileged excessively.

Osei Tutu etal, (2010), explained that the consequence of corruption interrelated activities in the procurement arrangements have resulted in multifarious adverse costs
which are revealed and demonstrated in economic, financial and social dimensions. It also mentioned that according to Hellman et al, (2000), that the end result and effects of corruption are progressively clearly known and comprehended unfortunately, little is understood why corruption is still existing and its high perseverance. World Bank, 2007 pointed out that corruption is now seen not only as result of frail public management instead it is now the source and foundation of worldwide poverty and deficiency in societal and economy development.

Sleaze is the willpowers to amass treasure or supremacy through unlawful methods to enjoy private gain at the expense of the public. It is ill use of public power for personal subsidy, as cited by Gboyega (1965), in Lipset and Lenz (2000). Corruption encompasses the offering or acceptance of an inducement, or illicit acquirement of riches through the utilisation the resources of a civic bureau, including the exercise of preference. The definition by the EFCC is sufficiently elaborative pinpointing that corruption is one of the notable examples among other heinous economic crimes.

Kelman (1990) submitted that the goals of state purchasing rules are; impartiality, just access to government contracts, truthfulness, eliminating procurement process corruption, low-cost and competence, meaning the purchasing of goods, services and works at the lowest possible cost. The author further explains that the way to attain and realise these objectives is that procurement rules should ensure that governments award contracts on full and open competition. Furthermore, it is enlightened that competition allows all contractors to partake in the bid resulting in price reduction and ultimately promoting economy. At the end of the day, open competition foils and averts corruption in the procurement route due to the difficulty to offer inducement to the officials due to evidence of competitive and lower offered prices. Corruption is multi-layered, intricate and difficult to come up with a pinpointing specific meaning as it wears different hats. In an endeavour to explain and avail a meaning of corruption, the Prevention and Combating of Corruption Act (2007) of Tanzania instead of a clear cut definition, it provided a list of twenty-four offences which are classified as corrupt breaches. The listing is clear evidence that it is a bit cumbersome to come up with a straight and fitting outright definition of the word. This further gives out the position that the corruption is much seen, proved and defined through the deeds and actions. Transparency International, (2014) asserts that the danger of state purchasing unethical and corrupt practices is not limited to monetary/financial values only. The evils of corruption manifest themselves in the form of poor
quality of goods/services and infrastructure, sustainability and safety of projects. There is distortion and biased competition and as a result, there is high possibility and chances of goods and services sourced failing to fulfil the prerequisites of humanity. Government trust is lost through the direction on personal interest against public good as a result of procurement corruption.

Soreide (2002) explains that venality in state purchasing has seen administrators and or statesmen award a tender for the “best briber” against awarding basing on the combination of best price and quality.

Twala (2017) quoted Kanye and Mabelane (2009) and described that the result of fraud and corruption is devouring away all the taxes gathered from the public, while at the same time eroding down the moral fabric of society. This accentuation thus brings out that the damage from corruption has more far reaching consequences beyond the financial losses but also negatively after the social life of the citizens.

Twala (2017) further expresses corruption as a situation wherein public servants enrich themselves directly or indirectly through un-procedural means. It is further outlined that it is more frequently pronounced to mean misapplication or exploitation of national bureau for secretive achievement. The report further brings out that the manifestation of corruption is revealed and illustrated through forms such as enticing, deception, discrimination, patronage and many other misdemeanours. Misappropriation of power was reflected as most universally linked with corruption. The author referred corruption as the direct source and cause of conflict between the government and the society. Therefore, unethical and corrupt practices add and contribute to diminishing public confidence in government and its units in the use and consumption of resources. Over and above the loss of trust by citizens, corruption is highly known and recognised a leader in the meaningless and reckless erosion of resources.

2.7 Drivers of corruption

Mlambo et al (2018) identified the following as the notable drivers of corruption. The elements are: abuse of political power, misrule, bad governance, greediness, dictatorship, poverty and unemployment have been cited as key drivers of corruption in African states. There are a variety of reasons why officials, organisations and governments are found in unethical and corrupt activities. The reasons are very wide but all of them, there is no valid defence and will ever never make corruption an acceptable behaviour. World Bank, (2007) pointed out that corruption is now seen not
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only as result of frail public management instead it is now the source and foundation of worldwide poverty and deficiency in societal and economy development. Uwak and Udofia, (2016), in Mlambo et al, (2018), explained that corruption viewed from all angles has colossal deleterious effects on the development of any region, country, continent and the whole planet., Myint, (2000) as quoted in Mlambo et al, (2018). Soreide, (2002) summed up the drivers of corruption in public administration as economic, political, administrative, social and cultural factors. Staff of any institution is tamed by the characteristics of the organisation, Hunt and Vitell, (1986). Hunt (1989) identified corporate ethical values as key aspects of organisational culture and these manifest as a result of the amount of consideration devoted to ethical issues by an institution. These are exhibited in the form of organisational policies, processes, codes of conduct, employ remuneration/compensation and recognition, Baker et al, (2006). The level of corporate ethical values affects ethical judgement and behaviour, Baker et al, (2006). Corporate ethical values increases staff commitment to the firm and its culture, so employees tend to follow the culture of the entity, Hunt et al, (1989). The European Research Council, (2007) revealed that the government is the frailest in terms of ingrained ethical values hence the high outcry of high corruption levels in the public sector. According to Horn and Raga (2012) as posited by Munzhedzi (2016), the absence of accountability, technical expertise, employment of inexpert, underqualified individuals, political meddling, unskilled tender committee members and other ills are common circumstances which weakens policies. The World Bank (2017) Worldwide Governance Indicators (WGI) report task indicated that cumulative and distinct governance pointers for more than 200 nations and regions spanning between 1996–2017 are given in the ensuing six extents of authority:

- Voice and Accountability
- Political Stability and Absence of Violence
- Government Effectiveness
- Regulatory Quality
- Rule of Law
- Control of Corruption

The identified issues above all means that their absence will affect state purchasing management activities so the success of any administration must be anchored on the
above issues. This shows that the controlling of corruption can be only effective if the first five indicators are effectively addressed.

In the document produced by the Republic of Malta’s Department of Contracts titled Addressing state purchasing fraud and bribery, (2017) they explained that corruption diminishes the rule of law, resulting in exposed public institutions, unproductive utilisation of resources and substandard quality of public services. It is further explicated that corruption disintegrates the society’s confidence in government and its institutions. Curbing and the eradication of corruption has enormous probability to shove growth, arouse competition, investment and improve the welfare effects of the local market

From the information above, it is noted that sleaze is a conduct which digresses away from the models, guidelines and obligations controlling the practise of honoured position for the aim of individual advantage. The interpretation from this description is that they are known and accepted parameters to be adhered to but corrupt officials purposely, willingly and consciously choose to breach the stated norms with a goal of deprivation for personal benefits.

“Corruption is much more likely to flourish where democratic foundations are weak and, as we have seen in many countries, where undemocratic and populist politicians can use it to their advantage” Rubio, (2018).

This quotation provides summarised view on how and why the proportion of corruption is still great in a bigger number of developing countries who are still stuck in political quagmire.

2.8 The application of legislation in fighting corruption

“There are many weaknesses in the state purchasing systems of a many states, including developed countries, due to inadequate or obsolescent legislation, slow and complex formalities, the absence of control mechanisms, but also fraud and corruption” IDLO, (2007). The PPDPA Act of Zimbabwe got introduced towards aligning the state purchasing function with world best practices with reduced corruption and increased efficiency of the function. The Act provides regulatory services to ensure that the following tenets are achieved, fairness, transparency and honesty. Chapter 24:23. The new Act assumes a regulatory position as opposed to the Procurement Act Chapter 22:14 which was doing both the procuring and regulatory functions as well.
Open and responsible governmental structures and legislative, policymaking and juridictive ranks are key approaches to reduce opportunities for corrupt practices in public procurement, EU Policy Against Corruption, (2003). The Act is an administrative structure which is legal, passed by the executive and a judicial arm to promote transparency. The Act is an integrity-enhancing strategy which employs the best practices with the public interests as the driving element. According a report by EU prepared by Wim Wensink (PwC, Manager) and Jan Maarten de Vet (Ecorys), (2013), it is explained that the framework of state purchasing is split linking a lot of different players in the various state purchasing stages working towards thwarting, identifying and scrutinising corruption. The report also brought out that it is possible to detect both positive and negative practices that can lead to the avoidance, recognition and investigation of corruption red flags. Among other things presented in EU, PWC and Ecorys document which are helpful in prevention, detection and investigation of corruption are:

- Pre-employment screening to get expert, well competent state purchasing workforce with requisite know-how, acquaintance and industry knowledge
- Structured market analysis shared market intelligence
- Maximum transparency throughout the state purchasing process
- Timely completion of database including contract award notices
- Central collection of state purchasing data
- Improve performance and evaluation audits
- Proper contractors and beneficial screening
- Debarment of offenders
- Personal disclosure of wealth
- Joint procurement

The PPDPA Act has these items among others as part of the management of the state purchasing system in Zimbabwe.

Arusha Declaration OECD/DAC (2008) recognised the need of developments in the superiority and performance of state purchasing performance systems will yield great paybacks towards more efficient expending of public funds, ownership, alignment and harmonisation.
However, state purchasing is said to be awash with challenges and contradicting goals. Thai, (2006), identified the following challenges and issues which must be resolved by public procurement:

1. Balancing forceful and ever changing pressure between;
   - Challenging socioeconomic objectives
   - National, regional and global economic interests, completion in line with international trade agreements and requirements
2. Fulfilling the demands for fairness, equity and transparency
3. Conserving an all-encompassing focus on taking full advantage of competition
4. Exploiting new technology to achieve and argument procurement efficiency incorporating e-procurement technologies
5. 

2.9 State purchasing reforms, legislation and regulations

Thai, (2009), explained that there is little difference among African countries in the area of state purchasing reforms in relation to phases, restructuring mechanisms, approaches and application. Reforms came as a result of evaluation of the prevailing systems by consultants, donors with the involvement of the world bank. These evaluations led to the specific country reform recommendations and execution. It is reported that the state purchasing weaknesses have been found to be almost similar across all the African states.

As the need to reform state purchasing gathers momentum, the ADB, International Trade Centre, UNNDP and World Bank core-funded a state purchasing conference in Accra, Ghana in the year 1998, and agreed that state purchasing in Africa has severe flaws coupled with inadequate legal framework as the number one challenge among the identified flaws. (Thai, 2009).

2.9.1 Hindrances to state purchasing reforms

Thai (2009) recognised hurdles below to the overhauling of state purchasing in emerging republics particularly Africa. The hurdles are deficiencies in legal framework, transparency, accountability and conduct rules, preferential treatment, administrative and institutional setups, human resource capacities and the general procurement system and structures.

In tracing and justifying the movement for state purchasing reforms in the developing world and with particular interest in Africa and Zimbabwe, some publications
concerning reforms and legislative approaches will be reviewed. According to Karu (2004) as quoted in Thai, (2009), it is said that structural and institutional transformation is the biggest obstacle and hurdle encountered by decision makers in Africa for the governments to become sincere and appropriate to the citizenry.

The state purchasing modifications are based on the (UNCITRAL) Resolution 2205 (XXI) of 17 December 1966. This was as a result of the ever growing and expanding world economy hence the need and importance of improved legal framework to expedite and smoothen international trade and investment. The other key element behind the UNCITRAL law is to develop framework and structure in undertaking and the enforcement of its agenda and mandate to prop the advancement of the synchronisation and modernisation of the international trade law by making and stimulating the application, use and implementation of law-making and non-law-making mechanisms across the various areas of commercial law. (www.uncitral.org).

In an endeavour to align itself with the world demanding trade needs, the UNCITRAL came up with the 1994 UNCITRAL Model Law on Procurement of Goods, Construction and Services. This was an acceptable vital international yardstick and standard in the law of procurement reforms. The law was seen and agreed as being the foundation and basis of Model Law reforms from which any necessary updates and upgrades will be reflected upon on new practices.

In endeavour to move in tandem with ever-changing international trade demands, the original 1994 Model Law gave birth to the 2011 Model Law which took over the latter. The UNCITRAL Model Law on state purchasing (2011) came into effect and the piece of regulation encloses processes and ideologies meant at realising value for money and circumventing exploitations in the whole procurement process. The UN states that state purchasing involves unrestricted decision taking on in the name of government at all stages and procurement gobbles between 10-20% of GDP and rising to about fifty percent or more of total government expenditure. Given these huge purchasing figures, the risk is relatively and proportionally huge with major bearing on country fiscal performance and expansion. It is against this background that the Model Law permits and drives countries decreeing and ratifying procurement legislation that will enable the accomplishment of value of money and avoiding abuse of resources.

The UNCITRAL Model Law on state purchasing (2011) give state purchasing the chance to take benefit of contemporary commercial practices which includes e-procurement, and framework of agreements in order to get maximum value for money.
The Law provides options of different appropriate procurements like standard procurement, emergency, simple, complex, large and low value purchases. Under this law state purchasing goes through thorough and severe transparency mechanisms and requirements in the spirit of promoting competition and objectivity. The system allows all actions and decisions to be subjected to challenge by potential bidders. The whole idea is anchored on the need to safeguard all state purchasing actions are in consistent and adhere to other UN international standards and in particular UNCAC. The synchronisation of the state purchasing international standards incorporates provisions from other institutions such as WTO on procurement and remedies. WB, ADB, AFREX bank and other international funders. Overally, the Model Law is directed at helping member states to have modern procurement law. According to UN, the 1994 UNCITRAL Model Law on public procurement was mostly aimed at transition economies while the new Model law covers and is applicable and suitable for all nations.

2.10 Empirical Evidence-Fighting state purchasing corruption using legislation

Institute of Internal Auditors, (2014) asserts that fighting corruption needs and entails the determinations and partnership of governing establishments, external auditors, investigators and governing board. This implies that the use of regulatory instruments is key in fighting corruption and PRAZ is a regulatory board which is mandated to fight corruption through the Act and regulations. The institute further reveals that those countries who use applied involvement, theoretical education and licencing examinations so as to practice are apparent to be less corrupt. The PPDPA Act and the Regulations, SI 5 of 2018, stipulates the minimum requirements for procurement practitioners as well as provision for licencing such. Kimbiro, (2002), delves that the chances of discovering corruption are likely to increase by intensifying accountability, transparency, independent oversight, audits and access to information and the current PPDPA Act allows and drives for accountability, transparency, independent oversight and audits through monthly submission of procurement reports. Brown etal (2013), in their study in US, revealed that robust audit checking can alleviate from the undesirable results of governmental sleaze. According to Lamoreaux etal, (2015), the World Bank lends proportionally high amounts of loans to countries with stronger accountability and audit system. The lending is low in those countries with relatively high corruption levels. According to Thai (2009), in almost every African country, there is a great drive and endeavour to introduce new procurement law. In all African countries, there is an
evident effort to establish new procurement laws and the formation of fundamental procurement unit to harmonise the reforms. Notable reforms are witnessed in the following countries namely South Africa, Egypt, Guinea, Uganda, Rwanda, Zambia, and recently Zimbabwe. Kenya, Tanzania and Uganda are testimonies that corruption in state purchasing has been as a result concealed defilement of arranged and set down procurement rules, Transparency International, (2009).

Ameyaw, C, etal, (2012) gave a brief back ground of Ghana’s state purchasing reform journey which started from 1996 as an answer to the shortfalls exhibited by the World Bank Country Procurement Assessment Report. This led to the massive and comprehensive procurement reforms which resulted in Ghana being an illustration of how the reforms through the act and regulations established world class procurement systems, structures, rules and tendering procedures as well as appropriate skills. The Ghanaian government embarked on serious of steps towards the modification the state purchasing system comprehensively and attack primary matters disturbing performance like a makeshift legal framework, a feeble public service system, and inaccessibility to information for civic society partners and the public, Ameyaw etal, (2015).

According to Thai, (2009), the European Union and the Kenyan Government revisited the country’s procurement systems and found some weaknesses. This led to promulgation of the State purchasing and Disposal Act 2005 as a means of correcting the state purchasing defects and corruption being among them. This implies that state purchasing regulation is key tool in combating corruption. The Act gave birth to the SPOC as part of the reforms. The initiatives tackled a lot of hiccups which were identified by Procurement review by audits, Omollo, (2018). OECD, (2007) summarised that Kenya has a sound legal framework with clearly distinct activities.

According the World Bank (2013), Tanzania is one of the first countries to enact procurement law based on UNCITRAL model Law. The reforms were introduced in 2001, this was after the realisation that the existing system then was ill equipped to handle corrupt procurement issues so the need to have adequate legal instrument to fight away corruption. Tanzania embarked on public reforms after a recommendation from independent consultant. The report identified serious flaws and one of the suggested solutions was to promulgate new procurement law putting in place philosophies, guidelines and structure of state purchasing reinforced by regulations. The third recommendation was to have a strong regulatory authority to oversee procurement. Thai, (2009)
In analysing the procurement reforms in Africa, Thai (2009), revealed that the Nigerian Government and some national private consultants revisited the procurement system and discovered a total of six key challenges and the first obstacle was the deficiency in contemporary law on state purchasing and a standing supervisory board to give control and monitor procurement entities. To address the noted challenges, the first recommendation was the need to have procurement law based on the UNCITRAL Model Law.

According to Sewpersadh P and Mubangizi (2017), Hong Kong is stated as one of the pioneers who transformed since 1960. The process created corruption platforms. However, new reforms reversed all this for it to a role model in government buying reform programs. The Hong Kong success story is greatly attributed to holistic all-inclusive anti-corruption legislation, creation and implementation of a wide range of legal norms and controls which resulted in a rapid sharp drop of corruption cases.

The World Bank initiated reforms in Afghanistan and went on to provide the following statement concerning the use of legislation in managing procurement reforms, “With donor assistance, Afghanistan has made considerable efforts to establish the legal and regulatory framework for state purchasing over the last five years. While the law provides a very modern legal system for procurement, effective implementation of the law may encounter difficulties in the current weak institutions and capacity of the government. A PPU has now been established under MOF to ensure implementation through the creation of secondary legislation, standard documents, provision of advice, creation of information systems.” Thai, (2009). This quote clearly indicates that procurement laws applied in conjunction with other broader related laws are essential in reforms and can also yield better improved state purchasing system.

Giotopoulos etal, (2015), explained that Greece experienced low implementation coupled with poor legislative monitoring and enforcement thereby undermining confidence in the rule of law. It is further stated that globally there is been an increased importance towards better regulation in all state functions. The author described that Greece like any other country in the economic transition process, embarked on state purchasing reforms focusing achieving efficiency and transparency in the procurement system. The intention of the reforms is overseeing of the procurement procedures in order to guarantee adherence to fair and clear rules and the disruption of any tendering procedures that entail law violations. The contribution of regulation will result in compliance of public entities with budgetary and regulations. Giotopoulos etal, (2015)
revealed some of the following state purchasing shortfalls in Greece; weak legislative, monitoring and enforcement resulting in diminishing trust and confidence. Over the years, they have been great recognition on the importance of improved and better regulations and legislation of state activities. The report further communicates that improved law design is key in meeting compliance. Giotopoulos etal, (2015), concluded that there is great indication that the state purchasing reforms in Greece indeed brought about great cost savings through efficiency. The summary thus explains that legislation and regulatory can lead to positive results.

According to CPAR, (2014), Brazil was named as a good case study and model of a country which instigated distinctive initial steps of upgrading and restructuring initiatives which are; regulation, administration and capacity expansion leading to mature systems with improved performance, proficiency, openness and the accomplishment of value for money.

Mauritius went through state purchasing reforms from its UK inspired procurement systems and evolved overtime till to the adaption of the modern UNCITRAL based legislation today, World Bank CPAR (2014). It is stated that the new measures have seen improved transparency in the country’s state purchasing system through a broad legal framework to permit a well operating state purchasing structure.

Rwanda in 2007 initiated an internal self-assessment making use of OECD/DAC MAPS tool after the results of the training which was done by the Joint Venture on Procurement. This saw the beginning of the promulgation of the new procurement law. The World Bank CPAR (2015) has noted great strides and achievements of quality laws, regulations and other supporting documentations that have seen great results in Rwanda’s state purchasing system as recognised by the World Bank.

In 1995, Albania implemented state purchasing law based on UNCITRAL Model law with the assistance from (WTO), which gave a legal framework. The World Bank CPAR conducted in 2001 exposed a lot of procurement malpractices including lack of transparency. World Bank, (2015).

Given all the discussions above on how identified countries have employed respective legal systems to manage state purchasing with the aim of eradicating corruption, there is some positive indication that these countries have received positive results in curbing corruption.
2.11 Conclusion

The PPDPA Chapter 22:23 clearly provides guidelines on how government officials and senior procuring entity officials should be dealt with if they are found to be interfering with a procuring process. This approach is trying to address an observation by the World Bank, (2004) when it said, “Political interference with the procurement process poses a challenge to the implementation process and state purchasing reforms.

A good number of politicians think that they have the right to intervene in the procurement procedures thereby leading to capricious procurement decisions, World Bank, (2004) as quoted in Ameyaw etal, (2015). There is now a legal provision in the Act which focuses on handling interference which is mostly associated with corrupt tendencies. Article 9(1) of UNCAC requires State parties “establish systems of procurement based on transparency, competition and objective criteria in decision-making, and which are also effective in preventing corruption.

www.unodc.org/documents/treaties/UNCAC/Publications/LegislativeGuide2019/04/14-1543

A sound legal system is the basis for a state purchasing system that works with integrity. Ideally, a legal framework is constructed in a way that corruption and wrongdoing are hindered; processes are conducted in a fair manner, and regulations include specific provisions addressing misconduct. In addition, a competitive, market based system discourages corruption, OECD (2015). Sahr, (1998) as quoted in Ameyaw etal, (2015) stated that globally, there is evidence that the success of reforms which brings key accomplishments are born out of strong political will exhibited through commitment from all echelons of the government. The regulating of corruption apprehends opinions up to the degree where community power is utilised for secluded advancement accompanying both small and huge types of corruption including state apprehension by the wealthy and secretive interests, World Bank, (2017). The quality of the regulatory provides a snap shot of the ability of the government to articulate and put in place all-encompassing policies and regulation that allows and encourages development from both the private and public sectors.

Despite the fact the legal reforms are seen as an easy and a quick fix to procurement corruption, the legal framework alone is not a panacea for corruption. According to William-Elegbe, (2012) as quoted in William, (2018), the procurement regulatory frame work in Nigeria has failed to reign in and purge corruption, fraud and unethical practices.
Research Project

in public procurement. According to Gutierrez (2011), notwithstanding augmented principles, rules and regulations, it has been still discovered that they are still pertinacious enticements to engage in corrupt, immoral activities and shenanigans. This has then discovered to be dominant encounter for all players who are fighting to reduce corruption and all unethical undertakings.

The above findings give a hint that despite having the legal instruments being in place, state purchasing will still be susceptible to corruption.
CHAPTER 3
RESEARCH METHODOLOGY

3.0 Introduction
The chapter demonstrates the technique used in gathering data, the used research design, target population and sample sizes utilised in this work. The data collection instruments, sampling procedures, data collection methods, data analysis the presentation of the collected data presented in this chapter. A case study methodology was utilised in this research work. Yin (2008) explained that the major influences that regulate on the research design to be followed are the research question, control and admittance to events and the ease of utilising a variety of sources. Yin (2008) described a case study as, “an empirical inquiry that investigates a contemporary phenomenon in-depth and within its real life context, especially when the boundaries between the phenomena and context are not clearly evident and in which multiple sources of evidence are used”.

3.1 Research Paradigm
A paradigm is a shared world view that represents the beliefs and values in a discipline and that guides how problems are solved Schwandt (2001) as quoted in Chilisa and Kawulich (2012). Patton (2002), in Chilisa and Kawulich (2012) explained that a paradigm is a way of describing a world view that is informed by philosophical assumptions about the nature of social reality, means of knowing, how we came to know, and morals and value systems which refers to what we believe. It is a set of common beliefs and agreements shared between scientists about how problems should be understood and addressed, Kuhn, (1962).

The researcher employed the post-positivism paradigm which is objective, anchored on detailed reflection and measurement that can be demonstrated and supported. The researcher is mainly focussed on analysing the provided and collected data and the research’s personnel values is not associated with the works. This is reflected through the utilisation of questionnaires to solicit data and prepare the outcomes.

3.2 Sampling Technique
The researcher used the non-probability technique of purposive sampling which is termed judgemental, selective / subjective sampling approach. This helps to focus on the participants who hold the characteristics that of particular interest to the researcher in relation to the investigation under review. This will assist in getting responses which are strongly linked to issue under study.
3.3 Research Philosophy
It is assumed and perceived that state purchasing is infested with all sorts of corruption from grand to low level corruption. The world view today is that corruption in state purchasing is directly linked to poor service delivery and sole cause poverty especially in the developing nations. In order to fight this scourge, the use of legal instruments like the PPDPA Act is perceived and believed to be the final panacea to win this war. However, the success of the Act in curbing corruption is anchored on the adequacy of the elements in the Act which are real corruption fighting instruments. The researcher believes that the Act is not enough if it is not fully equipped hence the assessment of its fitness and completeness to render the expected results. The following illustration depicts the fundamental features of this study:

Source: own

3.4 Study design
The data collecting and analysing ways and procedures are explained at this stage. The data was collected from two sources which are primary and secondary data. Questionnaires were utilised to solicit primary data while documentary research through reference to other publications was implored as source of secondary data. Both types of data can qualify on whichever side as quantitative or qualitative nature and form. A descriptive approach was used and the design enabled researcher to assemble the data associated with the phenomenon under review. The descriptive survey looks and source
information concerning the nature and status of a particular phenomenon. Structured questions were exploited to solicit evidence from respondents. This approach was used because the research wanted to gather understandings of respondents in relation to the adequacy of the Act to address and fulfil one of its key intended purposes. A review of public documents centring of state purchasing and the application of statutory instruments like Acts were exploited to infer on what others have done towards the same goal.

Interviews were contacted as follow-up and support of the self-administered questionnaires. However due to resources constraints, these were done with managers and Head of Departments only.

3.5 Study Area
The Energy Sector under public entities in Zimbabwe is represented by a few players with the biggest player being the Zimbabwe Electricity Supply Authority, the holding company for Zimbabwe Power Company (ZPC), Zimbabwe Electricity Transmission and Distribution Company (ZETDC), ZESA Enterprises (ZENT) and Powertel. The other notable players are NOIC and Petrotrade, the regulatory board is ZERA and the parent ministry, Ministry of Energy and Power Development. The research was limited to the electricity sector due to their procurement volumes and their capital intensiveness.

3.6 Study Population
The target population for the purpose of this study is 320 participants drawn from the five companies under ZESA Holdings and participants from the suppliers. According Krejcie and Morgan, a population size of 320 will need a sample size of 175 participants.

<table>
<thead>
<tr>
<th>No.</th>
<th>Department</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Procurement</td>
<td>143</td>
<td>44.69%</td>
</tr>
<tr>
<td>2</td>
<td>Accounting</td>
<td>71</td>
<td>22.19%</td>
</tr>
<tr>
<td>3</td>
<td>Audit</td>
<td>9</td>
<td>2.81%</td>
</tr>
<tr>
<td>4</td>
<td>Loss Control</td>
<td>31</td>
<td>9.68%</td>
</tr>
<tr>
<td>5</td>
<td>Suppliers</td>
<td>66</td>
<td>20.63%</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>320</td>
<td>100%</td>
</tr>
</tbody>
</table>

Source: own data
The sample size figure was arrived using the Krejcie and Morgen formula as depicted below:

\[ S = X^2 \frac{N(1-P)}{d^2(N-1)} + X^2 \frac{P(1-9)}{1} \]

Where

- \( S \) = required sample size
- \( X \) = chi-square value table for desired confidence level at 1-degree freedom (0.05=3.841)
- \( N \) = population size (320)
- \( P \) = the population proportion assumed to be 0.50 at maximum sample size
- \( D \) = the degree of accuracy as a proportion (0.05)

### 3.7 Sampling procedure and sample size

A sample size is a subdivision of the population under study and it is dictated while the population is comparatively large, Kothari, (2004) as quoted in Ogwang, (2017). Field, (2005) explains a sample is a reduced but expectantly illustrative pool of population components exploited to define facts about that population. The reasons for sampling are resource management, (time, money and workload). Sample representativeness is influenced by sample size, sampling procedure and expected responses (participation). The researcher utilised the purposive sampling technique. This is a strategy in which particular individuals/ subjects or objects are intentionally picked with the aim to provide key information that cannot be secured from other options, Maxwell, (1996) as quoted in Taherdoost, (2016). The research sampled staff from the following departments: procurement, loss control, accounting, audit. External stakeholders namely suppliers were considered for as research participants. These were targeted because the researcher believed that these will warrant participation since their daily activities revolve around the PPDPA and are always in the limelight in relation to state purchasing corruption allegations. This group was engaged because of their hands on the subject matter and thus are the most appropriate candidates to submit the right answers. This method allows only suitable who are perceived to be able to bring the correct picture are included. The approach saves time since only suitable participants are involved and costs are minimised. Since participants are targeted due to their perceived first-hand knowledge of the subject matter, the outcomes more highly presumed to be accurate.
3.8 Data collection Instruments

Questionnaires were used to solicit relevant information from respondents who have the capacity to provide the right information for this research. Open ended and closed questions were prepared which are self-administered allowing respondents to respond at their convenient time and places. The questionnaire had the first part identifying the demographic data of the respondent. This is followed by the open-ended question section where respondents are given the leeway to explain whatever is deemed necessary as they respond to each provided question. The last part of questions is where respondents are expected to provide their views on a scale in relation to each question. A combination of the two types of questions allows respondents to provide as much information as possible while the closed questions try to focus and direct the research towards the real study objective. This approach is highly likely to produce a balanced view of things. The overall aim of the questionnaire is to get information on the differences between the new and old Acts, the adequacy of the new act, the general understanding of its elements, purposes and finally its expected ability in dealing with the corruption scourge. The closed ended questions are structured in the scale of 1 to 5 where Strongly Agree (SA) =5, Agree (A)=4, Neutral (N)=3, Disagree (D)=2 and Strongly Disagree (SD)=1

3.9 Validity and reliability

The questionnaire was used to solicit data and this instrument as it is widely believed and it is used with the aim of enjoying reliability as well as validity of the data. The dependability and accuracy of the survey questionnaire becomes a critical characteristic of the research methodology and reliability. Taherdoost (2016) describes validity as how the collected data covers the actual area of investigation, as quoted from Ghauri and Gronhaug (2005).

Reliability refers to the degree to which a measurement of a phenomenon to provide stable and consistent results, Carmines and Zellar (1979) as quoted in Taherdoost (2016). It is anxious and critical repeatability. A scale is said to be reliable if a repeat measurement made by it under constant conditions giving the same result, Moser and Kalton (1989) in Taherdoost (2016). Testing for reliability is important as it refers to the consistency across the parts of a measuring instrument Huck (2007). Valid and reliability increase transparency, and decrease opportunities to insert researcher bias in qualitative research, Singh (2014).
3.10 **Ethical considerations**

The researcher requested permission from the respective heads of the target organisations, Heads of Department and introduced the task to all the participants. The topic under review is a bit sensitive as it may seem to be investing participants hence the effort to clarify and assure them on the main purpose of the research. Respondents were assured that the questionnaire was a college requirement and that their responses were only used for nothing else other than for academic purposes and their views were used for this study without reference to individual participant identity.

3.11 **Data Analysis**

Quantitative and qualitative data was utilised to verify and make interpretations. Tabulations and figures were presented in quantitative while the descriptive was explain in qualitative. In order to sort, arrange, clean, edit and code the data, the SPSS was used for this purpose.
CHAPTER 4
DISCUSSION OF RESULTS

4.0 Introduction
The views and responses from the exercise done in Chapter 3 and using the outcomes from the questionnaires are evaluated, assessed and interpreted in this chapter. The responses are trying to answer the main research questions which are:

v. Does the PPDPA Act Chapter 22:23 and its PPDPA (General) Regulations have enough tools to address state purchasing corruption.

vi. Can the Act and all its provisions be able to effectively and efficiently help to curtail state purchasing corruption and how?

vii. Is there evidence or examples of success stories to support that the legislation is key in fighting corruption within organisations?

viii. What else if any, can the statutes do to achieve best procurement practices

Response rate
The response from the participants is depicted on the table below:

<table>
<thead>
<tr>
<th>Response Rate</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responses</td>
<td>132</td>
<td>75</td>
</tr>
<tr>
<td>Non Response</td>
<td>43</td>
<td>25</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>175</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

Research questionnaires totalling 175 were distributed and received 132 responses from purposively selected respondents who were targeted because of their day to day procurement skills, experience and knowledge. The illustration of frequencies and percentages was employed while the Statistical Package for Social Sciences tools was used for data analysis and interpretation purposes.

4.1 Demographic data results
The outcomes are displayed in the table below:
The bigger number of responses was from male participants. The revelation is likely to be associated with the ration of the female to male across the industry which is usually skewed towards a bigger number for male workers.

From the distributed 175 questionnaires, 132 where completed and returned representing a 75% success response rate. Among the responses, ladies were 30% and the remainder being the percentage for male respondents.
The total number of degreed and those with masters and upper is fairly low and the majority hold Diplomas and Higher Diplomas. This summary reflects that very few people are highly qualified despite the crucial role and difficulties faced within the state purchasing sector.
Slightly over half of the respondents have been working for a period over five years. This reflects that they are experienced members of staff in their respective work stations. This concludes that responses were provided by equally qualified individuals.

**Section B Responses- Summary**

The participants completed the questionnaire and the outcomes on the Section B, Open Ended questions are as per the explanations below. In the first question, a greater number of respondents indicated that they have experience in working for public organisation only while a small number do have experience from both the public and private sectors.

On the view regarding the awareness efforts by PRAZ, those who agreed constitute a big number while those who are indifferent and not agreeing are very few. With relation to question 3, on the challenges of public procurement, the issue of corruption got 67% while bureaucracy, rigidity and cost ineffectiveness occupied the last 33%.
Question 4 inquired on the differences between public and private procurement and respondents demonstrated that private procurement is more agile, responsiveness, time cautious while public is more controlled, and has a lot of stakeholders and with little focus on profit maximisation. In responding to question 5, only 52% are confirming that the Act has adequate tools to fight corruption while 36% are not sure whether the Act will achieve the target results. The remain 12% have confidence in that the Act is fully equipped to fight corruption. The issue of state purchasing fuelling corruption is rated as very high with 73% agreeing while the remaining 27% shares the view that it does not with a rate of only 7% showing indecisiveness.

SECTION C OF QUESTIONNAIRE

Question 1

The old Act (PA) had shortfalls

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Strongly disagree</td>
<td>11</td>
<td>8.3</td>
<td>8.3</td>
<td>8.3</td>
</tr>
<tr>
<td>Disagree</td>
<td>10</td>
<td>7.6</td>
<td>7.6</td>
<td>15.9</td>
</tr>
<tr>
<td>Neutral</td>
<td>5</td>
<td>3.8</td>
<td>3.8</td>
<td>19.7</td>
</tr>
<tr>
<td>Agree</td>
<td>26</td>
<td>19.7</td>
<td>19.7</td>
<td>39.4</td>
</tr>
<tr>
<td>Strongly Agree</td>
<td>80</td>
<td>60.6</td>
<td>60.6</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>132</td>
<td>100.0</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>

The summary shows that the majority of respondents are alluding to the fact that the previous State purchasing Act had a significant percentage of deficits and as such these are linked greatly to below standard outcomes from such faulty piece of governing
document. The picture reflects a general acceptance that the previous law was below standards.

<table>
<thead>
<tr>
<th>The new Act is comprehensive</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid Strongly disagree</td>
<td>7</td>
<td>5.3</td>
<td>5.3</td>
<td>5.3</td>
</tr>
<tr>
<td>Disagree</td>
<td>9</td>
<td>6.8</td>
<td>6.8</td>
<td>12.1</td>
</tr>
<tr>
<td>Neutral</td>
<td>15</td>
<td>11.4</td>
<td>11.4</td>
<td>23.5</td>
</tr>
<tr>
<td>Agree</td>
<td>70</td>
<td>53.0</td>
<td>53.0</td>
<td>76.5</td>
</tr>
<tr>
<td>Strongly agree</td>
<td>31</td>
<td>23.5</td>
<td>23.5</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>132</td>
<td>100.0</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>
The question requires to measure how the PPDPA is viewed in terms of how difficulty is the act in terms of ease of use by stakeholders. The enquiry exhibited that the Act is viewed as something which is problematic in the execution of the procurement activities.

The summary of the investigation reveals that there is outright position as it is slightly above half of the population is in supportive with the notion that rules and regulations are critical in public procurement. The remainder is composed of those who are disapproving and the other group who are indifferent position.
The majority are going with the notion that the coming in of the new Act is worth the idea.

Over fifty percent of respondents are not in agreement with the assertion that state purchasing players are in a ready position to fight away corruption. It reflects that the fight against corruption is likely to face resistance from those involved state purchasing function.
The war on corruption is affected by the involvement of other external powers who are believed to stumbling blocks towards fighting corruption. A small number believes that there are other drivers that block the successful fighting of corruption.
A total of 39.4% respondents are not concurring with the expression that the PPDPA has a full package of instruments which are essential to bring about positive developments. The remaining percentage is giving the Act the confirmation that it is well armed to initiate and sustain progress of state purchasing administration. This summary gives a fair approval on the adequacy of the Act.

**Question 9**

PP is more corrupt than private sector.
A mere 7.6% is not agreeing with the above statement while 22% of participants are not sure whether it’s true or false on the assumption that private procurement is less corrupt than its opposite. The remaining percentile is saying its correct to say that private procurement is smarter than public procurement. This thus reflect the that state purchasing is viewed negatively as compared to its counterpart.

Question 10
PP is more cumbersome than private
The majority of participants represented by 84.1% are in agreement that state purchasing is more cumbersome and bureaucratic as compared to private practice. This shows the view of some inefficiencies as bureaucratic systems are strongly related to poor efficiencies.

**Question 11**
PPDPA elements are world standards

<table>
<thead>
<tr>
<th>PPDPA elements are world standards</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Strongly disagree</td>
<td>10</td>
<td>7.6</td>
<td>7.6</td>
<td>7.6</td>
</tr>
<tr>
<td>Disagree</td>
<td>15</td>
<td>11.4</td>
<td>11.4</td>
<td>18.9</td>
</tr>
<tr>
<td>Neutral</td>
<td>5</td>
<td>3.8</td>
<td>3.8</td>
<td>22.7</td>
</tr>
<tr>
<td>Agree</td>
<td>60</td>
<td>45.5</td>
<td>45.5</td>
<td>68.2</td>
</tr>
<tr>
<td>Strongly agree</td>
<td>42</td>
<td>31.8</td>
<td>31.8</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>132</td>
<td>100.0</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>
The view in this response is indicating that 82% of respondents are confirming that the areas covered by the Act are in tandem with the world acceptable standards. This points out that the Act can be utilised to achieve best practices.

**Question 12**  
The provisions in the Act address specific PPM challenges

<table>
<thead>
<tr>
<th>The provisions in the Act address specific PPM challenges</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strongly disagree</td>
<td>13</td>
<td>9.8</td>
<td>9.8</td>
<td>9.8</td>
</tr>
<tr>
<td>Disagree</td>
<td>10</td>
<td>7.6</td>
<td>7.6</td>
<td>17.4</td>
</tr>
<tr>
<td>Neutral</td>
<td>19</td>
<td>14.4</td>
<td>14.4</td>
<td>31.8</td>
</tr>
<tr>
<td>Agree</td>
<td>50</td>
<td>37.9</td>
<td>37.9</td>
<td>69.7</td>
</tr>
<tr>
<td>Strongly agree</td>
<td>40</td>
<td>30.3</td>
<td>30.3</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>132</td>
<td>100.0</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>

Respondents are accepting that the PPDPA is focusing on trying to address some of the problems delving the state purchasing function. This attests to the notion that the system is not perfect hence the need to perfect it through these elements of the Act.

**Question 13**  
PRAZ is fully equipped and resourced to deal with corruption
The illustration above is showing that a notable number of respondents are not clear on the fitness of the Authority to fight corruption. It can be generalised that fighting corruption goes beyond the actions and mandate of PRAZ alone.

**Question 14**
The Act alone is not adequate to kill PPM corruption

The percentage of people who are foreseeing the Act be able to curtail corruption is just 25% while the bigger figure of 84 respondents out of 132 is of the view that the Act alone is not passable in fighting corruption. This thus shows the need for more different methods to be argument the Act in the war on corruption.
Question 15
The number of corruption cases is likely to be reduced due new Act

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Strongly disagree</td>
<td>35</td>
<td>26.5</td>
<td>26.5</td>
<td>26.5</td>
</tr>
<tr>
<td>Disagree</td>
<td>23</td>
<td>17.4</td>
<td>17.4</td>
<td>43.9</td>
</tr>
<tr>
<td>Neutral</td>
<td>25</td>
<td>18.9</td>
<td>18.9</td>
<td>62.9</td>
</tr>
<tr>
<td>Agree</td>
<td>31</td>
<td>23.5</td>
<td>23.5</td>
<td>86.4</td>
</tr>
<tr>
<td>Strongly agree</td>
<td>18</td>
<td>13.6</td>
<td>13.6</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>132</td>
<td>100.0</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>
A cumulative percentage of is not buying the idea that the corruption will decrease, while 18.9% is undecided. Only 37.1% of the participants is concurring that the corruption cases will decline. This gives the view that respondents still feel that fighting corruption is just a mammoth task which cannot be won over a short space of time.

**Question 16**
The suppliers have clear knowledge of the Act and regulations

<table>
<thead>
<tr>
<th>The suppliers have clear knowledge of the Act and regulations</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid Strongly disagree</td>
<td>40</td>
<td>30.3</td>
<td>30.3</td>
<td>30.3</td>
</tr>
<tr>
<td>Disagree</td>
<td>30</td>
<td>22.7</td>
<td>22.7</td>
<td>53.0</td>
</tr>
<tr>
<td>Neutral</td>
<td>30</td>
<td>22.7</td>
<td>22.7</td>
<td>75.8</td>
</tr>
<tr>
<td>Agree</td>
<td>13</td>
<td>9.8</td>
<td>9.8</td>
<td>85.6</td>
</tr>
<tr>
<td>Strongly agree</td>
<td>19</td>
<td>14.4</td>
<td>14.4</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>132</td>
<td>100.0</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>

The results are showing an insignificant 24.2 agreeing that suppliers are well versed with the requirements of the Act while the remaining percentage is not buying the notion. This thus indicates that there is a crucial gap to be filled to take the suppliers aboard the operations of the Act.
Chapter 5  
Summary, Conclusions and Recommendations

5.0 Introduction

This is the last chapter which summarises the findings, proffer conclusions and then followed by recommendations. The recommendations are the basis of taking aboard the suggested course of action while also laying the foundation for further investigation in public procurement corruption primarily trying to exclusively focusing on corruption. These recommendations are anchored by the research objectives Objective number is seeking to get their views of stakeholders over their overall assessment and rating of the Act as tool to be exploited to eradicate corruption. The researcher predominantly used questionnaire as a tool to gather views from people concerning the Act.

5.1 Summary

Assessment of the public procurement practices across the globe has witnessed serious weakness particularly among the developing nations. This is reflected in rate of corruption which has reached alarming levels causing a lot suffering to the ordinary citizens who are already poor. Public procurement is noted as one key element of the UN sustainable goals. The assessment of the Act reveals that they are elements and provisions in the Act that have the potential to greatly supress or overcome corruption. The outcomes augur well with other researches and positions put in place by organisation such as World Bank, UN, OECD, AU, EU and many others towards corruption eradication. The respondents explained that only worrying thing is that more extra effort is required so that the Act will be engraved in each member’s realm to comprehend the expectations of the society.
5.1.1 **Reforming the public procurement landscape**

The Zimbabwe government in its effort to spruce up its shattered public procurement image and to realise economic growth supported by public procurement, then made a bold decision to reform in tandem with worldwide best practices.

The public procurement reforms around the world are being done through putting in place appropriate legal rules and regulations to guide, lead and govern the public procurement system. This research has seen that they are quite a number of nations who have greatly improved their public procurement systems by adopting reforms. The guiding principle is the UNICTRAL Model Law and these reforms are competently supported by international institution namely World Bank, ADB, UN and many other technical supporters. The preparation of these legal instruments as guided by the UNICTRAL Model provides a standardised peace of regulations across nations thereby level the playing ground to facilitate global trade.

5.1.2 **The PPDPA**

The Act has been viewed as an improvement from its predecessor, the Procurement Act which was concluded to be not adequate to offer best public procurement practice. The drafting of the new Act which is in compliance with the UNCITRAL model law gives the Act a world class image thus being universally an acceptable thing. It has been noted that stakeholders are concurring that the Act is indeed all-encompassing i.e. its covering all key aspects of the public procurement function.

5.1.3 **Public and private procurement compared**

It has been indicated that they are great differences between the two and public procurement has been discussed as an activity which is cumbersome and involves consumption of large sums of fiscal budget. The rate of corruption has been noted as higher in public procurement against private purchasing.

5.1.4 **Fighting corruption**

This report has noted that corruption has been noticed as the biggest worrisome element in the public procurement system. Besides promoting even global trade platform as one of the tenet of the reforms, curbing corruption has been identified as the monster of public procurement. The application of the Act as a corruption fighting tool is viewed as a positive move but it is not the final weapon to destroy corruption. It is noted even
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in the developed nations were great strides have been made, total eradication of corruption is still a pipedream. Corruption is said to be everywhere but the demarcating line is the prevalent rate, degree/magnitude and level as measured by Transparency International whose measure, results and publications are universally regarded as a true reflection of corruption levels by each country or region including specific sectors as well. It has been discovered that despite the Authority being confirmed as being equipped to tackle corruption, the success however is likely to be blocked by other external hidden hands. According to William-Elegbe, (2012) as quoted in William. (2018), the procurement regulatory frame work in Nigeria has failed to reign in and purge corruption, fraud and unethical practices in public procurement. According to Gutierrez (2011), notwithstanding augmented principles, rules and regulations, it has been still discovered that they are still pertinacious enticements to engage in corrupt, immoral activities and shenanigans.

5.2 Conclusions

Public procurement is fundamentally critical in an economy and the purchasing of works, goods and services constitute a very big chunk of government expenditure. This is enough evidence that this area requires management and control to safeguard public resources and ensure social and economic wellbeing and welfare of the citizens are not put at risk. Public procurement has been identified by the UN as key player in the work and ultimate achievement of Millenium Development Goals. Public procurement is very much associated with bureaucracy and is leading in the area of corruption. This therefore shows the high demand to fight corruption to safeguard and secure all public resources with the aim of preserving them for future use. Corruption has manifested itself in poor health, safety, low or negative development, wars, increased costs, and has chased away investment and potential investment as well. A lot has and is being done in terms of restructuring the function towards building public procurement systems and operations which meet the values as expected by UNCITRAL Model Law. The best way to be used which has received global acceptance is the use law. Law has been accepted and is increasingly proving to be a solution with notable success. The results from other sectors still show high levels of corruption and this means that there is need to keep putting more resources and dynamic solutions as new corrupt methods are coming in to circumvent systems in place.
5.3 Recommendations

The results from this survey led the researcher to come up with some recommendations to help the war on corruption.

5.3.1 The first recommendation is to intensify and make the people aware of the ills and dangers of corruption. Besides the efforts and aims of the Act, more has to be done by emphasising the populace to actively participate in fighting public procurement. It is high time to move away from surrendering the war on public procurement to law enforcement and other government structures but to encompass everyone against this scourge.

5.3.2 The idea to take disciplinary action which is punitive and consummate with the level of misendeavour will work as a deterring factor. This thus requires the legal system must take deterring decisions against wrong doers in support of the spirit of the Act.

5.3.3 Leaving the Act alone to fight corruption is not enough but to bring in other innovative ways like culture and ethical changes among the players. The thinking and beliefs of people in relation to fighting corruption has to be moulded towards fighting corruption.

5.4 Limitations of the Study

This study is confronted with restrictions which may make the implementation of the findings a bit difficult. The study was done during the infant stages of the reforms hence the understanding of the Act is limited to some extent. The study focussed on the ZESA Holdings only thus not covering the whole public procurement spectrum meaning the views are likely to be skewed towards the energy sector’s view point.

5.5 Areas for future research

The findings of this report gave a platform to investigate the new Act and how it is likely to be useful in fighting corruption. The study has set a platform for further research particularly on other instruments or methods that are helpful in fighting corruption. The question that the legal system can fight corruption reveals that law alone is not just adequate hence the groundwork for further enquiry in this area of public procurement and corruption.
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