Public Procurement Law and Regulations Effectiveness in enhancing ethical procurement practices in Zimbabwe’s State Universities

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SUBMITTED IN PARTIAL FULFILMENT OF THE REQUIREMENT FOR A MASTER OF SCIENCE DEGREE IN PURCHASING AND SUPPLY CHAIN MANAGEMENT
Certification of Dissertation

I Agnes Maradze, declare that, this project is my original work and confirm that the ideas, results, analysis and conclusions in this dissertation are entirely my own effort.

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Abstract

Effective procurement reforms play a strategic role in government for prevention of mismanagement of public resources. Public procurement is a crucial pillar of strategic governance and services delivery for governments. A well governed public procurement system can and must play a major role in fostering public sector efficiency and establishing citizens’ trust. Many governments have reformed their public procurement laws particularly to deal with mismanagement, fraud and corruption due to the sheer volume of spending it represents. Therefore, this study assessed the effectiveness of public procurement law and policy in promoting ethical practices in Zimbabwe’s State Universities’ procurement function. This study was guided by a pragmatic research paradigm which underpins a mixed method approach. A cross sectional survey approach was adopted and a mixed method of data collection was employed to collect data from 76 respondents. IBM’s Statistical Package for Social Sciences software version 22 was used to analyze data which was later presented in tables, pie charts and bar graphs. The results revealed that the level of compliance by State Universities has a significant bearing on the effectiveness of the public procurement law. Findings from this study also revealed that compliance to the laws positively increases transparency, honesty, competition and efficiency thereby promoting the effectiveness of the public procurement law. The study concluded that lack of trained and qualified personnel together with lack of stakeholder awareness were some of the factors influencing the effectiveness of public procurement law and policy in enhancing ethical practices. The study recommended that stakeholders such as supplier and contractors should be trained or sensitized of the new procurement law and regulation since they too influence the effectiveness of the Act. The researcher recommended further research to be carried out on the effectiveness of procurement law in other public procuring entities other than State Universities.
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LIST OF ACRONYMS

PPDPA Act : Public Procurement and Disposal of Public Assets Act
PRAZ : Procurement Regulatory Authority of Zimbabwe
OECD : Organisation of Economic and Corporation Development
PMU : Procurement Management Unit
Chapter 1

Introduction

1.1 Introduction
The main aim of this study was to assess the effectiveness of public procurement law and policy in promoting ethical practices at State Universities’ procurement function. This chapter encompasses background, objectives together with research questions of the study. Limitations, Delimitation, and justification of the study were addressed under this chapter.

1.2 Background of Study

Citizens anticipate public officers to serve the public interest with justice, fairness and to manage public resources properly on a day to day basis. Reliable, fair and dependable public services inspire public trust and create a constructive atmosphere for businesses, thus contributing to well-functioning markets and economic growth (Organisation for Economic Cooperation Development, 2015). Governments and state-owned enterprises procure extensive variety of goods, services and public works from the private sector, from basic stationery to construction of universities. Effective and efficient procurement reforms play a tactical role in government for prevention of mismanagement of public resources. The OECD (2015), notes that “an efficient and transparent public procurement system determines the quality of infrastructure and play a great role in generating savings in the public sector which can be used for economic development”. Kenneth Lysons and Brian Farrington, (2016) posits that public ethics are a prerequisite and a keystone of good governance (Lysons & Farrington, 2016).

Public procurement is a central pillar of strategic governance and services delivery for governments (OECD, 2015). The Recommendation of the Council on Public Procurement recognises that the efficient and effective public procurement of goods, services and works is important to the core purposes of government, including infrastructure investment and the delivery of crucial services to citizens. Public procurement is a key economic activity of governments that is predominantly exposed to abuse, mismanagement, fraud and corruption due to the high volume of spending it represents. A well administered and governed public procurement system can and must play a lead role in promotion public sector efficiency and instituting citizens’ trust. The OCED states “that well designed public procurement systems
contribute in achieving pressing policy goals such as environmental protection, innovation, job creation and the development of small and medium enterprises” (OECD, 2015)

Ethical standards promote fairness, transparency and honesty, something which has been noted by many researchers as lacking in public procurement despite governments’ efforts to put measures in place. Public procurement in developing countries including Zimbabwe has been hampered with unethical procurement practices with corrupt practices taking a lead in management of public funds. There is a great need for ethical and professional conduct in public procurement as breach of ethics in the public procurement systems has been alarming. Principles of ethics such as integrity and honesty have been replaced with corrupt practices and favouritism. In Zimbabwe, the breach of ethics in the public procurement system during the State Procurement Board had reached alarming levels and this was also confirmed by a study conducted by Magaya K and Chidhawu T (2016). The two researchers noted that issues of integrity and ethics in public procurement had become frequent articles in the local newspapers to the extent that hardly a day would pass without a negative or positive report on the matter. Magaya & Chidhawu, (2016)

Governments in developed and developing countries have instituted procurement reforms to govern and regulate public procurement. However, as noted by various researchers (Mupanduki, 2012: Mwenda, 2013: Tsambora, 2014: Chimwani, et al., 2014: Ageman, 2014: Dzuke & Naude, 2015: Magaya & Chidhawu, 2016: Seung, 2017:) the major obstacle has been unethical practices which hinder these procurement reforms from attaining their objectives. De Boer and Telgen (2008) cited in Panya & Were,(2018) confirms that the problem of unethical practices in public procurement are not only a problem to the third world countries alone, countries in the European Union have the same predicament when it comes to ethical issues in state procurements. Hui et al (2011) analysed procurement issues in Malaysia and established that procurement officers were blamed for non-compliance with set procedures and unethical procurement practices. Mwenda, (2013) noted the same sentiments on their study in the Kenyan context. In a quest to regain public trust, the government of Zimbabwe abolished the state procurement board in 2017 as a measure of promoting ethical practices and adopted a new procurement act, the Public Procurement and Disposal of Public Asset Act Chapter 22:23 which came into effect in January 2018. This has prompted the researcher to undertake this study to investigate on the effectiveness of the
Public Procurement and Disposal of Public Asset Act Chapter 22:23 of Zimbabwe in enhancing ethical procurement practices in the public sector.

1.3 Statement of the Problem

There has been a noteworthy global focus on corruption and unethical conduct in public procurement as a threat to economic and human development in developing countries in Africa. International organisations such as the Organisation of Economic Cooperation and Development, United Nations, World Trade Organisation and the World Bank have drafted reforms and recommendations on how governments can reduce corruption and promote ethical practices in public sector procurement. Strategies to transform the alleged practices of a state administration from unethical and corrupt to honest and transparent have been crafted and different countries have adopted such strategies.

The Zimbabwe government, in a bid to reform its public procurement adopted a new Procurement Law and Regulations, PPDPA Act 5, 2017(Chapter 22:23) in January 2018. This has been adopted with high hopes of curbing unethical practices within public procurement. The mandate of the act is to “provide for the control and regulation of public procurement and the disposal of public assets so as to ensure that such procurement and disposal is effected in a manner that is transparent, fair, honest, cost effective and competitive” (Parliament, 2017). This study investigates the effectiveness of the PPDPA Act (Chapter 22:23) of Zimbabwe in promoting ethical procurement practices.

1.4 Research Objectives

The main objective of this study was to analyze the effectiveness of the PPDPA Act Chapter 22:23 of Zimbabwe in promoting ethical procurement practices in Zimbabwe’s public sector. Specific objectives are as follows:

- To assess the level of compliance with PPDPA regulations by State Universities in Zimbabwe
- To evaluate the effect of compliance in the effectiveness of the PPDPA Act in enhancing ethical practices at State Universities in Zimbabwe.
- To assess the factors influencing the effectiveness of the Act in promoting ethical practices
1.5 Research Questions
This study aims to answer the following research questions:

- What is the level of compliance with PPDPA Act by State Universities in Zimbabwe?
- What is the effect of compliance on the effectiveness of the PPDPA Act in enhancing ethical practices?
- What are the factors influencing the effectiveness of the Act in achieving ethical practices in public procurement at State Universities?

1.6 Significance of the Study
The findings of the study will add to the existing body of knowledge on ethical conduct in public institutions. The results of this study will highlight if the PPDPA Act can be relied on as an instrument for enhancing ethical practices in public procurement. The findings of the study will aid procurement professionals in the public sector in adhering to the PPDPA Act and regulations with regards to ethical conduct and practice.

1.7 Delimitation of the Study
The scope of this study covers 11 State Universities in Zimbabwe. The study was conducted on Effectiveness of the Act in promoting ethical procurement practices in State Universities only and the study population was limited to procurement officials from the Procurement Management Units and some members of the Bursar’s Department who were directly involved in procurement matters. The study was based on the PPDPA Act 5 (Cap 22:23) of Zimbabwe which was effected in January 2018.

1.8 Limitation of the Study
A highly expected limitation of this study was that some respondents might consider that some information might expose the institutions especially if it is the case of non-compliance therefore their views or answers might be clouded. To overcome this limitation, the researcher assured the respondents that the research would be carried out in an ethical and professional manner and no names of institutions would be publicized or included in the research. Another limitation was a possibility of failure to get all the questionnaires back as the researcher relied solemnly on the use of internet as mode of delivery and receipt for the questionnaire due to different geographical locations of the
State Universities. However, procurement undertaking at State Universities are more or less the same, therefore the responses received were good enough to make generalization.

1.9 Definition of key Terms

_**Procurement:**_ According to the PPDA 2017 Act (Chapter 22:19) “procurement means “the acquisition by any means of goods, construction works or services”.

_**Procurement Law:**_ In this research procurement law refers to the Public Procurement and disposal of Public Assets Act of Zimbabwe

_**Public Procurement:**_ Arrowsmith, (2010), defines public procurement as “the government’s activity of purchasing goods and services needed to perform its functions. It refers to procurement planning, contract placement and contract administration”. EPA (2015) further defines public procurement as “the acquisition of works, supplies and services by public bodies or entities”.

_**Act**_ is “a bill which has passed through the various legislative steps required for it and which has become law” (Legal.Dictionary, 1931).

_**Ethics:**_ The Organisation for Economic Cooperation Development defines ethics as “the rules that translate characteristics or ethos into everyday practice” Amundsen & Andrade, (2009) define ethics as “well based standards of right and wrong, and prescribe what humans ought to do”.

_**Compliance means**_ “the process of abiding by various laws, regulations, standards or any other rule. It ensures that an organization has the processes and internal controls to meet the requirements imposed by governmental bodies, regulators, industry mandates or internal policies” (Lamba, 2017)

1.10 Chapter Summary

This report was categorized into 5 chapters. Chapter one mainly looked at the introductions to the study by stating the statement of the problem and outlining the
research objectives, questions, justification and limitations. The main focus of Chapter two was the theoretical, conceptual and empirical literature review. Research methodology together with research design, target population, sample size, composition and sampling procedures were addressed under Chapter 3. Data collections procedures were also looked at in Chapter three. Presentation, analysis and discussion of findings were the main highlights of Chapter four and finally the last Chapter, conclusions and recommendations were addressed.
Chapter 2

Literature Review

2.1 Introduction

To understand and assess the Public procurement Law and Regulations effectiveness in promoting ethical practices in the public entities, the researcher reviewed previous studies and books by various authors and researchers on Public Procurement law and ethical procurement practices and the findings thereafter in pursuit to answer the research questions of this study. The chapter reviewed relevant literature on contemporary issues and dynamics supporting effectiveness of public procurement laws and regulations and probed relevant theories influencing public procurement law and ethics in public procurement. The chapter discussed the conceptual framework which has been developed for this study.

2.2 Theoretical Literature Review

Two theories were reviewed for this study, the Agency and Legitimacy theories.

2.2.1 Principal –Agent Theory

Yukins,(2010), asserts that the Agency theory gives a theoretic model or prism which we can review the public procurement system or its reforms. He further notes that the Agency theory (principal-agent model) is useful in understanding the procurement system and its rules (Yukins, 2010). The Agency Theory, which constructs upon the classical principal agent model, is a management and economic theory that efforts to clarify relationships, self-interest and delegation of control between agents and principals in the business setup (Yukins, 2010). Jensen & Meckling, (1976), state that “the theory explains how best to organise relationships in which one party (principal) regulates the duties for the other party (agent) to undertake or makes decisions on behalf of the principal” (Jensen & Meckling, 1976). The agency theory is suitable in explaining the correlation between the government (principal) and the state corporation (agent) in complying with procurement legal framework (Fayezi, et al., 2012). In public procurement, the government in considered as the principal and the state institutions procurement officials as the agents. In this case the principal lays rules and guidelines in the form of the PPDPA Act and Regulations, which the agent has to comply with when carrying out procurement activities to serve the nation. As is with the Agency theory, the
principal and the agent have conflicting interest. The Agency theory predicts procurement regulations as an interventions whose prime objective is to enforce ethical practices through compliance and bring to justice defiant procurement officials who perpetuate the system and use it to serve their own interest (Yukins, 2010). Yukins, (2012) further states that “the Agency theory is a useful framework for designing governance and controls in public procurement and the theory works well if the agent complies with set laws and is an expert in decision making”.

### 2.2.2 Legitimacy Theory

Legitimacy theory is defined by Suchman, (1995) as “a condition or status which exists when an entity’s value system is consistent with the value system of the larger social system of which the entity is a part”. Suchman, (1995) posits that a threat to the entity’s legitimacy is presented when there is a contradiction between the two value systems. Legitimacy theory posits that “public entities continually seek to ensure that they operate within the boundaries and norms of their respective ministries to better serve the public interest” (Suchman, 1995). Tilling & Tilt, (2010) states that in opting for a legitimacy theory perspective, firms willingly report on activities that are perceived as “activities were anticipated” by the societies in which it operates. Suchman, 1995 further explains that legitimacy is a “perception that the organization are acceptable in the constructed system of behaviour in the society that it exists in” (Suchman, 1995).

The theory makes it easier to understand the government procurement systems as the concept of legitimacy strongly suggests that “the social contract which is between the government and the public can be eradicated” (Suchman, 1995). In government procurement context, there are issues (such as unethical practices and non-compliance to the procurement laws and regulations laws) that could endanger the legitimacy practice. A study by Makabira & Waiganjo, (2014) cited Magness, 2006 who posits that “legitimacy theory argues that public procurement officers must embraces the disclosure practice as a way of upholding transparency and building a good impression among the stakeholders and the community it serves (Makabira & Waiganjo, 2014).
2.3 **Public Procurement and Disposal of Public Assets Act 5 of 2017 (Cap 22:24)**

The OECD, 2015 posits that sound public procurement structures and system contribute to attaining urgent goals such as “environmental protection, innovation, job creation and the development of small and medium enterprises” (OECD, 2015). Government procurement law and regulations regulates the principles for government’s acquisition of properties, goods and services. A competent and vibrant public procurement system enriches a government’s public welfare role, especially in African states where governments are crucial drivers for economic development. Zimbabwe’s public procurement system has undergone a wave of procurement reforms culminating into the enactment of the Public Procurement and Disposal of Public Assets (PPDPA) Act 2017, which came into effect on 1 January 2018. The new law repealed the Procurement Act 2/1999 {Chapter 22:14} which regulated the State Procurement Board to carry out procurement processes on behalf any government entity. The currently enacted Act governs the procurement function from, “procurement planning, approaches to the market, evaluation and award of bids, contract management and disposal of public assets” (Sibanda, 2018).

The 2018 legislation established the Procurement Regulatory Authority of Zimbabwe (PRAZ) which was expected to bring in a new ethos of procurement efficiency and effectiveness in the public sector and instil and sustain efficiency within the public procurement process. According to the new legislature, PRAZ referred to as “The Authority”, has an oversight and responsibility role of overseeing and regulating procurement activities conducted by state controlled enterprises such as government ministries, parastatals and local authorities (Parliament, 2017). Decentralization of the procurement function has been the major highlight in the new Act where public entities were given responsibility to manage their own procurement in circumstances where the value of the purchase was below a specified threshold (Newsday, 2018). In a bid to ensure compliance to the Act, the Authority (PRAZ) has been empowered to command state controlled entities and order or instruct them to provide information pertaining their procurement activities and proceedings among other issues (Parliament, 2017).

The mandate of the Act is to promote transparency and under section 11 of the PPDPA, Act, 2017 PRAZ has a mandatory obligation to give an account of its activities and the overall function of the nation’s procurement system to Parliament annually (Parliament,
Sibanda, (2018) in analysing the Act, noted that PRAZ board was not immune to legal prosecution for any breach of contract, wrong doing or negligence and that enforces fairness and accountability at the same time as defending against political influence and inefficiency (Sibanda, 2018).

The Constitution of Zimbabwe under section 9, states that the government is mandated to “adopt and implement policies and legislation to develop efficiency, competence, accountability, transparency, personal integrity and financial probity” (Government, 2005). In this regard, the Act lays out guidelines and procedures to be followed when carrying out public procurement proceedings to ensure the objectives of the Act which are fairness, transparency and honesty are fulfilled. To further promote transparency and fairness, section 28 of the new Act disregards discrimination of bidders and paves a chance for any bidders interested in being part of the bidding process without regard to nationality. Sibanda, (2018) however argues that’s the section presents a double barrel clause in that Zimbabwe bidders must be given preference when procuring entities are evaluating bids.

In a bid to meet it transparency objective, the Act provides a standardized system on publication of invitations to bid, standard form requirements for bids and proposals, evaluation criteria. It is the researcher’s opinion that these provisions, if complied with, and actively enforced, can safeguard against unethical practices such as nepotism, favouritism, bribery, preferential treatment and impartial evaluation of bid proposals (Parliament, 2017).

The researcher notes that the new procurement law has been met with expectant eyes. This was also noted by Chizu, (2018) who stated that the legislation will restore ethical sanity in the procurement function which has been seriously manipulated. The adoption of electronic Government Procurement will promote ease of doing business as all bidders both domestic and foreign with interest of participating in supplying public needs will be able to make online transactions and thus minimising costs and realising savings which was desperately needed by the treasury and procuring entities (Newsday, 2018). Other sectors of the economy may benefit from the savings realised and this might result in an improvement in service delivery which in turn improves the quality of life for the citizens. The Act advocated for professionalism in public procurement which would result in a
reformed and sustainable procurement system that efficiently and effectively utilizes public resource to provide better quality and timely service delivery to the citizens (Sibanda, 2018).

2.4 Public Procurement Law Compliance

Compliance with formal elements is, according to Rossi, (2010), is an indication of knowledge of the rules and regulations. A study by Tukamuhabwa, (2012) cited Hunja, (2011), who stipulated that “compliance occurs when the target performs a requested action, but is apathetic about it, rather than enthusiastic, and puts in only a minimal or average effort” (Tukamuhabwa, 2012). A major indicator of compliance is familiarity with the rules and regulations one is meant to comply with. As public procurement officers become familiar with procurement rules and regulations, the more compliant they will be. A study by Chogo, (2017) pointed that compliance with procurement regulations enables the public procurement act to achieve its aims of promoting fairness, transparency and non-discrimination in procurement in public institutions with the main aim of ensuring efficient use of public funds.

Eyaa & Oluka, (2011), in their quest of explaining “non-compliance with public procurement laws in Uganda”, established that poor compliance levels that were found were as a result of lack of familiarity with procurement rules. Their study also noted similar settings were found in the Kenyan environment where familiarity with procurement regulations significantly predicted compliance with procurement regulations. However, a study by (Mamiro, 2004) pins lack of incompetence among procurement executive as a major hindrance in complying with procurement regulations and laws. In the Zimbabwean context, monitoring and evaluation committees were set up to ensures adherence to the set law and standards as a measure for promoting compliance (Parliament, 2017). According to Chizu, (2018) the Authority monitors performance of the public entities, procurement management units and suppliers or contractors (Newsday, 2018). A study by Sandada & Kambarami, (2016), revealed 3 pillars that are crucial in achieving an efficient and effective procurement system and by observing these pillars compliance in public procurement laws and regulations will be achieved. The authors identified professionalism, familiarity with Procurement Act and Regulations and Enforcement as the three crucial pillars which influence compliance to public reforms.
Telgen, et al., (2016), posits that procuring entities may struggle to comply with new rules when a public procurement law is first. Employee and Organizational Behaviour authors such as Armstrong, (2001) Miner, (2002) and Kinley, (2015) state that the longer an employee serves an organisation, the easier it becomes to formulate shortcuts and in turn violate ethical rules. The authors further state that new employees are eager to please their new bosses therefore they would follow laid down regulations and comply with any policy put in place. However, compliance to public procurement laws and policy has a positive bearing on the effectiveness of the law as noted by Basheka, (2012). The researcher supported this view in that, compliance relates to following laid down rules thereby achieving the objectives of those rules. Chizu, (2018) stated that compliance to procurement laws enhances transparency, integrity, honest and competition which are the main pillars of any public procurement reform. According to Telgen, et al., (2016) the procurement authority in Rwanda which has the central role of control and monitoring procuring entities has directly contributed to improvements in compliance. The researchers cited Martínez & Kukutschka,(2013) who claimed that compliance to rules and regulations improved the public procurement performance of Liberia after introductions of a procurement reform.

2.5 Level of compliance

Professionalism is key in achieving an effective and efficient public procurement law and policy. According to Chizu, (2018), the Act compels professionalization of procurement in line with other professions such as engineers, lawyers and accountants. Licensing of procurement officers by the Authority was underway (Chizu, 2018). A study by Hunja (2003) revealed that professional development through training and promoting individuals who were engaged in public procurement was major driver in ensuring adherence to professional and ethical standards. Gelderman et al. (2006) affirmed that “professionalism played a major role in guaranteeing compliance within public procurement”. Basheka & Mugabira, (2008), also support that lack of professionalism in public procurement results in low compliance levels in public procurement laws and regulations. Sandada & Kambarame, (2016), noted that professionalism was an integral factor and driving instrument in the adoption of institutional change in public procurement.
For public entities to be fully compliant with public procurement law and policy, there must professionalize their procurement function as required by the PPDPA Act 5 of Zimbabwe. Professionalism in public procurement relates to professional approach in conducting business in the public sector by public officers. Public procurement personnel must be adequately educated and trained in procurement matters in order to conduct procurement processes in an efficient and effective manner which will avoid misuse of public funds. Findings from a study by Dzuke & Naude,(2015) suggested that a negative impact on procurement processes was experienced due to lack public officers with relevant qualifications and training. The study also noted that the majority of the staff handling procurement in the ministries that were studied possessed qualifications in accounting, human resources and finance. According to the study incorrect interpretation of the procurement principles, procedures and regulations due to lack of understanding prolonged the public procurement process significantly resulting in delays in the delivery of critical services to the nation. The study concluded that the lack professionals with managerial and leadership skills together with failure to elevate the procurement function from a clerical to a strategic level had a negative impact on the effectiveness of the Act. Magaya & Chidhawu,(2016) noted similar findings in their study and concluded that most individuals tasked with the procurement responsibility lacked procurement skills. According to the Zimbabwe PPDPA Act 5 of 2017, procurement personnel should hold relevant procurement qualifications to enable them to carry out procurement duties effectively and efficiently.

2.6 Ethics in Public Procurement

The OECD Recommendation of the Council on Public Procurement stated that “ethical conduct in the public service contributes to the quality of democratic governance and economic and social progress by enhancing transparency and the performance of public institutions” (OECD, 2015). As much as all government states have differing cultural, political and administrative backgrounds and environments, they often face similar ethical challenges. Enhancing public trust and confidence in government has become a huge challenge for most countries. Amundsen & Andrade, (2009) define ethics as “well based standards of right and wrong, and prescribe what humans ought to do”. According to Amundsen & Andrade, (2009), ethics are perpetual efforts that pursue to provide a
system of values and measures for determining what a person should or not do. Ethics should be embedded in the entire public procurement system. Magaya & Chidhawu, (2016) stated that “professional ethics constituted the nuts and bolts if not the veins and arteries of the whole procurement cycle”. In Zimbabwe unethical procurement practices in the public procurement system had reached alarming levels during the State Procurement Board era and this was noted by Magaya K and Chidhawu (2016) in their study. The two researchers noted that matters of integrity and ethics in public procurement had become frequent articles in the local newspapers to the extent that hardly a day would pass without a report on the matter either (Magaya & Chidhawu, 2016).

(Amundsen & Andrade, 2009), noted that procurement officers were expected to be qualified and educated in order to promote transparency, integrity, competence, accountability and honesty which were the main objectives of the procurement law. Chigudu, (2015) observed that lack of professional ethics by public service officers resulted in poor attitudes and mismanagement of procurement processes. According to Kennedy & Malatesta, (2018), civil servants can pledge to serve public interest and respect the laws and regulations through employing ethical practices. Through ethical practices public officer can demonstrate personal integrity and strive for professional excellence (Kennedy & Malatesta, 2018). Chigudu, (2015) posits that ethics are a prerequisite in regulating public procurement activities as they serve as a foundation for transparency and accountability.

The UN, (2012) renowned codes of ethics act as a reference point for public institutions administration. Ethical codes give guidance on the conduct of public officers and according to UN, (2012) public officials must execute their duties in politically unbiased way and must not attempt to evade lawful rules, decisions or actions of the public authorities. Interest of conflict has been a major ethical issue in public procurement and the codes of conduct state that public officers must never allow their personal interest to conflict or clash with positions which they occupy. The renowned code of ethics further highlight that public officers should always ensure that public property or service and financial resources which they have been entrusted with are managed efficiently and (UN, 2012). Chigudu, (2015) further elaborated and stated that sound ethical codes of
conduct do not allow public officers to accept any gift as this could cloud their judgment and cause them to act with prejudice in executing their duties.

Sandada & Kambarami, (2016) cited Carter (2000) who noted that unethical behaviour exhibited by procurement professionals can have a detrimental effect on procurement performance, competitiveness as well as compliance. The researchers cited Saini (2010) who supported this view and opined that improvement in compliance can only be achieved if public procurement professionals adopt ethical practices (Sandada & Kambarami, 2016). Unethical practices in Zimbabwe had become rampant within public sector entities and Chigudu, (2015) cited cases reported in the media which included Grain Marketing Board scandal (1999); PSMAS (2016), Chiadzwa diamond scandals (2006-2014); and the airport road scandal (2008-2014). Recent cases include the Gwanda Solar project scandal involving ZETDC (2018). The Zimbabwe government in 2012 was concerned that some of the parastatals were not profitable for over a decade. Literature reviewed from a study by Chigudu,(2015) noted that the Grain Marketing Board (GMB) had been operating at a loss for over a period of ten years without posting any profits due to malpractice. (Chigudu, 2015). In a different setting, unethical practices were unmasked at PSMAS, a government controlled medical aid company where the then CEO was earning a hefty salary at the expense of the medical aid which at that time owed close to thirty one million United States Dollars to service providers. (Herald, 2014).

Unethical practices were also unearthed at the Zimbabwe Broadcasting Corporation (ZBC) in 2014 which resulted in the Minister of Information dissolving the board in charge of the entity for allegedly being involved in corruption that resulted in the then chief executive officer earning a hefty monthly salary of more than forty thousand American dollars at the expense of lower level employees who underwent a period of months without remuneration. Literature from a study by Chigudu, (2015) stated that the Office of the Auditor and Comptroller-General uncovered a number of cases relating to unethical practices in various government operations including the State Procurement Board, Zimbabwe Revenue Authority (ZIMRA); Central Mechanical Department (CMED); the Vehicle Inspection Department; Passport Office, traffic police and local authorities (Chigudu, 2015). These case of malpractices have had an impact on the service delivery which has been deteriorating year after year together with loss of trust respect for public institutions. However, Chigudu (2015) argued that lack of ethical and
law enforcement role models has been the biggest driver of unethical conduct in public procurement, hence this study seeks to find out if this new PPDPA Act will introduce a new philosophy of procurement efficiency and effectiveness which will enhance ethical practices in the public sector (Chigudu, 2015)

2.7 **Factors influencing the effectiveness of the Act in achieving ethical procurement practices**

The (OECD, 2015) posits that public procurement has an impact on a nation’s economy. Effective public procurement can have a significant positive bearing on the well-being of citizens. OECD, (2015) indicated that any improvements in the public procurement system can translate to an improved economic situation of a nation. Maina & Omboto, (2016) stated that unethical procurement practices is where officials in public sector unlawfully serve their interests or interests of those close to them by abusing and misusing the public procurement finances entrusted to them. Accountability and trust must always be implied in public procurement due to the immense amount of money involved in government procurements especially considering the fact that such procurements are funded by the public (Hui et al; 2011). Countries in both developed and least developed countries have adopted procurement reforms to address unethical issues in state procurement. The following factors however, influence procurement law and policy in achieving its set objectives.

2.7.1 **Compliance**

The major obstacle that influences the effectiveness of the laws and regulations has been inadequate regulatory compliance. This was confirmed by De Boer and Telgen (2008) who noted that non-compliance was not a problem for third world countries only but also for those in the first world countries. Hui et al, (2011) analysed procurement matters in Malaysia noted that procurement officials were responsible the unethical behaviour reported and non-compliance with the public procurement laws. (Ombuki, et al., 2014). Gelderman et al, (2006) agreed that compliance in public procurement was a key predictor of the effectiveness of the procurement reform.
2.7.2 Level of Awareness of Procurement Laws and Policy

Gyawali, et al., (2018) posits that research revealed that from approximately 500,000 professional in the procurement units in America, only a tenth of them were members of a professional body and the remaining 90% were clueless on public procurement ethical and legal standards. Dzuke & Naude, (2015) in their study noted that two out of five respondents were partially aware of the existing procurement law and regulations. Awareness in public procurement laws and regulations by all those involved in public procurement is key in achieving ethical procurement practices and this is supported by studies by (Chigudu, 2015; Dzuke & Naude, 2015; Kennedy & Malatesta, 2018; Ageman, 2014). A study by Ngatara & Ayuma, (2016) noted that most board members in African state entities, had narrow understanding of the procurement functions and which led to them being manipulated by political motivated principal shareholders. Awareness in procurement laws and regulations will result in best ethical practices being adopted by those in public procurement offices. Kiama,(2014) and Ageman, (2014) in their studies noted that those familiar with procurement laws and regulations better served their institutions as opposed to those who were not aware.

2.7.3 Procurement Professionalization

The procurement function was and has been perceived as a complementary procedure roped in at the end of the decision-making process for acquisition of goods and services. The strategic role of procurement was often ignored, and the possibilities for value addition and continuous improvements in order to gain competitive advantages through procurement had often been unheeded. Governments spends sheer volumes of money through procurement and yet not enough attention was is given to this profession as a mainstream contributor to a nation’s economic overall performance (O'Brien, 2011).

Magaya & Chidhawu, (2016) noted that factors that have contributed to violation of ethical practices in public procurement have been linked to lack of professionalism in the procurement function propelled by lack of education and knowledge of procurement skills. Other contributing factors noted by the study
were lack of planning, motivation and low remuneration levels for procurement employees. Ageman, (2014) suggested that engaging personnel who are qualified and are experts in the field of procurement will not only boost the effectiveness of public procurement but will improve the service delivery as well and in turn improve the lives of ordinary citizens of that country.

2.7.4 Staff Competence

Competency is defined as, “the combination of observable and measurable knowledge, skills, abilities and personal attributes that contribute to enhanced employee performance and ultimately result in organizational success” (Nebraska, 2016). Staff Competence is the ability of an employee through knowledge, commitments and skill to act efficiently in a job or situation. Professionalism in public procurement relates to professional approach in conducting business in the public sector by public officers. Public procurement personnel must be adequately educated and trained in procurement matters in order to conduct procurement processes in an efficient and effective manner which will avoid misuse of public funds. Findings from a study by Dzuke & Naude, (2015) suggested that the poor performance exhibited in public procurement was propelled by lack of relevant qualified, experienced and trained public officers. The study also noted that the majority of the staff handling procurement in the ministries that were understudied possessed qualifications in accounting, human resources and finance. According to the study, incorrect interpretation of the procurement principles due to lack of understanding procedures and regulations prolonged the public procurement process significantly and this affected service delivery performance which is crucial to the nation.

Magaya & Chidhawu, (2016) noted similar findings in their study and concluded that most individuals tasked with the procurement responsibility lacked procurement skills. According to the Zimbabwe PPDPA Act 5 of 2017, procurement personnel should hold relevant procurement qualifications so as to be effective and efficient in executing the procurement duties. A study by
(Telgen, et al., 2016) revealed that one of the major problems that arise in effectively carrying out public procurement functions is lack of capacity and knowledge by public procurement officers. The authors stated that absence of competent and dedicated procurement staff and lack of understanding of existing procurement law at all levels of staff in the government has had a negative impact on the performance of the public procurement function.

2.7.5 Training and Development

Michel Armstrong (2001), defined trainings as “a systematic development of the knowledge, skills and attitudes required by an individual to perform adequately a given task or job”. (Armstrong, 2001). Training encompasses the procedure involved in enhancing the skills, capabilities and aptitudes of the employees to perform specific jobs (Kulkarni, 2013). By training employees old talents are updating and new talents are developed. The principal objective of training is to ensure that skilled and willing employees are available to meet the needs of an ever changing work environment, for example, in the public sector, any new legislation imposed by government must be counted with training. According to Raymond (2012), training in public procurement relates to the professional approach by the public officers in conducting business transactions and activities. Raymond, (2012) further purports that training does not refer to the levels of education and qualifications. Newsday, (2018), stated that PRAZ conducted a PPDPA Act 5 of 2017 sensitization training program for all senior personnel in public entities such as accounting officers, mayors, and board members of local authorities and other state enterprises. The public procurement officers if not adequately educated in procurement matters may breach codes of conducts which will in turn impact on the effectiveness of the procurement laws and regulations in achieving its objective. Training therefore is of paramount importance to success of any organisation or institute.

2.8 Conceptual Framework

In this research, Public Procurement Law and Policy(influenced by compliance) has been identified as the independent variable and Ethical practices as a dependent variable. The relationship was shown in figure 2.1 below.
Figure 2.1 developed for this study.

2.9 Empirical Review

Chigudu, (2015) sought to pursue an understanding of how public sector ethics can be improved in Zimbabwe’s public sector. The study took a reflective approach to research methodology which enabled the researcher to reflect upon own assumption and influence the situation (Chigudu, 2015). Qualitative data was analysed through content and process analysis and the study results indicated a positive correlation between ethical practices and compliance to set laws and regulations. It also indicated some legislative gaps which hindered the Anti-Corruption Commission to execute its mandate fully.

Onchweri & Muturi, (2015) employed a descriptive survey research design to establish factors influencing compliance to public procurement law and policy in public schools in Kenya. 78 respondents took part in the research and data was collected through use of a questionnaire. The findings from their study results unveiled a significant correlation between procurement ethics and compliance. The research concluded that an increase in procurement ethics compliance increases the performance of the public sector.

Osei-Tutu, et al., (2011) conducted a survey research study on the level of compliance with public procurement Act 663 of Ghana. The study used purposive sampling techniques and targeted public entities in the categories of local government, education and health. The study findings were that there were low levels of compliance which explained the unethical practices which were experienced in public procurement coupled with lack of training by procurement personnel.
A position paper on public sector ethics in Angola by Amundsen & Andrade, (2009) revealed that most public institutions fail to comply to set laws and polices thereby promoting unethical practices in public sector. The authors further highlighted that public sector laws and policies can effectively promote or enhance ethical practices if complied with by those in public office.

A study by Maina & Omboto, (2016)’s main objective was to outline factors that affected implementation of the Public Procurement and Asset Disposal Act 2015 in public universities in Mombasa County Kenya. A descriptive survey research design was adopted and purposive sampling technique was used to select research participants. Primary data was collected through the use of a closed questionnaire. The study results indicated that compliance to the Public Procurement and Asset Disposal Act 2015 was depended on staff training, procurement planning and awareness of the regulations. The study recommended that the Authority should carry out sensitization for procurement personnel specifically so that they are familiar with the changes in the new Act. (Maina & Omboto, 2016)

A study by Sandada & Kambarami, (2016) sought to measure factors influencing compliance with procurement regulations in public entities. The study selected four factors which were, professionalism, political interferences, enforcement and familiarity with Procurement Act regulations and ethics. A quantitative survey research approach was employed to collect data from 144 public procurement professionals in public entities in Harare, Zimbabwe. Results from this research indicated from the four factors assessed, three of them familiarity with procurement regulations, enforcement and political interference) were statistically significant indicators of compliance.

Ogol & Moronge, (2017)’s study focussed on assessing the effects of ethical issues the performance of the procurement function in Kenya’s health sector. A descriptive research design was employed and 74 respondents participated in the study. The study concluded that the health sector was struggling to adhere to ethical practices due to lack of professionalism and conflict of interest by public officers. The study also concluded that ethical behaviour can improve the performance of public procurement in the health sector.
Lema & Mrope, (2018) sought to determine factors influencing ethical practices in public entities in Tanzania. A case study design was adopted and 30 respondents were research participants. The study findings indicated that compliance to code of ethics and conduct has a positive bearing on the level of ethical practices achieved by the entity in its procurement process. The study concluded that enhanced ethical practices coupled with compliance with rules and regulations will reduce or eliminate corrupt and fraudulent practices in state procurements.

Based on the studies reviewed, there has been limited research which seeks to assess the effectiveness of procurement law and policy in enhancing ethical practices in public procurement. This research therefore aims at bridging that gap.

2.10 Chapter Summary

This chapter focused on theoretical, conceptual and empirical literature review. Agency and legitimacy theories were the two theories underpinning this study. Various journals and books were reviewed in a quest to answer the research objective. The following chapter looked into the research design and method of the study.
Chapter 3

RESEARCH METHODOLOGY

3.1 Introduction
This chapter addressed the research design adopted and the justification for its adoption. Highlights of the chapter included the research paradigm, population, sample size and sampling technique adopted and the rationale for its adoption. Research instruments used were discussed in this chapter including data gathering procedures. Information on how data was to be presented and ethical consideration was looked at in the section.

3.2 Research Paradigm
This study adopted a pragmatic research paradigm as this philosophy underpins the use of a mixed research methodology which has been used in this study. According to Saunders, et al., (2012) pragmatic philosophy takes into account the many different views of interpreting the world and different ways of undertaking research. The philosophy believes that a single point of view can never give the entire picture as they may be multiple realities. Creswell, (2009), supported this view and stated that research studies with pragmatism research philosophy can assimilate the use of several research methods such as qualitative and quantitative research which has been used in this study.

3.3 Research Design
In a bid to understand the nature and status of a situation as it exists at the time of the study, a descriptive research approach was applied to the study. The researcher opted for this design as it is concerned with why and how a variable induces change in another. The researcher chose this method since it aims to collect data that allows the researcher to define the physiognomies of the phenomena being reviewed. (Creswell, 2009). A cross sectional survey approach was preferred for this research simply for the fact that this type of survey offered the researcher a quick summary of what respondents think at that given time. The justification for this approach is that cross sectional surveys examines factors that are associated with a particular characteristics of interest, and in this study ethical procurement practices in State Universities and the effectiveness of the PPDPA Act in promoting ethical practices is of interest. (Szapkiw, 2012), Chogo, et al., (2016) and
Mwenda, (2013) adopted a cross sectional survey for their studies as this allowed them to examine factors that were associated with their particular area of interest at the same given time.

The researcher opted for a mixed method of data collection which involves collecting, analysing and integrating quantitative and qualitative research. Saunders, et al, (2003) posits that this approach to research is useful for providing a better understanding of research problem by integration of the two methods (Saunders, et al., 2003). Schoonenboom & Johnson, (2017) noted that in combining both quantitative and qualitative research and data, “the researcher gains in breadth and depth of understanding and corroboration, while offsetting the weaknesses inherent to using each approach by itself”. Chimwani, et al., (2014) used a mixed approach where they opted for questionnaires and observations in a quest to fully understand the phenomena. Maina & Omboto, (2016) also opted for this method as this provided the researcher opportunity to better understand the research problem.

3.4. Population
Target population for this study were all PMU managers and procurement personnel in 11 State Universities. Accounting personnel who were involved in procurement were also targeted for this research. The target population was 96 employees in procurement and accounting (Bursars) department.

3.5. Sample Size
An ideal sample size, according to Baily et al. (2013), should be a larger number to serve as tolerable representatives of the population and small enough to be nominated economically and effectively. Three criteria usually need to be specified to determine the appropriate sample size and that is, the Level of precision, Confidence level and Degree of variability. 76 respondents were chosen to be the sample size for this study using Krejcie & Morgan, (1970)’s model of sample size determination. According to this model, a target population size of 96 must have a sample size of 76 respondents. This sample was purposely chosen for their expertise and involvement in the research topic (Krejcie & Morgan, 1970)
3.6 **Sampling Techniques**

Purposive sampling, a technique for identifying respondents with knowledge on the area of study and can serve as key informants was chosen for the study. Magaya & Chidhawu, (2016) used this sampling technique in their study since it identified key informants with relevant important information and knowledge to discuss topics on the research agenda. Maina & Omboto, (2016) also used purposive sampling and their justification was that the technique focuses on particular characteristics of the population of interest. The researcher chose this method for the same justification as Magaya & Chidhawu, (2016) and Maina & Omboto, (2016). Crossman, (2018), states that “a purposive sample is a non-probability sample that is selected based on characteristics of a population and the objective of the study”. (Crossman, 2018). Purposive sampling, is helpful in instances where time is constrained and one needs to reach a targeted sample quickly, this also justifies why the researcher opted for this sampling technique.

3.7 **Sources of data**

Primary and secondary data were used in this research. Primary data was the first-hand information collected from research participants and secondary data were the Procurement Journals, OECD handbooks, UN procurement handbooks, the PPDPA 5, 2017 of Zimbabwe and relevant books.

3.8 **Research Instruments**

Closed questionnaire and semi structured interview were the research instruments chosen for the study.

3.8.1 **Questionnaires**

The main research instrument for the study were the questionnaires which were chosen due to the various advantages they possessed such as time saving and less costly and in this instance, these were emailed to participant, saving on printing costs. Questionnaires were designed in a manner that they were easy to interpret and focused mainly on the research area of study (Kumar, 2014). Questionnaires also gave respondents ample time for respond at their own terms and times unlike other methods such as interviews. However, questionnaires can be a limitation in that the respondents input is only restricted
to the questionnaire yet they may add more insight into the phenomena if they were given room to answer independently.

3.8.2 Interviews
Semi structured interviews were chosen by the researcher as they are useful in obtaining detailed information about personal feelings, perceptions and opinion of the respondents on the research questions (Saunders, et al., 2003). State Universities’ procurement function are headed by PMU managers. Each university has one PMU Manager. These were purposely selected for interview because of their in-depth knowledge on the research topic. Another advantage of using interviews was the ability to clarify ambiguity and respondents’ answers were not influenced or coerced by other groups of similar interest.

3.8.3 Data Gathering Procedure
The researcher physically distributed the questionnaires in person by hand to respondents who could be easily reached. Most of the questionnaires were emailed to respondents who had been purposively selected. The researcher collected the filled questionnaires after 10 working day. Emailed responses were received after 15 working days. The researcher scheduled voice over/telephone interviews with the PMU Managers of the institutions and the researcher was guided by an interview guide drafted by the researcher before interviews. Each interview was 8-10 minutes long.

3.9 Data Analysis and presentation
IBM’s Statistical Package for Social Sciences version 22, a Windows based program was used to analyse data collected. The software was chosen by the researcher for its ability to perform data entry and analysis and to create tables and graphs. SPSS was used in conjunction with Microsoft Excel programme which had a better graphs and tables outlook.

3.10 Ethical Consideration
The researcher sought permission to undertake the study from the institutes’ senior management. Research respondents were assured that the information given would be treated with strict confidentiality and identity of the respondents or the institutions would not be mentioned or publicized. According to the principles of research ethics (principle
two), obtaining informed consent is one of the foundations of research ethics. (Kitchener & Kitchener, 2009). Participants were made aware that findings from this study would only be used for academic purposes only. Since the study made use of secondary data that was collected by other scholars and researchers, ethical standards in the conduct of research obligates the researcher to have respect for copyright of published data. In the interest of maintaining ethical standards the researcher made sure that all secondary data used was properly acknowledged including all sources of information from other scholars and researchers used in this study. (Saunders, et al., 2003).

3.10 Chapter Summary
The paper applied descriptive research design and a mixed method of data collection was used. A cross sectional survey approach was chosen since cross sectional surveys examines factors that are associated with a particular characteristics of interest. Interviews and questionnaires were used as research instruments. Ethical considerations were taken note of and respondents were assured of full confidentiality and protection from any harm. The following chapter (chapter 4) addressed presentation and analysis of findings from the research respondents.
Chapter 4

Research Findings and Discussion

4.1 Introduction
The main research objective of the study was to assess the effectiveness of public law and policy in enhancing ethical procurement practices at State Universities. Results analysis and discussion were the main focus of this chapter. Findings from respondents were presented through use of tables and figures. The researcher issued out 65 questionnaires to the respondents and 58 of them were completed and returned thus representing an 89% response rate which according to Saunders, et al., (2003) is satisfactory for analysis. 11 respondents were selected for interviews and only 9 were available for interview. A reliability analysis was carried out using SPSS version 22 and a Cronbach alpha of 0.724 was obtained which according to (Saunders, et al., 2003) is acceptable.

4.2 Demographic Information
The demographic information considered in this study included the respondents’ gender, academic qualification, department of work and length of service. This information was necessary to gather as the researcher assumed that this information influenced the responses given by the respondents. For example, the level of one’s education influences how one view certain issues.

4.2.1. Gender

The respondents’ gender distribution as tabulated was as shown in Figure 4.1 Below.

![Gender Distribution Chart](image)

**Figure 4.1 Gender Distribution: Source: formulated for this study**
From Figure 4.1 above, 25 respondents representing 26% were female and 33 (74%) were male. This finding indicated that the public procurement field is dominated by males. Behavioural studies have established that women to have advanced, more steadfast ethical standards and act more ethically than men in a variety of behavioural realms (Kra, et al., 2017). A study conducted by Magaya K and Chidhawu T (2016) noted that issues of integrity and ethics in public procurement had become frequent articles in the local newspapers and hardly a day would pass without a comment either negative or positive on the matter and mostly it was found to be male procurement officers who would have violated the ethical standards (Magaya & Chidhawu, 2016).

4.2.2. Department

The respondents were asked to indicate the departments which they work under and results are shown in Figure 4.2 below.

![Figure 4.2 Departments: Source: Developed for this study](image)

Findings represented in figure 4.2 showed that 31% of the respondents were placed in the finance department and the remaining 69% were in the procurement department. Procurement in most organisations and in government entities has always been housed in the accounting and finance department. The findings meant that the respondents were involved in procurement matters and were better placed at responding to the questions on the questionnaire.
4.2.3 Education
The level of one’s academic qualification in the field they are in influences the way which they conduct work processes and make decisions pertaining their field of study. Respondents’ level of education is presented in Figure 4.3 below.

![Level of Education](image)

**Figure 4.3 Level of Education** (Source: Developed for this study)

From the above Figure 4.3, 33% of the respondents for this study possessed a degree in Procurement, 40% had attained other degrees not relevant to procurement and 16% had diploma level qualifications. 12% of the respondents had attained degrees at Master’ level. Given the level of education of the respondents, this validates the responses given as this proved that the respondents were educated and understood the questions clearly. Literature reviewed noted that factors that have contributed to violation of ethical practices in public procurement include lack of education and knowledge of procurement skills (Magaya & Chidhawu, 2016). Findings from a study by Dzuke & Naude, (2015) suggested that lack of relevant qualifications, experience and training of public procurement staff has a negative impact on the public procurement process interpret you results before you link them to the above authors.

4.2.4 Length of Continuous Service
The researcher was interested in finding out the length of service of the respondents with the institute so as to draw a conclusion on familiarity of the
respondents in terms of procurement laws and regulations. Findings are shown below in Figure 4.4

![Length of Service]

**Figure 4.4 Length of Service (Source: Developed for this study)**

Findings revealed that 15 (26%) of the respondents have served the institute for less than or equal to 5 years. 24 (41%) respondents had been with the institute for 6-10 years. This means they have been in the procurement field long enough to note if the new act has any effects on ethical practices in public procurement. 17 (29%) had served for 11 – 15 years whilst 2 (3%) of the respondents had served the institute for 16 – 20 years. As such the study shows that a majority number of respondents have been with the institute for a 6 to 10 years and this meant the majority were able to note if there was a difference in this procurement law reform

4.3 **Level of Compliance with public procurement law by State Universities**

Respondents were asked to indicate their level of awareness and compliance to the PPDPA Act. Seven questions were poised to them and a descriptive statistics analysis on the responses given was carried out and findings are shown in table 4.1
Table 4.1 Level of Compliance

<table>
<thead>
<tr>
<th>Description</th>
<th>N</th>
<th>Mean</th>
<th>Std. Deviation</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The institute has a procurement management unit which is responsible for the institute’s procurement function as required by PPDPA</td>
<td>58</td>
<td>4.64</td>
<td>.485</td>
<td>.235</td>
</tr>
<tr>
<td>2. Procurement policies and procedures in the institute are in line with the PPDPA Act and Regulations</td>
<td>58</td>
<td>4.41</td>
<td>.531</td>
<td>.282</td>
</tr>
<tr>
<td>3. The Entity carries out annual procurement plans in accordance with section 21 of the PPDPA ACT</td>
<td>58</td>
<td>4.00</td>
<td>.000</td>
<td>.000</td>
</tr>
<tr>
<td>4. The university has facilitated for procurement personnel to attend training on the new PPDPA so as to be effective in carrying out the entity’s procurement</td>
<td>58</td>
<td>4.19</td>
<td>.395</td>
<td>.156</td>
</tr>
<tr>
<td>5. Personnel in the procurement department are all qualified and registered as required by the PPDPA Act and Regulations</td>
<td>58</td>
<td>4.00</td>
<td>.329</td>
<td>.108</td>
</tr>
<tr>
<td>6. The procurement function has been transformed from a clerical to professional, key government function with highly skilled personnel who will positively influence the act in achieving its ethical objectives</td>
<td>58</td>
<td>4.40</td>
<td>.493</td>
<td>.243</td>
</tr>
<tr>
<td>7. All procurement personnel are aware of the code of conduct stipulated in Part IX section 71 of the PPDPA Act</td>
<td>58</td>
<td>4.10</td>
<td>.307</td>
<td>.094</td>
</tr>
</tbody>
</table>

Valid N (listwise) 58

Source: Formulated for this study

Responses given on the first statement which stated, “The institute has a procurement management unit which is responsible for the institute’s procurement function as required by PPDPA”, a mean of 4.64 was recorded. This indicated that all 58 respondents agreed with some strongly agreeing to this statement. Responses from interviewees concurred that their institutions were fully compliant to the procurement laws and regulations. However 4 interview respondents had similar responses in that they all echoed that they were still setting up the PMUs. When probed further on this issue, the interviewees indicated that their PMUs were not yet fully staffed and some of the procurement functions was still housed in the Bursar’s unit. According to the Act, all procuring entities are mandated to establish PMUs which will be headed by a qualified procurement specialist. The findings from this study concur with finding from a study by Basheka, (2012) who posits that the level compliance to public procurement laws determines the effectiveness of the law in meeting its set objects and performance of public procurement.
function. Similar findings were noted in the study by Rossi (2013), who noted that compliance with formal elements gives an indication of knowledge of the rules.

Responses from the second statement poised to the respondents scored a mean of 4.41 which is slightly lower than the mean for the first statement. This indicated that all respondents agreed with some strongly agreeing that State Universities procurement policies are drafted in compliance with public procurement law and policy. Interviewed respondents all agreed that their procurement procedures were in line with the procurement law and regulations. Some of the responses indicated that the procurement policies in place were revised to meet requirements of the new Act and regulations. According to procurement law and regulations public entities are responsible for their own procurement where the value the goods or services to be procured is below a specified threshold (Newsday, 2018). These findings are similar to findings from a study by Chogo, (2017) who concluded that formulating policies without adequate knowledge of public procurement laws results in non-compliance to the statutory laws which has devastating implications as noted by Mbago, et al., (2016) in their study on effects of non-compliance.

Respondents were asked to state if they agreed or disagreed to the third statement which said “The Entity carries out annual procurement plans in accordance with section 21 of the PPDPA Act”. Results from this statement scored a mean of 4.00 which indicated that all respondents were in agreement to this statement. Interviewed respondents concurred to this finding and revealed that their institutions carried out annual procurement plans as per requirement by the procurement Act even though they were facing challenging here and there. When probed further on the nature of challenges, respondents highlighted that user departments were not cooperating in sharing information, and this being a new requirement, the PMUs were still finding their way round the system. According to Chizu (2018), the public procurement Act compels procuring entities to come up with yearly procurement plans and budget on what is to be procured in a particular year. Compliance to this translates to transparency and reduces unethical and corrupt practices in public procurement as noted by a study done by (Mbago, et al., 2016) which revealed that non-compliance to set laws and regulates promotes corruption and unethical practices in the public sector.
Respondents’ response on the statement “The University has facilitated for procurement personnel to attend training on the new PPDPA so as to be effective in carrying out the entity’s procurement”, scored a mean of 4.19. This mean recorded indicated that all respondents (100%) agreed that training on procurement law and policy influences the effectiveness of the act in promoting ethical practices. Findings from the interview participants also concurred with this. Oluka (2012) affirms this finding and maintained that public purchasers will comply with the rules if they perceive them as clear therefore training is a must. Raymond (2012), training in public procurement relates to the professional approach by the public officers in conducting business transactions and activities. Raymond, (2012) further purports that training does not refer to the levels of education and qualifications. If the workforce is not adequately educated in procurement matters, serious consequences; including, breaches of codes of conduct occur. The procurement process within the public sector must follow steps as enumerated in the PPADA (2017).

Finding from respondents’ response on their level of agreement of disagreement to the fifth statement that stated “Personnel in the procurement department are all qualified and registered as required by the PPDPA Act and Regulations”, scored a mean of 4.00. This indicated that majority of the respondents were in agreement to this statement. The same sentiments were shared by the interview respondents who, however, stated they were in the process of registering some of their personnel with PRAZ. According to Chizu (2018), PRAZ was moving towards licensing of procurement officers, therefore respondents agreed that most personnel in procurement were qualified but not registered with PRAZ. Findings from studies by Kiama, (2014); Ageman, (2014) and Osei-Tutu, et al., (2011) confirmed that those qualified and trained in procurement laws and regulations better served their institutions as opposed to those who were not aware.

Respondent were asked if professionalizing the procurement function had any effect in the effectiveness of the procurement law and policy. 70% of the respondents agreed that professionalizing the procurement field would positively influence the regulations in promoting ethical practices in public procurement. 30% strongly agreed to this. Interviewees’ responses were in agreement with responses from the questionnaire. Some of the interviewees stated that professionalizing the function would bring positive improve in public procurement activities. A non-strategic procurement function’s
contribution to the strategic goals and overall performance of the organization is insignificant. According to a study by Basheka, (2012), a professionalized procurement function can improve African economies narrowly by reducing wastes and inefficiencies, reducing the costs of litigation caused by professional negligence, reducing supply chain bottlenecks and risks. Chizu (2018) further elaborated that professionalism in the public will lead to a reformed and sustainable procurement system which will also yield to efficient government expenditure utilisations, better quality and timely service delivery to the citizens.

Respondents were asked if all personnel in the procurement function were familiar with the code of conduct stipulated in part eleven of the Act. A mean of 4.10 was recorded indicating that all respondents were in agreement to this statement. Interview participants all agreed that procurement personnel were familiar with the code of conduct for procurement officers. Some of the interviewees highlight that the training which procurement officers attended emphasized on Part IX section 71 of the Zimbabwe’s PPDPA Act of 2017 requires regulations under section 101 to provide for a code of conduct to be followed by officers and employees of procurement entities. According to the UN, (2012) renowned codes of ethics serve as a reference point for states administration. A study by Chigudu, (2015) concurred with findings from this study and noted that “well written codes of conduct provide that public officials should not accept gifts which are likely to cause them to act with prejudice in the course of their duties,

4.4 Effect of Compliance on the Effectiveness of Procurement Law and Policy

Respondents were asked for their opinions on the effect of compliance in the effectiveness of procurement law and policy. Respondents were asked to indicate if compliance influenced efficiency, transparency, competition, fairness and honesty which were the main objectives of the procurement law. Their responses are indicated in the Table 4.2 below.
Table 4.2 Effect of Compliance on the effectiveness of the Act

<table>
<thead>
<tr>
<th>Effect of Compliance</th>
<th>N</th>
<th>Mean</th>
<th>Std. Deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Efficiency/Effectiveness</td>
<td>58</td>
<td>4.41</td>
<td>.364</td>
</tr>
<tr>
<td>Transparency</td>
<td>58</td>
<td>4.18</td>
<td>.346</td>
</tr>
<tr>
<td>Compliance</td>
<td>58</td>
<td>4.27</td>
<td>.204</td>
</tr>
<tr>
<td>Competition</td>
<td>58</td>
<td>4.25</td>
<td>.314</td>
</tr>
<tr>
<td>Valid N (listwise)</td>
<td>58</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

From the above Table 4.2, Respondents were asked if compliance had any effect on effectiveness and efficiency of public procurement which is one of the main objectives of the procurement law. A mean of 4.41 scored by respondents indicated that all of them (58) agreed that compliance promotes efficiency in the procurement function. Interviewed respondents concurred with this finding. Most of them had the same sentiments and stated that compliance will not only improve efficiency of the procurement function but would also be an imperative factor in the successful achievement of the Act’s main objectives. Most of the interviewees concurred that compliance with the regulations will transform the performance of public procurement from being ineffective and inefficient to an effective and efficient government organ. These findings are similar to findings from a report presented by Basheka, (2012) who reported that professionally managed procurement function improves the efficiency of government spending. A study by Ageman, (2014) also confirms these findings when the study suggested that engaging personnel who are qualified and are experts in the field of procurement will not only boost the effectiveness of public procurement but will also improve the service delivery and in turn improve the lives of ordinary citizens of that country.

A mean of 4.18 was achieved when respondents were asked if compliance had an effect on transparency. The mean achieved indicated that all respondents agreed that compliance had a positive effect on transparency. Transparency is one of the main pillars
of public procurement reforms. The findings revealed that there is a positive relation between compliance and effectiveness of the procurement law. Interviewed respondents also agreed that compliance had an effect on transparency. A study by Onchweri & Muturi, (2015) had similar findings and concluded that complying to procurement law regulations increased transparency thereby boosting effectiveness of the procurement law. These findings are in congruent with a study by Chogo, (2017) who revealed that low levels of compliance with procurement law resulted in lack of transparency in public procurement activities.

Respondents all agreed that compliance to the Act promoted competition thereby influencing the effectiveness of the Act in a positive way. A mean of 4.18 recorded on that matter indicated that all respondents noted that compliance had a positive effect on the effectiveness of the Act. Interviewed respondents also agreed that compliance results in public procurement achieving value for money through exercising competitive bidding as prescribed in the Act. Two interview participants were of the view that competition will also improve effectiveness of the Act in achieving its “value for money” objective. According to procurement law of Zimbabwe, the prescribed method of public procurement is competitive bidding, hence complying with this promotes competition and effectiveness of the Act. A study by Mamiro, (2004) revealed that lack of competition in state procurement has resulted in the government failing to realise value for money. In addition, a study by (Chimwani, et al., 2014) revealed that an increase in unethical practices has reduced competition in public procurement.

On finding from respondents on whether compliance had an effect on promoting fairness and honesty in public procurement, a mean of 4.25 was recorded. This indicated that all respondents agreed that compliance promoted fairness and honesty in public procurement. Interviewed respondents all agreed with this statement and further highlighted that clauses in the Act were drafted for the purposes of fairness and honesty. One interview participant said if the public procurement regulations were followed, all players would benefit from its mandate of promoting fairness as the Act advocated for equal treatment for all bidders. These findings are in line with findings from a study by Eyaa & Oluka, (2011) who noted that lack of compliance resulted in unfair practices where contracts were awarded to suppliers who were not deserving. Lema & Mrope,
(2018) also noted that compliance to set laws and regulations resulted in honesty and fairness in procurement activities thereby increasing public trust.

4.5. **Factors influencing effectiveness of Procurement Laws and Regulations.**

<table>
<thead>
<tr>
<th>Factors influencing the effectiveness of the Procurement Act and Regulations</th>
<th>N</th>
<th>Mean</th>
<th>Std. Deviation</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Lack of qualified personnel in the procurement function</td>
<td>58</td>
<td>4.34</td>
<td>.664</td>
<td>.440</td>
</tr>
<tr>
<td>2. Lack of awareness of the new Act by procurement personnel</td>
<td>58</td>
<td>4.60</td>
<td>.493</td>
<td>.243</td>
</tr>
<tr>
<td>3. Lack of internal procurement procedures</td>
<td>58</td>
<td>4.55</td>
<td>.502</td>
<td>.252</td>
</tr>
<tr>
<td>4. Adherence to the procedures and regulations</td>
<td>58</td>
<td>4.47</td>
<td>.503</td>
<td>.253</td>
</tr>
<tr>
<td>5. Compliance to the regulations influence the effectiveness of the Act</td>
<td>58</td>
<td>5.00</td>
<td>.000</td>
<td>.000</td>
</tr>
<tr>
<td>6. Lack of training</td>
<td>58</td>
<td>4.41</td>
<td>.838</td>
<td>.703</td>
</tr>
<tr>
<td>7. Stakeholder awareness of the Act</td>
<td>58</td>
<td>4.45</td>
<td>.502</td>
<td>.252</td>
</tr>
<tr>
<td>8. Lack of recognition of the procurement function as a strategic function</td>
<td>58</td>
<td>4.33</td>
<td>.825</td>
<td>.680</td>
</tr>
<tr>
<td>9. Economic situation in the country influences the effectiveness of the Act</td>
<td>58</td>
<td>4.45</td>
<td>.820</td>
<td>.673</td>
</tr>
<tr>
<td>10. Strict measures and penalties put in place if there has been a breach of ethical practices</td>
<td>58</td>
<td>4.47</td>
<td>.503</td>
<td>.253</td>
</tr>
</tbody>
</table>

**Source:** Formulated for this study.

Responses from the statement “Lack of qualified personnel in the procurement function influence the effectiveness of the Act” indicated that all respondents agreed to this statement and a mean of 4.34 was recorded. This means that some of the respondents strongly agreed to this statement. All the interview respondents concurred to the finding from the questionnaires and one was quoted saying “public procurement has been in the past, conducted by officers who had no qualifications in procurement and most of them did not even have managerial expertise hence the status of our service delivery”. Most of the respondents praised the government in enacting this new Act and echoed that this Act has allowed professionally qualified personnel to man the procurement of the state.
Interviewees all highlighted that lack of qualified personnel has contributed to violations of ethical practices and non-compliance to legal statutes. This findings affirms findings from a study by Chogo, (2017) which pointed that compliance, training, awareness are some of the factors that influence procurement law and policy to achieve its aims of promoting fairness, transparency and non-discrimination in procurement in public institutions with the main aim of ensuring ethical procurement practices in public procurement.

A mean of 4.60 was recorded when respondents were asked if “Lack of awareness of the new Act by procurement personnel” influences the effectiveness of the Act. The mean of 4.60 meant respondent agreed with some strongly agreeing to this statement. Summarized results from the interview respondents indicated that all concurred to this with some further elaborating that if employees are not aware of what is requested of them, how will the carry out the duties. Three interviewees stated that some of the public officers in the past were not even aware of the regulations and relied on State Procurement board for guidance. A study by Dzuke & Naude, (2015) found out that from their 5 respondents, two of them were not aware of the existent procurement law and regulations at that time, hence the non-compliance which was experienced during that period. Eyaa & Oluka, (2011), also noted the same in their quest of explaining non-compliance in public procurement in Uganda and found out that lack of familiarity with procurement rules results into poor compliance levels.

Respondents were asked if lack of internal procurement procedures influences the effectiveness of the Act in promoting ethical practices. A mean of 4.55 was recorded which meant all respondent concurred to this statement. The interviewed respondents also concurred with this and 80% of them highlighted that lack of proper internal procurement procedures hindered compliance to the Act as some departments still insisted on under taking their procurement needs overriding the PMU. Some of the interviewees also stated that internal procedures which must complement the Act would play a lead role in influencing the Act in achieving its objectives. A study by (Chogo, 2017), noted similar settings where each department was in charge of procuring goods for its units instead of going through the procuring unity in place.
When quizzed if “Adherence and compliance to the procedures and regulations” has any influence on the Act, a mean of 4.47 indicated that all respondents agreed that this has a bearing on the effectiveness of the Act. Responses from interview respondents indicated that adherence to regulation will promote the effectiveness of the act in a positive manner and if not adhered to, a negative effect on the effectiveness of the Act will be experienced. Respondents’ sentiments were that the Act was crafted to promote ethical practices and if adhered to this would be achieved. Findings from a study by Panya & Were, (2018) was that compliance to regulations was one of the determinants of the Act in promoting ethical practices in Kenya.

A mean of 5.00 was recorded when respondents were asked if compliance to regulations has any influence on the effectiveness of the Act. This proves that all respondents strongly agreed that the compliance is a significant contributor to the effectiveness of the Act. Interviewees also concurred to this statement. All of them shared the same sentiments and stated that the Act, if complied to will be one of the major indicators in determining the effectiveness of the act in achieving ethical practices. Chogo, (2017) also concluded that compliance is a major factor that influences effectiveness of public procurement law. Chizu, (2018) posits that compliance to procurement laws enhances transparency, integrity, honest and competition which are the main pillars of any public procurement reform.

According to the literature review, training is of paramount importance to success of any organisation or institute. A mean of 4.41 recorded on the statement, “lack of training influences the effectiveness of the Act”, indicated that all responded agreed to this statement. Response from interview participants also agreed to this finding and some of the sentiments were that procuring entities were mandated to send their procurement staff for training on the New Act and Regulations so as to get clarification on some clauses which they did not understand. Interviewees also said that training on executing procurement activities as required by the regulations will boost effectiveness of the Act, and failure to train employees had a negative effect on the Act. According to Raymond (2012), training in public procurement relates not only to the levels of education and qualifications of the workforce but also to the professional approach in the conduct of business activities. N. Chizu ( (Newsday, 2018), stated that PRAZ conducted a PPDPA Act 5 of 2017 sensitization training program for all accounting officers in the public
sector as well as mayors and chairpersons of local authorities and board chairpersons and the deputies for other State enterprises

A mean of 4.45 indicated that respondents agreed that Stakeholder awareness of the Act is one of the factors influencing public procurement law to be effective in enhancing ethical practices in public sector. According to the response from the interview respondents, if stakeholders were not aware of the regulations, they would not be aware of some of the clauses that favor them such as, an allowance to challenge a bid should they feel the procurement process was flawed. According to (Ombuki, et al., 2014), some stakeholders induces the unethical behavior of public officers by offering bribes and facilitation payment. The PPDPA Act 5 of Zimbabwe has a clause on how to handle such stakeholders therefore if they have been sensitized as well, they would play a major role in promoting ethical practices in public procurement.

A mean of 4.33 indicated that respondents all agreed that Lack of recognition of the procurement function as a strategic function as being one of the factors that influences the effectiveness of the Act. Interview respondents claimed that procurement was placed at the hands of clerical employees who had no strategic insight on procurement matters. The interview candidates hailed the new Act and stated that professionalizing the procurement function will by far improve the public procurement function. Most of the respondents said procurement spends huge amounts of public money and if that is used inefficiently, the public suffers. This findings affirms Basheka, (2012) who posits that professionalizing the procurement function will not only improve the efficiency of the function but improve the service delivery such as health, education and infrastructure development. (Basheka, 2012).

A mean of 4.53 recorded on the statement “Economic situation in the country influences the effectiveness of the Act” indicates that all respondents were in agreement to this statement. All interview respondents concurred that the economic situations plays a role in influencing the effectiveness of the Act. However, 60% of the Interview respondents shared the same view in that politics overrides set law and procedures and promoted unethical practices in public procurement. Sandada & Kambarami, (2016) in their study identified political interference as one of the factor that influenced unethical practices in public sector.
Other factors which all respondents agreed to was, the strict measurers and penalties put in place if there has been a breach of ethical practices (a mean of 4.47 was scored). Interview respondents concurred that the measures put in place in the Act will promote ethical practices as this will oblige procurement officers to follow set regulations when conducting procurement matters. A study by Magaya & Chidhawu, (2016) noted that lack of strict measures in the previous act was one of the reason unethical behavior was the order of the day in the public sector (Magaya & Chidhawu, 2016).

4.6 Effectiveness of Procurement Law and Policy in enhancing ethical practices

Regression Analysis

A regression analysis to test the nature of relationships between the dependent variable and independent variables was carried out.

<table>
<thead>
<tr>
<th>Model Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Model</td>
</tr>
<tr>
<td>-------</td>
</tr>
<tr>
<td>1</td>
</tr>
</tbody>
</table>

\(^a\) Predictors: (Constant), education, Procurement, service

The table shows coefficient of correlation (R) and the coefficient of determination (R\(^2\)). The researcher noted that R\(^2\) is 52.8% which means that there is an average relationship between procurement law and ethical practices.

ANOVA\(^a\)

<table>
<thead>
<tr>
<th>Model</th>
<th>Sum of Squares</th>
<th>Df</th>
<th>Mean Square</th>
<th>F</th>
<th>Sig.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Regression</td>
<td>1.162</td>
<td>3</td>
<td>.387</td>
<td>20.110</td>
</tr>
<tr>
<td></td>
<td>Residual</td>
<td>1.040</td>
<td>54</td>
<td>.019</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>2.202</td>
<td>57</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

\(^a\) Dependent Variable: Ethics
\(^b\) Predictors: (Constant), Procurement, service, education, age, gender

The results show that the outcome of analysis of variance (ANOVA) indicates that the F value is positive statistic (20.110) with a significant change of 0.000%. This implied that procurement law and policy is statistical significant in enhancing ethical practices. From
the Anova results, significant level is at 0.00 which is less than 0.05 and it shows that procurement laws and policy enhances ethical practices in the public sector.

Three variables were used to test if procurement law and policy is effective in enhancing ethical practices in public procurement at State Universities. Independent variables used to test this were the demographic information (education, gender, age and length of service) and procurement law (influenced by level of compliance, level of compliance and factors influencing effectiveness). Demographic information was included in the model as control variables since some of the responses were linked to it. In the table below, model a was ethical practices. A dependent variable (influenced by integrity, honesty, fairness and accountability) The summary of coefficient is presented in Table 4.4 below.

Table 4.4

<table>
<thead>
<tr>
<th>Coefficientsa</th>
<th>Unstandardized Coefficients</th>
<th>Standardized Coefficients</th>
<th>T</th>
<th>Sig.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Model</td>
<td>B</td>
<td>Std. Error</td>
<td>Beta</td>
<td>T</td>
</tr>
<tr>
<td>(Constant)</td>
<td>1.477</td>
<td>.489</td>
<td></td>
<td>3.019</td>
</tr>
<tr>
<td>service</td>
<td>-.035</td>
<td>.055</td>
<td>-.149</td>
<td>-.643</td>
</tr>
<tr>
<td>education</td>
<td>.083</td>
<td>.039</td>
<td>.310</td>
<td>2.136</td>
</tr>
<tr>
<td>Procurement Law</td>
<td>.625</td>
<td>.111</td>
<td>.583</td>
<td>5.616</td>
</tr>
<tr>
<td>Age</td>
<td>.006</td>
<td>.055</td>
<td>.033</td>
<td>.114</td>
</tr>
<tr>
<td>gender</td>
<td>.000</td>
<td>.045</td>
<td>-.001</td>
<td>-.010</td>
</tr>
</tbody>
</table>

a. Dependent Variable: Ethical Practices

Using the multiple linear regression, the model indicated that Procurement law was statistically significant at 10% level at a 90% confidence level. Justification for the use of 90% confidence level was the fact that some of the responses from participants might be clouded in fear of being exposed in the case of non-compliance to state laws. Positive standardized coefficients of 0.111 on procurement law indicated that procurement law increases ethical practices by 11%. The level of education scored a standardized coefficient of .310 indicating a positive relation with the dependent variable. This means education positively influences ethical practices by 31%. When tested for significance, the variable was statistically significant at 10% level at a 90% confidence interval. However, a negative b value of -.149 was recorded on the length of service representing a negative relationship between this variable and ethical. Literature reviewed revealed
that that the longer an employee serves an organisation, the easier it becomes to formulate shortcuts and in turn violate ethical rules (Armstrong, 2001; Miner, 2002; Kinley, 2015). The interview results however did not agree to this and viewed length of service as a factor which positively influenced compliance to regulations. A negative correlation between gender and ethics (-.001) was noted. which meant a decrease in gender difference negatively affects ethics in public procurement. Interview results showed that procurement was dominated by the male gender. A study by Roberta Bampton and Patrick Maclagan, drew conclusions that women tend to justify actions based on an ethics of compassion while men adhered more to proper procedures or law and rules. (Kra, et al., 2017).

Using the coefficients in the above table 4.2, the regression model can be in expressed by an equation as follows:

\[ Y = 1.145 + 0.86X_1 - 0.30X_2 + 0.006X_3 + 0.627X_5 \]

From the above equation, procurement law is the most significant driver in enhancing ethical practices in public procurement followed by education.

4.7 Chapter Summary

This chapter presented findings from the research respondents and discussed the findings relating it to literature reviewed. A regression analysis was done to test the relationship between the independent and dependent variables. From the findings, it was noted that compliance and level of education were key determinants of effectiveness of the Act. Findings revealed that through compliance, effectiveness, transparency, competition and honesty are achieved, and these are the four main objectives of public procurement law. The results revealed that procurement law and policy significantly depended on compliance for it to be effective in enhancing ethical practices in State University procurement. Procurement law was found to be a significant variable in enhancing ethical practices in state university procurement. From the demographic information received from the respondents, level of education had a significant influence on the dependent variable. The researcher noted that level of education positively influenced the effectiveness of the Act in promoting ethical practices. However other demographic information such as service and age when tested for significance were found to be insignificant to the study.
Chapter 5

Conclusion and Recommendations

5.1 Introduction
This study sought to analyze the effectiveness of public procurement law and policy in enhancing ethical practices in the State Universities. The main objectives of the study were to assess the level of compliance by State Universities, to evaluate the effect of compliance and on the effectiveness of the Act and factors influencing the effectiveness of the Act.

5.2. Conclusion
Literature reviewed revealed that compliance to set rules, policies and regulations positively influence the effectiveness of the rules and regulations. The first research objective was to assess the effect of compliance on the effectiveness of the Act. Based on the literature reviewed married with the findings from the both questionnaire and interview respondents, the study concludes that compliance is a significant factor in the effectiveness of the Act in promoting ethical practices. Compliance to public procurement related to public entities making sure that they had professional officers and managers in charge of the procurement units who must ensure compliance to regulations laid out in the Act. The study noted that education and training were necessary for the procurement officers to be able to comply with procurement law and policy. This research question was fully answered and since undertakings in State Universities are similar, these finding can be generalized to all state universities in Zimbabwe.

The study also aimed at assessing the level of compliance with Public procurement law and policy. The study concluded that the level of professionalizing in the procurement function together with training and staff development were factors determining the level of compliance. Literature reviewed revealed that low levels of compliance had a negative effect on the effectiveness of the procurement Act in promoting ethical practices in the public sector procurement.
The study sought to find out the factors that influence the effectiveness of the Act in enhancing ethical practices in State Universities. The research concludes that lack of qualified personnel, training, internal procedures and stakeholder awareness were some of the factors that influenced public procurement law and policy in achieving its objectives. Some of the factors that were identified which respondents concurred to included, lack of procurement professionalization of the procurement functions, strict measures put in place in case of a breach in ethical practices and the effect of economic situation in the country on effectiveness of the Act. The study concluded that all these factors have a significant bearing on the effectiveness of the Act.

5.2 Recommendations
The researcher therefore recommends that the Authority monitors regularly the procurement functions at State Universities to ensure fully compliance with procurement laws and regulations. The researcher also recommends that training by the Authority be conducted to all stakeholders involved in public procurement matters. The research recommends on-going training on code of conduct by public officers so as be conscious on the positive side of employing ethical practices in public procurement.

5.3 Recommendations for future research
The researcher recommends that further research be carried out on the effectiveness of procurement law in other public procuring entities other than State Universities.
References

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Mwenda, M., 2013. FACTORS INFLUENCING COMPLIANCE WITH THE PUBLIC PROCUREMENT LEGISLATION IN KENYA, Nairobi: s.n.


13 December 2018

To Whom It May Concern

Dear Sir/Madam

RE: REQUEST FOR DATA

This letter serves to inform you that Maridze Agnes (B1850532) is pursuing a Masters Degree in Purchasing and Supply Chain Management in our Department. Please assist her with data for her dissertation titled “The effectiveness of Public Procurement Law and Regulations in enhancing ethical Procurement practices in Public Sector: A case study of Higher Education Sector (Lupani State University)”. The information gathered from this research will be used purely for academic purposes and your response will be classified as private and confidential.

Your cooperation is greatly appreciated.

Yours Sincerely

[Signature]

Mr. L Muchabaiwa, Chairperson
My name is Agnes Maradze and I am a student at Bindura University of Science Education pursuing a Master of Science Degree in Purchasing and Supply Chain Management. I am undertaking an academic research project in partial fulfilment of the requirement of the degree program.

The title of the research is “Public Procurement Law and Regulations Effectiveness in enhancing ethical procurement practices in Zimbabwe’s State Universities

I therefore kindly request your assistance by being part of my respondents and answer the questions on this questionnaire. For the sake of confidentiality and ethical reasons, respondents are requested not to write their names on the questionnaire. Respondents are assured that the information will be treated with strict confidentiality and will be used for academic purpose only.

I thank you for your time.
Section A Demographic Information

Please tick the appropriate box

1. Age 1. =25years 2. 26-35years 3. 36-45years 4. 46-55years 5. 56-65years 6. +65years
   [ ] [ ] [ ] [ ] [ ]

2. Gender 1. Female 2. Male
   [ ] [ ]

3. Department 1. Procurement 2. Finance
   [ ] [ ]

   [ ] [ ] [ ] [ ]

5. Length of Service 1. =5years 2. 6-10years 3. 11-15years 4. 16-20years 5. 21+years
   [ ] [ ] [ ] [ ] [ ]

Section B

Awareness and Compliances to the PPDPA Act and Regulations

On a scale of 1-5, please indicate by placing an X on your the level of agreement or
disagreement with the following statements with regards of level of awareness and
compliance to the PPDPA Act by public procurement officers, to where 5 = Strongly
Agree, 4 = Agree, 3 = Not Sure, 2 = Disagree and 1 = Strongly Disagree
<table>
<thead>
<tr>
<th>Level of Compliance to PPDPA Act</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>The institute has a procurement management unit which is responsible for the institute’s procurement function as required by PPDPA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Procurement policies and procedures in the institute are in line with the PPDPA Act and Regulations</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Entity carries out annual procurement plans in accordance with section 21 of the PPDPA ACT</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The university has facilitated for procurement personnel to attend training on the new PPDPA so as to be effective in carrying out the entity’s procurement</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personnel in the procurement department are all qualified and registered as required by the PPDPA Act and Regulations</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The procurement function has been transformed from a clerical to professional, key government function with highly skilled personnel who will positively influence the act in achieving its ethical objectives</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All procurement personnel are aware of the code of conduct stipulated in Part IX section 71 of the PPDPA Act</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**SECTION C – To Assess the effect of compliance on the effectiveness of the Act in promoting ethical practices**

On a scale of 1-5, please indicate by placing an X on your the level of agreement or disagreement with the following statements with regards to how effective the PPDPA Act is in promoting ethical conduct in public procurement, where 5 = Strongly Disagree, 4 = Disagree, 3 = Not Sure, 2 = Agree and 1 = Strongly Agree
<table>
<thead>
<tr>
<th>Effect</th>
<th>To assess the effect of compliance on the effectiveness of the Act in promoting ethical practices in State Universities</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Efficiency and Effectiveness</strong></td>
<td>The University has a fully established PMU and professional procurement officers who are licensed in terms of the PPDPA Act manage it to promote efficiency and effectiveness in public procurement</td>
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<td></td>
<td>All personnel in the procurement department follow the code of conduct for public officers stipulated in the Act</td>
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<td><strong>Transparency</strong></td>
<td>An evaluation and Formation of Evaluation Committee and Special oversight committee which allows for check and balances to the procurement process has been established by the University to increase transparency in public procurement</td>
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<td></td>
<td>The University uses standard bidding documents issued by the Procurement Regulatory Authority of Zimbabwe to promote the level of transparency in public procurement</td>
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<td></td>
<td>The University is guided by Annual Procurement planning by entities required by the PPDPA Act to reduced marverick buying thereby increasing the level of honesty in Public procurement</td>
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<tr>
<td>Effect</td>
<td>To assess the effect of compliance on the effectiveness of the Act in promoting ethical practices in State Universities</td>
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<tr>
<td>Competition</td>
<td>The University uses competitive bidding method as prescribe by the act to promote competition and ethical practices in public procurement and reducing the level of corruption in public procurement</td>
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<tr>
<td>Fairness and honesty</td>
<td>The University makes announcements of bid winners and giving room for aggrieved parties to contest the award as stipulated in the PPDPA Act to promote fairness</td>
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<tr>
<td></td>
<td>The University conducts a Debriefing of unsuccessful bidders which is a requirement in the Act as a way of increasing the level of integrity in public procurement and reducing the level of corruption in public procurement</td>
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<td></td>
<td>The University disposes its assets as per provisions in the Act which promote ethical practices.</td>
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</tbody>
</table>

**Section D – Factors Influencing effectiveness of the Act in enhancing ethical practices**

Please indicate by placing an X on your the level of agreement or disagreement with the following statements with regards to the factors that influence the effectiveness of the Act in achieving ethical practices in public procurement at State Universities,
where 5 = Strongly Disagree, 4 = Disagree, 3 = Not Sure, 2 = Agree and 1 = Strongly Agree

<table>
<thead>
<tr>
<th></th>
<th>Factors that influence the effectiveness of the Act in achieving ethical practices in public procurement at State Universities</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Having personnel qualified in the procurement field influence the effectiveness of the Act in achieving ethical procurement practices</td>
</tr>
<tr>
<td>2</td>
<td>Recognizing the procurement function as a strategic unit influences the effectiveness of the Act</td>
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<tr>
<td>3</td>
<td>Professionally Qualified Personnel adhere to procedures and regulations thereby promoting effectiveness of the Act in enhancing ethical practices</td>
</tr>
<tr>
<td>4</td>
<td>Having professional qualified personnel will increase integrity and honesty in public procurement</td>
</tr>
<tr>
<td>5</td>
<td>Compliance to the regulations influence the effectiveness of the Act</td>
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<tr>
<td>6</td>
<td>Lack of training in the implementation of the new Act influence effectiveness of the Act</td>
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<tr>
<td>7</td>
<td>Stakeholder awareness of the Act also determines the effectiveness of the Act achieving ethical practices in public procurement</td>
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<tr>
<td>8</td>
<td>Lack of recognition of the procurement function as a strategic function and standalone unit (department) is a factor that influences the effectiveness of the Act in promoting ethical practices</td>
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<td></td>
<td>Factors that influence the effectiveness of the Act in achieving ethical practices in public procurement at State Universities</td>
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<td>9</td>
<td>Economic situation in the country influences the effectiveness of the Act in achieving sustainable procurement practices</td>
</tr>
<tr>
<td>1</td>
<td>Strict measures and penalties put in place if there has been any unethical conduct by public procurement officers in State Universities can influence the effectiveness of the Act in achieving ethical practices in public procurement</td>
</tr>
</tbody>
</table>

Thank you for your cooperation