

**CURBING CORRUPTION IN PUBLIC PROCUREMENT THROUGH
EFFECTIVE PUBLIC PROCUREMENT POLICY IN THE PUBLIC
SECTOR: A CASE STUDY OF THE WESTERN CAPE PROVINCE**

by

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DECLARATION

I declare that this study is my own work. It is being submitted to fulfil the requirements for the Doctoral Degree in Public Administration at the University of South Africa. It has not been submitted before for any degree or examination to any other university.

A handwritten signature in black ink, appearing to read 'Jack Magakwe', written in a cursive style.

Jack Magakwe

July 2023

ABSTRACT

This study sought to address public procurement policy development and implementation to combat corruption. This study contends that developing and implementing public procurement policies are important to prevent corrupt activities in state institutions in the Western Cape, South Africa. State institutions encounter challenges such as the lack of internal control measures, public procurement policy lapses and vulnerabilities, conflicting opinions, and a lack of accountability and interpretation of implementation objectives. These challenges hamper the successful implementation of public procurement policies in state institutions. The main objective of the investigation was to develop a framework to combat corruption in public procurement in the state institutions in the Western Cape. The framework intends to assist state institutions in combating ever-increasing corruption practices. Both qualitative and quantitative methods were employed. Data were collected from public procurement managers and practitioners at selected state institutions in the Western Cape. Both qualitative and quantitative data were concurrently collected. The study used a convergent parallel mixed-method research method. Evidence from a case study of twenty-five (25) selected state institutions in the Western Cape, South Africa, is presented to achieve the research objectives. The data from both phases were analysed, and a practical model was developed.

The intention was to present a flexible, easy-to-understand model for use by state institutions. It is envisaged that the implementing of the model anticipates reduced corrupt practices in state institutions in the Western Cape. The study reveals that complex regulatory measures are challenging to operate when implementing public procurement policies, unlike what is stated in the objectives. It requires capability training, upskilling, strengthening of the internal control measures, clarity of policy objectives, accountability, and transparency. The root causes of corruption must be addressed so that the state institutions' capabilities to deliver on their mandates. These measures are critical factors in limiting opportunities for corrupt activities. The research focused on the public procurement environment and, therefore, its primary application in state institutions in the Western Cape effectively addressed specific challenges related to implementing procurement policies aiming to curb corruption. Recommendations are suggested in the study, provided the complexity of public

procurement policy implementation at state institutions in the Western Cape. Further research could be conducted to investigate the potential applications of the model in state-owned enterprises. The model might also be adaptable to other service industries.

Keywords: public procurement policy; corruption; anti-corruption; implementation; development

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There is no wisdom nor understanding, nor counsel against the Lord

Proverbs 21:30

ACRONYMS AND ABBREVIATIONS

AA	affirmative action
AG	Auditor-General
AGSA	Auditor-General of South Africa
AOS	Accounting Officer System
AU	African Union
B-BBEE	Broad-based Black Economic Empowerment
B-BBEEA	Broad-Based Black Economic Empowerment Act
BEC	Bid Evaluation Committee
BEE	Black Economic Empowerment
CEO	Chief Financial Officer
COO	Chief operating officer
CPAR	Country Procurement Assessment Report
DBAC	Departmental Bid Adjudication Committee
DPSA	Department of Public Service and Administration
DTI	Department of Trade and Industry
FICA	Financial Intelligence Centre Act
FMCM	Financial Management Capability Maturity Model
GCC	General conditions of contract
GDP	gross domestic profit
HDI	historically disadvantaged individuals

ICT	Information and Communication Technology
IFMS	Integrated Financial Management System
MFMA	Municipal Finance Management Act
ML	Model Law
MMR	mixed-method research
SMME	small, medium and micro-enterprises
NDP	National Development Plan
NGO	non-governmental organisation
NPA	National Prosecuting Authority
NPG	New Public Governance
NPM	New Public Management
OCPO	Office of the Chief Procurement Officer
OECD	Organisation for Economic Co-operation and Development
PA	Public Administration
PFMA	Public Management Finance Act
PM	Public management
PMO	Programme Management Office
PP	Public Procurement
PPP	Public procurement policy
PPPFA	Preferential Procurement Policy Framework Act
PRASA	Passenger Rail Agency of South Africa's

PSC	Public Service Commission
QUAL	Qualitative
QUAN	Quantitative
R&D	Research and Development
RDP	Reconstruction and Development Programme
SAI	Supreme Audit Institution
SCM	Supply Chain Management
SMART	Specific Measurable Achievable Relevant Time-bound
SPSS	Statistical Package for the Social Sciences
TM	Tax Morale
UN	United Nations
UNODC	United Nations Office on Drugs and Crime
WB	World Bank
WTO	World Trade Organisation

TABLE OF CONTENTS

DECLARATION.....	i
ABSTRACT	ii
ACKNOWLEDGEMENTS	iv
ACRONYMS AND ABBREVIATIONS	v
TABLE OF CONTENTS	viii
LIST OF TABLES.....	xx
LIST OF FIGURES.....	xxii
CHAPTER 1 : INTRODUCTION AND BACKGROUND TO THE STUDY	1
1.1 INTRODUCTION.....	1
1.2 BACKGROUND AND RATIONALE.....	1
1.3 PROBLEM STATEMENT, RESEARCH QUESTIONS AND HYPOTHESES.....	6
1.4 RESEARCH OBJECTIVES	8
1.4.1 Objectives	8
1.5 CLARIFYING KEY CONCEPTS.....	9
1.5.1 Public procurement policy.....	9
1.5.2 Public policy.....	11
1.5.3 Supply Chain Management (SCM)	12
1.5.4 Corruption	13
1.5.5 Prevention.....	17
1.5.6 Public sector	19
1.6 GAP ANALYSIS IN PUBLIC PROCUREMENT POLICIES AND CORRUPTION RESEARCH	21
1.6.1 Delimitations and geographical domain	22
1.7 SIGNIFICANCE AND CONTRIBUTION OF THE STUDY.....	24
1.8 STRUCTURE OF THE THESIS	25
1.9 CONCLUSION	28
CHAPTER 2: CONCEPTUAL FRAMEWORK: RELATIONSHIP BETWEEN PUBLIC PROCUREMENT POLICY, CORRUPTION AND PUBLIC ADMINISTRATION AND MANAGEMENT	29
2.1 INTRODUCTION.....	29

2.2	PUBLIC ADMINISTRATION PUBLIC PROCUREMENT POLICY AND CORRUPTION	29
2.2.1	Public Administration	30
2.2.2	Public procurement policy	30
2.2.3	Corruption	34
2.2.3.1	Public procurement corruption	37
2.4	PUBLIC ADMINISTRATION.....	44
2.4.1	New public governance.....	46
2.4.2	Evolution of Public Administration.....	49
2.4.3	Application of theory in the public procurement domain.....	53
2.4.4	Relationship between public administration and public procurement.....	54
2.5	PUBLIC MANAGEMENT.....	56
2.6	RELATIONSHIP BETWEEN PUBLIC ADMINISTRATION, PUBLIC MANAGEMENT, PUBLIC PROCUREMENT AND CORRUPTION: A RELATIONAL MODEL	58
2.7	SYNTHESIS OF PUBLIC ADMINISTRATION, PUBLIC MANAGEMENT, PUBLIC PROCUREMENT POLICY AND CORRUPTION.....	67
2.8	CONCLUSION	70
CHAPTER 3: THEORISING PUBLIC PROCUREMENT AND CORRUPTION		71
3.1	INTRODUCTION.....	71
3.2	INTERNATIONAL APPROACHES TO ANTI-CORRUPTION	71
3.2.1	Cases study of corruption approaches.....	72
3.2.2	Unites States of America’s anti-corruption approach	72
3.2.3	South Korea's anti-corruption approach.....	73
3.2.4	China’s anti-corruption approach	74
3.2.5	India’s anti-corruption approach.....	75
3.3	CAUSES OF CORRUPTION	77
3.4	CORRUPTION IN PUBLIC PROCUREMENT: CAUSES AND CURES—AN OVERVIEW.....	80
SECTION 2: VARIABLES OF CORRUPTION		83
3.5	VARIABLES RELATING TO CORRUPTION IN PUBLIC PROCUREMENT	83
3.5.1	Eliminating competition	84

3.5.2	Subverting competitive processes	85
3.5.3	Deceitful practices during delivery	86
3.5.4	Collusion	87
3.5.5	Conflict of interest	88
3.5.6	State capture and kleptocracy.....	90
3.5.7	Lack of political will	92
3.5.8	Collective action.....	93
3.6	THEORISING PUBLIC PROCUREMENT AND CORRUPTION	94
3.6.1	Principal-agent Theory	94
3.6.2	Importance of the Principal-agent Theory in South Africa.....	102
3.6.3	Relevance and application of the institutional and principal-agent theories 104	
3.6.4	Institutional Theory.....	106
3.7	OVERARCHING PROCUREMENT PRINCIPLES	108
3.7.1	Competition.....	110
3.7.2	Transparency	110
3.7.3	Objective criteria in decision-making.....	111
3.8	PRINCIPLES TO REDUCE CORRUPTION	113
3.8.1	Open contracting.....	113
3.8.2	Price benchmarking	114
3.8.3	Integrity pacts.....	115
3.8.4	Specialisation.....	116
3.8.5	Standardised contracts	116
3.8.6	E-Procurement.....	117
3.8.7	Codes of Conduct for Procurers.....	118
3.8.8	Code of Conduct for Providers.....	119
3.8.9	Shared responsibilities	120
3.8.10	Debarment	121
3.8.11	Auditing	122
3.8.12	Supervision	124
3.8.13	Public society engagements	125
3.9	ANTI-CORRUPTION APPROACHES TO PUBLIC PROCUREMENT	126
3.9.1	Public procurement policy approaches	126

3.9.2	Policy development and implementation processes as approaches	127
3.10	PUBLIC PROCUREMENT APPROACHES AND MODELS	129
3.10.1	Implementation approaches	130
3.10.2	Significance of the study in the context of approaches	131
3.11	CONCLUSION	133
CHAPTER 4: LITERATURE REVIEW: AN OVERVIEW OF THE PUBLIC PROCUREMENT POLICY DEVELOPMENT AND IMPLEMENTATION TO CURB CORRUPTION		
134		
4.1	INTRODUCTION	134
4.2	HISTORICAL OVERVIEW OF PUBLIC PROCUREMENT POLICY DEVELOPMENT IN SOUTH AFRICA	135
4.3	PUBLIC PROCUREMENT STATUTORY, REGULATORY POLICY DEVELOPMENT AND REFORM IN SOUTH AFRICA	137
4.3.1	Preferential Procurement Policy Framework Act, 2000 (PPPFA)	141
4.3.2	The Preferential Public Procurement Framework Act: Strengths and weakness	145
4.3.3	The Constitutional Requirement of Public Procurement in South Africa	151
4.4	OVERVIEW OF APPLICABLE PUBLIC PROCUREMENT LEGISLATION	153
4.4.1	Applicable legislation	153
4.4.2	The Public Finance Management Act and Public Procurement	157
4.4.3	Supply Chain Management: A guide for accounting officers of municipalities and municipal entities	159
4.4.4	Municipal Financial Management Act (2003) and Public Procurement .	159
4.4.5	National Regulatory Framework	161
4.5	PUBLIC POLICY FORMULATION PROCESS	163
4.6	IMPLEMENTATION OF PUBLIC PROCUREMENT POLICY	165
4.7	OBJECTIVES OF THE PUBLIC PROCUREMENT POLICY	167
4.8	PRINCIPLES GUIDING PROCUREMENT POLICIES IN SOUTH AFRICA	168
4.8.1	Fairness	169
4.8.2	Equitableness	172
4.8.3	Competitiveness	173

4.8.4	Cost-effectiveness	174
4.9	PUBLIC PROCUREMENT IN SOUTH AFRICA: A CRITICAL ANALYSIS	175
SECTION 2: PROCUREMENT PROCESSES, CHALLENGES AND ROLE PLAYERS		
.....		178
4.10	THE PROCUREMENT PROCESS.....	178
4.10.1	Compiling the bid documents.....	179
4.10.2	Inviting of the bids	180
4.10.3	Receiving bids.....	181
4.10.4	Evaluating the bids.....	181
4.10.5	Clearing the bids and awarding the contract.....	182
4.11	FACTORS INFLUENCING THE DESIGN AND IMPLEMENTATION OF PUBLIC PROCUREMENT POLICY	183
4.11.1	Non-compliance with Procurement Policies and Regulations	184
4.11.2	Lack of proper knowledge, skills and capacity	185
4.11.3	Inadequate planning and linking demand to the budget.....	186
4.11.4	Lack of accountability in the public procurement procedures.....	187
4.11.5	Inadequate procurement monitoring and evaluation measures	190
4.11.6	Unethical behaviour in SCM and procurement processes	190
4.11.7	Ineffectiveness of B-BBEE	191
4.12	ROLE PLAYERS IN THE SOUTH AFRICAN PUBLIC PROCUREMENT ENVIRONMENT.....	192
4.12.1	The Auditor-General's SCM and procurement processes.....	193
4.12.2	The role and responsibilities of the AGSA	193
4.12.3	Public Service Commission (PSC).....	197
4.12.4	The Office of the Chief Procurement Officer and SCM Reform in 2015	198
4.12.5	The role of the Public Protector to investigate corruption in public procurement.....	203
4.13	ANTI-CORRUPTION INITIATIVES TO CURB AND PREVENT CORRUPTION	205
4.13.1	The National Development Plan and corruption in public procurement	208
4.13.2	Audits and supervisions capabilities	209
4.14	ADDRESSING INCREASING LEVELS OF CORRUPTION IN PUBLIC PROCUREMENT	211

4.14.1	Measurement of procurement corruption in South Africa	211
4.14.1.1	Administrative measures.....	211
4.14.1.2	Regulatory measures.....	212
4.14.1.3	Social measures	214
4.15	SYNTHESIS OF CORRUPTION IN PUBLIC PROCUREMENT IN SOUTH AFRICA.....	214
4.16	CONCLUSION	216
CHAPTER 5: RESEARCH METHODOLOGY		218
5.1	INTRODUCTION.....	218
5.2	PHILOSOPHICAL ORIENTATION OF THE STUDY.....	219
5.3	METHODOLOGICAL ORIENTATION.....	221
5.3.1	Research design	221
5.3.2	Quantitative method.....	221
5.3.3	Qualitative method.....	222
5.3.4	Mixed-method research	222
5.3.5	Justification of triangulation method.....	226
5.3.6	Unit of analysis.....	228
5.3.7	Observation unit.....	228
5.4	POPULATION AND TARGET POPULATION	228
5.4.2	Population and sampling methods/design	230
5.4.3	Procedure to collect empirical data.....	233
5.4.4	Targeted population.....	234
5.5	MAIN DATA COLLECTION METHODS AND MEASURING INSTRUMENT	234
5.5.2	Strengths and weaknesses of data collection tool	234
5.5.3	Interviews.....	237
5.5.4	Content and thematic analysis.....	239
5.5.5	Semi-structured interviews.....	241
5.5.6	Questionnaire design	244
5.5.7	Document analysis.....	245
5.5.8	Case study.....	247
5.5.9	Justification of the case study	248
5.6	DATA COLLECTION TECHNIQUES	249

5.6.1	Research phases	249
SECTION 2-	DATA COLLECTION PROCESSES	251
5.7	DATA COLLECTION PROCESS	251
5.7.1	Primary data.....	251
5.7.2	Secondary data.....	252
5.8	DATA ANALYSIS	252
5.8.3	Statistical approach and techniques	255
5.8.3.1	Descriptive statistics	256
5.8.3.2	Kruskal-Wallis Test	257
5.8.3.3	Bivariate correlation and regression.....	257
5.8.3.4	Inferential statistics	258
5.9	STUDY LIMITATIONS.....	259
5.10	RELIABILITY AND VALIDITY	260
5.10.1	Reliability analysis.....	260
5.10.2	Internal validity	262
5.10.3	External validity.....	263
5.10.4	Dependability of the study.....	263
5.11	ETHICAL CONSIDERATIONS	264
5.12	CONCLUSION	266
CHAPTER 6:	FINDINGS AND ANALYSIS	267
6.1	INTRODUCTION.....	267
6.2	RESPONSE RATE	268
6.2.1	Final sample.....	268
6.2.2	Response rate.....	268
6.2.3	Hypotheses	268
6.3	DATA ANALYSIS	269
6.3.1	Procedures.....	269
1	SECTION 1- STATISTICAL APPROACH	270
6.4	STATISTICAL METHODS.....	270
6.5	RESEARCH FINDINGS	271
6.6	INTERNAL RELIABILITY	272
6.6.1	Cronbach Alpha Test	272
Table 0.3:	Cronbach alpha reliability and case processing summary.....	274

6.7	RESULTS: QUANTITATIVE APPROACH.....	274
6.7.1	Biographic Profile of the Sample.....	274
6.7.2	Age of respondents.....	276
6.7.3	Educational level and years of experience in procurement.....	277
6.7.4	Age and educational status of officials.....	278
6.7.5	Descriptive Statistics and Cross-Tabulations.....	280
6.8	FACTOR ANALYSIS.....	283
6.9	CORRELATIONAL STATISTICS.....	294
6.9.1	Spearman Correlation.....	295
6.9.2	Non-parametric correlations.....	296
6.9.3	Analysis and interpretation.....	296
6.10	KRUSKAL-WALLIS STATISTICAL TEST.....	297
SECTION 2- QUALITATIVE APPROACH: ANALYSIS AND RESULTS.....		303
6.11	ANALYSIS AND RESULTS: QUALITATIVE APPROACH.....	303
6.11.1	Demographic analysis.....	303
6.11.2	Document analysis.....	305
6.12	THEMATIC ANALYSIS.....	307
6.12.1	Influencing factors: Public procurement policy development.....	311
6.12.2	B-BBEE Promotion.....	312
6.12.3	Clarity of policy objectives.....	313
6.12.4	Conflict of interest.....	313
6.12.5	Inefficient use of human resources and accountability.....	314
6.12.6	Local content and political will.....	315
6.12.7	National Development Plan and interdepartmental linkages.....	315
6.12.8	Availability of public procurement policy, resources and capacities.....	317
6.12.9	Cost-effectiveness of implementation and accountability.....	319
6.12.10	Monitoring and Evaluation (M&E) and stakeholder engagement....	319
6.12.11	Internal control mechanism and protection of whistle-blowers.....	320
6.12.12	Values and social factors.....	322
6.12.13	Code of conduct and leadership accountability.....	323
6.13	NON-COMPLIANCE SYSTEM OF IDENTIFICATION AND DETECTION.....	324
6.13.1	Inquiry commission/Labour relation practices.....	325
6.13.2	Internal control mechanism.....	326

6.13.3	Zero tolerance approach.....	327
6.13.4	Technological leverage.....	327
6.14	PROCUREMENT POLICY DEVELOPMENT LAPSES AND VULNERABILITIES.....	328
6.14.1	Capacity building/training concerns.....	328
6.14.2	Lack of confidence in procurement policy and laissez-faire concern to corruption.....	329
6.15	PUBLIC PROCUREMENT POLICY DEVELOPMENT: PREVENTION OF CORRUPTION.....	330
6.15.1	Anti-corruption policy assessment effectiveness.....	330
6.15.2	Municipal SCM policy.....	331
6.15.3	Positive expectations on policy.....	332
6.16	PUBLIC PROCUREMENT POLICY IMPLEMENTATION LAPSES AND VULNERABILITIES.....	333
6.16.1	Lack of/weak internal control mechanism.....	333
6.16.2	Unethical behaviour.....	334
6.16.3	Red tape issues.....	334
6.16.4	Public political interference.....	335
6.16.5	Manipulation of specification by line managers.....	335
6.16.6	Implementation problem.....	335
6.16.7	Lack of departmental anti-corruption strategy.....	336
6.16.8	Lack of training/workshop on PPP.....	336
6.16.9	Inadequate capacities/resources.....	338
6.16.10	Lack of accountability.....	338
6.16.11	Corrupt suppliers.....	339
6.17	PUBLIC PROCUREMENT POLICY IMPLEMENTATION: CORRUPTION PREVENTION.....	340
6.17.1	Capacity for compliance.....	340
6.17.2	Compliance and proactiveness.....	341
6.17.3	Leadership.....	341
6.17.4	Public awareness of anti-corruption measures.....	342
6.17.5	Internal control mechanism.....	343
6.17.6	Procurement good practice.....	346

6.17.7 Strategy review	347
6.17.8 Staff attitudes towards corruption.....	348
6.17.9 The use of code of conduct.....	348
6.17.10 Use of a whistle-blower	349
6.18 COMMENTS FROM THE QUESTIONNAIRE	351
SECTION 3: ANALYSIS AND MERGING OF QUANTITATIVE AND QUALITATIVE FINDINGS	353
6.19 INTRODUCTION.....	353
6.20 INTERPRETATION AND FINDINGS: QUANTITATIVE DATA.....	353
6.20.1 Reliability.....	353
6.20.2 Cross-tabulation technique	353
6.20.3 Factor analysis.....	355
6.20.4 Public participation as a solution to corruption (PPS)	356
6.20.5 Strengthened judiciary as a solution to procurement corruption (SJS) .	356
6.20.6 Complaints-handling mechanisms as a solution to procurement corruption (CHM)	357
6.20.7 International community involvement in addressing procurement corruption (ICI).....	358
6.20.8 Spearman correlational statistics	358
6.20.9 Kruskal-Wallis hypotheses testing	359
6.21 INTERPRETATIONS AND DISCUSSIONS OF THE QUALITATIVE RESULTS.....	361
6.21.1 Demographic analysis.....	361
6.21.2 Thematic analysis	361
6.21.2.1 Influencing Factors: Public Procurement Policy.....	361
6.21.2.2 Public procurement implementation: Corruption prevention	365
6.22 MERGING AND COMPARING OF QUANTITATIVE AND QUALITATIVE FINDINGS	367
6.22.1 Mixed-method Integration	367
6.23 CONCLUSION	379
CHAPTER 7: CONCLUSIONS AND RECOMMENDATIONS	381
7.1 INTRODUCTION.....	381
7.2 SYNTHESIS OF LITERATURE REVIEW.....	381

7.2.1	Reflection of literature review and chapters	381
7.2.1.1	Research Question 1: What are the strengths and weaknesses of public procurement policies aimed at curbing corruption?	383
7.2.1.2	Research Question 2: What are the various factors relate to the success of public procurement policies aimed at curbing corruption at public organisations in the Western Cape?.....	384
7.2.1.3	Research Question 3: What are the variables and systems that determine the effectiveness of public procurement policies at public institutions in the Western Cape?	385
7.2.1.4	Research Question 4: What are the reasons for a significant increase or decrease of corruption in public procurement?.....	385
7.2.1.5	Research Question 5: What is the relationship between public procurement policy and corruption?.....	386
7.2.1.6	Research Question 6: What recommendations can be made to reduce corruption in public procurement at public institutions in the Western Cape?	386
7.3	CONCLUSIONS.....	388
7.3.1	Objective 1	388
7.3.2	Objective 2.....	389
7.3.2.1	Objective 3.....	390
7.3.2.2	Objective 4.....	391
7.3.2.3	Objective 5.....	392
7.3.2.4	Objective 6.....	393
7.3.3	Conclusion regarding the central hypotheses	394
7.4	PROPOSED PUBLIC PROCUREMENT MODEL FROM EMPIRICAL ANALYSIS.....	394
7.4.1	Parliament and legislative mandate	395
7.4.2	Judiciary and law enforcement.....	396
7.4.3	Implementation of a New Public Procurement Framework	397
7.4.4	Stakeholder engagement and involvement.....	398
7.4.5	Key features of the Holistic Multi-Pronged Anti-Corruption Model (HMPAM)	
	399	
7.5	RECOMMENDATIONS	399

7.5.1	Recommendations for the Field of Public Procurement Policy.....	399
7.5.2	Recommendation for future study	401
7.6	EVALUATION OF THE RESEARCH.....	402
7.6.1	Contribution at a theoretical level.....	402
7.6.2	Contribution at an empirical level	403
7.6.3	Contribution at a practical level	404
7.7	LIMITATIONS.....	405
7.8	CHAPTER SUMMARY	405
	BIBLIOGRAPHY	407
	ANNEXURE A: DESCRIPTIVE STATISTICS	445
	ANNEXURE B: DATA COLLECTION TOOLS	450
	ANNEXURE C: QUESTIONNAIRE	452
	ANNEXURE D: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM APPROVAL.....	464
	ANNEXURE E: EXAMPLE OF APPROVAL LETTER	465
	ANNEXURE F: RESEARCH ETHICS CERTIFICATE	467
	ANNEXURE G: LANGUAGE EDITING CERTIFICATE.....	468

LIST OF TABLES

Table 2.1: Comparison between the Public Administration, new public management and NPG.....	48
Table 4.1: B-BBEE Status Based on the Performance of a Measured Entity Using the Generic Scorecard	143
Table 4.2: Large Entities B-BBEE Scorecard	144
Table 4.3: Applicable legislation in South Africa concerning public procurement.....	153
Table 5.1: Sample Composition	232
Table 5.2: Illustration of the triangulation research approach	234
Table 5.3: Strengths and weaknesses of data collection methods	237
Table 5.4: Number of State organs involved in the data collection process	240
Table 5.5: Key documents retrieved for analysis	248
Table 5.6: Visual display regarding the phases of data collection process	251
Table 5.7: Research questions.....	255
Table 5.8: Reliability statistics	263
Table 6.1: Statistical tests	272
Table 6.2: Scale codes and descriptions	274
Table 6.3: Cronbach alpha reliability and case processing summary	275
Table 6.4: Distribution of the sample by education and the number of years' experience in procurement	279
Table 6.5: Distribution of age and qualification	281
Table 6.6: Communalities of variables computed	287
Table 6.7: Total variance explained.....	289
Table 6.8: Rotation component matrix of variables.....	294
Table 6.9: Spearman test.....	298
Table 6.10: Hypothesis Kruskal-Wallis H test.....	300
Table 6.11: Ranks of the Kruskal-Wallis H test.....	302
Table 6.12: Kruskal-Wallis test statistics	304
Table 6.13: Composition of sample	305
Table 6.14: Main themes and sub-themes	311

Table 6.15: Component factor loading analysis.....	359
Table 6.16: Mixed-method integration: Techniques by comparing and contrasting constructs	371
Table 6.17: Convergence or divergence of the mixed-method Integration.....	378

LIST OF FIGURES

Figure 2.1: Relationship between Public Administration, Public Management, public procurement policy and corruption	83
Figure 5.1: Convergent parallel mixed-method research design.....	221
Figure 5.2: Convergent parallel mixed-method design	227
Figure 6.1: Distribution of sample of participants employed in state institutions.....	277
Figure 6.2: Age of the respondents per state institution.....	278
Figure 6.3: Scree plot.....	292
Figure 6.4: Main theme 1: Influencing factors: Public procurement policy development	314
Figure 6.5: Main theme 2: Influencing factors: Public procurement policy implementation	319
Figure 6.6: Main theme 3: Non-compliance system of identification and detection	327
Figure 6.7: Main theme 4: Public procurement policy development lapses/vulnerabilities .	331
Figure 6.8: Main theme 5: Public procurement policy development: Corruption prevention	333
Figure 6.9: Main theme 6: Public procurement policy implementation lapses/vulnerabilities	336
Figure 6.10: Main theme 7: Public procurement policy implementation: Corruption prevention	343
Figure 7.1: Holistic Multi-Pronged Anti-Corruption Model	399

CHAPTER 1: INTRODUCTION AND BACKGROUND TO THE STUDY

1.1 INTRODUCTION

Corruption in public procurement is a global phenomenon harming the economy and the development of processes in South Africa. Public procurement is susceptible to corruption because of the extraordinary expenditure of the South African Government on capital projects. Societies worldwide consider public procurement an area prone to corruption (Organisation for Economic Co-operation and Development (OECD), 2015). Discretion of public officials, political policymakers and public procurement policy implementers is critical to monitor public expenditure, while mechanisms are implemented to detect corruption.

Public procurement procedures entail detailed planning and technical capabilities of public officials during the process. Policymakers view planning and implementing public procurement policy as challenging and complex. These complexities necessitate comprehensive preventive measures, such as proactively implementing anti-corruption strategies to prevent corruption. These measures include public awareness regarding corruption prevention in public procurement.

This chapter presented a general overview of the study. A historical overview of public procurement in the South African context sets the scene for the study. A general overview and background of public procurement in South Africa was provided. Key aspects were clarified. The motivation for this research was presented, followed by the problem statement, the research questions, and the objectives. The gap analysis in public procurement and significance and contribution to the body of knowledge are outlined. Finally, this chapter also provided a structure of the thesis.

1.2 BACKGROUND AND RATIONALE

Corruption in public procurement is a global phenomenon. Overall, state procurement represents between 13% and 20% of GDP (World Bank, 2020:3). The global procurement market is estimated to be worth 9.5 trillion dollars, and the UNODC estimates that 10 to 25% of the whole value of a public contract is lost due to corruption (UNODC,2020). Developed and developing countries' governments spend much of

their GDPs on public procurement for goods and services, Africa 19%, Asia 25% (Bosio et al., 2020:34).

Globally, governments spent \$11 trillion on public procurement in 2018, amounting to 12 % of global GDP (Fazekas and Blum, 2021:4). Public procurement shares more than a tenth of national production in all wealthy nations, including 24 % in Switzerland, 21 % in the Netherlands, and 18 % in Hong Kong and Singapore. Most of the public funds are spent on key public services, such as healthcare, provision of education, military, and infrastructure development (OECD report, 2016:6). Owing to the considerable sum of money are spent by Government on the procurement of goods and services, procurement became a vulnerable and high-risk area prone to corruption (Bosio, et al., 2020:5). The questions can be asked; what measures can be implemented by Government to create a transparent and open procurement system? There are various international instruments to curb corruption. Organisations like the World Bank, Transparency International and the OECD governed countries with guidelines and methodologies for implementing anti-corruption measures.

Before 1994, South Africa's governmental procurement system favoured large, well-established suppliers. New contractors found it challenging to engage in government procurement procedures. In South Africa, public procurement was provided constitutional standing and is recognised to address previous discriminatory laws and practices (Bolton, 2017:3). The public procurement reform process was introduced in South Africa in 1995 (De La Harpe, 2016:97).

This process was initiated by introducing a range of procurement legislation frameworks, such as the Preferential Procurement Policy Framework Act (PPPFA) (Act 5 of 2000, Constitution of South Africa) (Act 108 of 1996), Public Finance Management Act (PFMA), (Act 1 of 1999), Municipality Finance Management Act (MFMA), (Act 56 of 2003), and the Broad-Based Black Economic Empowerment (B-BBEE) Act 53 of 2003. In 1997, the South African Government published *the Green Paper on Public Procurement* (Republic of South Africa, 1997) to provide easy access to the population's public procurement system.

Public procurement reform in South Africa was undertaken to promote sound governance principles. The National Treasury introduced a preferential system to

address socioeconomic objectives (Ambe, 2016:3). More importantly, preferential procurement strives to guarantee that public monies benefit all sectors of the South African population through job creation and commercial activity. The reform processes are owing to contradictions in policy implementation and a lack of transparency and support mechanisms, such as training and awareness programmes for the population of South Africa relating to the preferential system, including dysfunctional processes in public procurement (Den Uyl, Russel, 2018:349, Fourie and Poggenpoel, 2017:169).

The deficiencies and fragmentation in governance, interpretation and implementation of the PPPFA, 2000 (No. 5 of 2000), necessitated the introduction of supply chain management (SCM) in the public sector (Treasury, 2014:6). According to Section 27(1) of the Constitution of South Africa, 1996, procurement of goods and services should be fair, equitable, transparent, and cost-effective while ensuring value for money.

The growth of national, provincial and local government institutions in emerging countries, such as South Africa, underscores the importance of a public procurement policy as a macroeconomic variable option to deal with the challenges of inequality. According to Bolton (2014:245), “public procurement is recognised as a profession that plays a key role in the successful management of public resources, and several countries realised the significance of procurement as an area vulnerable to mismanagement and corruption and have, therefore, attempted to integrate procurement into a more strategic view of government efforts”. To guarantee that Government’s policy objectives are met, compliance with public procurement laws, regulations, norms, and standards is vital. Ethics, integrity, openness, and accountability must be reinforced to decrease waste, remove corruption and improve public sector performance.

Gottschalk and Stanislas (2017: 34) assert that public corruption threatens national security; therefore, the management of most countries implements annual procurement plans to control corrupt practices. Since introducing the PPPFA (5 of 2000), national, provincial and local government departments have experienced difficulty in adequately addressing corruption challenges. The PPPFA provides a

framework to promote principles of good governance, introducing a preference system to discuss specific socioeconomic objectives as stipulated in Section 217(2) of the South African Constitution 1996.

The regulations of the PPPFA and the Supply Chain Management (SCM) guidelines for accounting officers are complex regarding the objectives relating to public procurement, as stated in the South African Constitution of 1996. Public procurement is the multifaceted function of finding and acquiring goods and services for state institutions to fulfil its core objective. A supply chain is the resources, information, network of entities and people and functions of producing and distributing a specific product to the final buyer. SCM is a process overseeing the supply chain to improve the flow of goods and services and transform raw materials into products for the end buyer (Mazibuko and Fourie, 2017:105).

South Africans expressed concerns in the media about the inability of Government to cope with the increasing levels of corruption in the public domain. To support the aforementioned, Masuku (2019:119) avers that the media's role is to report on corrupt cases in South Africa. For example, newspapers and social media should highlight public knowledge of corruption, its causes, consequences, and potential solutions, benefiting other oversight bodies and the National Prosecuting Authority (NPA).

The critical key focus of this study is the development and implementation of public procurement policies to curb corruption in the South African public sector in the Western Cape. Public procurement policies are an international phenomenon in several state institutions. The OECD provided guidelines to countries to curb corruption in public procurement. Public procurement policies and anti-corruption strategies aim to enhance accountability and transparency while promoting competition and value for money (OECD), 2016:12).

As an international organisation, the OECD played a pioneering role in recognising the importance of excellent governance in public procurement. The principles developed by the OECD are anchored in four pillars, indicating transparency, good management, prevention of misconduct, accountability, and control to enhance the integrity of public procurement. Implementing these principles in public procurement aims to reinforce integrity efforts and enhance the efficient and effective management

of public resources. In the context of this study, the public procurement policy development and implementation processes in Western Cape's national, provincial and local state institutions should be aligned with the four pillars of the OCED to curb corruption.

In 2007, South Africa endorsed the OECD Anti-Bribery Convention to strengthen the OECD convention; and, therefore, contributed to the global battle against corruption on local and international levels (OECD report, 2017:12). Since 1999, public procurement processes have become more complex with strengthened control measures. Control measures refer to auditing procurement processes, signing the code of conduct, debarment of suppliers, and disclosing gifts received from suppliers. Therefore, a balance must be ensured among socioeconomic goals to deal with challenges, such as bribes, manipulating the procurement process and anti-competitive practices.

Conversely, while socioeconomic goals are essential to ensure economic growth, the Government's regulatory requirements and legislation as a vehicle to bring change should be adhered to. Despite a robust regulatory environment in public procurement, businesses compete against one another to obtain bids from Government.

Against this background, competition among businesses creates the opportunity to bribe government officials to procure goods and services from Government. The possibility of involvement in bribes and other corrupt activities is evident in public procurement. Thai (2017:20) affirms that the South African Government employed the public procurement policy to address previous disparities; for example, economic inequalities preventing certain groups of people from accessing business opportunities and the high unemployment rate, which accelerates economic development.

South Africa established the public procurement policy to reach set socioeconomic goals. Before 1994, large and established businesses benefited from the South African Government's procurement system. It was difficult for a newly established business to enter the procurement system. In 1994, however, government procurement was granted constitutional status and was recognised as addressing past discriminatory policies and practices (Thai, 2017:20).

South Africa, as an emerging economy, is confronted with various elements of corruption owing to non-adherence to the public procurement policies at national, provincial and local departments in the Western Cape (Munzhedzi, 2016:17). The non-compliance with the public procurement policies leads to frustration in the public domain while becoming an acceptable norm in society. The public procurement policy development process should be strengthened to ensure the public interest is protected and principles of good governance are institutionalised, such as accountability, the rule of law and transparency (Williams-Elegbe, 2015:31).

Public procurement policy development is necessary to maximise competitiveness and create employment (Dadush, 2015:14). Thai (2017:60) maintains that the origin of all procurement policies is political. The South African Government's public procurement policy is an instrument to regulate the sourcing of goods and services but lacks mechanisms to prevent or curb corruption. National and provincial departments, including municipalities in the Western Cape, South Africa, encounter various challenges, such as maladministration, corrupt practices and manipulation of procurement processes. This case study provides a framework on how to minimise corrupt activities.

Literature relating to public procurement research in South Africa revealed a need for further research into public procurement policy development in various contexts (Edler and Georghiou, 2007:24). Knight *et al.* (2012:121) assert that limited research was conducted to analyse the influence of non-compliance in public procurement policies to address corruption. Furthermore, Walker and Brammer (2012:12) maintain that public procurement is significant, though an under-researched area globally.

1.3 PROBLEM STATEMENT, RESEARCH QUESTIONS AND HYPOTHESES

Corruption in public procurement was reported in the public domain through media reports. However, the South African public sector lacks the political strength to deal with the challenge (Fourie, 2015:13). The lack of proper knowledge, skills and capacity, including non-compliance with policies and regulations, inadequate planning, linking demands to the budget, accountability, and unethical behaviour, are the challenges confronting national, provincial and local departments in the Western Cape. Bribery and corrupt practices emerge and weaken the public procurement

processes unless an integrated approach, effective control mechanisms and management practices are implemented. The lack of implementing established procurement practices and reporting corrupt cases; the investigation and prosecution capacity of reported corrupt practices is lacking at state institutions in the Western Cape, South Africa. In the Western Cape, South Africa, anti-corruption measures in public procurement are ineffective. The public procurement environment is subjected to extensive political interference relating to the outcomes of a bid reward and a range of ramifications that have facilitated corrupt practices and undermined oversight and accountability. Scholarly literature demonstrates that public procurement emphasises a lack of transparent and accountable systems allowing vast resources to be channelled through public procurement systems (Kangogi and Kiptoo 2013:12).

The lack of transparency and accountability, including bypassing public procurement processes, causes corrupt activities and misuse of public funds. Public procurement policies are implemented, while audits are conducted annually at government institutions. Nevertheless, corrupt practices are increasing from 1067 in the 2018/19 financial year to 1591 cases in 2019/20, as reported to the Public Service Commission (Public Service Commission Annual Report, 2020:23). The main research problem of this study is:

Public procurement policies are not sufficiently robust to prevent or curb corruption owing to the lack of transparency and accountability. Therefore, this problem necessitates analysing public procurement policies and laws to curb public procurement corruption. Concerning the empirical study, the research questions are:

- **Research Question 1:** What are the strengths and weaknesses of public procurement policies aimed at curbing corruption at public institutions in the Western Cape, South Africa?
- **Research Question 2:** What are various factors that relate to the success of public procurement policies aimed at curbing corruption at public institutions in the Western Cape?
- **Research Question 3:** What are the variables and systems that determine the effectiveness of public procurement at public institutions in the Western Cape, South Africa?

- **Research Question 4:** What are the reasons for the significant increase or decrease in corruption in public procurement at public institutions in the Western Cape, South Africa?
- **Research Question 5:** What is the relationship between public procurement policies and corruption of public institutions in the Western Cape, South Africa?
- **Research question 6:** What recommendations can be made to reduce corruption in public procurement at public institutions in the Western Cape, South Africa?

To address the research questions, the study provides scientific, empirical data for either proving or disproving whether policy procurement policies have built-in mechanisms to prevent corruption during the public procurement policy formulation processes. Based on the research questions, the research hypotheses are:

Null Hypothesis (H₀): The development and implementation of public procurement policies prevent or curbs corruption.

Alternative Hypothesis (H_a): The development and implementation of public procurement policies does not prevent or curb corruption.

The following research objectives were formulated flowing from the problem statement and research questions.

1.4 RESEARCH OBJECTIVES

1.4.1 Objectives

The objectives of the study are:

- **Objective 1:** To explore the strengths and weaknesses of public procurement policies aimed at curbing corruption at public institutions in the Western Cape, South Africa.
- **Objective 2:** To determine various factors related to the success of public procurement aimed at curbing corruption at public institutions in the Western Cape, South Africa.

- **Objective 3:** To examine the specific variables and systems that determine the efficient management of public procurement policies at public institutions in the Western Cape, South Africa.
- **Objective 4:** To measure the relationship between corruption and public procurement policy by statistically analysing the empirical data.
- **Objective 5:** To investigate the ability of public procurement policies to curb corruption at public institutions in the Western Cape, South Africa.
- **Objective 6:** To investigate the public procurement framework for the South African public sector to improve procurement practices and curb corruption.

The aforementioned problem statement, objectives and research questions described the purpose and focus of this study. The aim is to curb corruption in the South African public sector through public procurement policy development and implementation.

1.5 CLARIFYING KEY CONCEPTS

The fundamental concepts of this study are briefly explained to ensure clarity and provide a better understanding of their contextual use. The definitions of key concepts and perspectives on the public procurement policy, corruption, prevention, and public sector, follow.

1.5.1 Public procurement policy

The latter decade of the 20th century witnessed a global paradigm change in the relevance of public procurement regulation. Governments around the globe awoke to the sobering conclusion that procurement costs were becoming the most significant obstacle to service delivery (OECD report, 2016). Public procurement has existed for decades. This practice was overlooked in some jurisdictions for the proper classification and recognition of public procurement in governance (Thai, 2017:48). As a public administration and legal discipline, it was recognised as a practice in the past 20 years, particularly in Europe, gaining attention in the literature in Africa (Bolton, 2018:23).

Public procurement is defined as acquiring goods and services, whether under formal contract or otherwise, of works, supplies and services by public bodies. It ranges from

purchasing routine supplies or services to formal tendering and placing contracts for large infrastructural projects by various contracting authorities (Gianakis and McCue, 2012:110-115). Gianakis and McCue (2012:118) assert that the concept of 'procurement' includes all stages of acquiring property or services, beginning with determining a need for property or services and ending with contract completion and closeout. Public procurement is the mechanism through which public agencies purchase local and foreign items, resources, and supplies (Snider and Rendon, 2012:45).

Government institutions at national, provincial and local levels using the procurement of goods and services boost the local economic outcomes of the suppliers in a particular area (Hsueh Bretschneider, Stritch and Darnall, 2020:5). First, Government is a highly formalised essential and continuing operation. Therefore, in the public procurement environment, it is unnecessary to have implemented substantial political and regulatory supervision. Therefore, all procurement-related legislative modifications should follow state institutions' guidelines and routines. More importantly, each purchase of goods and services represents the preference point system under the PPPFA and formal or informal standards, such as preference points for local content.

The acquisition options would satisfy the public organisation's expectations and requirements, minimising costs. To achieve their service goals, professionals must focus on internal decision-making processes and mechanisms to conduct their work (Hsueh, Bretschneider, Stritch, and Darnall, 2020:5). It can be deduced that public procurement is the process through which government agencies procure goods, services and development and building projects from local and foreign vendors, all while adhering to the basic principles of justice, equitability, transparency, competitiveness, and cost-effectiveness.

According to OECD (2019:4), governments procurement uses 60% of its budget to procure private sector goods and services. On average, the OECD member states spend 13% of gross domestic product (GDP) in the private sector to offer public service. Public procurement is observed as an 'operational' feature of Government,

“but Government can have structural effects on the private sector in various ways, yet few sectors have a more direct effect than public procurement” (OECD report, 2019).

1.5.2 Public policy

Public policy is defined as “the sum of government activities, whether pursued directly or through agents, as those activities influence the lives of citizens” (Cloete and De Coning, 2011:45). Dror (2017:13) expanded on the concept of public policy and elucidated policymaking as a process. The author implied that policymaking is the conscious awareness of choice among alternatives (Dror, 2017:14). Parson (1995:14) describes policymaking as defining and structuring a rational basis for action and interaction.

Public procurement policy aims to achieve value for money. It is supported by core principles, particularly the need to maximise competition for the goods and services purchased by Government (Bolton, 2016:13). Where practically and legally possible, the policy should also attempt to promote Government’s objectives on national, provincial and local levels. The policy of the National Treasury (2014:35) aims to advance procurement management reform, comprising:

- **Capacity building** involves building organisational capacity to strategically manage procurement efforts to maximise measurable savings and benefits.
- **Training and education**, which attempts to develop capabilities and competencies among employees to sustain measurable improvements in procurement performance.
- **Procurement aggregation** aims to reduce costs by leveraging public sector demand in specific markets.
- **E-procurement** attempts to improve efficiency through the targeted use of cost-effective technologies, such as shortening purchasing cycles, improvement of inventory control and promoting transparency to support various aspects of the procurement effort (National Treasury, 2014:35).

According to Anthony (2018:23), public procurement originates in the “fiduciary obligation of government administrations to deliver goods, and infrastructure, for example, roads, ports and services”; for example, providing education and health care

to a country's population or a specific geographic region. Public procurement refers to a government acquiring goods and services. Thobakgale and Mokgopo (2018:41) observe that corruption in public sector procurement entails purchasing, hiring, or obtaining—by any contractual means, goods, construction works and services by the public sector. From the foregoing, it can be deduced that procuring goods and services is an essential function of any government. Citizens, as taxpayers, expect services from Government and procurement of goods and services is a vehicle to deliver these services.

1.5.3 Supply Chain Management (SCM)

SCM is a concept widely used in South Africa. It entails actively managing supply chain activities to maximise customer values to achieve sustainable goals. Implementing the PPPFA of 2000 introduced SCM as a public policy (National Treasury, 2016:6). In 2003, an SCM document, entitled “*Supply Chain Management: A guide for Accounting Officers/authorities*”, was developed to adopt the integrated SCM function and its related managerial responsibilities (National Treasury, 2016:5). The Auditor-General of South Africa (AGSA) and government public entities support employing public procurement principles, indicating fairness, equitability, and transparency, as stipulated in the South Africa Constitution of 1996. According to Thai (2017:45), public procurement comprises these four main activities:

- providing a legal or institutional framework for economic activity.
- redistribute income through taxation and spending.
- providing goods and services freely available to the public, such as national defence.
- safety, education and infrastructure and purchasing of goods, services and capital assets.

Kalife (2018:23) identifies procurement as a significant activity of Government. This entails Government committing to its citizen by service provision through a regulated public procurement system with processes to be followed. Therefore, public procurement is perceived as a process that creates, manages and fulfils contracts

concerning providing supplies, services or engineering and construction work (Watermeyer, Jacquet and Prinsloo, 2018:6).

The question may be: why is public procurement a significant function of government? Erridge, Fee and Hennigan (2017:18), Thai (2017:22) and Fourie (2015:40) perceive that the size of procurement expenditure influences the economy of a country. Research on economic statistics indicated that, on average, 10-15% of the GDPs of countries are expended on public procurement (Morand, 2003:203). Morand (2003:302) mentions that Europe and Latin America spend a considerable amount of their National Budget on procurement. According to Thai (2017:12) and National Treasury (2015:7), the public procurement policy is for achieving vital to achieving economic and social goals. It is a management device during the procurement process.

The public procurement policy plays a significant role in goods and services procurement. It regulates how goods and services should be procured to achieve the socioeconomic goals of Government. To avoid any confusion, this study clarifies that public policy refers to Government's policy intending to attain certain objectives; for example, building a public road requires the procurement of goods (material), workforce, and knowledge. Public procurement is a collective action between Government and the private sector; for example, a common outcome is achieved in sharing and exchanging knowledge and resources. The public procurement policy is a critical concept in this study. From a public perspective, design and implementation are essential to achieve institutional objectives.

1.5.4 Corruption

The first recorded examples of bribery date to 3000 BC, and Dante placed bribers at the bottom of Hell seven centuries ago, indicating a negative attitude towards corrupt behaviour (African Development Bank Report 2014:13). From 1967 until 2020, various scholars conceptualised corruption. The classical definitions of Nye (1967), Médard (1986), Rose-Ackerman (1997), Khan (2001) and Huntington (2006) describe corruption as a global phenomenon. In contrast, Shleifer and Vishny (1993:599) define corruption as unethical behaviour or conduct for personal gain. For example, government officials collect bribes by illegally issuing awarding procurement contracts

to a service provider without receiving compliance with the prescribed public procurement framework and policies.

Nye (1967:417) perceives corruption as a “behaviour which deviates from the normal duties of a public role because of private-regarding (personal, close family, private clique) pecuniary or status gains; or violates rules against certain types of private-regarding influence”. Corruption, as defined by Nye, is a classic example of how rules are violated. There are several theories on ways to define corruption. According to The World Bank Report (2016:23), corruption deviates from the formal duties of a public role because of private regarding.

Private refers to personal, close family, and a private clique violating public procurement rules. Heywood and Rose (2014:156) contend for a new dimension of categorising corruption into a threefold normative foundation, indicating that public interest, law, and public opinion are vital factors in addressing corruption in public procurement. Walton (2015:13) contends that an act harmful to the public interest is corrupt should the focus is not on implementing anti-corruption measures but on personal gain. An act can, therefore, be in the public interest (beneficial to the public) and not be observed as corrupt even if it violates the laws; for example, a community engage a leader of a public institution to build a school that will benefit the community than rather spend the funds on a fruitless project and corrupt projects. The focus is on the effect of the act rather than compliance with the law.

Defining which acts are in the public interest is a contention among legal specialists. The concept that public interest entails also presents a challenge. Cummings (2012:460) argues that a mutual understanding must better define the public interest. Ciliberti, de Haan and de Groot, (2011:885) contend that public interest as a component of the knowledge of corruption seems of little value if it is not defined. Over the years, various scholars expanded the meaning of corruption. Corruption is an oppressive moral code that contradicts a country’s secular principles. In several developing nations, corruption was blamed for government failure (Steytler, 2020:13; Igiebor, 2019:494).

The second dimension in categorising is ‘public opinion’, as defined by Gardiner (2002:31); it was an emerging trend at the beginning of the 70s. The value of public

opinion was proven by surveying legislators, other public officials, and ordinary persons to identify acts they perceived as corrupt (Gardiner, 2002:32). Based on the argument of Gardiner (2002), Fourie (2015:38) emphasises, however, this survey was subjective, delivering unreliable results as the opinions were open to interpreting the law.

Corruption is difficult to be defined as it requires an actor and agent. Opportunities are presented for involvement in corrupt practices. These opportunities entail the collection of secret (unrealised) resources to use an interdisciplinary approach to perform acts of corrupt activities usually occurring at a subjective level and represent the unethical features of the person or a social group (Osipov, Karepova, Pinchuk, and Nekrasov, 2018:257). Hudaib (2020:13) contends that 'corrupt' entails unacceptable behaviour or character which deviates from the formal rules of conduct regulating the actions of an individual in a position of public authority.

Corruption manifests as people employing wealth to buy political power to follow wealth, especially where there are limited economic opportunities (Walton, 2015:16). Heidenheimer and Johnston (2011:47) described corruption as a transaction among actors in the private and public sectors through collective goals, illegitimately converted into private-regarding payoffs. Rose-Ackerman and Palifka (2016:45) agree with Heidenheimer's observations that corruption exists at the interface of the private and public sectors. This opinion is stressed by researchers about the Weberian distinction, which differentiates between power and authority (Brooks *et al.*, 2013:11-31).

Power and authority are distinguished between various types of legitimate authority that characterise diverse kinds of societies, evolving from simple to more complex societies (Bagayoko, 2012:2). The Weberian distinction refers to the concept of class as intriguing because it connects people's positions in capitalist marketplaces to inequity in allocating life opportunities (Sell, 2016:354). The Weberian theory refers to the differential in class relating to economic and social status in a community and the disparities in ownership of market-related assets.

Besides the above definition of corruption, the *Oxford Dictionary* defines corruption as dishonest or fraudulent conduct by those in power. This typically involves bribery

(*Oxford English Dictionary*, 2017a:234). Besides the definition mentioned above, the World Bank describes corruption as abusing public office for personal gain. This is further amplified by “the abuse of public funds and office for private or political gain, [to] improperly and unfavourably enrich themselves or those close to them or both, or induce others to do so, by misuse[ing] the position in which they are place[d],” (Williams-Elegbe, 2017:10).

Transparency International (2011:10) also asserts corruption is “the abuse of entrusted power for private gain”. They expanded the definitions and perceived corruption as “behaviour on the part of the officials in the public sector, whether politicians or public sector, where they improperly and unlawfully enrich themselves or those close to them by the misuse of the public power entrusted to them” (Transparency International, 2011:13).

Corruption refers to the interaction between Government and the public relationship; its origin is cited in two fields of thought. The two fields of view are the interaction between Government and the public and government officials and service providers. In the South African context, corruption occurs at various levels of Government, such as municipalities, national and provincial departments and public entities, and multiple branches of Government, mainly in the procurement section of departments.

In public procurement, corrupt connections arise because of overlapping and conflicting power between the role of the public official and the requirements to implement the procurement guidelines. This involves acts perceived against public interest or violence against specific legal or moral laws and principles. Some of these directly or indirectly conflict with society’s expectations (Kassahun, 2011:204). This leads to political power tussles among parties to access resources. A weak separation between public service and party politics, inadequate professionalism, and a lack of transparency and accountability are the primary reasons for increased corruption cases.

Limited empirical data are available compared to the abundance of definitions and theories about corruption. Campos, Dimova and Saleh (2010:4) state that “literature on corruption abounds in essays containing definitions and data from each identified variable should be obtained”. Conversely, Galtung, Shacklock and Conners,

(2016:108) contend that several empirical findings on corruption in the academic literature are anecdotal. This statement by Galtung *et al.* (2016:108) seems problematic since solid theories should be based on empirical data. Empirical data focus on formulating and implementing procurement policies to curb corruption.

It can be deduced that corruption is conceived variably as a process requiring an illegal act. Corruption can occur in any institution and involves a third party outside the organisation. These acts of corruption are unequivocal, suggesting there are no significant or minor levels of corruption. In this study, corrupt practices apply in the South African public service. For instance, Osipov Karepova, Pinchuk, and Nekrasov (2018:57) assert that corruption has the “potential as a collection of secret (unrealised) opportunities, an interdisciplinary approach to committing unethical acts that occur at a subjective level and represent the qualitative characteristics of the person (social group) that may be realised”.

This study defined corruption as the corrupt relationship between an individual and a group of individuals in the South African public service. The corrupt official commits an illegal act during corrupt activities. They evade the set of procurement guidelines and regulations to obtain illicit resources. Corruption is most prevalent in the public sector, where political decision-makers (creating and enforcing legislation) use their official role to enhance their well-being, prestige, or personal influence.

In South Africa, scarce resources are wasted due to state institutions' corrupt practices. Because of these practices, state services critical are consistently misused as a key driver for economic development. They are misused rather than productively employed. The prices and rates of goods and services are inflated, and the facilities or procured products are of inferior quality or cannot be delivered. Trust and integrity, therefore, should be incorporated into the procurement system of South Africa.

1.5.5 Prevention

The *Oxford English Dictionary* (2015b:91) described ‘prevent’ as prohibiting something from happening or arising. The *Oxford English Dictionary online* (2015a:345) states ‘prevent’ as to “fight or contend against”; “oppose vigorously”. In this research, ‘prevent’ refers to ‘fighting against a set standard’ of rules and regulations.

The origins of avoiding corruption are unknown, but the concept of prevention was used during the 1990s onwards among public society movements against corruption that helped to form Transparency International (Fjeldstad, Ngalewa and Katera, 2008:18). Transparency International is a global movement striving to eradicate corruption unjustly in over 100 nations. They concentrate on topics with significant influence on people's lives, and we hold the powerful accountable for the common good. They also strive to expose the structures and networks that enable corruption to thrive through lobbying, campaigning and research, demanding greater openness and integrity in all aspects of public life (Transparency International, 2017).

The public society, the private sector, the media, government officials, politicians, and the global community use prevention to hinder corruption. One can act to prevent corruption, and one can act after corruption, which can be described as combatting corruption, for example, whistleblowing. 'Preventing corruption' is increasingly used as a preferred term by governments globally. Prevention of corruption is interconnected, and complementary steps established by the norms of body legislation with an identical purpose aimed at preventing and reducing the degree of corruption in the state. Taking this definition of corruption, it cannot remove corruption but curbs to minimise the influence thereof (Hladun 2019:63). For example, implementing participation in government processes is a measure to limit the possibility of corrupt activities in institutions.

South African Government adopted the Prevention and Combatting of Corrupt Activities Act 12 of 2004 to regulate corrupt practices in public and private institutions. The Act improves efforts to prevent and fight abuse and corruption, strengthens prosecution and anti-anti-corruption measures and initiatives, and creates awareness that corruption is unlawful. The Act was also constructed to align our laws with the United Nations Convention Against Corruption (UNCAC) and the African Union (AU) Convention on the Prevention and Regulation of Corruption. South Africa agreed to abide by these conventions. These conventions require countries to sign an agreement to avoid corruption. The initiative aims to strengthen cooperation with other countries to prevent corruption globally (Republic of South Africa, 2018:10).

In this study, preventing is an act, a step to implement control measures before occurrence. The concept of anti-corruption and the prevention of corruption are linked in this research, preventing, curbing, combatting, and fighting corruption.

1.5.6 Public sector

The public sector refers to a government providing public goods and services to its citizens. The *Oxford English Dictionary* (2015a:345) calls the public sector a service, such as healthcare, education or social services, which a government or an official organisation provides to the citizens in a particular community.

In this study, the South African public sector is defined as a group of public institutions or departments with various constitutional powers. The Constitution mandates these departments and public institutions to provide essential and basic services to the public and citizens of South Africa. Providing critical services includes education, health, and protection of fundamental rights, as stipulated in the Constitution of South Africa of 1996 and the Bill of Rights. According to the Section 197 (1) of the Constitution of South Africa (Act 108 of 1996), within public administration, there is a public service for the Republic of South Africa, which must function in the national legislation.

The Constitution of South Africa, 1996, was introduced as a legislative framework for the public sector's functions. Section 217(3) of the Constitution of the Republic of South Africa of 1996 (hereafter called the 1996 Constitution) mandates that national law provides a framework within which the preferential procurement strategy must operate. Several additional pieces of legislation control procurement by state organs (national and provincial ministries, municipalities, constitutional organisations, and public entities). (Republic of South Africa, 2016).

One of the significant features of the public sector is to render essential services to its citizens. Van Der Waldt (2005:76) contends that resources are limited. It becomes impossible for the national, provincial and local governments to provide essential services and implement policies owing to non-compliance with legislative mandates and increasing service delivery protests in communities. Resources are critical for the administration and operationalisation of government policies and priorities (National

Treasury, 2014:16). Resourcing within public administration relates to executing policies and priorities of the ruling party and appointing trained staff.

This is prescribed in the Public Service Act 1994 (Proclamation 103 of 1994), the Educators Act 1998 (Act no.76 of 1998) and the Correctional Service Act 1998 (Act no.111 of 1998) in the national and provincial government sphere. This legislative framework regulates the conditions of employment and appointment of public officials in the South African public sector. Within the confines of these Acts, a conglomerate of the South African public institutions is grouped as the South African public service.

The Constitution of the Republic of South Africa, 1996, stipulates the creation of three spheres of government. These government spheres are:

- A national government is responsible for facilitating broad frameworks regarding implementing government priorities. Various departments are formed to play a significant role in setting the scene to formulate policies, guidelines and legislation. National government departments include the National Department of Rural Development and Land Reform, the Department of Health, and the Department of Labour.
- Provincial departments are responsible for operationalising government priorities on a provincial level within the assigned legislative framework. The concept of provincial departments focuses more on service delivery within provincial boundaries. It sets the framework at a sectoral level, such as the Department of Agriculture, the Department of the Premier and the Department of Social Development.
- The local government refers to the municipalities solely responsible for essential local services. At this level, the close interface with the citizens of South Africa is critical, as stipulated in the Constitution of South Africa, 1996. If a local government fails to meet a community's expectations and basic needs, the elected councillors are held accountable for such a failure. Makoti and Odeku (2018:18) posit that if any local authority fails to discharge its statutory duties and functions, the legislation requires the provincial government to interfere in non-compliance with the public procurement policies. Interventions such as support, oversight, and complete takeover of functions could be taken differently. Interventions, however,

should be implemented without discrimination or bias; so they must be justifiable and legitimate.

This study focused on the public sector, specifically on the national, provincial and local governments, to establish a solution and propose a model to fight and curb corruption. Cloete (2013:411) contends that implementing policies in the public sector requires action within the confines of the political, administrative, economic, technological, cultural, and social environment. According to the Constitution of South Africa, the public sector must ensure that service delivery is executed in all spheres of government, national, provincial, and local, to provide services to the citizens. This implies that the South African public sector is geared to provide services that interface on an intergovernmental level among the three spheres mentioned above of government.

1.6 GAP ANALYSIS IN PUBLIC PROCUREMENT POLICIES AND CORRUPTION RESEARCH

The preliminary literature reviewed of this study includes journals, books, articles, official government documents, agreements, dissertations, and theses. The literature review assisted this study in analysing, understanding, and describing the development of public procurement policy to prevent corruption in the South African context. The literature revealed that limited research was conducted on public procurement policy—globally and in South Africa (Thai, 2001:5; Bertok, 2002:189; Manning, 2006:37; Grimm and Thai, 2011:78; Williams-Elegbe, 2012:23). South Africa's public procurement system gradually evolves towards a centrally managed yet decentralised structure.

Because of domestic public procurement politics, developing this organisational form has been compressed, with only limited central steering capacity resulting in a weak, fragmented and incoherent public procurement regulatory regime, contributing to state incapacity and corruption (Brunette, Klaaren and Nqaba, 2019:573). The regulatory framework for South Africa's public procurement laws is complex, fragmented and inconsistent. The system is layered with different legislation governing various areas of procurement and different legislation that applies at the national, provincial and local levels (Quinot, 2020:6).

Since 2018, scholars have devoted attention to public procurement's significant role in Government's service delivery to its citizens. The domain of public procurement analysis and corruption in public administration is a neglected area of academic research, with much of the published material in government reports (Thai 2001:35). In support of Brunette, Klaaren, and Nqaba (2019) and Quinot (2020), it can be concluded that more research should be conducted relevant to critically analysing the public procurement policy development activities and anti-corruption measures in South Africa. The literature indicated limited evidence of public procurement policy research that penetrated the theoretical boundaries of public management and strategic management (Flynn and Davis, 2014:141).

This research is, therefore, not a repetition of previous research but focused on effectively implementing public procurement policies to curb corruption in the South African public institution in the Western Cape. This research is not a duplication of any information. It aimed to gain a better understanding of the public procurement policy formulation and implementation processes in South Africa to fight increasing corruption. A need exists to conduct more empirical research in public procurement linked to corruption to gain deeper insight into this phenomenon globally and in South Africa.

1.6.1 Delimitations and geographical domain

As aforementioned in the objectives section, the study pursued to critically investigate whether the procurement policies of governments and local authorities in the Western Cape aimed to prevent corruption in public procurement. Comparable national and provincial departments and municipalities in the Western Cape were selected, establishing how procurement policies can curb corruption. The study was limited to some national and provincial departments and municipalities in the province instead of the other provinces in South Africa. Specifically, only 25 comparable national and provincial departments and municipalities out of the 58 national, provincial and local municipalities in the Western Cape participated in the study.

The sample size guarantees the opportunity to obtain all the perceptions essential for this study. The Public Service Commission's role in recording and reporting corrupt cases is effective due to the non-detection of the actual instances at public institutions.

The AGSA detects non-compliance with the public procurement regulation through its annual auditing processes. These organisations are tasked to collect, collate and maintain data according to their respective mandates. They would have the expertise to collect raw data on corruption. In this research, caution was taken with unreliable “borrowed” data.

Using databases and secondary sources of data was another concern in this study. The data from the databases from the Auditor-General and the Public Service Commission are perceived as dependable and ease the concern regarding the integrity of the data used in this research. The South African Constitution mandates the Auditor-General to play an oversight role and conduct audits of all national, provincial, local, and public entities annually and release credible data to the public (Auditor-General Annual Report, 2017).

The Public Service Commission is also mandated to investigate fraud and corruption cases, investigate and to investigate fraud and corruption cases, and capture the related data on a database (Public Service Commission Report, 2019). These organisations gain public recognition for collecting vital data and statistics regarding corruption and financial compliance concerning the PFMA 1 of 1999 and the MFMA 56 of 2003. Besides PFMA and MFMA, the study reviewed several documents, such as the procurement policies of national, and provincial departments, including municipalities and practice notices and guidelines from the National Treasury. These included books, journals and other publications on public policy and corruption. A review and analysis of a variety of legislation passed to support Government’s combat against corruption and regulate public procurement, including these documents:

- PPPFA Act 5 of 2000
- Broad-Based Black Economic Empowerment Act 53 of 2003
- Promotion of Administrative Justices Act 3 of 2003
- Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
- Construction Industry Development Board Act 38 of 2000
- Prevention and Combatting of Corruption Activities Act 12 of 2004
- The Prevention of Organised Crime Act 121 of 1998
- The Witness Protection Act 112 of 1998

- The Criminal Procedure Act 51 of 1997
- The Promotion of Access to Information Act 2 of 2000
- The Protection Disclosure Act (PDA) 26 of 2000
- The Financial Intelligence Centre Act (FICA) 38 of 2001
- The Protection of Personal Information Act 4 of 2013

The above legislation relates to guiding public institutions on how development and implement public procurement processes. The purpose of public procurement legislation is to ensure that the best value for money – the most advantageous balance of price, quality, and performance – is obtained when purchasing goods and services from suppliers and to minimise fraud, waste and abuse in procurement processes and curbing in government and the private sector.

1.7 SIGNIFICANCE AND CONTRIBUTION OF THE STUDY

This research aimed to contribute to the existing body of knowledge about the public procurement policy development process to prevent and curb corruption in the South African public sector. This research is focused on strategies and transforming national processes in the South African context. This study critically analysed the reasons public procurement policy is developed. It also identified factors influencing corruption prevention development. This is discussed and explored in Chapter 4.

The contribution to the body of knowledge was achieved by identifying barriers to implementing procurement policies in public institutions to curb corruption and analysing the effectiveness of anti-corruption measures within the South African context. This study also quantified public procurement policy development and implementation while comparing it to preventing or curbing corruption to measure the relationship among these variables. This research assisted Government structures in improving the public procurement policy discourse.

Previous research indicated that public procurement is being used in South Africa to affirm Government's economic objectives and principles (Fourie and Poggenpoel, 2017:23). This research emphasised the challenges, such as limited research on public procurement and corruption, by proposing methodologies that could improve

the effectiveness and revision of policy development and implementation with specific reference to the South African public sector.

This research identified areas of institutional weakness in the procurement systems, exposed to personal gain and other corrupt motives and proposes policy interventions to meaningfully contribute to the area of public procurement and anti-corruption initiatives. The South African Government will benefit from the findings and recommendations of this research area. It would be potentially helpful in identifying best practices or modifying existing practices in national, provincial and local government departments in the Western Cape.

1.8 STRUCTURE OF THE THESIS

The content of this study is divided into two parts. The first part entails the literature review, comprising the theoretical basis and the introduction to the study. Evaluating the research methodology is the second part. A detailed explanation of the chapters is stated next.

Chapter 1: Introduction and Background to the Study

Chapter 1 provided a general overview of the study and as highlighted in the background, problem statement, and rationale for conducting the study. The definitions and operationalisation of key concepts, such as corruption and the public sector, are analysed and elaborated on to provide a clear understanding. The problem statement and objectives, the research questions and the motivation of the study are delineated, and the problem is succinctly outlined in this study; the study employed a host of primary and secondary data sources. The research methodology and design are provided in this chapter. Finally, the chapter provided an outline of each chapter.

Chapter 2: Conceptual Framework: Relationship between Public Procurement Policy, Corruption and Public Administration and Management

Chapter 2 focused on a conceptual study of the relationship between public procurement policy, corruption, and public administration and management. Within the context of this study, a relationship between policy development and implementation processes and budget allocation is discussed. Besides the Constitution of South Africa

as a critical driver of public procurement, other legislation frameworks are succinctly outlined. The legislative framework provided a better understanding of the role of the state organs in designing and implementing public policies. The strengths and weaknesses of the PPPFA (5 of 2000) and the B-BBEE (53 of 2003) have been discussed.

This chapter defined public management and explored the new public governance. Public procurement and corruption were also discussed. The relationship between public administration and management and public procurement was discussed. A synthesis of public administration, public management, public procurement policy and corruption was concerned. Procurement within the South African context, the mechanisms, legislative framework, and policies are provided.

Chapter 3: Theorising Public Procurement and Corruption

Chapter 3 explored the significance of theories relating to the nature of corruption in public procurement in the study context. Theories pertaining to public procurement policy and corruption are discussed. This chapter identified critical factors that ignite the development of public procurement policy. It explored the literature on various public procurement policies adopted in public sectors globally and in South Africa. This chapter also identified divergences in knowledge regarding public procurement policy and corruption. Anti-corruption strategies from a global context are explored. The basic conceptual model of public procurement policy was redesigned and adopted for this study.

The historical context of public procurement development, including crucial reforms, is explained. The procurement framework employed in South Africa is described. The role of anti-corruption agencies in curbing corruption provides a basis to assess the effectiveness of counter and control measures in South Africa. The operationalisation of corporate governance and accountability is emphasised in the reflection of the King IV Report on corporate management, ethical behaviour and effective leadership by the governing body towards achieving the governance outcomes for South Africa, 2016. Chapter 5 also reflected on public procurement hearings in South Africa. A proposed public procurement framework is recommended to curb corruption in public procurement.

Chapter 4: Literature Review: An Overview of the Public Procurement Policy Development and Implementation to Curb Corruption

Chapter 4 analysed the legislative framework of public procurement and corruption in South Africa. Public policy development and implementation processes, including the objectives and principles of procurement policies in state institutions in South Africa, were discussed. This chapter also emphasised the key performers in the South African procurement environment. By focusing on the anti-corruption initiatives, the connection in the debate between the causes and theories of corruption can be made in Chapter 6.

Chapter 5: Research Methodology

Chapter 5 provided the methodological basis of the research. A case study approach focused on the national, provincial and local public institutions in the Western Cape, South Africa. The target population is procurement officials employed in public institutions. Data collected from procurement officials are discussed in this chapter. The data analysis process, validating and reporting of collected data were explained. Furthermore, the tools used to validate the study, such as interview questionnaires, document analysis, and statistical techniques, were presented.

The scope and limitations of the study were discussed. The chapter also focused on the research design paradigm, the research design, and the reasons for selecting the most appropriate methods to achieve the study's objectives. The statistical approach and techniques are explained. Extracts of the data analysis techniques (both quantitative and qualitative) are summarised.

Chapter 6: Analysis and Findings of the Study

Chapter 6 presented the empirical findings obtained from the analysis of qualitative and quantitative data. The chapter is divided into two sections, indicating the results from the qualitative approach and the results from the quantitative approach. The respondents' responses are analysed, including the biographical profile of the sample.

Various statistical techniques were employed, such as descriptive statistics, cross-tabulation, and factor analysis tests. The results are explained. The second section

focuses on the analysis and results of the qualitative approach. Themes were identified and analysed. The qualitative and quantitative data sets interpretations, discussions and findings are presented by merging and comparing findings. The mixed-method integration is explained, while the synthesis of literature reviews and reflection of chapters are outlined.

Chapter 7: Summary, Conclusion and Recommendations

Chapter 7 focused on synthesising the literature, recommendations and conclusions, flowing in line with the research aims and objectives. The conclusions and recommendations of this study, including the contributions to theoretical, empirical and practical levels, are briefly explained.

1.9 CONCLUSION

Public procurement in state institutions is prone to corruption. This chapter presented the background and the rationale, the problem statement and identified key research questions and objectives which informed the public procurement policy development and corruption analysis in South Africa. The chapter also presented a general overview of the study. The gap analysis in public procurement policies in public sector was explained. The study significance and contributions of this to the body of knowledge was outlined. The key concepts to provide clarity to the research thesis are elucidated.

CHAPTER 2: CONCEPTUAL FRAMEWORK: RELATIONSHIP BETWEEN PUBLIC PROCUREMENT POLICY, CORRUPTION AND PUBLIC ADMINISTRATION AND MANAGEMENT

2.1 INTRODUCTION

This chapter entails the conceptual framework of the relationship between public procurement policy, corruption and public administration and management. The study presented a detailed review of the ideas on public procurement policy and corruption established in the literature and connects it to the literature on public administration and public management. In this chapter, the researcher delved into the fundamental concepts of public administration and explored the intricate relationship between public administration and management. Furthermore, an exploration of the interconnectedness of public administration, management, public procurement, and corruption within the South African context, shedding light on the potential implications and the measures taken to address corrupt practices in organs of states.

By gaining a deeper understanding of these interrelated concepts, we can contribute to the ongoing discourse on improving public administration practices and combating corruption in South Africa. Through an analysis of concepts, valuable insights and recommendations were provided for enhancing transparency, accountability, and efficiency in the public sector. During this study, the researcher developed and discussed a conceptual framework, illustrating the trends in public procurement policy and public administration, public management, and corruption. A synthesis of public administration, public management, public procurement policy, and corruption was provided.

2.2 PUBLIC ADMINISTRATION PUBLIC PROCUREMENT POLICY AND CORRUPTION

Public Administration, policy procurement, and corruption are discussed in the next section.

2.2.1 Public Administration

The term 'public administration' is not a new concept (Karpa et al., 2021:56). It entails the study of the public sector and providing service to a country's citizens. In providing services to citizens, tangible or intangible resource sections, workforce and budget are required. Public services are integral in delivering essential services to the citizens (Van der Waldt, 2017:15). Products and services provide a series of functions, such as securing and strengthening democratic institutions and consistently protecting fundamental human rights and freedoms. Traditionally, the building blocks of public administration are articulated in policymaking, organising, financing, human resources, work procedures and systems, and management control over activities (van der Waldt, 2016:45).

Public administration requires processes and systems management to achieve service delivery outcomes. These entail the human element in the execution of public administration functions (Arundel, Bloch and Ferguson, 2019:790). Management functions include planning, organising, leading, controlling, and coordinating (van der Waldt, 2016:56). For example, public managers require the skills and attributes to execute the aforementioned functions. These skills are decision-making, communication, change management, conflict management, and negotiation skills. Training and formal qualifications are required to execute the aforementioned skills successfully.

2.2.2 Public procurement policy

Public procurement can be characterised as any purchase by a public institution and agency where public funds are spent on acquiring products and services from public suppliers. In addition, public procurement involves the acquisition of goods or services by various bodies, such as public service ministries and government agencies. It entails operations ranging from evaluating procurement requirements to awarding contracts and final payment (OECD, 2016:13). One of the essential characteristics of the public procurement system is robust public expenditure systems and budgetary allocation.

The need for change increased the focus of stakeholders, such as procurement bodies, policymakers and procurement practitioners (World Bank, 2017:3). While the goals of the reform measures are still outstanding in achieving productivity, especially in developed and emerging markets, to increase transparency and reduce corruption, the outcomes of the reforms were not achieved (Dadashzadeh, Mehr and Afshari, 2019:46).

Public policy is the link to the public administration theory (Hendren, Luo and Pandey, 2018:94). It strives to assist Government in confronting public difficulty through instituting laws, regulations, decisions, or actions pertinent to the challenge. For example, public policies are instruments used by the Government to regulate an environment, such as the illegal dumping of waste in open and public spaces. Furthermore, public policies are intended to increase the welfare of citizens. Public policy studies government services by implementing policies for the people, professionals and other parties' concerns. Pollitt and Bouckaert (2017:41) identified an increased pressure on Government to design and implement public policies to improve the lives of its citizens.

The public procurement policy is a subsection of public administration and public management. Public policy provides a framework for performing management functions (Van der Waldt, 2017:14). Public managers have a pivotal role in ensuring that public policy is contextualised and operationalised to reach the outcomes of the objectives. Public policy should address the needs of the community. Moreover, public policy sets the parameters for how public procurement should be executed in procuring goods and services. Hazarika and Jena (2017:15) assert that public procurement comprises these basic features:

- The involvement of considerable funds.
- The large size of contracts involved, particularly those related to infrastructure and defence.
- Massive taxes: while taxpayers are looking for money value, fairness and non-discrimination, the public is looking for quality of goods/services and responsiveness/efficiency.

- Significant effect on the domestic industry through industrial growth, construction jobs, acquisitions of goods, and services.
- Significant effect on society: The quality of goods and services the communities receive should be of high quality. For example, building houses by, the administration should be durable.
- Significant effect on society through labour law provisions, minimum wages and health standards.
- Governance: The public procurement standard is primarily affected by the reputation of every government's public procurement policy (Hazarika and Jena, 2017:15).

The primary objective of procurement is the value of money (Republic of South Africa, 2016:4). This principle is based on optimising the economy and the productivity of public spending. Public procurement activities attempt to achieve the best value for money. This main operating principle relates to various variables, including not only the price of products, works or services but the suitability and satisfactory quality of such goods and services. Additional influential factors can include life cycle, maintenance/service, and delivery/construction costs (Republic of South Africa, 2016:7).

In South Africa and globally, the procurement of goods and services is budget-driven. For example, the budget determines what goods and services should be procured. The three spheres of government, namely, national, provincial and local government, must develop short-term procurement plans, linking them to a budget. Budget allocation for the delivery of goods and services is an open process by publishing annual budgets on the annual reports of state institutions; therefore, suppliers are aware of goods that will be procured.

Supplier-government relationships are, therefore, crucial to procuring services from the private sector. The demands on public procurement are conducted within the framework of legislation, policies and guidelines imposed by Government and other national and international guidelines (Republic of South Africa, 2016:8). For example, the United Nations, OECD, European Union rules and guidelines influence the local political and procurement legislative policy framework of South Africa.

Government operating function is most vulnerable to corruption in public procurement. The efficiency of a public procurement system considerably influences the vendors' productivity and honesty. An inadequate public procurement system can serve as a deterrent for firms upholding high quality and ethical standards. Suppliers with less competence also thrive on government contracts by leveraging public procurement vulnerabilities, such as bribery and corruption (Hazarika Jena 2017:17). This study will attempt to explore the concept of public procurement as a government policy to procure goods and services.

The goals of public procurement are to promote the effectiveness, the efficiency of public administration, enhance the delivery of public services to society, promote industries, and stimulate technical innovation. As a result, accessing public procurement market data helps Government to reconsider its approaches, routes, processes and strategies with foreign trading partners (Ribeiro, Rauen and Li, 2018:36).

Procurement policy implementation involves the conversion of a formulated policy into action to achieve satisfactory results. Policy formulation and implementation depend on the identification of the organisation's goals and the rational analysis of its external environment, internal resources and capabilities. Managing the implementation and the associated organisational concerns, relating to policy implementation is frequently emphasised during the planning phases of policy implementation processes.

The source of complexities and difficulties characterise the policy implementation process. In this study and the aforementioned statements, public policy is critical to government action. It entails formulating guidelines to achieve goals and objectives. It is constantly subject to environmental change and influence, specifically in the public procurement policy. A policy statement precedes public policy formulation precedes public policy formulation. Public policy is an authoritative statement on what government chooses to do and incorporates, or implies, the authoritative allocation of values for the whole society (De Villa Rajwani, Lawton, and Mellahi, 2019:208). In South Africa, policy formulation regarding public procurement resides with the legislatures at diverse levels (spheres) of government, administration and political authorities.

Public officials perform their duties daily at various levels and, as a result, have valuable information regarding the critical matters to be considered during policy formulation. Public officials are, therefore, constantly confronted with the implementation challenges of the public procurement policy and the cause-and-effect of the policy. There is a relationship between public policy, public procurement policy and corruption. Policy sets the boundaries on how procurement should be implemented and executed on operational level.

Therefore, the policy aims to set a legislative framework; once these parameters are violated, it can lead to corrupt practices, such as maladministration, bribery, kickbacks, and fraud. This study contends that public procurement rules, policy and supervision in South Africa are not robust enough on measures to detect and prevent corrupt practices. The main reasons for the unethical practices are greed and lack of internal control measures. The subsequent section discusses corruption as a concept.

2.2.3 Corruption

Corruption is not a technical term; it is rarely considered a criminal act in criminal codes globally, nor does it have legal meaning in international treaties (Chan and Owusu, 2017:4). The most common concept is that of the non-governmental organisation (NGO), Transparency International. Corruption could be a misuse of delegated authority for personal benefit. Such violations can occur during daily administration and public service (minor corruption) or at a prominent level. Corruption is a set of bad practices ranging from fraud, nepotism, collusion to insider dealing or trading, extortion and bribery. Transparency International (2017:3) states that “corruption consists of the abuse of delegated power for private ends and purposes”.

This definition allowed for isolating the following three major component elements of corruption:

- the abuse of power
- for private ends and purposes (not necessarily benefiting the person abusing power, but including members of their closest family or friends)
- delegation power emanates from the private and public sectors to engage in corrupt practices during procurement.

The European Union expanded the definition of corruption as an illicit remuneration or any other behaviour toward persons interested in public or private sector procurement. It means violating their obligations by their status as state agents, remote sector employees, independent agents, or another context of comparable nature, aiming at procuring undue advantages of whatever nature for themselves or a third party (European Union Report, 2016:12).

In South Africa, the Corruption Act (94 of 1992) defines corruption as abusing power for illegitimate or illegal gain or profit. Corruption entails the unfair receipt of an offer or benefits to be legally due for an individual holding a public office in the South African Government. It is to influence a person to exercise their power to do something (UNODC, 2003:28).

From the aforementioned definitions, corruption in public procurement involves not only a financial reward but also translates into the values system instilled in public officials. In South Africa, corruption in public procurement is an extraordinarily complex, diverse phenomenon. It manifests in various forms. From the definitions of corruption, it is challenging to know the extent of corruption in public procurement since it is a secretive activity. Corruption is an intentional action with the public official fully aware of their scope of duties and consequences. This illegal activity is usually based on influence on the public procurement process in South Africa, as displayed in various cases. It can be concluded that corruption entails abusing power for illegal personal gain. Such gain originates from a specific individual or office where authority and responsibility are vested in return for personal gain. The gain from corruption does not necessarily refer to money. The rewards could include exerting influence on a

particular context, such as the appointment of a family member. The public procurement domain in South Africa is highly competitive. Corruption involves the misuse of policy instruments, provision of housing, infrastructure development projects, and construction projects to manipulate and bypass prescribed procurement processes for personal gain.

This study attempted to measure public procurement formulation and corruption. Exploring corruption is provided in this study. First, to understand the extent of corruption in public procurement. Second, to establish a theoretical basis for a democratic society to report corruption. Corrupt practices against the spirit promote good government and accountability. This study aimed to identify a relationship between corruption and weak public procurement. As articulated earlier, understanding the concept of corruption forms a basis for assessing the relationship.

Corruption, as the misuse of public office or funds for private gain, is a concern in public procurement in South Africa and globally. Fairness, openness, transparency, and accountability in corruption are undermined. In public procurement, corruption emerges in distinct forms, such as bypassing procurement processes as stipulated in the procurement policies. Significant bribes are offered to political and senior officials capable of influencing the outcomes of big contracts. There is a difference between political and bureaucratic corruption and private and public corruption. According to Søreide (2005:31), a risk of corruption is present in bureaucratic assignments, as public procurement is the most exposed activity. Corruption in public procurement is prone to corrupt practice because large sums of money are spent on procuring goods and services.

OECD (2016:45) identified fundamental challenges in combatting fraud and corruption in public procurement. It is problematic to detect corruption if no mechanisms are implemented. This challenge devises the absence of a definite perpetrator or victim but a group of individuals' involvement in the collusion of bids. Secrecy exists among these individuals surrounding corrupt acts. Corruption in public procurement is clear and should be limited to bribery; several sophisticated techniques exist to divert funds and conceal these diversions (Trepte, 2005:45). Weak internal measures are explored

as the officials are familiar with the ambiguities. It allows for potentially corrupt activities and practices (Trepte, 2005:45).

Corruption is described as a significant problem for efficient public procurement processes in both developed and developing countries in South Africa. Numerous reported corruption cases in public procurement were identified (Fourie, 2017:23). Devices for transparency and counteracting unethical practices were inadequate or non-existent. Most decisions in the procurement cycle occurred in secrecy.

Stemming from the above discussion, it is evident that a link exists between public policy, the environment and corrupt practices. The public policy environment is adaptable to the ever-changing behaviour patterns of corrupt officials and service providers. Therefore, a stronger policy environment can prevent corrupt practices, but early detection mechanisms should be established to eliminate possible fraudulent activities. The relationship between the public and private sectors can help ensure value for money and has been shown to improve the performance of the contract. During the procurement of goods and services, widespread incidences of fraud and corruption during public procurement processes further erode the trust and confidence between public suppliers, government and taxpayers. Governments can save money by applying improvements in procurement procedures while maintaining the trust of private sector partners and taxpayers.

2.2.3.1 Public procurement corruption

The procurement legislative environment in South Africa is fragmented regarding procurement law and policies in public institutions. Stemming from the discussion on corruption above, examples of corrupt practices, such as procurement bribery, conflict of interest and bypassing of procurement processes cited, demonstrate enrichment for personal gain, involving misuse of power and political influence in the procurement processes in South Africa. This study focused on exploring the procurement terrain globally and in South Africa, specifically, national and provincial departments and municipalities in the Western Cape.

Williams-Elegbe (2015) conducted a study on public procurement reforms in Africa. Public procurement reforms in Ghana, Kenya, Tunisia and South Africa were explored

(Williams-Elegbe, 2015:13-22). Ghana underwent extensive public procurement and financial reforms in 1996. These reforms were aligned and based on the UNCITRAL Model Law introduced by the United Nations and adopted by Government to strengthen access, relief and cooperation of cross-border movement and procurement processes among the state in the global community. The UNCITRAL Model Law on procurement, as the name implies, is model legislation.

Conversely, it is a public procurement system intended to help global policymakers develop their regulatory texts and policy on procurement. The UNCITRAL administers it through consultation with various stakeholders. The UNCITRAL Model Law was revised. The current version is the 2011 UNCITRAL Model Law (ML). UNCITRAL ML on Public Procurement (2011). The ML on Public Procurement contains procedures and principles aimed at achieving value for money while avoiding abuses in the procurement processes (Williams-Elegbe, 2015:85).

The preamble on the 2011 UNCITRAL ML subsists in governments ensuring that their procurement regime aspires to know at least the following six objectives:

- maximising economy and efficiency in procurement.
- fostering and galvanising participation in procurement proceedings by suppliers and contractors regardless of nationality, by promoting international trade.
- promoting competition among suppliers and contractors related to procurement.
- proving the fair, equal and equitable treatment of all suppliers and contractors.
- promoting the integrity of fairness and public confidence in the procurement process.
- achieving transparency within the procurement procedures.

From the aforementioned, the 2011 UNCITRAL Model lacks an express objective of detecting corruption within the procurement process. The 2011 UNCITRAL Model, however, uses the aforementioned objectives to curb public procurement corruption. This is accomplished by ensuring that procurement systems adhere to specific minimum standards that encompass integrity, fairness, transparency, and the equitable treatment of all suppliers (Nicholas, 2017:86).

Stemming from the above UNCITRAL Model discussion, Kenya passed the Public Procurement Regulations, tapping into the UNCITRAL ML provisions. Despite the aforementioned reforms in Kenya, research reports indicate that Kenya's procurement system lacks a sound regulatory framework, while widespread abuses, fraud and corruption have increased (William-Elegbe, 2015; Ochieng and Muehle, 2012). In 2010, the procurement landscape changed, and the principles of public procurement were included in the new Kenyan Constitution (Constitution of Kenya, 2010). In Tunisia, the public procurement reforms accelerated in 2010 after the public unrest. The public protest helped to create the "Arab Spring". The Tunisian procurement reforms also emphasise budgetary reforms to restore socio-economic stability (African Development Bank Report, 2011:89).

In public procurement, the 2011 UNCITRAL ML on Public Procurement is the most relevant global instrument to harmonise public procurement in Africa, and more particularly in South Africa. The ML aims to achieve economic efficacy, broad participation by suppliers and contractors in an open procurement system, maximising competition, ensuring fair, equal, and equitable treatment, assuring integrity and public confidence in the procurement processes, and promoting transparency. The South African Constitution, as stipulated in Section 217, enshrined these principles.

The UNCITRAL ML served as a benchmark for numerous African countries in reforming their public procurement regimes. It also played a critical role in curbing corruption, ensuring that corrupt practices are minimised and reported by local and international bodies, such as the OECD, the International Criminal Court (ICC) and the United Nations (De La Harpe, 2015:1573). The applicability and influence of the ML in the South African public procurement space are primarily visible in the public procurement methods and prescribes (De La Harpe, 2015:1573). More than half of the 2011 ML engage methods and procedures. This procedure concerns these aspects of the open bidding process:

- the best practices regarding communication between the bidder and "awarded" during the procurement process.
- the disclosures of information and invitation to bid.
- evaluation and award criteria.

- rules regarding the acceptance of a successful bid.
- rules indicating records of procurement proceedings are maintained.
- various procurement methods.
- how bids are received.
- open and evaluated.
- challenge proceedings.

Sewpersadh and Mubangizi (2017:5) posit that the ML, like most other public procurement texts, is focused on the selection and award stages of procurement. Scholars criticise this, but despite this shortcoming, the ML was employed in various countries, such as Singapore, Indonesia, Kenya, and South Korea, to bring reforms in procurement. The ML also provides procedures and principles which nations may apply in domestic procurement. Its purpose is, therefore, helpful to those nations undertaking legal reform in public procurement (Sewpersadh and Mubangizi, 2017:5)

The 'human factor risk during the procurement process provided inadequate attention in South Africa. The set of personality traits and other aspects of human performance allow social, economic and political institutions to operate and remain operational throughout time. The rule of law, political concord, disciplined labour, just legal systems, respect for human dignity and the sanctity of life, and social welfare are all supported by such aspects (Khaghaghordyan *et al.*, 2019:32).

In most corruption instances, human behaviour is blamed as a factor. If the rate of corruption is to be reduced, the human component must be better understood (Khaghaghordyan *et al.*, 2019:32). This study observed that the 'human factor' concept should be explored. It includes the thorough scrutiny of the individual and conducting a lifestyle audit of an individual. The lifestyle audits entail a detailed analysis of the person's assets. Their income can be explained by other factors, such as inheritance or a legal windfall. Odeku (2019:11) contends that lifestyle audits, as a strategic device, are a measure to detect, root out, fight, and combat public officials' corruption in South Africa. The lifestyle audit is a study of a person's living standards to identify consistency with their reported income (Suntai and Shem, 2018:25).

Mr Ramaphosa, the President of South Africa, called for lifestyle audits on all public servants in his 2018 State of the Nation Address (SONA), indicating that he aims to introduce audits for ministers and public servants to strengthen the disclosure of information to fight corruption in public procurement (Republic of South Africa SONA 2018:3). A task team, comprising law enforcement agencies, South African Revenue Services (SARS), and the Financial Intelligence Centre, among other entities, developed a framework to induce lifestyle audit as a reality. While the lifestyle audit is a phase dealing with corruption, Government must also implement measures to control ambiguities that could make these audits another means for corrupt leaders to victimise individuals investigating corrupt cases.

A criticism by the Public Sector Forum (PSF) is that lifestyle audits are costly and complex, and completion is time-consuming. The forum asserts that performing lifestyle audits on public sector employees is unlikely to influence corruption directly. Corrupt ringleaders often use channels where their transactions cannot be detected (Bhorat *et al.*, 2017:7).

Another factor to be considered is the enforcement of the ML in South Africa and Africa through funding projects through foreign investment. This requires the proper functioning of the public procurement system, which is a corruption-free system. In compliance with providing the ML, South African and African government regimes are forced to implement numerous legal reforms (Sewpersadh and Mubangizi, 2017:18).

The legal reforms in South Africa require political motivation to transform how the procurement system should include amending outdated procurement laws. Regarding the legal reforms in South Africa, the Constitution reflects all the aforementioned principles, such as fairness, equity, transparency, competitiveness, and cost-effectiveness (Republic of South Africa, 1998). The Constitution follows the ML. Despite these provisions, corrupt practices in South Africa are still increasing owing to a lack of enforcement by law agencies, such as the NPA of the strategic deliverables of the 2011 ML.

This study focused on assessing public procurement and corruption in the public sector in Western Cape, South Africa. A significant concern in public procurement is to curb corruption in Africa and South Africa. Corruption destroys good governance

and economic growth. Although no African country must agree to the plural-lateral World Organisation Government Procurement Agreement, its provisions regarding corruption are significant. It provides public procurement methods and procedures that will ensure an open and free procurement process, free from corrupt practices (De La Harpe, 2015:1589).

The World Organisation Government Procurement Agreement ensures open, fair, and transparent conditions of competition in the government procurement markets. World Trade Organisation (WTO) members negotiated the Agreement on Government Procurement (GPA) (Shimada and Wako, 2020:40). The agreement specifically combats corruption in public procurement in Article 1V, requiring parties to be transparent and impartial during the procurement process. The initial aim of Article 1V was to prevent corruption in public procurement. This places a positive duty on governments of countries to manage and prevent corruption.

The applicability of the ML to prevent corruption in public procurement is crucial. The 2011 ML influences the public procurement regulation in South Africa. A question concerns—why ML of 2011 is not a barrier to corruption in South Africa. The answer is that implementing and operationalising anti-corruption measures in South Africa require political will, competence, skills, and resources to manage the increasing cases of public procurement corruption. Public procurement is essential for economic growth and governance; therefore, adhering to and enforcing the ML provisions encourages curbing corrupt practices in South Africa. South Africa has a different procurement history than other commonwealth countries such as Ghana and Tunisia. The reviewed literature indicates that colonial influence and apartheid influenced how the South African public procurement system was formed. The adoption of the World Bank's Country Procurement Assessment Report (CPAR) accelerated public procurement reform in South Africa (World Bank, 2003:56). The CPAR was introduced as an extensive and complex legislative framework for public procurement, which led to "differences in interpretation and applications" (CPAR, South Africa, 2015:5-11).

Introducing the preferential procurement policies in South Africa is complex to implement the 2011 PPPFA Regulations were amended in 2017. These regulations incorporated legislation on black empowerment (National Treasury, 2015:67). The

Public Procurement Bill (2016) is in the draft and aims to address the fragmented 2011 PPPFA Regulations and, as a result, transform the South African public procurement system (Supply Chain Review Report, 2016:8). Despite the above reforms in the procurement system of South Africa, the level of corrupt practices in public procurement significantly increased.

The reasons for increased corruption in public procurement are attributable to a lack of accountability and adherence to the principles of the Constitution of South Africa, unethical behaviour, disrespect for the rule of law and maladministration. Individuals are appointed in vital positions to influence the procurement of goods and services at the organ of states and state enterprises. These public procurement policies and procedures are flouted, and as a result, public resources are redirected to service providers failing to meet the procurement requirements. Manyathi (2019:45) recognised numerous inconsistencies in managing similar or related matters; some national and provincial procurement thresholds are displayed in the National Treasury instruction notes, while, at the municipal level, they are presented in regulations.

National Treasury issued instructions to the state institution by providing rules for procuring goods and services. The National Treasury instructions aim to promote and enforce transparency and effective management of revenue, spending, assets, and liabilities (Republic of South Africa, 2017). However, state institutions do not always adhere to the National Treasury instructions and cause inconsistencies during the implementation and operationalisation phases. These inconsistencies cause anxiety and confusion among public procurement practitioners operating in the provincial and national spheres of the presidency.

It complicates promoting sound governance principles between the three spheres of government – national, provincial and local government. Transferring procurement skills and expertise among the three spheres of government is not easy because the principles of implementing procurement are not always identical (Manyathi, 2019:45).

The appointments of politically connected individuals in critical positions in the Cabinet and the criminal justice system are used to influence the outcomes of significant procurement contracts (Budhram and Geldenhuys, 2018:32). It also redirects resources to service providers failing to meet the minimum requirements of the bid.

This action is against the spirit of transparency, the rule of law and public procurement principles, observed as corrupt practices. It is alarming how far specific individuals in the ruling elite strayed from the rule of law. Ethical leadership is the panacea to controlling corruption in public procurement in South Africa.

Naidoo (2012) contends that “identify a hybrid leadership and governance framework that will speedily redress of service delivery imbalances and inequities, especially in previously disadvantaged communities and addressing corrupt practices”. The author (Naidoo, 2012) asserts that a hybrid leadership framework requires collective agreement by leadership on negotiated laws and customs. Mishra and Maiko (2017:129) mention that corruption is complex at multiple levels. They believe that a measure that will make a major difference in reducing corruption in Africa is to incorporate ethics education into all undergraduate and graduate-level business courses (Mishra and Maiko, 2017:129).

International law and provision are vital in the South African public procurement environment. An understanding of both the anti-corruption environment in Africa and South Africa and the public procurement framework in South Africa at national, provincial departments, and municipalities in the Western Cape are essential to achieve the objectives of this study. The proposed framework of the South African public procurement system will consider the above reforms. Public administration will be discussed in the next section.

2.4 PUBLIC ADMINISTRATION

Public administration is concerned with regulating public matters, and the management of public institution's resources are used efficiently to promote the public's general welfare (Van Der Waldt, 2017:13). The term “public administration” denotes an academic discipline presented by various global educational institutions. It resonates with the lower cases of government activities. Public administration is the management of public institutions and managing public affairs; resources efficiently improve the interests of the community. Public administration is the entire daily operations of all bureaucrats in the world – whether these activities are conducted lawfully, competently, or decently (Shafritz, Russell and Borick, 2015:15).

Maladministration, wasteful and fruitless expenditure, and corrupt practices are some of the things that public-related activities can involve.

Public administration was defined as a multidisciplinary attempt focusing on studying government to produce insights to improve government practice (Bauer, 2018:1050). The processes of preparation, promulgation/enactment and enforcement of the law are involved. It is based on the distinctive trait of Weber's theory of distinctive traits. It aims to provide services with the delivery of goods and services to benefit the community it serves in an organised manner, considering the complexity of the service delivery environment (Rosser, 2018:13).

The study of Public Administration entails a "broad and sometimes interdisciplinary field of enquiry (Snider and Rendon, 2015,328). This field comprises the government and governance systems (e.g., regulatory, institutional, and administrative), the particular system (e.g., human dynamics in society), the grouping (e.g., power dynamics in society), and, therefore, the financial system, for example, the accumulation, production, distribution of wealth" (Van Der Waladt, 2018:184). Public Administration as an academic discipline reflects various research traditions and approaches. These background elements denote a philosophical and theoretical approach from which to conduct an inquiry into a governance-related phenomenon. It provides a search focus and methodological strategy informing the collection and analysis of information. Public administration cannot function outside its political context. This context makes it public and distinct from private or company administration. The first concepts of public administration reflect on their political essence.

Rhodes (2016:638) identified in the article "*Recovering the Craft of Public Administration*" a shift from the traditional public administration field of study to the New Public Management (NPM). The author (Rhodes, 2016) introduced a new public governance concept, referring to the reforms in the position of public servants from outside the traditional craft skills to the need to advocate for modification in resource management. These skills are innovation, change management, accountability, and responsiveness to the needs of the citizens.

Adopting the NPM reforms required more emphasis on managerial skills, the explicit performance of standards and measurement of performance, outcome-based results, and value for money (Rhodes, 2016:639). The NPM also reforms the output controls and disaggregation of units, which entails decentralising authority to local government. In this way, the service government renders to its citizen is closer to their locations. Government brings service to the local communities. Integration of services provision is one feature of the NPM as function duplication is eliminated. This coordination of service/s also ensures better horizontal and vertical coordination among the spheres of government.

For example, the local government provides basic service to the community, while the provincial and national departments have respective oversight and coordination functions. Within the NPM paradigm, governance is the capacity of leadership to obtain action by managing complex policies while building relationships in networks (Rhodes, 2016:640). It can be concluded that enhancing NPM reasoning as a policy device is critical to the new public governance (NPG) paradigm.

2.4.1 New public governance

According to Kettle (2000) and Pollitt and Bouckaert (2010), the NPG transcends the emphasis on the marketisation of the public service to more efforts involving co-production. This entails new ways of thinking, involving an extension of public administration studies in both public and private management public policy studies. While the demands for the management and policy challenges increase in the NPG paradigm, there is a need for strengthening relationships for innovative ideas to stay informed with developmental ideas in the communities. From a policy perspective, the state authority should provide goods and services to its citizens. As depicted in Table 2.1, NPM primarily focuses on managerial skills or hands-on professional leadership, setting standards, and performance measure devices, managed by results and value for money.

Table 2.1: Comparison Between the Public Administration, New Public Management and NPG

Paradigm/ Elements	Key Theoretical Roots	State Tradition	Unit Analysis	Of Key Focus	Resources Allocation Mechanism	Core Beliefs
Public Administration	Political science and public policy	Unitary/federal	Public administration function	Policy advice and implementation	Hierarchy	Public sector ethos
New Public Management	Rational choice of theory and management studies	Regulatory	Organisation	Management of organisational resources and performance	Markets	Efficiency, competition, and the market
New Public Governance	New institutionalism and network theory	Differentiated	Network	Negotiation of values, meanings and relationships	Networks	Trust and reciprocity

Adopted and amended from Osborn (2010) and Rhodes (1998).

Table 2.1 indicates that collaborating to achieve collective outcomes was not a major NPM thinking or practice feature. Progressively, the NPM reasoning was changed once the NPG was adopted. The NPG theory and practices focus on managerial attention and activities like collaborative networking. Conversely, the NPM goals are procedurally designed to promote the policymaking processes from the lower levels in the organisation to top management (Rhodes, 2016:650).

The advisory committee, public participation and stakeholders' engagements are some characteristics of the NPG system. In this study, the NPG is a more suitable approach; public participation and building relationships with stakeholders are the main components of a successful design and implementation of public procurement policy. Adoption and flexibility in the policy environment help grasp the reforms' extent. For example, the design and implementation of the Western Cape Strategic Plan required considering the needs of communities. The communities and strategic partnerships must provide input on, for example, crime prevention strategies to ensure the safety of citizens in South Africa.

Networking is also a crucial feature of NPG (Meijer, Lips and Chen, 2019:3). This can be conducted by fostering collaboration between the municipalities and the related provincial departments. The justice department must collaborate with social development to address the challenges of violence against women and children. Therefore, municipalities at the coalface of service delivery must network with the non-governmental business in the communities. The NPG paradigm set the scene for policy design and implementation in the macro-level context. Therefore, the "NPGs vision is to enhance the effectiveness, flexibility and democratic quality of the public service" (Howlett, Kekez and Poocharoen, 2017:16).

From the aforementioned, it can be concluded that the NPM and NPG introduced valuable reforms in the public sector. It brought to the fore better management systems and processes seeking to improve the outcomes of objectives in the public sector. Besides these reforms, the NPM and NPG are strengthening network governance among the respective spheres of government by introducing innovative processes to limit duplication of department functions (Waheduzzaman, 2019:7).

Such network buildings also ensure that new skills are developed in public managers. Collaborative leadership, boundary spanning, and innovative policy ideas to address challenges at the implementation phases became necessary. Focusing on a new set of traditional skills remains essential and needs protection. Howlett, Kekez and Poocharoen (2017:12) contend that the traditional NPM and NPG skills remain relevant. "It is a question of what works, of what skills fit a particular context" (Howlett *et al.*, 2017: 13).

2.4.2 Evolution of Public Administration

Frederick Taylor (1911) prescribes a set of principles for an organisation to be effective and efficient.

- systematic scientific methods of measuring and managing individual work elements.
- scientific selection of personnel.
- financial incentives to obtain high performance of workers.
- a specialisation of function, indicating establishing logical divisions within work functions and responsibilities between workers and management (Hughes, 2012:18).

In 1922, Weber, a theorist, developed an instrument that defined professionalism and merit appointments of public sector officials. This theory, better known as the traditional theory, systematically analysed the work processes in public administration as a discipline. The traditional theory of Weber was precluded by Woodrow Wilson (1887) and Frank Goodnow (1900), defining Public Administration as a discipline and practice. Public Administration evolved from the traditional to a more bureaucratic theory, developing into a more humanistic approach. A humanistic approach emphasises comprehending one's role in the administrative scheme of things and how individuals interact in public organisation settings (Samier, 2005:24).

This approach to Public Administration led to its development as a discipline from the 1920s to the 1970s. Systems and processes relating to Public Administration are essential to create an enabling environment of coordination across all the branches of

government and to effect service delivery during the latter period (Henry, 2015:259). Public Administration is a discipline which requires implementing policy objectives. The traditional theory of Public Administration followed a rule-based approach (Du Toit and Van Der Waldt, 1997:58).

The above approach comprised elements of uniformity and consistency of systems completed by public officials. From 1910 to 1940, Frederick's Taylor's scientific management theory became a key influence in Public Administration (Van Der Waldt, 1997:13). In the study, the rule-based approach flows from the ethical behaviour of the public official. The correctness of moral judgement is established in the logical consequences of the relevant ethical principles (United Nations Development Programme Report, 2014:10).

The term 'Public Administration' generally refers to the executive government, either as an entity or as an activity (United Nations Report, 2006:45). Government departments and state entities are responsible for developing and implementing government policies within budgetary constraints. This policy regulates the government environment. Corruption is regarded as opposing the purpose and outcomes of public administration. Corruption is the failure of a public institution to implement a public policy effectively. According to Dion (2010:46), corruption is a "private gain at public expense". Public Administration, as a discipline, is a buffer against corrupt practices. Public Administration prevents corrupt activities within the public official's area of responsibility (United Nations Office on Drugs and Crime Report, 2013:23).

Against this backdrop, the public policy approach is the central focus point of this study and encompasses aspects of the government's function. Politics influences the public policymaking process and the administrative aspects of government functions because the ruling party implements its political mandate. Policy development and implementation are, therefore, the function of public policymakers. According to Weber's theory, public officials must transcribe policies into administrative regulations and directives to provide meaning to the policy objectives (Weber, 2009:89). More importantly, public officials must adhere to the administrative and public laws of a government organisation.

The level of functioning of public officials in a government organisation enforces the distribution of power within the hierarchy. The creation of record-keeping of actions performed by officials was one principle of Weber's theory. Public procurement is an administrative function. The public procurement official executes the public procurement and enforces policies formulated by the political heads of departments.

The traditional PA is strengthened by the controlled political leadership and administrative execution of activities performed by public officials (Oyedele, 2015:3). The controlled political leadership refers to the influence on decision-making and political consequences that the holder of political office has because of the actions during the execution of activities. It is linked to leadership style and may be based on specific personality qualities of the leader (Torfing and Ansell, 2017:38).

The objectives of public officials are to provide a service to the country's citizens. The administrative execution of activities is driven by policies, regulations and directives formulated by policymakers in Public Administration. In the study context, public procurement entails adherence to policies to ensure that government functions are delivered to its citizens. The public official's role is to ensure that procurement policies are consistently applied. The risk of non-compliance to these policies can, therefore, be minimised.

In the Southern African context, the traditional model of Public Administration, as aforementioned, was subjected to colonialism in the early 1920s. From 1946 to 1994, public service manifested as segregation of policies to promote the ideas of the former apartheid regime (Sewpersadh and Mubangizi, 2017:21). The period of racial segregation created a society of inequality in South Africa (Miller, 2005:45). The adoption of democracy in South Africa fostered an era of economic and political freedom. The transition involved political freedom for the black majority, first subjected to colonial oppression and during apartheid in South Africa. Simultaneously, the transition was also about ridding South Africa of an authoritarian system of government and building a democratic system (Williams-Elegbe, 2015:86). The core values of Public Administration were enshrined in the Bill of Rights and the Constitution in 1996. These core values were promoted in all spheres of government to provide an

efficient and effective public service to the citizens of South Africa. These core values are:

- a high standard of professional conduct must be promoted and maintained.
- policymaking participation by the public.
- the public service must be accountable, transparent and developmental.
- needs of the people to be central to the service delivery ethos (Constitution of Republic of South Africa, 1996).

Besides the above traditional model of Public Administration, the traditional theory of Weber became obsolete owing to its reactive approach to problem-solving, limited adoption of policy evaluation, inadequate emphasis on policy outcomes and the influence of decision-making in the public sector (Hughes, 2003:3; Peters, 1992:3 & Miller, 2005:14). Owing to these inadequacies in the Weber model, a new theoretical reform was formed that led to developing public management and NPM.

This new adoption of NPM led to reforms in Public Administration, such as economic efficiency, performance management, financial control and management and more result-oriented public service (Mongkol, 2011:35). Implementing the reforms led to greater political and managerial accountability. In the context of this study, governments must adopt a more integrated approach to manage public resources and deliver an efficient and effective service to their citizens (Public Service Commission, 2016:25). The NPM perceived bureaucracy as a vehicle to implement policy decisions, regulations and centrally controls public functions. It led to the replacement of redundant public functions with more decentralised and deregulated government departments.

Pollitt and Bouckaert (2011:181) posit that multi-purpose government departments were established focusing more on specialised units called state agencies. As Marume, Easton, Gladden, and Vickers (2016:18), Public Administration is a policymaking activity. Marume et al. (2016:18) buttress that administrators need to be involved in making public policy. The context of public policymaking refers to the understanding of a particular system of philosophical theories (Sabatier, 2019:45). It can be inferred that Public Administration is an essential field of study in the context

of public procurement and corruption. There are links between Public Administration and corruption.

First, Public Administration is the administrative environment, and corruption occurs when the appointed official misuses resources. Second, policy instruments, such as policies, are aimed at regulating the administrative environment by providing guidelines on how resources should be used, and the conduct of the officials employed in public institutions. Corruption entails the violation of Public Administration and how money, assets or other resources belonging to a public institution are secretly swapped or moved to favour particularistic individuals rather than the organisation or the wider public.

Public Administration provides valuable insight into understanding the complexity of public procurement corruption. One of Government's constitutional obligations is to provide services to its citizens. This provision of goods and services can be open to corrupt practices, and adherence to rules, policies, and practices are vital to ensure a corruption-free environment. Public procurement formulation and implementation could be grounded in the concept of Public Administration, which is the central theme of this study. A strong public service is based on administrative concepts and functions, but the importance of management principles should not be neglected. The NPM model steadily replaced the classical model of Public Administration.

The following section explains the meaning and use of the theory in the research and explored how the theory assisted this study in answering the research question.

2.4.3 Application of theory in the public procurement domain

The discussion has sought to clarify what theory means and why it is used in social scientific inquiry. Bacharach (1989:6) and Thompson (1956:102-11) contended that theory should explain and predict social phenomena, ensuring it is explored to maximum effect. Theory selection is an essential consideration in the research process. In this study, a theory had to be established suitable for analysing public procurement policy formulation and implementation to combat corruption. This study will focus on the analysis of public procurement policy and corruption.

The analysis of additional literature and the originators was explored based on their initial approach to usefulness in this study. Included in this category was the principal-agent theory (Eisenhardt, 1989; Jensen & Meckling, 1976), the institutional theory (Scott, 2004; Dunn & Jones 2010; Obanda, 2010; Tukamuhabwa, 2012; Yukins 2010), the public procurement theory and the ethical base theory (Rose-Ackerman and Truex, 2012), the modernisation theory (Kenny and Musatova, 2011) and the interest group theory (Stigler, 1971; Rose-Ackerman, 2013). The principal-agent theory refers to the conflict of priorities between a person or group and the representative authorised to act on their behalf in the principal-agent interest. An agent may operate in ways detrimental to the principal's best interests (Zaum, Taxell and Johnson, 2012:24). Notwithstanding the respective merits of each theoretical perspective, the most suitable theories applicable to this study were the principal-agent and institutional theories.

After careful consideration, the principal-agent and institutional theories were selected as suitable for the study of public procurement policy and corruption. These theories articulate and describe, first, an understanding of why corruption occurs between the principal and agent; second, whether the institutional ability of an organisation to respond to corrupt practices is suitable. This study aimed to determine and test if a link/s exists between [weak] public procurement policy, Public Administration and corruption.

2.4.4 Relationship between public administration and public procurement

Since 1997, the South African Government has implemented measures to prevent or curb corruption. This research focused on measuring public procurement policy development and implementation to prevent corruption. The critical question is: What is this study's relevance to the Public Administration field? This study relates to Public Administration in all public sectors, particularly public procurement. These public sectors use public resources in the execution of duties, and this study aims to determine a relationship between public procurement practices and corruption. Public procurement is a critical administrative activity of Public Administration. Snider and Rendon (2012:8) assert that Public Administration is the overarching pillar of public procurement.

Without the functions of Public Administration, public procurement-related activities cannot be executed. Public procurement entails acquiring, leasing, renting, and purchasing goods and services from suppliers. These functions require staff and authority bodies to implement the policy procurement processes during acquiring goods and services. Public procurement – like budgeting, financial management and public human resource management – is the core administrative function of all public institutions at national, and provincial departments, including municipalities in South Africa.

Corruption is a phenomenon in all societies and all countries. Lawton and Doig (2006:1-36) assert that developing states are characterised by a more extensive, diverse public sector. This creates opportunities for corruption. Another factor is the decline in the financial control systems in public services because of weak internal control measures. This is a major weakness. Weakening government systems and policies to control corruption are areas of concern. These weaknesses are exacerbated by structural adjustments by reducing the size of the public service and its capacity to monitor corruption (Doig, 2013:1-23). The analysis of Doig (2013:1-23) was not applied to the South African public service. The public sector expanded over the years in South Africa.

Public Administration is an academic field of study and refers to the execution of government policies or decision-making by officials in public institutions. This includes activities such as developing and implementing policies, programmes, processes, or priorities (Pollitt, 2016:12). The execution of policies, programmes and priorities requires skilled managers and officials employed in public institutions. Policymaking, planning, organising, leadership, motivation, control, and assessment are all examples of public management functions. To enhance the quality of some aspects of public management, public management attempts to blend a broad range of management knowledge and skills into integrated and systematic methods. Policy analysis, strategic management and organisational growth are a few examples.

Formulating and implementing public procurement policies to control the onslaught of corruption is one of the challenges in Public Administration and management. Corruption in the modern era threatens democracy, particularly in South Africa.

Whitton (2007:49) alludes that the failure of public institution administrators is a betrayal of essential professional ethics to serve the public honestly and disinterestedly as trustees of public interest. The institutional culture of Public Administration was to guide officials through a regularity policy framework against the elements of corruption (World Bank, 2010:23). These prevention efforts are directly linked to policies and ethical conduct to support the integrity of public officials in the Public Administration domain (UNODC, 2012:7). Public management will be discussed next section.

2.5 PUBLIC MANAGEMENT

Public management is not a new concept. Public Management is defined as a sub-discipline of Public Administration that entails performing managerial functions in government organisations. Since Public Administration is concerned with enforcing laws that govern how management employees should operate, Public Management is concerned with planning and actions. The administrative functions of public institutions are performed by experts (Pollitt and Bouckaert, 2017:56).

Historically, the industrial development in Western Europe and the United States and later in Asia during the 19th century brought the technological development and expansion of trade and the development of communication systems. This increased the way public organisations functioned (Van Der Waladt, 2017:13). The increase in population growth and technological advances resulted in greater efficiency and effectiveness of the public sector. These factors led to the job specifications, training and development of a new set of management skills. The role of the management in the public sector in optimally implementing resources became increasingly recognised.

The question may arise as to what extent Public Management integrates with Public Administration. Public Administration comprises a system of structures and processes operating within a particular environment to facilitate the formulation and efficient execution of government policy (Mathebula, 2019:342). Therefore, Public Administration, the discipline, has a broad scope and nature compared to Public Management. In this view, Public Management is only a part of Public Administration.

Public Management can be observed as the execution of diverse categories of functions, such as delivery, line, and instrumental (auxiliary) functions.

These functions—line and instrumental functions, provide the support service to state institutions so they can render services to communities or citizens, for example, conducting research on policy development, and providing legal services, offices, stationery and equipment for a scientist. Public Management, therefore, needs skilled managers to convert resources into services and products to benefit the communities and citizens government serves. Planning, organising, leading, and controlling resources are strategic functions of Public Management. Planning refers to obtaining goals for future development performance and the allocation of tasks and crucial responsibilities to attain such goals (Shobaki Salama, Amuna, *et al.*, 2018:51). A lack of proper planning can negatively influence the ability of the Government to execute its core functions and objectives. Service delivery in this regard will be hampered.

Organising is a strategic function of Public Management and refers to applying processes and mechanisms to achieve the set goals. For example, building a bridge on a major highway requires management skills, such as planning and organising, with the services, providers and communities. Institutionally, organising, therefore, involves the allocation of tasks and the categorisation of tasks into departments with specific mandates. Public managers must lead government projects. Cronje and Smit (2003:255) identified leadership as an important management function in Public Administration.

Leaders as public managers in the context of this study must, therefore, be able to influence others to achieve set objectives. They must implement policies, properly plan, motivate, and control activities. Controlling is extended to all aspects of human life (Wirtz, Weyerer and Geyer, 2019:45). It is a permanent function and continuous self-operation to be conducted in the sense of the performance management framework while ensuring the achievement of the goals stipulated in the plans. Supervision is a significant cornerstone of modern governance and occupies a significant role in planning, organisation and guidance.

From the aforementioned, it is evident Public Administration and Public Management are complex processes, but not synonymous. Public Administration is a policy environment, while Public Management skills require interpreting and implementing a policy. Leadership requires policy implementation.

2.6 RELATIONSHIP BETWEEN PUBLIC ADMINISTRATION, PUBLIC MANAGEMENT, PUBLIC PROCUREMENT AND CORRUPTION: A RELATIONAL MODEL

The relationship between public sector procurement and corruption is interlinked. Therefore, an effective public procurement regulation is a critical device in Public Administration (Tsabora, 2014:14). Provided the enormous sums spent on public purchasing of goods and services, Governments of each province are participants in the market. Government activities in the marketplace entail the purchase of goods and services.

In the South African context, the three spheres of government employ preferential procurement policies to consider the economic imbalances because of the apartheid era (Bolton, 2014:18). For example, implementing B-BBEE policies ensures that previously disadvantaged individuals claim preference opinions during the public procurement process to boost economic growth and create a better life for all citizens. Procurement policy is typically observed as a legitimate device to stimulate domestic production and consumption. By concluding contracts that target particular sectors or groups in society, Government accelerates policies to redistribute wealth, promote industrial strategies, and ensure sustainable development (Dawar and Oh, 2017:15).

One role of public procurement policy is primarily to drive social and industrial development in many countries, including South Africa, and being the most significant single provider of public service (Bolton, 2016:23). The role of procurement is often translated to deliver value for money and be an integral part of Government's capability to deliver its policies and objectives. Public procurement is closely integrated with government setting objectives and delivery beyond demonstrating value for money and cost minimisation and savings (Harland, Telgen and Callender, 2013:384). Due to South Africa's history of discrimination, unfair practices and marginalisation of

people, various groups in society were denied the privilege of being economically active within the Government procurement system. Procurement is, therefore, central to South Africa's government service delivery system. It promotes objectives for social, industrial or environmental policies (Bolton, 2016:35).

Public procurement is most vulnerable to corruption ((Ferwerda, Deleanu, and Unger, 2017:246). The volume of transactions and financial interests of the potential service providers are at stake; the complexity of the process exacerbates corruption risks; the close interaction between public officials and businesses, and the multitude of stakeholders (Pieth, Low and Bonucci, 2015:56). The direct costs of corruption include the loss of public funds through misallocations, higher expenses, lower quality of goods, services and works (OECD, 2015).

Those paying the bribes attempt to recover their money by inflating prices, billing for work not performed, failing to meet contract standards, reducing the quality of work, or using inferior materials with public procurement of works. This results in exaggerated costs and a decrease in quality. A study by the OECD (2015) and the World Bank indicates that corruption in the infrastructure and extractives sectors leads to misallocating public funds and sub-standard and insufficient services (OECD, 2015).

Misallocation refers to the inadequate or improper allocation of funds or resources (Oxford Dictionary: 2017:231). The adequate distribution of funds should be targeted to improve the lives of South African people. Attributable to corrupt practices, it is diverted suppliers who cannot provide public services. Diverted suppliers refer to the practice of shifting services or products destined for one distribution channel to another without the knowledge or consent of the main supplier (Sjödin, Parida, Jovanovic, and Visnjic, 2020:159). In most cases, corrupt practices are involved. The public is deprived of merited services. A link exists between public procurement and Public Administration. Government provides services to its citizens through the procurement of goods and services. Government, therefore, fulfils its role and responsibility to its citizens. For a government to render services to its citizens, it needs funds to finance the service delivery. The state uses public money received in the form of taxes, tariffs, levies, fees, fines, and loans from banks and investors (Steyn, 2013:56). Public

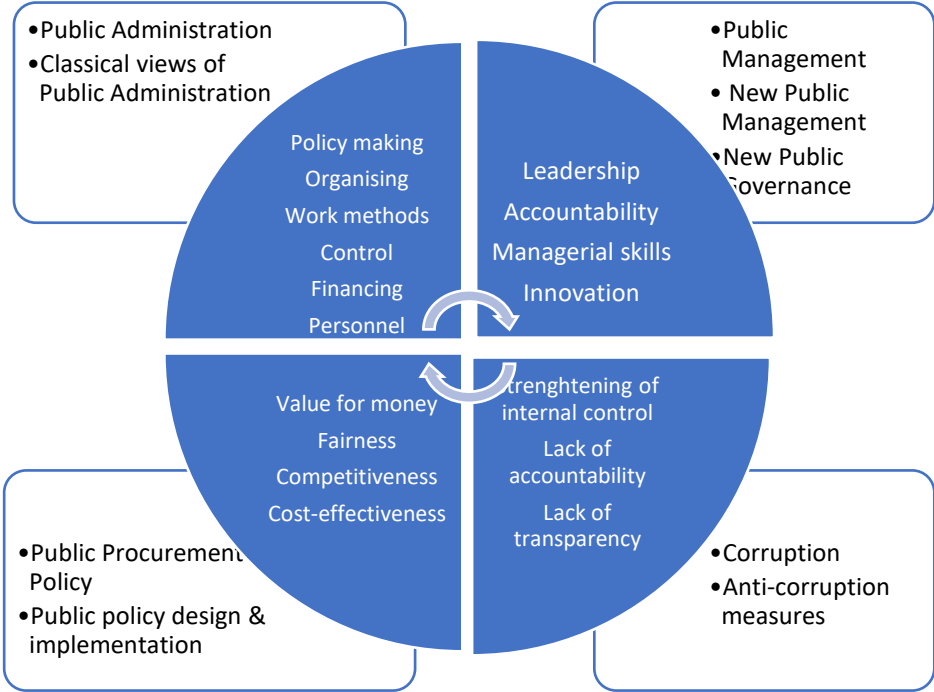
Administration, as the administrative arm of government, is a systematic process comprising a financial Performance Management System to execute work roles and management responsibilities (Jordaan, 2013:45).

Public procurement, in the context of Public Administration, underlines the relationship between the public environment, the generic functions of Public Administration and management, and applying sound governance principles to serve a country's citizens. Public procurement and Public Administration are intricately linked concerning service provision. Public Administration is a critical element in managing scarce resources to accomplish the goals set by public policy. Managing resources to obtain maximum efficiency relates to the concepts of value for money and cost-effectiveness. Therefore, Public Administration principles and practices strive towards maximising economic efficiency and practical outputs (National Treasury, 2017:12). Principle practices also apply to public procurement, as emphasised in Chapter 3 of this study.

Corruption affects public procurement processes in a variety of ways. For example, the right to food, water, education, health, and the ability to seek justice can be violated if a bribe must gain access to these basic rights. Corruption by high-level government officials can siphon millions of rands from the country's fiscus. This handicaps government from fulfilling its duty to protect, ensure and respect the rights guaranteed to its people. This relationship between procurement and corruption is complex; however, while corruption negatively affects public procurement processes, non-compliance to procurement processes and the lack of accountability and integrity can intensify corruption. It proceeds from the premise that elevated levels of corruption in a society are inclined to prevent a state from fulfilling its duties to provide services to its citizens. The relationship between public procurement, Public Administration and corruption became interwoven (Munzhedzi, 2016:2).

Ahmad, Ullah and Arfeen (2012:277) researched the relationship between corruption and economic growth. They contend that corruption is detrimental to "economic growth to speed up the bureaucratic process or to mediate between political parties that could not otherwise reach an agreement" (ibid). A discussion of the procurement framework in South Africa follows in the subsequent section.

Figure 2.1: Relationship Between Public Administration, Public Management, Public Procurement Policy, and Corruption



Source: Researcher

2.7 SYNTHESIS OF PUBLIC ADMINISTRATION, PUBLIC MANAGEMENT, PUBLIC PROCUREMENT POLICY AND CORRUPTION

The conceptual framework is based on the conceptualisation of key aspects used in the study. A conceptual framework must be observed as the result and focus of a literature review.

As a result of a literature review, the researcher must seek advice from the literature to (1) become aware of applicable and associated concepts, (2) decide on the potential connections (interrelationships) between these concepts, and (3) discover suitable theory(-ies) by which to embed the learn about in a unique theoretical perspective (Van Der Waladt, 2020:7).

Walker and Avant (2011:25) define “concepts as a thinking device in a box and consequently anticipate that a thought with a clear meaning will notably contribute to the clarity of thinking, knowledgeable decision-making involving the planning and executing of a research project, and to the scholarly reporting on research” The conceptual framework also explains its distinctive scientific meaning about other related but different concepts. In support of Walker and Avant (2011:25), Zongozzi and Wessels (2016:8) describes the conceptual framework as a thinking device for an integrated and deepened understanding of the concept and for assessing and enhancing the practice of case study research in Public Administration. In the context of this study, the concept ‘framework’ aimed to provide clarity considering the main objectives to be achieved.

Public service is responsible for the execution of the political mandate of Government and, therefore, needs to provide services to citizens. In service delivery, an enabling environment must improve the community’s social status; depending on the type of service delivery, a series of functions is required. As indicated in Figure 2.1, the functions of Public Administration are grouped into these six processes:

- policymaking
- organising
- establishing work methods
- financing

- providing staff
- exercising control of processes (Cloete, 1995:59).

Marume *et al.*, (2016:45) expand on the six processes articulated by Cloete (1995), explaining that administrative action, functions and processes are necessary to ensure the optimal functioning of the public sector. He provides a breakdown of the procurement processes in government. For example, the head of a stores department in procurement sections of a state institution follows:

- determining an internal store policy and advising his departmental head on the policy of the institution in this regard.
- establishing organisational arrangements, such as coordination, communication, distribution of authority, function allocation, and delegation.
- financial matters relating to stores and his stores in particular.
- handling personnel matters, such as training, incentives to work and proper utilisation of personnel.
- constant reviewing and improvement of store procedures and operation methods.
- control and evaluation of activities of the store's section.

From the foregoing, it can be deduced that the functions of procurement processes comprise various performers. The procurement clerk must provide the procurement guidelines related to store management. The procurement manager must authorise the actions of the procurement clerk. Signing the receipt of the products or services is required by the end-user. Public Administration, therefore, provides a central function in the policy design and implementation and influences political decisions. Public Management functions are planning, organising, leading and control, and coordination (Van Der Waldt, 1997:16). Considering the aforementioned functions, public managers must contribute to the public's general welfare. The best management processes, functions, and services must originate from public institutions. The public learns their constitutional rights and demands services from the public sector.

The execution of Public Administration, Public Management and public procurement policy functions is essential for two reasons: to deliver and provide goods and services to citizens. This action entails the procurement processes considering the value of

money and competitiveness. To achieve efficiency, the private and public sectors collaborate by ensuring the goods and services are aimed at improving the lives of all citizens. The combination of Public Administration, Public Management and public policy will contribute to achieving the social-economic goals of government by ensuring the distribution of resources among citizens. To support the aforementioned, Brunette, Klaaren and Nqaba (2019:539) contend that public procurement is essential for Government and relevant to societal production and distribution patterns. Therefore, the National Treasury in South Africa is a vital driver in regulating the procurement of goods and services in public institutions.

The PPP is a function of the public official. Governments use the PPP to ensure that suppliers' operations are environmentally and socially friendly while promoting sound economic well-being (Bai, Kusi-Sarpong and Sarkis, 2017:110). The PPP design and development includes processes of consultation with the stakeholders. In South Africa, and crucial in this study, are the principles of procurement, entailing value for money, competitiveness, cost-effectiveness, fairness, and transparency. Relating to the corruption and anti-corruption mechanisms, the conceptual framework demonstrates the contribution factors of corrupt practices. These factors are a lack of transparency and accountability and weak internal control measures to proactively detect corrupt activities before they materialised (Figure 2.1).

Stemming from the conceptualisation of the major aspects applicable to this study, the changes in Public Administration occurred when the public institution changed. It seems from the change in the political environment and the needs of the communities. During the transformation processes of Public Management to the NPM, influences occurred in the public policies environment. Policies are amended as risk factors are identified in the implementation phase of public procurement. A set of factors, such as the government's political direction, constantly influences the functioning of the public sector. Changes in the political, social and economic environment influenced tactics of reorganising the state's role and the structure of Public Administration.

It can be concluded that Public Management, the NPM and NPG are indispensable elements of Public Administration. More than processes and functions are required for public service delivery. Effective resource management and value for money are

essential to ensure the curbing of corrupt practices in public procurement. The conceptual 'framework' acknowledges that procurement of goods and services decisions is not made in isolation but influenced by the procurement environment. The transparency of the procurement system propels the Government to involve stakeholders during the procurement processes.

2.8 CONCLUSION

This chapter compared Public Administration, the New Public Management, and the New Public Governance. A relational model was developed to demonstrate the linkages between public administration, public procurement policy and corruption were discussed. Furthermore, the applicability of public administration theory and synthesis of public administration, public management, public procurement policy and corruption was discussed, highlighting the importance of government's spending on the procurement of goods and services; therefore, the procurement function is essential to ensure economic development, fast-tracked by achieving set development goals, and collaboration with the private sector. The next contains a theorising public procurement and corruption to gain greater insight into the theories guiding public procurement and corruption in South Africa.

CHAPTER 3: THEORISING PUBLIC PROCUREMENT AND CORRUPTION

3.1 INTRODUCTION

Chapter 3 discussed and summarised the historical development of public procurement in South African state institutions. Development of the public procurement policy, as stipulated in the Constitution and the PPPFA, is explored. The state organs at the departmental level use the legislation as a guideline to formulate their public procurement policies, and guidelines are included in the outline.

This chapter examined the theoretical perspectives related to public procurement and corruption. Research Objective 3 examined the specific variables that determine the efficient management of public procurement and corruption theories and approaches, which are addressed in this chapter. The chapter discussed public procurement and corruption theories. This information is a basis for proposing a model to combat public procurement corruption in South African state institutions. The chapter focused on the importance of theories, models and variables in research while it also explores and analyses various theories of corruption in an organisational and governance context.

The chapter evaluates the PPP and corruption-related theories, particularly identifying their features with the opinion to integrate them to propose a model in South Africa to manage corruption in public procurement. The institutional and principal-agent theories explain and emphasise the approaches to PPP and corruption. The chapter describes procurement theories, approaches and models. This chapter also discusses the evolution of Public Administration by emphasising the various stages and events in the historical development of a discipline and practice. This chapter also summarises the international perspective of anti-corruption globally and uses cases study of various countries to assess corruption levels.

3.2 INTERNATIONAL APPROACHES TO ANTI-CORRUPTION

Corruption is an international phenomenon that affects the ability of the government in developed and developing countries to render quality services to their citizens. Public procurement is one of many governments' major contributors to economic growth. Many governments spend substantial their annual budget on the procurement of goods and services, including the construction of buildings, roads and infrastructure

projects. Internationally, literature demonstrated that public procurement is among the most vulnerable areas (Williams-Elgebe, 2018; OECD, 2019).

Public procurement corruption induces injustices and, therefore, generates mistrust in government. Mistrust creates more conflicts between citizens and government, and service delivery protests are ignited in various countries. It leads to ineffective functions of the public institutions to deliver their core mandate owing to increased levels of corrupt practices (Dunchack, 2017:21). Therefore, corruption and mistrust feed each other producing a vicious circle.

3.2.1 Cases study of corruption approaches

Corruption in public procurement is more severe in developing countries and countries in the transition process than in developed countries due to the complex challenges such as inequality, competition for government resources, and inadequate implementation of faction's policies encountered in developing countries. In developing countries, the accountability and monitoring systems related to procurement processes are weak, the principles of transparency are not operationalised, and political fractions and competition and human rights violations (Dunchack, 2017:23). In developing countries, anti-corruption strategies are implemented, and, therefore, the levels of corrupt practices are less in developed than in developing countries (OECD, 2018:15). The next section will discuss case studies of anti-corruption approaches in various countries or regions.

3.2.2 Unites States of America's anti-corruption approach

In the USA, the legalistic approach drives anti-corruption activities. It relies on specific detailed agencies relating to enforcing various agencies, such as the Federal Election Commission and the Public Company Accounting Oversight Board (PCAOB). The latter is a non-profit organisation created by Congress to monitor public company audits, protect investors and advance the public interest by producing relevant, accurate, and impartial audit reports. While there is an understanding that people may cheat, there is also a notion these laws will be enforced; detecting non-compliance, for example, will prevent others from cheating.

The USA can be considered the primary source of inspiration for worldwide anti-corruption and anti-bribery laws. When it pertains to corruption and bribery, the USA takes centre stage. Concerning controlling bribery and corruption in international commercial dealings, the Foreign Corrupt Practices Act of 1977 (the "FCPA") is a trendsetter (Kaufman and Haggard, 2019:425).

Organisations must establish simple and informal means and channels to fight corruption; therefore, whistle-blowers may readily disclose wrongdoings without fear of retaliation (Beekun, 1997). An essential office-bearer is the whistle-blower who assesses whether the crime has been committed. The whistle-blower submits a report to the Department of Justice and the Securities and Exchange Commission to enforce the law. The DOJ uses it to determine whether to prosecute an individual or a corporation (Hussain, 2019:52).

3.2.3 South Korea's anti-corruption approach

South Korea is situated in the Asia region. South Korea has seen enormous economic progress and democratic institutionalisation while strengthening its administrative structure over the last five decades, yet corruption remains a serious challenge in public institutions. South Korea ranked 39 among 180 countries in the 2019 Corruption Perception Index of Transparency International, and its GDP per capita was ranked 26th (Transparency International, 2019). In the 2016 Corruption Perception Index of Transparency International, South Korea was ranked 45. South Korea has increased by six points on the CPI from 2016, scoring 59 and ranked 39 (Transparency International, 2019).

South Korea reduces corrupt practices in public procurement processes by implementing anti-corruption policies. The South Korean government introduced various anti-corruption reforms and regulations, such as the Anti-Corruption Law (2001), the Civil Service Code (2003), the Foreign Bribery and Trade Prevention Law (1999) and the establishment of the Korea Independent Commission Against Corruption (KICAC).

The KICAC resides in the presidential office and has the authority to streamline the implementation of various anti-corruption in public institutions (Min, 2019:281). Annual

surveys were conducted to gauge the causes and levels of corruption at public institutions. To enhance transparency, government authorities set up an electronic system to allow citizens to report corruption. These reforms limit the opportunities for public officials to engage in corrupt practices. Corruption can be reduced when anti-corruption policies are actively enforced (Min, 2019:286).

Transparency, separation of power and involvement of the media and social networks are key drivers for detecting, disseminating and exposing corrupt politicians and state officials in Korea (Campbell, 2017:12). Korea has signed and ratified the OECD Convention on Combatting Bribery of Foreign Public Officials in International Business Transactions and the UN Convention Against Corruption. Despite the last reforms in Korea, corruption in the state has increased.

Corruption is prevalent in Korea's procurement industry. Corporations indicate that public money is occasionally transferred to companies, people or organisations owing to corruption and that favouritism and bribery are common in South Korean policy and contract decisions (Transparency International 2017). Similarly, bribes and irregular payments are common in acquiring public contracts and permits (Choi and Storr, 2019:102).

3.2.4 China's anti-corruption approach

China is the most populous nation in the World (WB, 2019). In recent years, China has demonstrated massive economic growth. In the 2019 Corruption Perception Index by Transparency International, China scored 41 out of 100 points and ranked 80 out of 180 nations (Transparency International, 2019). China's approach to the scourge of corruption is centred around the local party committees. The local party committees refer to the CCP Committee at all levels, aiming to supervise the part members under their jurisdiction to fulfil their obligations, improve their work quality and responsibility, enhance the party spirit and implement party discipline. The CCP plays an important role in ensuring officials' integrity at all levels and effectively preventing corruption at the top from grassroots levels (Kim and Cohen, 2015:64).

China introduced various reforms in the state institutions to address corrupt practices. One of the significant changes is increased transparency and stricter anti-corruption

activities. This activity includes introducing a punishment system for officials involved in corrupt practices and exposing these corrupt activities, including publishing the details and participating people (Vyas and Wu, 2020:241). The media can play an important role in curbing corruption. China is a non-democratic country; the government has complete control over the media. In China, media, such as television, radio and newspapers, are not free and are heavily regulated by the government. It is difficult to determine the press' effective function as an external check on corruption in China (Saleem, Jiandong and Khan, 2020:298).

Given the gravity and urgency of corruption, the government should enhance judicial punishment soon. Eventually, the government should reform its organisational structure and boost societal and party oversight (Li and Wang, 2019:24). China must improve anti-corruption education to address the underlying issue of corruption, which is pervasive in people's everyday lives. The government of China should introduce a roadmap to curb corruption because corruption is strongly rooted in every sector, such as the economy, business sectors, politics and general society.

3.2.5 India's anti-corruption approach

India, similar to China, is also one of the most populous nations in the world. Similarly, data from the 2019 CPI by Transparency International demonstrate that India scored 41 out of 100 points and ranked 80th out of 180 countries (Transparency International, 2019). The widespread existence of corruption in the public sector is an area of concern because of the weak implementation of anti-corruption policies and slow reforms to address corrupt practices. Annually, people from India spend 6 trillion rupees, US\$84 billion, on unofficial payments to government officials. Unofficial payment refers to corrupt payments to obtain driver's licences, birth certificates, passports, and bribes.

Transparency International (2020) estimated that about 27% of the world population has at least once in the past 12 months resorted to bribes practice when applying for documents (birth certificates, etc.) to public institutions. Implementation of anti-corruption policies is weak in India. Major corruption cases are reported in the media related to scandals, either social or economic issues with corruption (Graycar and Monaghan, 2015:587).

In India, the fight against corruption is conducted in individual cities and states. In 2005, the government introduced a law on the rights to information that Indian citizens must apply to access information, including documents that raised suspicion of corrupt practices. Anti-corruption legislation was strengthening, and the judiciary's work became more effective.

For example, in Bihar, police officers increased, and court cases were finalised soon. In Chhattisgarh, a unique grain distribution system was introduced, which helped eliminate illegal grain distribution. The WB recognised this system as the classic example of India's effort to address corrupt practices (Graycar, 2020:239). Despite the last reforms, corruption still threatens economic growth in India. According to experts, one reason for the ineffectiveness of anti-corruption policies is the population's lack of awareness and low literacy (Kumar, 2019:18).

Anti-corruption initiatives must be prioritised in India, including educational programmes in schools. In addressing corruption as a problem, the India Central Supervision Commission implemented the National Anti-Corruption Strategy (Graycar, 2020:241). This document articulates implementing anti-corruption education and awareness, economic offences and a framework of criminal procedure code, and intolerance to bribery among the population (Kumar, 2019:19).

The above analysis indicated similarities and differences in approaches to curb corruption. Because of these parallels and contrasts, the vast range of corrupt activities is based on political, historical, cultural, social, and economic realities that must be thoroughly dissected to combat corruption at all levels. Existing extensive laws can be enforced only by an independent court system, an engaged civil society, and public faith in the political system and regime if the battle against corruption is effective. The responsibility of comparison is to emphasise the variations in their approaches, accomplishment benchmarks and problems after addressing their various policies in the nation's case studies.

Anti-corruption regulations exist in both nations, but it is unclear if the mechanisms implemented for anti-corruption laws were competent or powerful enough to wage the battle. Individual perceptions influence whether governments exhibit a sufficient commitment to implementing certain objectives. For example, persons being accused

but not prosecuted because of their position or power connection were provided. If popular opinion is believed, corruption "has resisted years of economic and political changes and has continued to develop and hinder attempts to improve living conditions of citizens" (Lough and Dubrovskiy, 2018:45).

Global anti-corruption measures, particularly those spearheaded by the UN and Transparency International (TI), have a significant influence. States worldwide are aware of their existence and support these conventions, resulting in concrete state responses, even if many nations still struggle to comply with the requirements (Powell, 2017:67). The United Nations Convention Against Corruption, for example, was accepted by most African, Arab and Latin American countries (UNCAC, 2019). Corruption was mentioned as a pervasive problem in several countries of the world. In Central Asia, specifically in South Korea and India, corrupt cases were reported through the media on several occasions. The few foreign news organisations covering the region regularly exhibit a strong interest in high-profile corruption cases (Steenberg, 2021:8).

3.3 CAUSES OF CORRUPTION

The roots of corruption are not institutional but stem from economic inequality and a mistrusting culture, which comes from an unequal distribution of wealth. Corruption, inequality and trust are all 'sticky'; they do not change much over time. Yet, all is not lost. Policy choices that countries make also shape corruption. Countries with high control of industry have more corruption (Uslaner and Rothstein, 2012).

The justice of the legal system shapes the level of oversight, the transparency and openness of the economy, and whether the government is military or civilian. Corruption is exploitative. Not all corruption is attributable to injustice. 'Grand' corruption refers to a malfunction of substantial significance by individuals who misuse their status to become wealthy (or richer)—government or business leaders" (Uroos *et al.*, 2021:9).

Petty corruption means small-scale payoffs to doctors, police officers, and even university professors, which are common phenomena in the formerly communist nations of central Europe (Uslaner and Rothstein, 2012). The formerly communist

European countries are Poland, Ukraine, Hungary, Slovakia, Estonia, and the Czech Republic.

To expand on the aforementioned, Uslaner (2013:16) contends that the origins of widespread trust lie in an equal distribution of wealth and opportunities in society. Countries with a tradition of greater equality, for example, the Nordic countries, such as Denmark, Norway, Sweden, Finland, and Iceland, and the Faroe Islands, Greenland, and Åland, had a tradition of less authoritarian and more honest regimes. Greater equity and less corruption contribute to more equitable (universal) social welfare systems and common resources (Scheele, Little and Diderichsen, 2018:59).

When wealth and rewards are more divided, individuals are more inclined to observe a shared stake with others while observing themselves as members of a greater social order. When there is a distinct skew in income or the capacity to change until one's life is in jeopardy, persons on opposite ends of the spectrum may discover they have nothing in common.

Akomah and Nani (2016:86) assert that the root cause is greed. Akomah and Nani (2016) refer to the weaknesses in the institutional structure as a failure to implement and enforce policies. Institutional weaknesses include the ability to execute and enforce public policies and structures to ensure accountability and transparency. Limited accountability in procurement is also a cause of corruption. To support Akomah and Nani (2016:86), Søreide (2018:3) asserts that a strong policy environment can curb corruption. She mentioned that "corruption helps businesses to make unjust gains". In return, "elected leaders and lawmakers give businesses better offers, incentives or incentives than they might otherwise receive for bribery and inducements that dominate a grey field of unequivocal legality" (Søreide, 2018:3).

The extent of corruption in monetary policy is also influenced. Goel and Nelson (2010:122) identified a close correlation between monetary policy and state corruption. Šumah (2018:13) asserts that countries with greater economic growth, democratic rights and political liberties are less prone to corrupt practices (Šumah, 2018:13).

Uslaner and Rothstein (2012:4) propose theoretical arguments relating to the root causes of corruption. They mention the roots of corruption, discussing three key

points. They explain why massive education projects, construction projects aiming to improve infrastructure and societal inequality are prone to corrupt practices. First, it demonstrates that the degree of corruption has long and deep historical roots, suggesting this cannot be solved without significant social and political reforms.

Second, large education projects and literacy levels are key factors behind low levels of corruption. For example, and more specifically, education levels in countries as far back as 1870, calculated as the average number of years of schooling, predict corruption levels 140 years later—more than economic growth, democratisation or higher education levels over time (Uslaner and Rothstein, 2012:3). Third, the growth of mass education since the end of the 19th century has differed dramatically, contributing to social and economic equality, along with political aspirations in public construction (*ibid*).

The media plays a critical role in exposing and curbing corruption in public procurement. Drawing from the literature lenses of Adeera, Bix and Payne (2000:5) and modified by Uslaner and Rothstein (2012:4), the role of literacy and the mass media in addressing corrupt practices in various countries, such as a role in eliminating corruption. A broad-based media press is essential to curb corruption. They contend that a vigilant media press concerning the print press is prone to combat corruption and is effectively based on mass literacy. Therefore, unless the majority can read, few newspapers will be sold, and public perception of corruption and transparency demands clean governance to be less corrupt (Uslaner 2012:4).

Against this background, economic equality and the level of schooling in a country are linked to levels of corruption. High educational levels and less economic inequity can reduce corruption in procurement. Conversely, limited access to economic opportunities for citizens in a country increases corrupt practices, as Uslaner (2008) indicated. Through training and development and upskilling of communities, corruption can be reduced. Literature indicates that in countries that undertook widespread schooling, the broad educational divergences between the rich and the poor were dramatically reduced over time (Bashir *et al.*, 2018:12).

In the South African context, several theoretical considerations justify corruption in public procurement. The principle of poverty suggests that the greed of government

officials contributes to corrupt practices, including their low wages, but that does not morally and legally excuse corruption. The Singapore anti-corruption model demonstrates that less paid politicians were inclined to engage in unscrupulous practices solely driven by corruption and use public procurement as a platform for self-enrichment (Rothstein, 2021:7). The South African culture of respect and hospitality where gifts are offered is a social norm. The South African social system was primarily nurtured and influenced by the values of maternal relationships and family or tribal relations (Khaghaghordyan *et al.*, 2019:7).

3.4 CORRUPTION IN PUBLIC PROCUREMENT: CAUSES AND CURES—AN OVERVIEW

Corruption in public procurement “distorts fair competition among service providers and limits market access for companies who refuse to engage in corrupt activities” (Pieth, Low and Bonucci, 2015:45). According to the AGSA Report (2019:14), there is a dire state of corruption in public procurement at public institutions. The types of corruption at public institutions are mainly:

- Bribery: the pledge, offering or benefit that inappropriately influences the acts or decisions of the public official.
- Fraud: actions or behaviour by a public official, other individuals, or entities that deceive others into providing an advantage that would not normally accrue to the public official, other individuals, or entities.
- Embezzlement: the theft of resources by persons entrusted with the authority and control of such resources.
- Extortion: coercing a person or entity to benefit a public official, another person, or entity in exchange for acting (or failing to act) in a particular manner.
- Abuse of power: a public official using their authority improperly to benefit another public official, person, or entity (or benefit using his vested authority to discriminate against another person, official, or entity improperly).
- Conflict of interest: any monetary or other provided interest or undertaking that could directly or indirectly compromise the act or outcome of the decision made by public servants’ duties.

- Favouritism: providing services or resources according to the personal associations of a public official.

Considering the aforementioned, corruption is classified as a series of acts, such as cheating, illicit gain, forgery, fraud, embezzlement, extortion, and nepotism (White, 2013:1033). From the above, it may be inferred that various challenges regarding corruption in public procurement exist in South Africa. The findings of the Public Protector of South Africa confirmed the above challenges in public procurement annually in its report of all activities. Naidoo (2012:656-683) provided reasons fraud and corruption in public procurement are on the increase. These reasons are the lack of internal control measures, mismanagement and a lack of governance principles.

Besides the aforementioned reasons, other reasons for non-compliance with the procurement processes and lack of good governance are also cited in the Auditors General of South Africa's report (2019).

They include the following:

- overriding internal control measures and improper political and administrative interface;
- collusion between employees and third parties. Collusion refers to secret or illegal cooperation or conspiracy to deceive others;
- poor internal control;
- lack of accountability;
- weak accountability frameworks;
- poor ethical culture and values;
- poor hiring practices; and
- weak national and provincial oversight of local government (AGSA Report, 2019).

Fighting corruption in public procurement is not an easy task. In the light of various efforts, such as implementing an array of legislation and creating democratic institutions and structures to build capacity, the combat against corruption is still a challenge (Akomah and Nani, 2016:83). The National Anti-Corruption Strategy (NACS), 2020-2030, envisages a corruption-free South Africa based on the values of integrity, transparency, and accountability, respect for the rule of law, and zero

tolerance for corruption, under the objectives of the NDP (2030) and South Africa's international and regional obligations.

The NACS was created in response to a slew of judicial commissions of the investigation established in 2018 to find wrongdoing, including widespread acts of fraud and corruption throughout public sector institutions. Information provided during these hearings indicates a serious failure by Government to maintain the integrity of its people and systems or an incapacity to recognise and address unwanted and unlawful behaviour (Republic of South Africa, 2020).

The South African NACS (2020) emphasised the root causes of why corruption is rampant in South Africa. The anti-corruption strategy provides a set of priorities for preventing and combatting corruption and includes action plans and procedures for execution and monitoring plans. The anti-corruption plan was designed as a country's comprehensive anti-corruption policy document to coordinate national anti-corruption activities to combat corruption in South Africa (Republic of South Africa, 2021). Developing anti-corruption strategies has often been driven by the efforts of Government to implement preventive measures under the UNCAC.

Although the legislative procurement framework was implemented, the South African NACS also emphasised implementation plans based on a pillar approach to strengthening the ability of the state and citizens to curb corruption. The AGSA report (2020) identified various implementation divergences, hampering the effectiveness of developing systems and mechanisms. The implementation divergences are:

- Unfair or uncompetitive procurement processes;
- Unfair procurement processes resulted in suppliers appointed that did not deliver;
- Payments of goods and services not received;
- Payments to inadequate quality of work provided by suppliers and minimal evaluation and monitoring mechanism in place; and
- Invoices and claims not paid on time (AGSA Report, 2020).

In response to the above challenges, concerns related to the implementation divergences are identified. The NDPs of South Africa, 2030 (2014) mention these

basic elements that can promote good governance and build a capable state to address corruption-related challenges:

- Building a resilient anti-corruption system requires capacity building within the public institutions to curb corrupt practices. These resources are required expertise and abilities; unique legislative authorities; high-level information exchange and coordination; and operational independence requirements for a successful anti-corruption system.
- Strengthen accountability and responsibility of public servants. South Africa's inadequate public services, financial mismanagement, and corruption are because of a lack of accountability at all legislatures, government and monitoring bodies.
- Create a transparent, responsive and accountable public service. Public service and government are held accountable for their actions by ensuring publicly stated intentions and policies use public resources.
- Strengthen judicial governance and the rule of law. The ruling party has a mandate and accountability to execute this mandate to the voters' wish. More importantly, the Constitution of South Africa and other regulatory provisions are the basis to ensure that the rule of law is honoured (Republic of South Africa, 2014).

To summarise, the NDPs (2014) confirm that compliance with public procurement policies is inadequate. Other concerns, such as transparency, accountability and the rule of law, should be enshrined in the public procurement process of officials. Adherence to the Constitution is critical to ensuring that the public procurement process is transparent, equitable, cost-effective, competitive, and provides value for money (Bolton, 2016:9; Georgieva, 2017:19). The procurement process is discussed in the subsequent section.

SECTION 2: VARIABLES OF CORRUPTION

3.5 VARIABLES RELATING TO CORRUPTION IN PUBLIC PROCUREMENT

This study employed various theories to explore corruption in public procurement corruption. The principal-agent, collective, and institutional theories, and other theories, such as eliminating the competition, subverting competitive processes,

deceitful practices during delivery, collusion, conflict of interest, state capture, kleptocracy, and a lack of political will, are discussed.

3.5.1 Eliminating competition

One principle of public procurement is competitiveness. Suppliers compete against one another to obtain lucrative contracts in government institutions. For example, Eskom is a vertically integrated monopoly owned by the state, supplying 90% of the electricity consumed in South Africa. It is the eleventh largest power utility globally, measured by generating capacity. It is Africa's sixth-largest company in all sectors of the economy (Mondi, 2018:3). Eskom is a state-owned, vertically integrated monopoly that supplies 90% of South Africa's power (Mondi, 2018:3). Based on the size of Eskom and lucrative contracts and its monopoly in providing electricity in South Africa, suppliers always want to eliminate competition. Competition between suppliers creates an atmosphere where several suppliers pay a bribe to procurement officials to obtain lucrative bids from Eskom.

Rent-seeking is a challenge in South Africa as suppliers lobby for government protection and unfair advantage in claiming preference points, which they are not entitled to claim. The main aim is to eliminate competition and achieve a market monopoly by being the only product supplier. Rent-seeking means manipulating a public policy or certain economic conditions to gain favours to increase earnings. Rent-seeking implies that society is deprived of the potential benefits that would otherwise accrue in an environment of fair competition, for example, lower costs for water or electricity if there was more competition and less environmental damage.

Rent-seeking includes economic activities, profiting government officials directly or indirectly. A good example is where an industry or company politically lobbies the government to accept special grants, subsidies, or tariff protection. It is receiving a payment that exceeds the costs of keeping an item in service or surpasses the cost of producing a product. (Camagni, 2019:34). Rent-seeking to maximise profits is not geared to create wealth but to transfer privilege from one person to another using political influence.

3.5.2 Subverting competitive processes

Business managers with low regard for fair competition can attempt to subvert competitive procurement processes in several ways. They may attempt to influence the public servants in charge of the procurement process (the procurers) through bribes. They may seek an advantage over other bidders by seeking inside information on requirements and conditions they do not get.

The OECD (2017:15) provided guidelines on how the government should minimise the subversion of competitive processes. They mentioned that collaboration involves a horizontal partnership among tenderers in public procurement, conspiring to eliminate competition. In the normal course of the process, independent tenderers compete against one another to win a contract. This mechanism achieves the best value for money for the purchaser. Anti-competitive collusion occurs when firms, otherwise expected to compete, form a cartel; they secretly conspire to raise prices or lower the quality of goods or services for purchasers wishing to purchase products.

Søreide (2018:9) describes extensively how cartels gain control over an area. The relationship between public and private law enforcement and the boundary between infringements of competition law and corruption are discussed to a limited degree. A cartel is a collection of independent businesses that band together to control prices, limit output, share markets or consumers. The Organisation of Petroleum Exporting Countries (OPEC) is an example of a cartel. To manipulate the price of a product or service, the collection of independent organisations or businesses that collude is known as a cartel (Wald, 2020:12). Cartels can also collaborate to improve product quality and innovation. In the case of OPEC, when oil prices are regulated, it is ensured that all countries pay the same price for a barrel of oil. Antitrust enforcement against cartels is a special form of enforcement. Rather than competing, cartel members rely on one another's agreed-upon course of action, which lowers their incentives to provide new or better products and services at competitive prices or terms (Odenkirchen, 2018:3).

Collusion with public procurement agencies helps them escape market pressures, resulting in a discounted price for their money or more paid for their products by the public buyer. In contrast, bid rigging is the traditional corruption method of public

contracts, contributing not to the open procedure but to the pre-determination of outcomes from the bidding process. For example, if two or more rivals agree not to compete honestly for tenders, bid rigging, also known as collusive tendering, allows one cartel members to be awarded the tender. Bid-rigging cartel techniques include:

- Bid covering occurs when individuals or businesses agree to submit bids that include at least one of the following: (1) a competitor agrees to submit a bid higher than the designated winner's bid, (2) a competitor submits a bid known to be too high to be accepted, or (3) a competitor submits a bid with special terms known to be unacceptable to the purchaser.
- Bid distribution or rotation means that all suppliers bid for a project but agree to take turns being the winning (i.e., lowest qualified) bidder in bid-rotation systems. Bid-rotation agreements can be conducted in a variety of ways. For example, conspirators may distribute equal monetary values from a certain category of contracts to each supplier or to distribute quantities that match each supplier's size.
- Bid suppression is agreements between rivals where one or more firms agree not to bid or withdraw an already filed bid for the selected winner's bid to be recognised. Bid suppression is when a corporation refuses to submit a bid for final consideration.
- Business allocation (OECD, 2017:23).

Bid-rigging cartels cause prices to increase, maintain inefficient market structure, lower the quality of products and services and reduce incentives for innovation (Kölliker, 2019:89). Bid allocation is based on various variables, including the supplier's production capacity, the product's distinctiveness, innovation, and technology employed to meet the bid's requirements. Strengthening internal control measures to detect bid-rigging and corrupt activities is vital.

3.5.3 Deceitful practices during delivery

Even when a process is competitive and transparent, a fraudulent company can thwart the further process. It can pursue contract terms and call for extensions or changes without competition. There are three major forms of illegal delivery of goods and services:

- Misuse of variance
- Abuse of contract specification
- Improper claims of allocated funds (OECD report, 2019).

If variation abuse occurs, the contractor submits a successful low bid (in collaboration with the contracting authority) and then submits multiple additional variations to increase financial gain. Fraudulent contractors can specify contract requirements by supplying sub-standard goods and services. Fraudulent representation includes failure to meet contract specifications and inferior quality (Rendon and Rendon, 2015).

For example, the houses are built but sub-standard while the service provider provides an invoice for payment. In South Africa, public institutions undertook mega projects; for example, building houses in a rural community, and various bids are advertised and awarded to complete the project. The service providers approached the procurement officials in the payment section and requested advance payment before the partial completion of houses. Normally, the engineers must certify the quality of the house before payment can be made. The supplier bribing the procurement official is making a payment, and the AGSA flags this action as an unauthorised payment.

3.5.4 Collusion

Collusion is an unethical and unreputable agreement among parties of similar interests to achieve a goal through immoral and dishonest means. Political influence is the main cause of cooperation. According to the OECD (2016:4), large-scale projects with high financial values usually involve opportunities for collusive bidding practices. There are various forms of cooperation, such as cartels, price-fixing, bid rigging, and market price manipulation.

Price-fixing is when two or more competitors agree on increasing prices or restoring or otherwise keeping prices where their services are sold without the knowledge of the competitor. For example, the bread price-fixing among bread suppliers in South Africa emphasised cooperation in the procurement processes. Premier Foods and Tiger Brands, Foodcorp and Pioneer Foods colluded with each to manipulate the price of bread products, including regulating the pricing of flour and maize meals. Tiger Brands

was fined R98 million by the Competition Tribunal of South Africa ("the Tribunal") in November 2007 for its role in the bread cartel.

For the fiscal year 2006, this amounted to 5.7% of the company's total revenue from baking products. Foodcorp, a respondent in the national case, settled with the Commission, confirmed by the Tribunal in January 2009—Foodcorp was fined R45 million. It amounted to 6.7% of the company's revenue from bread-baking activities. Premier Foods, Tiger Brands, Pioneer Foods, and Foodcorp acknowledged breaking the Competition Act's section 4 (1) (b). They confessed that between 1999 and 2007, they were all members of a cartel that set selling prices and the dates on which those prices would go into effect and allocated market for wheat flour (Republic of South Africa, 2010).

Collusion is a challenge in public procurement because of its nature to influence the outcomes of bid decisions or any other decision relating to corrupt practices (Makube, 2019:8). Corrupt procurement processes will, therefore, always involve some form of collaboration between the public official and the service provider. Collusion occurs as opposing companies collaborate; for example, by raising higher costs to make larger profits. Collusion is a means for suppliers to make greater profits at customers' expense and reduce the competition among suppliers of goods and services (Chr Michelsen Institution Report, 2016).

3.5.5 Conflict of interest

Another corruption problem in procurement is a conflict between an entrusted duty of the public official by his authority on one hand and the private interest of the duty. Mazibuko and Fourie (2017:108) identified a link between corruption, conflict of interest and corrupt procurement practices. Corruption Watch (2018:4) defines conflict of interest as “any financial or other private interest or undertaking that could directly or indirectly compromise the performance of the public servant's duties or the reputation of the public servant's department in its relationship with its stakeholders”. A public official has a private interest, which influences or appears to influence public decision outcomes. A corrupt procurement case is a case wherein the procurement mechanism and power were abused for personal benefit. For example, a bid committee member for the procurement of an x-ray machine might influence the

outcome of the award process by awarding it to their own company but registered in his wife's name.

In South Africa, recent national legislation, such as the Preferential Procurement Regulations, 2017, aims to manage conflicts of interest in public procurement processes that contributed and more effectively to the extensive waste of public resources in South Africa. The Public Administration Management Act 11 of 2014 (PAMA), signed in 2014 in South Africa, criminalises failing to manage conflict proactively. The PAMA promotes the fundamental standards and principles regulating Public Administration (Public Administration) referred to in Article 195(1) of the Constitution; to allow for the transition of workers to the Public Administration; to control the conduct of business with the state, and to set ethical standards including the conflict of interest. Conflict of interest arises when suppliers owned by public officials or close relatives attempt to conduct business with the state.

For example, conflict of interest between the Minister of Health and Digital Vibes, a supplier, to communicate COVID-19 information to the public of South Africa. The investigators noticed that before their contract was expanded to cover COVID-19 communication, Digital Vibes received requests for work from the National Department of Health (NDoH). These demands resulted in an R35 million cash commitment, which NDoH paid once the expansion was granted. The investigators decided that any payment made to Digital Vibes for work related to COVID-19 communication before the approval of the expansion to include additional COVID-19 assignments was irregular since the expenditure was made in violation of Treasury Regulations.

The investigators, therefore, concluded that Digital Vibes' appointment was irregular, and the sum of R150 002 607,00 paid to Digital Vibes by NDoH during the period of 29 January 2020 to February 2021 was, therefore, irregular expenditure and should be reported under the stipulations of the PFMA. Sections 8 and 9 of the Public Administration Management Act 11 of 2014 (PAMA) are pertinent. Section 9 attempts to strengthen pre-existing elements of disclosure and transparency, stipulating that non-compliance is a dismissible offence (Republic of South Africa, 2021). These provisions now apply to municipal officials and other public servants. Conflict of

interest can create opportunities for corrupt practices; therefore, it needs to be avoided and managed by implementing control measures.

3.5.6 State capture and kleptocracy

State capture is not a new phenomenon in South Africa. In extreme cases, corrupt suppliers' strategies can capture state resources. In South Africa, the Zondo Commission (officially the Judicial Commission of Inquiry into Allegations of State Capture) is a public inquiry established by former President Jacob Zuma's government in January 2018 to "investigate allegations of state capture, corruption, fraud, and other allegations in the public sector, including state organs" (Renwick, 2018:65). The political elite manipulated the procurement processes of key state institutions for private gain and self-enrichment.

In South Africa, the State Capture Report (2014) clearly illustrated how leaked emails of the Guptas painted a gloomy picture of the extent of state capture by the political elite (Public Protector Report, 2017). The infiltration of the procurement processes of the state institutions began by appointing politically connected individuals in the position of massive influence regarding the appointment of service providers during the bid process. As a result, they violated the public procurement processes and leaked confidential information relating to bid information to the service providers. The whistle-blowers, the public sector officials, are threatened to speak out against the political appointment of individuals owing to the fear of intimidation.

The whistle-blower's voice is not heard, as displayed in the corruption case of State Security Agency corruption case. For example, in 2021, the State Security Agency (SSA) Acting Director-General, Loyiso Jafta, and a whistle-blower revealed that an investigation after his appointment in 2018 had turned up billions of rand, either in cash or in assets, which could not be accounted for by the SSA. He (the whistle-blower) testified before the Zondo Commission that several officials employed at the SSA had been listed on the register of debtors and owed the SSA "fairly large amounts of money, often running into millions" (Republic of South Africa, 2022).

Upon investigation, it became apparent that Jafta, the whistle-blower, told the Zondo Commission that "systems of corporate governance are violated, and millions of rands

were unlawfully or without proper authorisation paid to individuals linked to the state” (Republic of South Africa, 2022). The report of the Judicial Commission of Enquiry into State Capture (the Zondo Commission) proposes recommendations for the protection of whistle-blowers. Yet, these recommendations remain insufficient, as stated in its findings (Republic of South Africa, 2022).

The Zondo Commission is a public inquiry established in January 2018 to investigate allegations of state capture, corruption and fraud in the public sector in South Africa. The scandal involves former South African President Jacob Zuma and several individuals and companies and originates from claims from whistle-blowers (Republic of South Africa, 2022). It occurs when government decision is significantly influenced and manipulated by massive suppliers relating to providing goods and services to state organisations. State capture can be defined as a political-economic project where public and private actors collide to establish clandestine networks (Tsheola, 2017:16).

These clusters around state institutions accumulate uncontrolled power to subvert the constitutional state and the social contract by operating outside the realm of public accountability (Godinho, Hermanus and Eberhard, 2018:12). Bhorat *et al.* (2017:15), in the article “Betrayal of the Promise: How South Africa is being stolen. *State Capacity Research Project*”, distinguished between corruption and state capture. Corruption is an individual act, in rare situations, enabled by a loose network of corrupt players. It is informally organised, scattered and opportunistic. State capture is systematic and well-organised by individuals with existing relationships. It includes frequent purchases, sometimes on an increasing scale.

The emphasis is not on the small but on the negative influence state capture causes on procuring goods and services. To work, this requires high-level government protection, particularly from law enforcement authorities, deep allegiance, and an atmosphere of fear; rivalry needs to be removed (Labuschagne, 2017:63). The goal is not to break the laws to evade unethical conduct. The word ‘corruption’ obscures the strategy sometimes used. South Africa's decline from a weak to a dysfunctional state began when high levels of corruption intensified with the intrusion of state capture in the country. The phenomenon involves transferring internal control over resources to external agents who loot state resources by proxy through an elected person

(Labuschagne, 2017:65). Lack of political will is also one factor that can create an opportunity for corruption practices and will be discussed in the next section.

3.5.7 Lack of political will

Powerholders' willingness to reduce corruption in procurement (and other areas) will be close to zero in state capture or kleptocracy situations. Corruption as a theory predicts that the most efficient approaches to confronting corruption include government restrictions and balances, restricting budgetary decision-making, and reducing rent-seeking opportunities. Political will and fighting corruption are crucial because good governance and a clean government, free from corrupt practices, require political leadership and leading by example.

Limited literature is available regarding political will, and, therefore, it remains a poorly defined concept (France and Kukutschka, 2019:13). Johnston (2017:57) posits that researchers perceive political will as a counter-corruption measure. It is an oversimplification of the problem because it is impossible to determine an actor's contribution to combat corruption (Johnston 2017:60). Abazović and Mujkić (2015:10) assert in the book *“Political Will: A Short Introduction: Case Study-Bosnia and Herzegovina”* that political will is one of the fascinating ideas in modern political philosophy. Limited empirical evidence exists concerning political will. Lucas (2019:12) describes ‘political will’ as the commitment and action by political leaders.

Although a political will can be apparent in retrospect, it is far more of a challenge to evaluate if political will occurs at the precise moment of action. Considering the complexities of anti-corruption interventions, the successes credited to political will can be influenced by several other forces or circumstances (Johnston 2017:42). Linking the success of anti-corruption policies to political participation makes it self-evident that the proposals or change will succeed. Failure will rely more on individual players to fulfil their commitments (Johnston 2017:45).

If these changes fail, the political will justification can be risky when it oversimplifies a complicated reality (if failure is primarily a matter of concern (Johnston, 2017:51). Since the political will is observed as residing at the top of the system, it holds that anti-corruption ‘champions’ can achieve positive outcomes. For example, the political

head as the executive authority has the power to provide direction concerning the goods and services to be procured. The political head determines the annual strategic plan of public institutions.

3.5.8 Collective action

In highly corrupt environments, members of government–elected are often as corrupt as public servants. Several countries lack basic institutional checks and balances and democratic oversight and control. Corruption is systemic, and collective action is better understood by exploring the system of institutions (Anti-Corruption Resource Centre Report, 2016:34). Systematic and collective action means corruption is observed as “acceptable”; few people are willing to refrain from participating in corrupt transactions or take the first step towards enforcing anti-corruption reforms. The monitoring and evaluation of the corrupt official are complex because of the consent between the two parties, the public official, and the corrupt supplier.

Beinset and Berger (2017:4) define collective action as a generic concept used for multiple collective actions where the parties share common interests. Collective action to control corruption focuses on rules and compliance with those rules, a strong ethical culture in organisations (Nichols and Dowden, 2019:171). Collaboration to manipulate decisions or strategies is continuous. The concept behind joint action indicates uniting some stakeholders to promote cooperation while creating a single united voice.

Collective action is when a group collaborates to achieve a shared goal. Individuals, conversely, have long been acknowledged for failing to collaborate to achieve a shared objective or good. The difficulty stems from the reality that, while each group member may have shared interests with the others, they also have competing interests; if participating in a collective activity, people would rather not participate. Stakeholders collaborating long-term boost the effect and legitimacy of individual actions, integrate vulnerable individuals into a network of like-minded groups and level the playing field between rivals. Collective action can supplement or temporarily replace weak local legislation and anti-corruption procedures while strengthening them (WB, 2018:16).

Promoting collective action is an important part of a larger anti-corruption campaign. It is about making the transition from words to deeds. The corporate sector is shouldering its part of the anti-corruption agenda's duty and supervision. Civil society exists to promote, mediate and oversee this change (Manacorda, Centonze and Forti, 2014:96). Collective action strategies must contend with challenges, such as mobilisation, representation, information, and capacity" (Beinset and Berger, 2017:45).

The collective action theory approach is opposite to the intent of the principal-agent theory. The principal agents' theory focuses on the asymmetries of power and information between the principal and agents, considering the incentives for groups to condone or resist corrupt practices (Walton and Jones, 2017:4). Pieffer and Marquette (2015:45) explain that the principal agents explain corruption better than the collective theory. They posit factors relating to the potential for corruption in one context over another, raising questions and what this means for addressing corruption. The "principal-agent theory has long influenced anti-corruption responses to ever-expanding literature on corruption while the collective action theory is less documented in the literature, particularly below the scale of the nation-state" (Pfeiffer and Marquette, 2015:46).

In South Africa and this study, collective action arises from political influence. There are such social action concerns in anti-corruption. Conflict in political parties owing to opposing viewpoints and fighting for better positions stifles the effective implementation of anti-corruption capacity within the state. It indicates the importance of teamwork so that everybody has the same interest and the rule of the game is adjusted. Collective action indicates that state institutions must agree with the conditions of the agreement; it becomes normal to conduct business through bribes.

3.6 THEORISING PUBLIC PROCUREMENT AND CORRUPTION

3.6.1 Principal-agent Theory

Procurement normally involves a government (the principal) budgeting funds for goods and services and implementing procurement policies and guidelines. The process then

involves lower-level state agencies responsible for the actual procurement activities (the agents). The assumption that “principals are principled”—that governments by nature want to hold agents to account for controlling corruption cannot be taken for granted. The principal-agent theory provides insight into the understanding of competitiveness in public procurement because it plays a role in the country's economics (Genovese *et al.*, 2022:811). It illustrates why economic models fall short when applied to goods and services procurement.

To illustrate why economic models fall short during procurement, competitive procurement aims to reduce transaction costs and prevent informational advantages among bidders in procuring goods and services, considering the competition among suppliers to obtain contracts from the government. Normative theories define “good” decisions as providing the decision-maker with the desired outcome. Normative refers to establishing or describing a set of rules or standards of behaviour (Oxford Dictionary, 2022).

Majila, Taylor and Raga (2017:99), in an article, *Normative Model to Alleviate Corruption*, uncovered significant anti-corruption initiatives, such as strong enforcement, political will and political intervention in corruption investigations are measures to curb corruption in public procurement. Political inferences in the procurement processes make it difficult for anti-corruption agencies to function. The more politicians judge on behalf of anti-corruption bodies affected by entrenched interests, the more likely these organisations will become ineffective.

Other challenges confronting anti-corruption measures include the alienation of citizens from decisions that influence them, a lack of political will, inept agency personnel and victimisation of whistle-blowers (Majila, Taylor and Raga, 2017:88). In the principal-agent theory, clear roles and responsibilities should be clarified during the procurement processes. The principal-agent theory also explains that employing basic procurement of goods and services by public institutions was problematic in practice because the agents could be exposed to corrupt practices, such as collusion (Yukins, 2010:66).

According to Akpanuko and Asogwa (2013:165), two variations exist of the principal-agent theory; the state without legislators and with the legislators. In a state without a

legislator's variation, accountability can be ensured by a rules-driven government that includes strong internal controls with limited or no room for discretion by public officials (agents). This variation of the principal-agent model gained wide acceptance in public policy circles. It was a foundation for empirical research and policy design to combat administrative, bureaucratic and petty corruption (Masiloane and Dintwe, 2014:18).

The appropriateness of this approach is highly visible in corrupt countries. It refers to the role of rules enforcers to ensure that corruption activities are reported. There is a link between the principal and the agent; these questions can be directed: (1) What the agent(s) can do, and how does this affects the principal(s)?; (2) What the principal(s) can do and how this affects the agent(s)?; (3) Who are the principal(s) and the agent(s)? Conversely, principal-agent models specify a set of actors, possible actions the principal should take to minimise the possible risks of corrupt practices (Gailmard, 2012:13).

Corruption occurs where private wealth and public power overlap. It represents the illicit use of willingness to pay as a decision-making criterion. Frequently, bribes induce officials to take action against the principals' interests, who may be bureaucratic superiors or politically appointed ministers.

In South Africa, the procurement law on anti-corruption legislation is cumbersome and fragmented and, to a certain extent, inefficient because it imposes additional constraints on procurement officials when executing their duties (Mantzaris, 2014:69). It prohibits the dissemination of confidential details during the various stages of procurement; it circumvents the request design, bid review and bid adjudication phases. The agency theory advocates that the conditions above add additional constraints; this is necessary to mitigate all risk factors during the procurement process.

In support of the aforementioned, Marquette and Peiffer (2015:4) contend that anti-corruption efforts are not effective and hard to achieve because they often require insight from three perspectives. The first perspective is corruption as a principal-agent problem. The principal-agent theory describes the role of individuals as agents, whether they engage in or oppose corruption. The second perspective is that corruption is a collective action problem.

The collection action is closely linked to the principal-agent theory. The third perspective is corruption as problem-solving. It entails dealing with deeply rooted social, structural, economic, and political problems. Anti-corruption interventions understand the complexity of corruption as a problem and find alternative ways to solve the real problems encountered if it is to succeed. Persson, Rothstein and Teorell (2013:16) agree with Marquette and Peiffer (2015:6) that the design of most anti-corruption programmes reflects a principal-agent understanding of corruption. The anti-corruption programmes should address the behaviour and relationships between corrupt officials and suppliers.

The principal-agent theory is based on two assumptions. The first assumption is that the principal and agent have diverging interests and that the agent has more information than the principal, which refers to information asymmetry. Owing to asymmetric information, the principal cannot perfectly monitor the agent's actions; thus, the agent has the discretion to pursue their interests. The second assumption of the principal-agent theory is moral hazard. A moral hazard implies taking advantage, knowing someone else will incur the costs (Moblely, 2017:45).

The principal-agent theory occurs when the interests of the principal and the agent are disarranged, and the agent pursues their interest at the expense of the principal's interest (Cerić, 2012:53; Ciliberti *et al.*, 2011:45). The above analysis confirms that the principal-agent theory as a lens emphasises the rational choices of individuals that occur in discrete incidences of corruption.

Zaum, Taxell and Johnson (2012:24) assert that Public Administration and the study of public organisations' measures to reduce corruption are weak because the role of the principal to monitor the agent should be implemented to strengthen anti-corruption reforms. The theory deals with where the principal can induce the agent to perform some tasks in the principal's interest but not necessarily the agent's (Heath and Norman, 2004:247). The situation where one of the two parties is better informed than the other is recognised in economics as the principal-agent problem (Cerić, 2012:7). The agent knows they need to comply with the rules and regulations.

It can be inferred that the theory is useful in explaining the relationship between the government and the service providers in compliance with the legal framework. In

South Africa, the PPPFA as the legal framework is a starting point for state organs to develop and implement procurement policies. The National Treasury issues monthly procurement practices notes to all the state organs. These practices and notices inform the organs of the state regarding the latest adjustment to procurement compliance policies. The principal-agency theory explains how the agent's actions affect the principal in organisations (Pepper & Gore, 2015:41). Arrowsmith (2010:46) contends that the objectives of public procurement are achieved through the legal and regulatory framework.

The principal-agent theory situates the analysis of corruption in the interaction and interrelations within public organisations because the proneness of corruption in public procurement cases has recently increased. It is based on these key assumptions:

- A conflict of interest exists between the principal and the agent. This practice opens the possibility that the agent may participate in corrupt practices. Conflict of interest entails the non-disclosure of business interests in the bidding process.
- It assumes that agents have more information than the principals, resulting in an information asymmetry between two groups of actors (Klitgaard, 2011:34; Gottschalk and Stanislas, 2017:134). The supplier bribes the official to obtain privileged information about the advertised bid.
- Kickbacks during or after procurement processes remain a challenge in state institutions.
- Collusion between the supplier and officials.
- Corruption includes several types of behaviour, such as bribery, extortion, cronyism, information misuse, and discretion abuse. These behaviours can occur through different activities, such as appointing personnel, procuring services, controlling and regulating activities, issuing permits, licences and concessions, and constructing things (Graycar, 2020:16).

Moe and Newman (2014:10) continue that a principal enters a contractual relationship with another actor as an agent. The agent is entrusted to act that leads to outcomes specified by the principal. Within the public procurement context, the relationship is public and includes the complicated public-private relationship involving several stakeholders with conflicting interests.

In light hereof, Balla and Gormley (2017:67) perceive that elected officials and the executive authority constitute the principal, and the bureaucracies are the agents. In such a scenario, delegation becomes practical. Applying principal and agent, as used in this study, is to explore the challenges of ensuring public accountability in public procurement management. Usually, one party (owner-principal) delegates its rights to another entity (representative-agent) that represents it and, under contract, either formal or informal, supplies and supports the principal's interests in some realms. Compensation in bribes is presented to the agent. Implementation of anti-corruption actions and awareness programmes should be created at all levels of the hierarchical organisation.

The agent is much better acquainted with the actual state of affairs where it serves the principal, why it can assume its role and its insightful supremacy for the agent's good (Zhao, Ahn and Manoharan, 2017:311). After selecting and delegating powers to the agent, the principal encounter two main difficulties, indicating adverse selection and moral vulnerability (Yukins, 2010:63-86).

According to the principal-agent theory, the second difficulty the principal encounters is moral vulnerability. Once selected, this difficulty arises from agents who cannot be readily evaluated in their work environments (Neupane, Soar and Vaidya, 2012:67). Principals must draw inferences about how much agents effectively secure the outcomes for which they were hired. These inferences cannot ensure that the conduct of the agents is monitored. It creates uncertainties in the relationship between the principals and agents, and they may find it possible to neglect or even avoid their duties or even undermine the goals sought by the principals.

Oversight of agent actions is another way of mitigating the problem of moral vulnerability. Oversight, as used in the principal-agent theory, has a different meaning from the day-to-day meaning of oversight, which implies overlooking or paying little or no attention to something (Savoie, 2013:145). Oversight implies monitoring agents at work, as used in the principal-agent theory. Principals aim to identify and redirect behaviour inconsistent with their objectives. Principals can also use oversight as a deterrent to corrupt practices. In South Africa, oversight by Parliament, Chapter 9

institution stipulated in the Constitution of South Africa, towards all government department reports increased accountability and decreased discretion among agents.

The principal-agent theory is an approach to understanding the causes and consequences of delegation (Delreux and Adriaensen, 2017:234). The key assumption of the theory is that self-interest motivates both principals and agents. In South Africa, the principal-agent theory applies to public procurement to curb corruption. The theory describes the distinct roles of the principal and the agent. Because of their strategic positions in the public procurement process, public procurement officials are arguably the controllers (agents of government) and have privileged information on procurement activities from the planning phase through the contract awarding and management stages (Ludlow, 2015:98).

Corruption in public procurement is a principal-agent problem in South Africa. Corruption is the abuse of power for personal gain (The WB, 2010:23). The principal-agent relationship refers to the relationship between 'entrusted power', which implies an agency relationship and 'abuse', which implies that the agent does not act in the principal's interest. The public procurement environment is open to corrupt activities.

A critical characteristic of corruption can be seen in the agents' relation to the clients or third parties (Rose-Ackerman, 2013:6). The principal (government or supervisor) creates rules to assign tasks to the agent (subordinate employee) directly; the agent provides a service to the clients for service charges. Corruption seems to occur when an agent trespasses on the public procurement rules set by the principal by colluding with the client.

The problem is the abuse of the relationship between the principal, and the agent arises when the two parties have diverse interests and asymmetric information (the agent having more information), such that the principal cannot directly ensure that the agent is always acting in its (the principal's) best interests. It is true when activities useful to the principal are costly to the agent and where elements of what the agent does are costly for the principal to observe (Bebchuk and Weisbach, 2012:325-346). A conflict of interest may arise. The principal may be sufficiently concerned about being exploited by the agent he chooses not to enter a transaction when that deal

would have been in both parties best interest. It is a suboptimal outcome that lowers welfare.

Corruption in public procurement entails abusing power for private gain (WB, 2011:23). The agent in the South African context refers to the public officials with all the information regarding a specific bid and the possible outcomes. The client approached the agents to obtain privileged information and reached an agreement between the two parties. The client pays an agent fee to an agent or a public official and, therefore, a corrupt practice (Serfontein and De Waal, 2015:1-11).

The principal-agent theory refers to an agency relationship between two parties when they cooperate and engage in an association where one party delegates decisions or works to another to act on its behalf. The important assumptions underlying principal-agency theory are that potential goal conflicts exist between principals and agents; each party acts in its self-interest; information asymmetry frequently exists between principals and agents; agents are posing a risk by influencing the outcome of the bid process during the evaluation phase (Zu and Kaynak, 2012:425).

The principal-agent theory provides a better understanding of corruption in South Africa. Corruption in public procurement in South Africa occurs during preparing biased bid specifications, approving inappropriate bids, tampering with bids, breaching confidentially, and fronting practices to obtain private benefit. Public procurement corruption occurs because asymmetrical information held by the agent leads to corrupt practices (Bauhr Czibik, de Fine Licht and Fazekas, 2020:498).

The aforementioned authors refer to the cooperation in public procurement considering the asymmetrical information held by the agent (government official). Whatever form corruption takes, corruption practices are immoral and improper concerning good procurement practices. Corruption damages the procurement process because it reduces service providers' confidence that they honestly want to bid for government services. The principal-agent theory applies in the South African public sector. The subsequent section summarises the causes and cures of corruption in public procurement.

3.6.2 Importance of the Principal-agent Theory in South Africa

In broad terms, the principal-agent theory helps explain the continuous practice of transparency and anti-corruption rules in public procurement. It explains why deviation from the rules and regulations should be punished and why some agents deviate more than others from the principal's objectives (Yukins, 2010:45). Moreover, it explains the conflict of interest and why rules are important in South Africa to steer agents (Government officials) through their conduct and actions, to align those actions with the objectives of the governing principle, the Constitution and legislators (Dube, Johannes, and Lewis, 2015:3).

Adherence to the rule of law, laws and procedures is needed to minimise the possibility of corrupt practices. The audit findings of the AGSA and the PSC emphasised annually in their reports the need for rules, laws, and procedures should be fully implemented to eliminate the potential risks in public procurement. The principal-agent theory is an excellent conceptual prism through which adherence to rules, laws and procedures can be reinforced. The agent's potential conflict of interest and adherence to rules are key theory elements (Yukins, 2010:46). The risk factors relating to public procurement in South Africa are discussed in the subsequent paragraph.

Williams-Elegbe (2013:341) contends that corruption in public procurement is increasingly becoming a risk factor in South Africa. The principal-agent theory is a device to mitigate the conflict of interest related to the corruption risk in South Africa by enhancing monitoring mechanisms and playing a broader role in the public procurement formulation and implementation. A heavier reliance on monitoring as a mechanism will reshape how South Africa approaches the principal-agent enforcement methodology to address the ever-increasing corruption levels in state organs.

An array of enforcement agencies, such as the Public Protector, AGSA, departmental internal control units, PSC, and the DPSA, monitor public procurement activities. The involvement of stakeholders, such as the community, business leaders and suppliers, is to monitor the procurement processes to ensure that the agents execute the objectives set by the principals. The involvement is solely to monitor the agent and may also change the nature of who the principal is. Zheng-Qiang (2008:61) proposes

countermeasures against the principal-agent problem. Executing the government procurement laws is one way to do it. This step involves the reinforcement of government procurement laws. It continues with the principle of an open, fair and impartial procurement system that makes service providers compete sufficiently.

Building an effective accountability mechanism entails the establishment of a performance appraisal system. The performance appraisal system, in this study, refers to a reward issued to procurement staff for displaying excellent quality in implementing the procurement policy. Furthermore, the intensity of the punishment and the deviation from the procurement policy should be enforced. The reason the behaviour of the agent is contrary to the client's will is because the agent can obtain additional benefits, but the client does not know it.

Another reason is that the client is building a perfect supervision mechanism, which requires strengthening the internal supervision mechanism. It entails regular audits, establishing an unobstructed complaints channel for service providers, the role of the media to disseminate procurement processes; information, and strengthening public awareness of public supervision to report corrupt and unethical conduct (Zheng-qiang, 2008:64).

Notwithstanding the importance of public awareness and supervision to curb unethical conduct, Gilmard (2012:20) concludes that the principal-agent theory proved to be a flexible and useful approach for interpreting the effects of institutional arrangements on the accountability of public decision-makers in public policy. In the South African context, it is difficult to detect unethical conduct between the principal and the agent as only limited proof of corrupt practices can be provided once the two parties agree to the corrupt act.

Corruption is a principal-agent problem. The most widely used definition of corruption is the abuse of entrusted power for private gain (Transparency International, 2016:7). In the study, Stephenson (2015:5) asserts that corruption is an "entrusted power". It implies a corrupt relationship between the agent and the principal. The agent is not acting in ways that promote the principal's interests (Stephenson, 2015:5). While corruption is always a principal-agent problem, not all principal-agent problems involve corruption unless 'corruption' is defined. Employing a principal-agent framework to

understand corruption is not only appropriate but essential. The insights derived from the principal-agent theory greatly relate to the study and practice of anti-corruption practices (Stephenson, 2015:6). The principal-agent model helps to clarify the regime of conflict of interest in South Africa in public procurement. Rose-Ackerman and Palifka (2016:61) and Popa (2013:59) assert that conflict of interest interferes with the professional responsibilities of the public official, indicating that it affects the objectivity of professional reasoning.

They contend that the conflict of interest compromised the public official's judgement. For example, in South Africa, the conflict of interest was displayed during the corrupt practices involving former President Zuma with the Gupta family. The Gupta family gained access to lucrative state contracts by bribing officials, also the political elite, into key positions for gain from these contracts. The political elite manipulated the procurement processes of key public institutions for private gain and self-enrichment. The infiltration of the procurement processes of the public institution began by appointing politically connected individuals in the position of massive influence concerning the appointed individual as the driver of corruption practices in public institutions. They violated the public procurement processes and leaked confidential information relating to bid information to the service provider.

This study employed the lens of the principal-agent theory to understand conflicting goals or interests between service providers and procurement officers. The study assumed that corrupt practices would flourish when weak procurement policies are not institutionalised, and staff members are not trained in ethical behaviour. The relevance and application of the institutional and principal-agent theories are discussed in the next section.

3.6.3 Relevance and application of the institutional and principal-agent theories

The study focused on the PPP to curb corruption in public organisations. The institutional and principal-agent theories are the obvious choices as they entail institutional processes and how policy is formulated, implemented and executed, indicating the effectiveness of the control mechanisms of PPP. These theories also explain how and why individuals and organisations respond to institutional pressures.

Schneiberg and Clemens (2006:196) contend that government and professional bodies have a role in influencing organisational practices. The PPP is an attempt by Government to influence and regulate how procurement practices and departmental policies in all state organs should be implemented in South Africa. It was an attempt by Government to create anti-corruption legislation, a code of conduct, whistle-blower protections, and auditing to curb corruption in public procurement.

Taylor and Raga (2014:290-240) argue that corruption is a far wider phenomenon. Lian and Laing (2004:241) agree that public procurement should be bound and shaped by policy, not profit-driven; the institutional and principal-agent theories are suited to research contexts where profit is the goal. Davis and Marquis (2005:355) contend that institutional research of organisations is synonymous with real-world empirical questions. The purpose of PPP is to create a regulatory environment to curb or minimise corruption.

Applying the institutional and principal-agent theories articulates, explains and predicts compliance and identifies shortcomings with public procurement policies in the state organs in South Africa. Limited studies were conducted in South Africa to explore and provide insight into the operationalised institutional, principal and agent theories. Kidalov and Snider (2011:1-41) conducted a comparative study of procurement regions in the US and the EU; Akenroye (2013:344-397) discusses how social responsibility can be incorporated into contracts and processes of public procurement; Johnson (2008:248-268) contends that outsourcing trends in the public sector can be used when conducting procurement research.

The aforementioned indicates that limited attention was devoted to research to provide full insight into the institutional theory and PPP as a research context. Flynn and Davis (2014:121) contend that provided the heavy institutional character of public procurement and its economic importance in various countries globally, the divergence in research should be addressed. The relevance of the institutional and principal-agent theories is to be established in their scientific validity.

Both theories transformed over the last three decades. These developments are stated in journals from 1984 to 2007 (Coletta, 2013:41). According to Scott (2008:34), a theory reaches maturity once its original assumptions are revised to reflect empirical

realities. The theory can explain and predict the institutional processes of individuals and organisations. The analysis of the institutional and principal-agent theory draws attention to the role of the institutional environment in influencing the behaviour of individuals, in this case, public officials and organisations.

Conversely, pressures from regulatory policies and bodies determine how individuals behave. The institutional and principal-agent theories predict that individuals and organisations conform to institutional pressures while increasing compliance with policies and legislation (Tukamuhabwa, 2012:34-46). The collective action theory is one of the approaches to public procurement discussed in the next section.

3.6.4 Institutional Theory

Parsons (1956:4) modelled an organisation as a social system within a superordinate social system. Benson (1975:34) contends that organisations and their networks are within a macro environment of state agencies, legislative bodies, media, and society. Zald (1978:81) saw social forces as critical in shaping industry standards and norms. Dowling and Pfeffer (1975:123) discovered the need for organisational behaviour to embody and reflect social norms. They assert that organisational culture reflects values and beliefs; for example, the Zulu nation reflects the Zulu culture. In this study, the institutional theory demonstrates organisational behaviour influences an organisation's culture.

During the end of the 1970s, the new institutionalism movement emerged. This movement was built on the pioneering work of Selznick (1948:270) and Parsons (1956:225-239). Meyer and Rowan (1977:340-363) posit that the new institutionalism comprises structures, policies, and practices of several organisations, reflecting the norms of their institutional environments. DiMaggio and Powell (1983:147) emphasise that organisations adopted the same practices and exhibited structural attributes.

Extending the DiMaggio and Powell (1983) research on institutional theory, Dacin (1997) introduced a new concept of institutional isomorphism. Institutional isomorphism comprises mechanisms, such as formal and informal rules, laws, and other forms of legislation, evolving from the political environment while filtering down to government institutions (Pillay, Reddy and Morgan, 2017:7).

Scott advanced the institutional theory in 2004 (Scott, 2004:45). It comprises three important institutional pillars: regulatory, normative and cultural cognitive. The regulatory pillar emphasised employing law, rules and sanctions as enforcement mechanisms, with expedience as compliance. The normative pillar refers to norms and values with social obligations as a basis of compliance. The cultural cognitive pillar rests on the shared understanding of values and beliefs (Punj, 2011:134-144). Scott (2004:34) alluded to three institutional pillars and expanded this to identify organisational culture, social influence as organisational incentives, and enforcement. These pillars are requisites of compliance with procurement law and procedures (Scott, 2004:47).

Dunn and Jones (2010:135) adopted the institutional theory of Scott. They drew attention to the sociocultural factors influencing organisational decision-making, particularly how rationalised activities were adopted in organisations, employing Scott's initial institutional theory (Scott, 2001:460-484).

The institutional theory developed by Scott (2004) and adopted by Dunn (2010), Obanda (2010), and Tukamuhabwa (2012) applies to this study and the South African public sector. It implies that the organisational structure is critical for the effective functioning of the state. Accordingly, the state organs in South Africa must adhere to the PPPFA as a framework guiding the execution of goods and services. The institutional theory indicates that the rule of law in South Africa is critical to ensure that public procurement is conducted transparent, competitive, open, and equitable. The strengthening of constitutional democracy and the rule of law mechanisms through the anti-corruption agencies, such as the Public Protector, the AGSA, and PSC, is Chapter 9 institutions with the mandates to curb corruption in public procurement.

Besides the institutional theory of Scott (2004), Dunn (2010), Obanda (2010), and Tukamuhabwa (2012), Spiller developed the institutional theory of public contracts in 2008 (Spiller and Tomassi, 2010:67). The Spiller institutional theory of contracts focus on the perceived inefficiency of public contracting by identifying different inherent hazards or risk factors. Spiller and Tomassi (2010) provide insight into understanding the characteristics of concession contracts. Concession contracts refer to one entity (also called the concessionaire), the right to use the properties bestowed on it by the

authority (usually Government), including responsibility for activities and any investment (Fraser *et al.*, 2020:23).

A supplier not meeting the bid criteria and still obtaining the bid can be translated to a possible corrupt practice in a concession contract. Concession contracts can be vulnerable to corrupt activities if rules and processes in procuring services and goods are stipulated. The ownership of the assets resides with authority and returns to the authority after the conclusion of the concession term, including the assets acquired by the concessionaire (WB, 2018:12).

The theory of Spiller has direct implications for this study. One implication is the need to reconsider using incentives in concluding concession contracts. The simplification of concession contracts, to adopt a less theoretical approach, are ideally more suitable for procuring goods and services (Levy and Spiller, 1994:201). Concession contracts, in public procurement, entail an administrative contract where the government grants the right to operate a public service on behalf of the government (Bovis, 2016:596).

For example, the outsourcing procurement of a transport service may be to build a toll road. It can be inferred that a concession contract, better known as Public-Private Partnership (PPP), is a common way to procure infrastructure contracts in South Africa. In this study, the PPP was, however, not successfully implemented in South Africa. Maseko (2014:130) concurs that implementing PPPs leads to several challenges unmet expectations. Building infrastructures, such as roads, bridges, and buildings, is critical and directly affects logistics and e-procurement processes in South Africa as a developmental state. The institutional theory's critique and revisions are discussed in the subsequent section.

3.7 OVERARCHING PROCUREMENT PRINCIPLES

One condition stands out as essential to curb corruption in procurement: a political will to see it implemented. Unfortunately, the inclination of public officials and politicians to generate rents for private benefit is as real as the inclination of private companies to eliminate or reduce competition. Only governments independent of procurement fraud and other forms of corruption to stay in power will have the will to curb it. Political will in procurement is ambiguous, with various perspectives and ideas. Political will is

the determination of public officers to aid a public interest movement (Brinkerhoff and Wetterberg, 2016:279). Political will involves effecting modifications through policy components, implementation, provision of sources, and helping to address a societal challenge.

According to Brinkerhoff and Wetterberg (2016:279), political will incorporates (1) character actors and their aspirations; (2) institutions where individuals function and act on their behalf; (3) socioeconomic and governance structures that frame incentives and constraints; besides, (4) guidelines through political will. Political will can be observed as a medium to address corrupt practices. Socioeconomic benefits are, therefore, derived by providing contributory surroundings and resources to execute policy directions (Enaifoghe and Maduku, 2019:41).

Rabin (2011:18) describes political will as an aim or willingness; of a government's strong, deliberate determination leadership to adopt a strategy realistic to eliminate corruption. Governments accept that corruption's high socioeconomic costs directly exacerbate poverty and injustice. This led to individual countries and blocs, such as the AU and the United Nations (UN), signing development charters with their member countries, signalling their efforts to cooperate with these bodies to end corruption globally. Political will was described as the solution to several community challenges, especially corruption, injustice and inequality. Absent political will and corrupt activities harm a country's development concerning procurement wastage of valuable resources (Maduku and Osehi, 2018:8).

This study analysed the extent of corruption in public procurement. Politicians are elected officials electorally appointed to execute the mandate of a particular political party. The political rivalry, therefore, moderates the actions of politicians who expect punishment from voters in the elections. Politicians, therefore, refrain from wrongdoing and introduce changes to 'signify' their competence and dignity (Bågenholm and Charron, 2014:18). Democratic rivalry induces political officials to launch reforms in the encounter of electoral instability (Berliner and Erlich, 2015:112). If politicians suspect a loss of control, they are motivated to become involved in corrupt practices (Drápalová and Di Mascio, 2020:129). The subsequent section discusses competition as one measure to curb procurement corruption.

3.7.1 Competition

Competition in public procurement is healthy among suppliers to receive the best value for money. Public contracts are scrutinised, such as external and internal audit processes. Greater competition lowers costs and prevents supplier collusion (Knack, Biletska and Kacker, 2019:287). The knowledge and transaction costs incurred in learning about bidding opportunities and fulfilling bidding needs (including paying fees and deposits) should be taxing for smaller businesses.

Larger firms are more experienced and probably have the ability, capacity and connections to satisfy bidding requirements, avoiding the requirement to pay bribes (Jain, 2020:101). In South Africa, competitiveness is one principle of public procurement. The Preferential Procurement Regulation (2017) stipulates that bidders should compete for each bid during the open and transparent bid procurement system. Bidders are allowed enough time (90 days) to prepare their bid documentation and pre-qualification requirements when applying to provide goods and services to state institutions.

3.7.2 Transparency

Transparency is one of the most crucial factors that can curb corruption in public procurement because of open and transparent adherence and disclosure of the expectations from the suppliers and the roles and responsibilities of the procurement institutions. The accessibility to bid information regarding the phase of the bidding process is essential. Suppliers will, therefore, be able to know what the contracting institution expects from them.

Georgieva (2017:15), in her book *“Using Transparency against Corruption in Public Procurement”*, identifies transparency as an essential aspect of public procurement and law enforcement. Provided the socially meaningful existence of the complicated structure required for the proper use of public money by all those agencies and commercial firms known as 'contracting authorities', the basic principles regulating such expenditure should be defined. Those principles should be ordained (Georgieva, 2017:15).

The WB, OECD and other international anti-corruption agencies (i.e., TI) promote employing transparency to curb corruption in public procurement. It is proposed that all procurement institutions globally include transparency as a crucial principle when designing and implementing procurement legislation, law and policies. TI (2014:13) asserts that governments (including government-owned), individual officials, agents, and executives should be accountable for executing their duties and decisions in their areas of responsibility. In this article, TI (2014) emphasised several ways to promote accountability:

- effective record-keeping of decisions and the reason for those decisions enables to review of the decisions.
- a mechanism to uncover and investigate corruption increases the chances of being caught and is a deterrent.
- systematic and credible enforcement of rules, including the establishment of independent oversight and employing effective proportionate and dissuasive sanctions, makes it less likely that will risk offering or accepting a bribe.
- the dismissal of individuals or debarment of companies and imposition of public and criminal penalties, including fines and imprisonment, act as significant deterrents to improper behaviour (Transparency International, 2014:14).

Improving efficiency in the public procurement system requires the delivery and administration of public services to identify and close the loophole in corruption practices (UNDP, 2004:9). Accountability is one pillar of the PFMA of South Africa, requiring that the accounting officer take preventive measures and action when corrupt practices are discovered. Bailey (2000:78) perceives that accountability needs a detective system to promote self-regulation. The self-regulation measures include applying the code of conduct and managerial leadership. The latter action requires that the sanctions be applied against corrupt practices.

3.7.3 Objective criteria in decision-making

The objective criteria in decision-making before a bid advertisement is a factor in curbing corruption in public procurement. The projects involve the procurement of goods and services; therefore, processes of awarding bids are vulnerable to corrupt practices. Globally, governments spend millions of dollars on the procurement of

massive projects. For example, constructing a major road involves various role players, such as engineers, designers, developers, software engineers, and construction companies. All these required services and products are required. The objective criteria of the bid should be aligned to achieve the desired outcomes. Objective criteria should steer bid evaluation and contracting processes.

Against this background, Csaba (2014:101) contends that the decision-making mechanism defined by the legal system of the country is based on a normative approach in two respects; it lays out the steps of the process as to how the processes are to be conducted; it also limits (standardises) the means of collecting information and the techniques to be used for the collection process (the bidder). Taherdoost and Brard (2019:104) contend that selecting an incorrect selection criteria option during the award of bids will lead to losses in the procurement system, directly influencing the supplier's profitability. It is often difficult to choose the right supplier for procurement managers, particularly with evolving demands on supplier selection criteria.

For example, a corrupt official can manipulate the criteria during the procurement process to favour a supplier and obtain a bribe. In South Africa, however, the new 2017 PPPFA regulations require that objective criteria be stipulated in each tender document, mitigating some corruption risks and enhancing transparency, objectivity, and accountability in the procurement processes. No bidders should gain access to any pre-bidding preferences or access to privilege information at any stage. Due to the absence of objective criteria in decision-making during the bid process, the bid can lapse due to the conflicting interpretations among the evaluation members.

Mantzaris (2017:69) contends alternative methods of bid-rigging are emerging in the procurement of goods and services. These include collusive bidding (when bidders negotiate beforehand on who can win the bid), with a secret understanding that the other bidders will be paid sometimes out of the inflated earnings of the winning bidder or to win tenders and inappropriately to tender. In the subsequent section, the principles to reduce corruption are discussed.

3.8 PRINCIPLES TO REDUCE CORRUPTION

To reduce corruption in procurement, these additional principles must be adhered to and discussed next.

3.8.1 Open contracting

The concept of open contracting is emerging as a “strategy to increase contract transparent and monitoring with major expected benefits concerning the quality of governance, better value for money, reduced corruption, increased service delivery and better development outcomes” (Wickberg, Chene and Zinnbauer, 2012:23). During the procurement of goods and services, suppliers must ensure disclosure, data protection and the engagement of the whole chain public procurement environment are honoured. The principles of open contracting, as stipulated in the Global Open Contracting Report (2021), are as follows:

- Right of the public to access information related to the formation, award, execution, performance, and completion of public contracts.
- Public contracting is to be conducted transparently and equitably by publicly disclosed rules that explain the functioning of the process, including policies regarding disclosure.
- Routine publication of enough information about the formation, award, execution, performance, and completion of public contracts to enable the public, including media and public society, to understand and monitor as a safeguard against inefficient, ineffective or corrupt use of public resources
- Related pre-studies, bid documents, performance evaluations, guarantees, and auditing reports.
- Information related to performance and completion of public contracts, including information regarding subcontracting arrangements, such as the procurement planning process, the method of procurement or award and the justification thereof, the scope and specifications for each contract and the criteria for evaluation and selection.
- General schedules, including major milestones in execution and any changes to this, such as the status of implementation against milestones; dates and amounts

of stage payments made or received (against total amount) and the source of those payments; service delivery and pricing (Global Open Contracting Report, 2021).

The preceding standards embody the expectation that greater transparency and engagement in public procurement would affect more competitive contracts, including equitability, enhancing contract efficiency and ensuring production results. Although understanding that valid confidentiality needs can warrant exemptions in extraordinary cases, these standards are intended to direct governance (Global Open Contracting Report, 2021).

3.8.2 Price benchmarking

According to TI (2018), all suppliers buying products in the open market, such as cars and medicines, should pay the lowest price and attempt discounts for bulk buying. Simplifying procurement is one matter that can curb corruption. Rules should be clear and simple, without ambiguous and diverse interpretations. The honesty of public procurement should be protected. Without clear rules, everyone understands, uncertainty will creep into the system and create opportunities for corrupt practices. Rose-Ackerman (2017) contends that procurement rules should be simplified.

State institutions should use private market prices as a guideline and define their needs as standard when testing the market using the procurement bidding processes (Søreide, 2010:30). The latter author contends that the action will reduce both the cost of procurement and the risk of corruption (ibid). In the article Procurement Reforms in Amazonas in Brazil, the WB (2017:45) emphasises the need to reduce the excess bureaucracy and foster competition in the procurement processes, introducing an e-procurement system, better known as eAuctions (WB 2017).

This process entails collecting documents from various government agencies, with rolling expiration dates presented at all auctions (Søreide, 2010:31). Several businesses find that the time allocated for bid preparation is inadequate to obtain the paperwork, with some suppliers resorting to recruiting experts to peruse all Government regulations. In the public procurement process, government departments desiring to buy goods are forced to tender, with transactions procured in various ways based on the type of the transaction.

The article on procurement reforms in Amazonas in Brazil (2020) demonstrates public participation in the procurement processes; government should focus on decreasing the bureaucratic challenges encountered by suppliers by lowering transaction costs to participants in the public procurement processes. This action (aforementioned) limits the opportunity for public procurement officials to become involved in corrupt practices. Therefore, Reinhart and Trebesch (2016:11) contend that public procurement is fundamental to the capacity of a government to supply the public with essential goods and services. It is also a most vulnerable function of a government to wasteful expenditure owing to corrupt practices.

3.8.3 Integrity pacts

Another method to reduce opportunities for corruption in public procurement is the integrity pact, obligating the contracting authorities and suppliers into a no-bribe commitment. Such an arrangement should mandate all contracts to conform to stringent anti-corruption laws between the authority and its consultants' suppliers and service providers.

The Integrity Pact was introduced by TI's Integrity Pact (Saitta, 2015:244). These integrity pacts aim to curb corruption in public procurement between suppliers and state institutions, involving an agreement or pledge not to accept bribes. TI's Transparency Pacts negotiate arrangements by the purchasing authority, tender participants and an independent supervisory committee in the public procurement process (Nitti, 2019:147). Since the beginning of their creation, they have been among the OECD's best practices in procurement, capable of increasing openness and accountability in public procurement (OECD, 2015).

However, the Anti-Corruption Law, which enshrines honesty pacts and legal protocols, did not specify the requirements for drafting them; instead, their key characteristics were outlined by the activities of the contracting authorities (Nitti, 2019:145). Sendugwa (2017:4) contends that the Integrity Pact requires both parties to pledge not to engage in fraud, conspiracy or any other unethical activity to the degree of the deal. A monitoring system operated by public society organisations is incorporated to ensure the pact is honoured.

Similarly, the OECD (2016) claims that the honesty of players in the procurement process will substantially minimise the risk of corruption. Legitimacy applies to maintaining legal principles and moral ideals of reliability, morality and righteousness, which are crucial to maintaining fairness and integrity.

3.8.4 Specialisation

The specialisation of function in the public procurement system is essential. Staff should be well trained and paid. Strategic functions should be separated to ensure that responsibility for demand assessment, preparation, selection, contracting, supervision, and project control is assigned to separate bodies.

Decarolis and Giorgiantonio (2020:554) argue that adequate centralisation and professionalisation of contracting authority (including specific technical expertise and project management capacity) should be maintained to choose private contractors and better reduce corruption risks. The specialisation of procurement officials by performing highly technical skills is needed to ensure procurement skills are optimised in a complex environment prone to corruption.

Storm (2020:56) contends that training and specialisation are linked to advanced knowledge of corruption, essential to character and success owing to the growing sophistication of the crime. It is also important to establish an organised, multidisciplinary and knowledgeable approach. Unfortunately, the inadequacy of recruiting and preparation processes is one of the key factors for specialisation, such as bid processes and contract administration. To create a corruption-free environment, the specialisation of the procurement function is a measure the government should reduce corruption in public procurement.

3.8.5 Standardised contracts

More generally, the standardisation of bidding contracts is one measure that could reduce corruption risks. Business agencies or specialist public bodies may play a key role. Besides best practices, these systems can harmonise norms, raising the certainty of interpretation in an extraordinarily complex regulatory context (Decarolis and Giorgiantonio, 2020:543).

Transparency International (2016) asserts that employing detailed standard contract contracts also prevents negotiations when the contract is awarded. Compared to the discussions needed for the execution of the contract, negotiations during the award of the contract may be avoided. Such agreements include opportunities for providing or extorting kickbacks or bribes. The purpose of clarifying the specifics of the contract will and should be conducted by a comprehensive specification of the contract parameters in advance. Therefore, compulsory standardised contracts should be applied at the contract execution stage, including the cost of an agreement (Transparency International, 2017). According to the TI Report (2017), contracts are concluded between the parties, and changes are made; they should be justified and recorded.

3.8.6 E-Procurement

E-procurement is more common in developing countries concerning public contracts, where tenders are awarded to preferred contractors or bidders for corrupt reasons (TI, 2017). To end this, public e-procurement is a perfect weapon to reduce the monopoly of power government officials enjoy. E-procurement can help reduce the risk of corruption and provide benefits. (Neupane, Soar and Vaidya, 2014:18). They argue that to overcome corruption concerns in government procurement, ICT will be crucial in mitigating corruption by fostering good governance, strengthening relations between government employees and residents, and tracking and regulating the government's operations.

Anti-corruption capabilities apply to features or steps in e-procurement that help monitor or minimise unethical practices in procuring building works, facilities and materials/equipment. Several steps were reported to monitor corruption in implementing construction projects (Osie-Tutu, Badu, and Owusu-Manu, 2010; Ameyaw and Mensah, 2013; Chan and Owusu, 2017, 2019). The World Economic Forum (2016) and OECD (2016) contend that employing digital technology reflects one of the most effective ways of checking and reducing the incidents of corrupt practices in public procurement. Aduwo *et al.* (2020:20) contend that e-procurement in anti-corruption capabilities refers to the features or characteristics of e-procurement technology. It allows tracking or removing fraudulent or unethical activities in procuring building works, supplies and materials/equipment.

E-procurement can also minimise operating costs and procurement personnel and enhance coordination by quicker access to information (Eadie, Perera, Heaney, and Carlisle, 2007:103). It ensures that contract documentation and information are accessible and can be updated constantly and easily. The government can recognise its daily vendors and notify the event of changes or additional information needed. Moreover, the government could recognise usual vendors and educate the public. It encourages accountability and value for money in negotiations with reputable vendors. The competition must still be maintained in using the services and products of various suppliers (Anthony, 2018:40).

Implementing e-procurement has enormous potential to reduce corruption in acquiring goods and services. It works by governments, while evidence from Malaysia shows that employing an online tendering system helped reduce corruption in construction project delivery (Zakaria *et al.*, 2014).

3.8.7 Codes of Conduct for Procurers

The code of conduct for procurers is one of the several measures to curb corruption in public procurement. Suppliers should be bound by codes of conduct, including procedures for conflicts of interest, reporting corruption and protecting whistle-blowers. Standard office safeguards should apply, such as using committees for decision-making and rotating staff in sensitive positions (Cmi Michelsen Institute Report, 2015). The OECD (2016) laid a foundation for a country to implement a code of conduct for procurers to reduce corrupt practices. In this report, the OECD (2016:34) recommends that procurers represent the government's public interest. Public officials must preserve and improve public confidence and trust in public institutions by displaying the highest level of professional integrity, accountability, transparency, quality, and efficacy. This is also accomplished by upholding the Constitution and regulations and attempting to promote the public interest continuously (OECD report, 2016).

In South Africa, the PFMA stipulates that “all officials and other role players in an SCM system must comply with the highest ethical standards to promote mutual trust and respect and an environment where business can be conducted with integrity and fairly

and reasonably” (Republic of South Africa, 2016). It further provides that a procurement official or other role player must adhere to the following:

- recognise and disclose any conflict of interest that may arise.
- access to bid opportunities by all suppliers and prospective suppliers.
- may not exploit their status for private advantage or to favour another person.
- ensure that they do not undermine the reputation or dignity of the SCM system by receiving gifts or hospitality or any other act; be conscientious of their use of the public property.

In line with the same standards of ethical behaviour in the procurement environment, Section 16(a)(8)(5) of the Treasury Regulations (2015) remarks if “an officer in the procurement unit is aware of a violation or failure to comply with some aspect of the procedure shall notify the breach or failure of the accounting officer or the Accounting Authority immediately” (Republic of South Africa, 2017). All officials involved in procuring goods and services in South Africa are requested to annually sign the code of conduct for procurement practitioners to curb corruption. The AG annually audits all officials employed at public institutions (National Treasury, 2018).

3.8.8 Code of Conduct for Providers

Corruption occurs during the procurement process for products and services (Mishiya, Cumberlege and Buys, 2019:42). It is either that the rates are inflated, the contracts are awarded to friends or relatives, the tenders are not marketed, the tendering panels are not sufficiently appointed, or the commission members did not declare their involvement before the adjudication committee is met. Based on this assessment, it is required that all bidders during the bidding need to abide by the code of conduct. The code of conduct is another measure to control corruption in public procurement.

Zitha and Mathebula (2015:17) contend that the South African Government has adopted numerous pieces of legislation to foster professional behaviour through the code of conduct in the public sector. Despite a sound and systematic legislative and administrative process to address wrongdoing and institutionalise professional actions and behaviour, scholars and public members fail to promote cooperation. Disoloane

(2012:92) suggests that a code of conduct plays a primary role in preventing immoral activity by elected leaders and policyholders, and in this case, suppliers.

Such codes create an ethical culture and high standards of ethics within agencies and, eventually,, the public sector. For example, in Korea, businesses and sub-contractors seeking to engage in public tenders must develop standards of ethics for their workers to protect whistle-blowers from becoming disadvantaged within the business (TI Report, 2016:34). Codes of conduct should include clauses prohibiting corrupt practices during the procurement process.

In Bangladesh and China, bidders are expected to announce involvement, declare to refrain from corrupt practices affecting the acquisition process or outcome; this declaration, therefore, binds sub-contractors and other third parties (TI Report, 2016:34). The code of conduct controls the behaviour of the suppliers. The guidelines provided by the OECD and other global procurement bodies confirm the importance of an implemented code of conduct to reduce corruption in public procurement.

3.8.9 Shared responsibilities

Corruption is a global phenomenon that requires a global solution. As an international organisation, the WB operated for over 20 years to reduce the pervasive consequences of corruption in its client countries. The WB, as a global player, formed partnerships with the public and private sectors and public society to promote attempts to deter corruption, improve fraud solutions, and improve the actions, practices, and standards required to maintain anti-corruption measures (Kohler and Dimancesco, 2020:45). All actors involved in project finance should share responsibility for safeguarding projects against corruption. It includes banks, export-credit agencies, and international financial institutions – including the WB and regional development banks (CHR Michelsen Institution Report, 2016).

The UN Convention Against Corruption (2016) warned there is a substantial risk of wrongdoing in the organisation of large public activities, such as international athletics and cultural or high-level political events. This is primarily because such activities require substantial personnel, vast sums of funding, and complicated organisational plans within a short timeline. A lack of anti-corruption measures could increase this

risk (UNCC, 2016). In support of the UNCC, Chappelet (2016:18) contends that shared responsibility is vital. Through collective efforts of sporting associations, governments and other players, such as betting operators, can curb corruption. A “new equilibrium of political, economic, social and sporting powers has to be sought to confront corruption in sport” (Chappelet, 2016:18).

Major events, such as the Olympic Games, the Soccer World Cup, and the Commonwealth Games, are vulnerable to corruption practices owing to massive projects involved in the event country. The shared responsibilities between the parties organising the event and the host country should be defined. Corruption in major events cannot, therefore, be prevented. For example, construction companies' collaboration in the 2010 FIFA World Cup was particularly corrupt and conspired to increase the cost of the construction projects while building sports stadiums in South Africa.

For example, the City of Cape Town launched R428 million civil damages action against the construction companies who collaborated on a tender to build the Greenpoint football stadium for the 2010 FIFA World Cup. The stadium's initial budget was R2.9 billion, which cost R4.5 billion. The construction companies were overpaid, and owing to tender manipulation, actions increased the project's cost. The corrupt practices, collusion among suppliers and costing the taxpayers more money than projected. TI contends that the concealment of corruption is related to the size of these highly financed projects in that bribes and inflated claims are more easily hidden in larger projects.

3.8.10 Debarment

Rahman (2020:2) describes debarment as an effective method to preclude sanctioned suppliers from becoming repeat offenders and acts as a deterrent. In addition, Williams-Elgebe (2018) defines debarment as a method to curb corruption in public procurement. Williams-Elgebe contends that debarment is a barrier to corrupt practices. If correctly implemented, it can limit the possibility of corruption in public procurement. Søreide (2018:3) asserts that debarment can be observed as extra punishment, particularly if the exclusion from markets is more severe than the criminal penalty.

There are strong threats of manipulation of competition when market competitors are removed from the market, often for years. The oligopoly markets are vulnerable to such consequences (Søreide, 2018:3). The onus is on public institutions or procurement authorities to implement and maintain a blacklist of suppliers involved in corrupt practices, considering enough evidence to verify such actions. Debarment structures should signal that access to public procurement markets requires compliance with the legislation framework, regulations and prescribes (Auriol and Søreide, 2017: 12).

The OECD (2016) issued a list of guidelines on curbing corruption in public procurement, advising that risks in the public procurement environment should be adequately managed. The WB advocates for the debarment of suppliers found guilty of collusion. In South Africa, the National Treasury keeps an updated list of the debarring supplier. Public institutions must check on the list of suppliers whether the nominated supplier for a bid is not listed on the blacklist before awarding the bid. As of May 2020, 200 active cases of firms and individuals were debarred by state organs across South Africa (National Treasury, 2020:2).

Debarment is such a measure and can be defined as a “mechanism to prevent suppliers from obtaining new government contracts, or acquiring extensions to existing contracts, for alleged breaches of law or ethics” (Williams-Elegbe, 2019:11). Therefore, debarment is a useful device to curb corruption, including applying corrective measures and requiring that suppliers need to change behaviour by refraining from involvement in corrupt practices.

3.8.11 Auditing

The audit function plays a significant role in reducing corruption. Auditing with oversight and regulation is one pillar of OECD instruments, facilitating the introduction of successful integrity processes in the public sector and public procurement. The OECD Recommendation of the Council on Public Procurement (OECD, 2015b) urges adherents to apply supervisory and control mechanisms, such as auditing, to resolve the situation. Gustavson and Sundström (2018:51) contend that three main principles can be essential elements in the definition of good auditing:

- The first principle is the independence of the audit authority. This refers to the mandate of the auditing authority. If there is no distinction between the supervisory mechanism and the public sector subject to supervision, the supervisory mechanism will have mainly, a self-assessment role.
- The second is professionalism. Professionalism refers to the conduct of officials employed by the auditing authority. Establishing specific auditing services builds on the idea that officials employed for these agencies are more capable than ordinary citizens and legislators of monitoring financial activities and the ethical behaviour of officers in diverse organisations, such as contemporary PAs.
- The third principle is recognising people as the principal. It indicates that people are appointed in a position to perform a certain function in public procurement. Jurisdiction should be delegated to elected politicians who, in exchange, delegate power to different state departments, their administration, and public officials. The literature explains that communicating audit results is critical to this transparency process (Gustavson, 2014:16).

Auditing services verify the veracity, legitimacy and utilities of government procurement practices. As a control mechanism and to reduce corruption, in South Africa, the AGSA annually audits all procurement processes of state institutions. Audit institutions, internal and external bodies, play a vital role in fostering good financial regulation, and responsible and open governance, leading to the avoidance and identification of unethical practices.

Against this background, Liu and Lin (2012:169) contend that government auditing aims to track, maintain and assess government transparency. It is an important structural arrangement for modern governance. Through tracking the workings of public authority, particularly how public services are used, government auditing improves transparency while reducing the misuse of power and resources. Auditing plays a significant role in public procurement by deciding if the method of receiving and spending public funds and other related activities complies with the laws and regulations of public institutions. This assists in identifying mismanagement of public revenue and expenditure and revealing any anomalies harmful to government transparency in the audit report.

3.8.12 Supervision

Supervisors employed in the procurement sections of public institutions, such as procurement managers, are crucial to reducing corrupt practices in public procurement. More importantly, supervisors should monitor public procurement processes and decisions. To reduce corruption, decisions of discretionary and technical nature must be objectively monitored. As a supervisory function, Søreide (2016:10) identifies the rotation of public officials responsible for procurement as an important measure.

Ismail *et al.* (2020:539) contend that supervision and monitoring of public procurement processes help to reduce corrupt practices. They assert that early detection of corruption in the procurement system could minimise the influence and lower organisational reputational damage. Supervision can be defined as 'the success of public authorities not based purely on employing the technologies but on the ability to monitor procurement activities closely. In contrast, monitoring is mostly a management function, and state institutions should be flexible to allow internal and external monitoring.

State institutions must also be transitioned in public services from institutions, public authorities and society. Institutional monitoring is conducted by creating an anti-corruption culture within the state institutions. Mutual surveillance and copying of anti-corruption actions by public officials in an institution are more effective in reducing unethical practices than merely having a massive salary or reward and remaining involved in corrupt practices (Ismail *et al.*, 2020:539).

Internal monitoring and supervision are, therefore, important in public procurement. First, to ensure compliance with rules and processes, officials need to be followed deviation from the procurement signals red flags in the procurement processes. For example, a service payment should be conducted by requesting three written quotations. The public procurement official bypasses the cheapest quotation and motivates for the second cheapest because of his interest in the specific supplier. The supervisor should question why the cheapest quotation was bypassed, with the bid awarded to the supplier in which the officials are interested. Internal monitoring is

conducted through internal auditing processes; external is by a third party-independent from the organisation, such as the AGSA.

3.8.13 Public society engagements

The general citizens of South Africa play a role in the combat against corruption. In a democratic society, the general citizens of South Africa hold Government responsible for the services. The general citizens are best placed to demand public sector accountability through investigative reporting of corrupt practices. In South Africa, reporting corrupt cases in the media led to investigation cases, even when politicians were implicated in such cases. William-Elegebe (2017: 11) contends that the role of media in reporting corrupt cases cannot be underestimated.

In Nigeria, despite investigation challenges and “institutional weaknesses, the authorities could have a higher success rate in the fight against procurement corruption”. According to the OECD (2017), public society participation and accountability in procurement processes aim to build a fair playing ground for vendors, including gaining value for money. They may be important for promoting competitiveness in public procurement and opening avenues for public society engagement.

The review by public society groups, the media, and other stakeholders, as key partners in Government, are measures that can reduce corruption. Fourie (2017:12) mentions ethics coordination bodies can be political commissions, central authorities or specially created bodies operating well within an engaged public society, including assertive media, which, through their reporting, enable people to serve as watchdogs over the conduct of the public officials.

Public society's engagement with Government is also encountering risks. Janakiram (2018:14) contends that public society engagement in advanced training cannot organise adequate resources or funds to participate in time-consuming procurement monitoring, such as the management of public works. It usually takes a long time from tendering to project implementation; the regulatory structure for public procurement may change, and the lack of application of laws and regulations. The role of public society increases transparency in the public procurement system.

3.9 ANTI-CORRUPTION APPROACHES TO PUBLIC PROCUREMENT

Corruption in public procurement is a complex phenomenon. Various approaches are applied to analyse corruption and public procurement. Its complexity is a basis for agreeing on a theoretical interpretation of the scientific concept.

Shabbir and Anwar (2007:65) differentiate between three approaches to explain corruption in public procurement: the public interest approach, the public opinion approach and the formal legal approach. The first (approach) contends that a public official entrusted with the power to make procurement decisions acted improperly if their actions went against the public interest. The second (approach) contends that people perceive corrupt public procurement practices negatively.

Peters and Welch (1978:34) support the second (approach), emphasising that public procurement corruption is based on the notion of the public when public opinion determines an action to be corrupt. The third (approach) contends that corruption in public procurement occurs if the actions of a person with entrusted authority violate the norms of procurement procedures, leading to illegal exchanges of anything of value for personal gain. Lyanda (2012:45) supports the third approach by affirming that an act is corrupt when it violates formal procurement standards and rules or civic order. In support of Lyanda (2012:45), Garoupa and Klerman (2010:76-78) assert that a person entrusted with power commits an offence.

To summarise, corrupt practices occur when individuals pursue their interests and gratifying weaknesses, such as unethical behaviour, greed and lack of honesty. Others become corrupt owing to the institutional culture in organisations, as reflected in the state organs in South Africa. The above approaches indicate that corruption in public procurement occurs when procurement rules, prescriptions and instructions are not applied to execute tasks. Numerous factors lead to corrupt practices. The subsequent section analyses the PPP theory and approaches.

3.9.1 Public procurement policy approaches

Williams-Elegbe (2015:11) published a paper on a comparative analysis of public procurement reforms in Africa regarding the challenges and prospects of approaches in public procurement. The report observed the country's perspectives on procurement

reform—indicating Ghana, Kenya, South Africa, and Tunisia. The analysis of the approaches of Williams-Elegbe (2015:11) concludes that a fully functional procurement system is governed by a clear legal framework establishing the rules of transparency. It includes mechanisms for enforcement and efficiency, coupled with an institutional arrangement that ensures consistency in policy formulation and implementation (Williams-Elegbe, 2015:12).

The training and development of the capacity of public officials is the key driver to reform the public procurement system in Africa. Conversely, there is a need to establish a training component to professionalise the procurement function. This raises the strategic importance of procurement in Africa. In South Africa, public procurement accelerates economic growth. The number of public resources the national government uses in public procurement is massive and exceeds 3,6% of GDP (OECD:2018:4).

The level of training in the public sector directly influences service delivery and job creation while redressing past discrimination by empowering designated groups of people to receive preference in the bidding process. In the past few years, public procurement received renewed attention, but the conceptual understanding of the institutional context enabling governments to pursue public procurement policies and overcome challenges is still lacking (Williams-Elegbe, 2015:86; Søreide, 2014:14; Obanda, 2010:67). The PPP literature and analysis received inadequate attention concerning the policy development and implementation phases.

3.9.2 Policy development and implementation processes as approaches

The policy is a critical function of the organs of the state globally and in South Africa. Procurement policy formulation is the responsibility of various legislative bodies in the various state organs in South Africa. Gaventa and Runciman (2016:72) untangled economic and political inequality in South Africa. The authors identified three principles emphasising the rights of the people to be respected and honoured when decisions are made, indicating: “inclusive rights for all people, the right to participate in and the obligation to protect and promote the realisation of rights by the state and other duty bearers” (Gaventa & Runciman, 2016:72).

These three principles of Gaventa and Runciman (2016:72) emphasise that the rights of all people include the need to be respected and honoured in decisions. The policy development and implementation process in South Africa should include a consultation process with citizens through public hearings and workshop briefings relating to bid requirements, such as roadshows. The role players of citizens in creating PPP and establishing processes needs to be explained. Besides the review of PPP in the South African environment, this study reflects on the status of public procurement, its objectives and the systems used to detect corrupt practices.

The research assumed that system of laws, institutions and supporting practices curb corruption. Conversely, a weak procurement policy opens the door to corrupt practices in the public sector. Policy implementation is a function of programme implementation, depending on the policy's implementation. Therefore, implementing the policy is not always achieved because it depends on programme outcomes (Grindle, 2017:25). By analysing the content of procurement policies and associated frameworks, such as the PPPFA, these six steps are identified:

- Definition of the policy refers to identifying the problem or opportunity of the potential policy; for example, corrupt practices in public procurement.
- Agenda-setting of the policy refers to the alternative solution to the problem and issues.
- Formulation of the policy refers to developing effective and acceptable courses of action for addressing what was placed on the policy agenda.

The policy decision-making process entails consultation with the various role players and identifying roles and responsibilities. Policy implementation refers to adopting set implementation principles or intended action required to implement. For example, translating the policy objections into action. To address corruption, the policy objectives should detail clear actions to address the problem.

- Constant evaluation of policy is a systematic evaluation of the effectiveness of policy design and evaluation criteria against the set of policy objectives (Howlett, 2019:406).

The PPPFA, B-BBEE, the PFMA, and other anti-corruption-related legislations are useful for gaining insight into the complexity of the public procurement environment in

South Africa. Content analysis was employed to identify critical policy aspects for PPP formulation and implementation. The analysis focused on the fundamental philosophical approach that each policy document adopted. Public procurement theories and models are vital in this study and are discussed in the subsequent section.

3.10 PUBLIC PROCUREMENT APPROACHES AND MODELS

The public procurement design and implementation process cannot be isolated from approaches and models. A close relationship exists between approaches and models. According to Cohen, Manion and Morrison (2013:26-27), theories are the systematic, consistent and reliable explanation and prediction of the relationship between specific variables built on various concepts. PPP is critical in all spheres of government to regulate the procurement of goods and services.

Schofield and Sausman (2004:239) identified a need for better theories to influence the PPP processes. An important link exists between public policymaking and the need to identify the outcomes or what the policy intends to achieve. Robichau and Lynn (2009:21) agree that public policy theories attempt to establish a relationship between public policymaking, its implementation and consequences. In PPP, it can be concluded that theories of public policy influence how PPPs are designed and implemented.

Gumede (2014:11) reveals that the South African 1994 system relating to transformation is a trajectory of redress to address the imbalances of the past. This indicates that shaping public policies and translating them into actionable programmes are driven by an underlying theory of beliefs. Similarly, Cloete, Rabie and Coning (2014:130-147) concur that policymaking was strongly associated with public policy-shaping theories. Rightfully, Hupe and Hill (2019:118) contend that theories focus on a framework and specific assumptions for an analyst to diagnose a phenomenon, explain its processes and predict outcomes.

It is envisaged that to produce a model of how to deal with corruption in public procurement, according to the study's objective, the researcher has to establish and

understand the relationship between public policy and procurement policymaking processes and theories of public policy in South Africa.

3.10.1 Implementation approaches

Procurement is an integral part of organisational performance, and it is drawing increasing attention from top to lower management levels (Tukuta and Saruchera, 2015:48). Implementation of public procurement policies is often confusing and cumbersome. However, a dynamic process (National Treasury, 2014:26). This implies that the evolution of growth and concept development and implementation of public policy is inevitable if not applied.

A close link exists between confusing and cumbersome policies and corruption because of different interpretations at the implementation and operational phases. Various approaches to public policy exist. The most popular approaches are the top-down, bottom-up, and hybrid approaches. The top-down approach focuses on the ability of the decision-makers to formulate public policy objectives (Barrett, 2004:255). Conversely, the bottom-up implementation approach entails the procurement officials' involvement in the process of public sector organisation. It provides the implementers ample discretion, making the implementation process easy. A decisive extent shapes the public policies at the implementation level (Pülzl & Treib, 2004:94). According to Barrett (2004:258), the hybrid implementation approach attempts to overcome the divide between the aforementioned two approaches by incorporating elements of both the top-down and bottom-up approaches.

Besides the above approaches of Barrett (2004:258), Chand (2011:03) identified and defined these additional approaches to the implementation process:

- Therefore, Design and implement public policy features implementation characterised by less emphasis on hierarchy, more flexibility, and adaptation to changing environment.
- The procedural approach advocates for introducing appropriate procedures in an organisational structure to control; set pace; coordinate, schedule-timeline; monitor and manage the implementation progress of public policies.

- The behavioural approach remarks that organisational structures, policy processes, techniques, and managerial devices are as good as officials executing them, whose behaviour, competency and attitude influence the implementation process.
- The political approach emphasises political influences as a power within an organisation, such as delegation and unlawful instructions, contradicting the policy outcomes; its influence ensures the success of implementing public policies and relies on the coherent willingness of dominant groups and the ability to pursue by coalition partners within the organisation or with outside agencies (Chand, 2011:03).

The above public policy implementation approaches suggest that the implementation process should be flexible and responsive to the implementation needs. Implementation of public policies needs to be less rigid and more flexible. It can be inferred that the varied implementation approaches can be successfully adopted by following the policy directives. The public policy implementation process is based on the implementers who negotiate the implementation processes. Understanding underlying approaches and their implication for public policy implementation contribute to analysing aspects of the public policy process in the public procurement domain in the state organs in South Africa. Public policy implementation is one of the main themes of this study.

Factors contributing to implementing policies in public institutions will allow actors a range of options from which to choose regarding the public procurement policies to be implemented. The public procurement policies of the state organs must be aligned with the Constitution of South Africa and the PPPFA, 2011. The subsequent section discusses the significance of the study in the context of theories.

3.10.2 Significance of the study in the context of approaches

This study undertook a novel approach, contextualising PPP development and implementation processes in South Africa to identify why public procurement policies cannot reduce corrupt practices. These processes are critical to assessing how corruption can be curbed within the South African public service. This helps to

understand the drivers that may inhibit or enable individuals to understand the complexity of corruption in public procurement.

The theoretical contribution of this study builds on the literature, which contends that public procurement policies, laws and legislation are inadequate to curb corruption in public procurement (Knight *et al.*, 2012:51). The theoretical contribution of this study, therefore, is advancing the theory relating to public procurement and corruption in South Africa. This research project also proposed how theoretical concepts can be practically implemented in the public procurement environment and how to address the challenges of corrupt practices in state institutions. This study, therefore, focused on some theoretical contributions linked to problems and their responses through a narrative analysis of the literature. These emphasised factors and relationships explain the reasons for public procurement and corruption.

The study also provided an in-depth understanding of national, provincial and local government policy formulation and implementation processes concerning identifying successful methods in certain circumstances and dealing with corruption in public procurement. It helps to broaden knowledge on public procurement policies and corruption in the South African context while identifying strategies to be used by policymakers to curb corrupt practices in the organs of the state.

Another contribution of the study provided insight into the complexity of PPP. According to Dlamini and Ambe (2012:278), public procurement policies should be well formulated for successful implementation in South Africa. Inconsistencies hinder the implementation and cause inefficiencies in the organs of the state (Dlamini and Ambe, 2012:283). Implementation and availability of policies and procedures and systems and processes do not lead to compliance automatically. Kipkorir and Wanyoike (2015:431) contend that inadequate procurement policy design to address policy outcomes can open avenues for various interpretations, preceding corrupt practices. Poor implementation is a challenge because the desired outcomes are not achieved, and state institutions cannot accomplish the development goals stated in the policy.

3.11 CONCLUSION

This chapter analysed the applicable theoretical frameworks governing PPP and corruption – institutional, principal-agent, and collective action theories. Other public procurement theories, such as eliminating competition, subverting competitive processes, collusion, conflict of interest, state capture, and a lack of political will, were explained. The principles guiding public procurement reforms to be successfully implemented are explored once a thorough analysis of risks is conducted. The focus of the study was to be established whether public procurement policies can prevent corruption. International approaches to corruption in various countries were explored.

The chapter provided a detailed theoretical overview of the link between PPP and corruption. The chapter addressed Objective 3, examining specific variables that determine the efficient management of public procurement and corruption theories and approaches. The subsequent chapter explores the findings and analysis of the empirical data collected from respondents in various state institutions.

CHAPTER 4: LITERATURE REVIEW: AN OVERVIEW OF THE PUBLIC PROCUREMENT POLICY DEVELOPMENT AND IMPLEMENTATION TO CURB CORRUPTION

4.1 INTRODUCTION

Chapter 1 laid the foundation for this study. The problem statement, the background of the study, the methodological approach, the research questions, the aim, and the objectives are articulated. This chapter considers Research Objective 5 to report on the ability of public procurement policies at public institutions by elaborating on identifying, collecting, and perusing literature on public procurement legislation, policies, and corruption, national and global. The chapter analyses public procurement policies in South Africa. This chapter also aims to convey the importance of the literature related to PPP and corruption.

Besides understanding the theories of corruption and developing explorative elements to measure corruption, this chapter also describes the PPP formation and implementation processes within the South African context. The promulgation of the PPPFA 5 of 2000 changed how procurement was conducted in South Africa (Fourie, 2015:23).

The primary aim of the PPPFA was to eradicate the lack of access previously disadvantaged individuals had to public contracts owing to apartheid laws imposed by the previous government on the people of South Africa. The chapter is divided into two sections. Section 1 elaborates on public procurement development and implementation, including the legislative framework of procurement in South Africa. Section 2 reflects the procurement processes, challenges, and role players.

This chapter relies on the perusing and analysis of books and journal articles and relevant policy and legislation. A literature study was conducted to understand the state of public procurement and corruption in South Africa. An overview of the applicable public procurement legislation is also provided in this chapter. Factors influencing formulating and implementing public procurement in South Africa to curb corruption, the role and responsibilities of anti-corruption initiatives, and strategies to prevent and curb corruption are discussed.

4.2 HISTORICAL OVERVIEW OF PUBLIC PROCUREMENT POLICY DEVELOPMENT IN SOUTH AFRICA

Public procurement, and specifically the policy environment, is increasingly recognised as an essential part of service delivery, contributing to a high proportion of the total government expenditure (Basheka, Oluka and Mugurusi, 2015:443). Government uses public procurement to execute its mandate and contribute to economic growth. Public procurement is often used by Government to:

- stimulate and accelerate economic activity.
- protect the national industry against foreign competition.
- improve the competitiveness of certain industrial services and commodities.
- provide a remedy to regional disparities (Watermeyer, 2019:32; De La Harpe, 2016:16).

Public procurement is an important factor in public expenditure, considering its social, economic, and political implications (Bolton, 2006: 59). Public procurement is one instrument of government policy that can drive sound economic development (Georghiou, Edler, Uyarra and Yeow, 2014:13). In this study, PPP is an essential conductor for economic reform in South African society. As a business device, it regulates purchasing goods and services from an appointed service provider through a prescribed process. Strict adherence to public procurement practices is pivotal to limiting the possibility of corrupt activities.

Public procurement was reformed in 1994 in South Africa, attributable to the pressure of Government to correct the socioeconomic imbalances resulting from decades of apartheid. Public procurement was perceived, at that stage, as a device to reduce economic imbalances among various race groups to accelerate economic growth (Bolton, 2008:802). This research aimed to identify a correlation between PPP and corruption. The World Bank classifies South Africa as a developing country. As a developing country, the South African Constitution was adopted in 1994—an initiative to replace the apartheid legacy and usher in a new era for all its inhabitants.

The apartheid regime denied citizens access to essential services in South Africa. De La Harpe (2016:40) affirms that the tendency to discriminate against indigenous

people could be traced back to the period when the European community settled in South Africa from 1652 to 1802. This tendency of discrimination was pioneered by Europeans during the period of Dutch rule, from 1652 to 1802 (De La Harpe, 2016:41). The nature and magnitude of these discriminatory practices created a dependency syndrome as over 70% of the South African population was disempowered by the lack of access to services and economic activities (Katiyatiya, 2014:52).

In this study, the discriminatory practices of the past apartheid government were evident in all sectors of the economy and all its socioeconomic spheres (Tshishonga, 2019:169). Marais and Coetzee (2006:112) assert that the past segregationist legislation extended to most areas of life, including access to participation in the economy. During the South African apartheid era, awarding government contracts was skewed towards larger and well-established enterprises and the participation of small and medium-sized enterprises was neglected and marginalised during the apartheid era (Bolton, 2008:782).

The size imbalance in economic activity and awards of contracts during the height of apartheid unevenly distributed state resources to citizens. The imbalance of economic activity also unequally distributed revenue and low levels of growth. Corrupt practices were evident as most service providers were excluded from participating in government contracts (United National Development Programme, 2014:23).

The effect of the apartheid practices in the South African economy resulted in creating a divided economy. The divided economy comprised two types of economic activity, better known as the “first” and “second” economies. The first economy was structured and highly regulated, while the second economy comprised disadvantaged individuals or groups of society. These were mostly self-regulated and called small businesses in townships (Charman, 2017:45).

Research by the World Bank indicates a range from a low of 20% to 25% among the self-regulated formal sector economies in South Africa (World Bank Report, 2017:5). Self-regulation refers to a process where members of industry, trade or industry monitor their adherence to legal, ethical or safety standards rather than holding an external, independent agency posture. Such an agency includes a third party or a

government regulator to monitor and enforce those standards (Coglianese and Nash, 2020:20).

It is problematic for the two sectors of economic activity (the first and second economies) to compete for opportunities under a democratic government. Developing PPP and reform has excellent implications, specifically for the second economy, and are discussed in more detail in the following section.

4.3 PUBLIC PROCUREMENT STATUTORY, REGULATORY POLICY DEVELOPMENT AND REFORM IN SOUTH AFRICA

Developing public procurement legislation in South Africa is classified into two eras, indicating pre- and post-constitutional eras. The 1994 pre-constitutional era comprises these fundamental eras:

- The period before the white population settled in the Cape.
- The early white settlers introduced the Roman-Dutch law in the Cape of Good Hope.
- The influence of British law and customs from 1910 to 1961.
- The establishment of the South African Republic from 1961 until 1994 (De La Harpe, 2013:45).

Before 1994, the state procured goods and services. Most black individuals were excluded from participating in economic activities because of apartheid legislation and exclusion from economic participants in South Africa. The policy of the regime pre-1996 was racially biased. Therefore, opportunities to participate in the procurement system were prohibited by law. The post-constitutional period started in 1994 when South Africa became a constitutional state with democratic principles. Most procurement reforms occurred after the 1994 elections, which ushered in this period.

In 1994, following the first democratic election in South Africa, Government adopted the *Reconstruction and Development Programme (RDP) White Paper*, as a comprehensive socioeconomic policy instrument aimed at eradicating the legacy of apartheid (Republic of South Africa, 1994:5).

This document (RDP) mainly attempted to catalyse transformation processes in the economic sector and provide access and ownership to previously disadvantaged individuals to economic activity. The *RDP White Paper* focused on integrating strategies designed to meet the basic needs and to develop the country's limited resources and skills. It also focused on building and democratising the economy. It provided a framework for the desired process of transformation (Republic of South Africa, 1996:7).

Besides introducing the *RDP White Paper* in 1994, the South African Government introduced the *Ten Point Plan* in November 1995 as a set of interim strategies to further reform processes in public procurement (Republic of South Africa, 1996:9). The *Ten Point Plan* stipulated a set of ten strategies, including preferential procurement to disadvantaged citizens of South Africa without access to economic activities of South Africa before 1996 (Republic of South Africa, 1996:9). When competing for government contracts, the preferential procurement strategies as emphasised in the *Ten Point Plan* aimed to prefer service providers excluded from an economic activity because of pre-1994 legislation (Republic of South Africa, 2003:23).

The *Ten Point Plan*, as aforementioned, was followed by *the White Paper on National Strategy for the Development of Small Businesses* in March 1995.

This national strategy aimed at creating the following:

- create an enabling environment for small businesses.
- address the legacy of apartheid-based disempowerment of black businesses.
- support advancing females in all business sectors.
- create long-term jobs.
- stimulate sector-focused growth.
- provide small and larger businesses equal access to government and private procurement opportunities (Republic of South Africa, 1996:11).

The *White Paper on National Strategy for the Development of Small Business* also recommends enacting the National Small Business Act and the Transactional and Procurement Act (Republic of South Africa, 1996:12). In 1996, the National Small Business Act, 102 of 1996, was enacted to promote support to small businesses in

South Africa. The National Small Business Act was to introduce a standard definition of the small, medium and micro-enterprises (SMMEs), categorising businesses per sector or industry.

Because of the aforementioned introduction of the National Small Business Act, small businesses accelerated economic growth in South Africa. Government provided training, counselling and financial and non-financial support to small businesses and non-financial support services to SMMEs under the National Small Business Act, 1999.

In 1996, the *Constitution of the Republic of South Africa* was introduced, stipulating the aims of the elected government to reform procurement practices in South Africa (Republic of South Africa, 1996). The Constitution of South Africa, Section 217, regulates the procurement of goods and services in any organ of state in the national, provincial and local government spheres in a fair, transparent, equitable, competitive, and cost-effective manner (Republic of South Africa, 1995). The Constitution further allows these aforementioned state organs to implement a procurement policy, providing for categories of preference in the allocation of contracts and the advancement and protection of persons or categories disadvantaged by unfair discrimination.

The South African legislation presented the Employment Equity Act, Act No 55 of 1998 (EEA) in 1998, responsible for addressing the discriminatory employment practices in communities while accelerating the reforms of the previous legislation. The legislation was passed in 1998 and became the core principle of the affirmative action (AA) programme, the Job Equity Act No. 55 of 1998 (EEA). The Job Equity Act was changed to the Employment Equity Act 55 of 1998. The aforementioned Act aims to promote equality in the workplace (Herman, 2017:5).

The chapter of the EEA relating to the prohibition of unfair discrimination provides that no individual may unlawfully discriminate directly or indirectly against an employee in any employment policy or procedure on one or more grounds, including ethnicity, sex, pregnancy, marital status, family obligation, ethnic or social origin (Republic of South Africa, 2010). Because the previously disadvantaged demographic did not necessarily have the skills or training to fill the positions, Government introduced the *Skills*

Development Act 97 of 1998, intending to encourage institutions to invest in development and training in South Africa.

Introducing the *Green Paper on Public Procurement Reform in South Africa* in 1997 propelled procurement reform initiatives in the country. Moreover, the *Green Paper on Public Procurement Reform* aimed to make the tendering system more easily accessible to SMMEs. It also aims to transform the public procurement process to achieve socioeconomic objectives through the procurement system, including:

- the formulation of bidding information and simplifying bid documents;
- introducing break-out (unbundling) procurement;
- awarding of tenders about a development objective mechanism;
- preventing marginalised sectors of society in construction projects; and
- developing a procurement policy (Republic of South Africa, 2003:17).

Break-out of unbundling procurement refers to the scale and scope of tenders adjusted to provide the emerging sectors with the opportunities for accessing the public procurement process (Republic of South Africa, 2007:49). Unbundling means the offering of products and services previously separately presented before it was integrated. In procurement, unbundling refers to consolidating two or more procurement needs for products or services formerly delivered or executed under separate more minor contracts into a single contract. Unbundling increases market competition by prohibiting efficient small or specialised businesses from competing or by giving the successful bidder an unfair advantage in future bids (OECD, 2018:5). To mitigate this risk, they may divide contracts into small units during the procurement processes (OECD, 2018:5).

Following the *Green Paper on Public Sector Procurement Reform*, the South African Government introduced the PPPFA, 2000 (Act No.5 of 2000). This framework was enacted to enforce Section 217(3) of the Constitution of South Africa (1996), which requires the national legislation to prescribe a preferential framework for implementing public procurement. Whether the Preferential Procurement Policy Framework was successfully implemented in South Africa is discussed in the subsequent section.

4.3.1 Preferential Procurement Policy Framework Act, 2000 (PPPFA)

The PPPFA No. 5 of 2000 was endorsed to enforce Section 217(3) of the Constitution of the Republic of South Africa. This requires national legislation to prescribe a framework for implementing preferential procurement. This Act requires state organs to determine their preferential procurement policy and to implement it within a framework specified in the Act. Because of the Act, regulations to the Act were issued on 10 August 2001 to establish the norms and standards concerning applying the framework as provided in the Act. This is the fundamental premise of enforcing the Constitution, allowing the development of procurement legislation in the public sector.

The regulations of the PPPFA control implementation of the Act. The regulations articulate the preferential point systems to evaluate bids. The 90/10-point system applies to a bid with a rand value above R1 million. This point system allocates 90% of the evaluation points to price. The remaining ten points are allocated for preference points of a product or services relating to local content, designated groups, such as women and black people and promoting small enterprises (PPPFA Regulations, 2011: 6).

The organs of the state should comply with various requirements before inviting bids. First, an accurate estimate of the potential costs of the goods and services should be established. Second, a crucial element is determining the correct point preference system for the bid evaluation process. Third, the department, municipality, parastatal, or public entity must decide whether local content will be imposed. Using local content is based on the services or goods that must be procured (National Treasury, 2015:11).

This research perceived that the function test is a crucial element during the compilation of bid documents. This compilation process requires defined evaluation criteria and weights during the bid evaluation process (National Treasury, 2015:12). Without the evaluation criteria and weights, the bidders are unsure how the bid will be evaluated. Informing the bidder of the evaluation criteria in the bid document enhances transparency, a cornerstone of South African procurement. The phases of evaluation should be captured in the bid documents. State organs in South Africa typically use the “phased approach” to evaluate a bid (National Treasury, 2015:13). The “phase approach” refers to the various stages the bidders must pass to progress to the next

phase (National Treasury, 2015:13). The PPPFA prescribes that the minimum functionality score must be met and be evaluated on these preference points.

Besides the “phased approach”, all bid evaluations with a rand value of less or equal to or above R30 000 and up to R50 million must use the 80/20-point system under the PPPFA, while the 90/10-point system applies to the procurement of goods and services above R50 million. Should the incorrect preference point system be used, the bid can be nullified or cancelled before finalising the evaluation phase (National Treasury, 2015:18).

The PPPFA and the Regulations confirm that local content from specific sectors is designated for local content preference, and local content provisions should be applied during the bid invitation phase (National Treasury, 2014:23). Applying local content preference and local content provisions are articulated in the PPPFA. These provisions aim to address the socioeconomic imbalances of the past. The two-stage process requires that bids may be conducted to “screen respondents who do not meet the local content and minimum functionality requirements and then evaluate the remaining bidders on price and B-BBEE performance” (National Treasury, 2014:15).

Price and B-BBEE performance refers to the price quoted by the supplier and the performance points scored during the bid evaluation process (National Treasury, 2020:4). The B-BBEE status and ratings of businesses with annual revenue of less than R5 million qualify as exempted micro-enterprises. Larger businesses should have their B-BBEE status verified by an appropriate authority. Concerning Regulation 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution.

Table 4.1: B-BBEE Status Based on the Performance of a Measured Entity Using the Generic Scorecard

Number	B-BBEE status	Qualification	B-BBEE recognition level
1	Level one contributor	points on the Generic scorecard	135%
2	Level two contributor	points < 100 on the Generic scorecard	125%
3	Level three contributor	points <95 on the Generic scorecard	110%
4	Level four contributor	points <90 on the Generic scorecard	100%
5	Level five contributor	points <80 on the Generic scorecard	80%
6	Level six contributor	points <75 on the Generic scorecard	60%
7	Level seven contributor	points <70 on the Generic scorecard	50%
8	Level eight contributor	points <55 on the Generic scorecard	10%
9	Non-compliant contributor	points on the Generic scorecard	0%

Source: The Republic of South Africa, B-BBEE Act, 2016:14

As displayed in the B-BBEE status based on the entity's performance is measured using the generic scorecard. The more points a measured entity achieves across each of the individual elements, the higher its B-BBEE status level. Each B-BBEE level translates into a procurement recognition level, and the percentage a company procuring can claim relating to B-BBEE points.

Table 4.2: Large Entities B-BBEE Scorecard

Number	Element	Weighting
1	Ownership – black individuals, particularly black women, own ownership interests (voting rights and economic interests) in measurable entities	points
2	Management Control – refers to the number of Black individuals, particularly Black women, who serve on the board of directors of the measured organisation, and the number of Black people who work at all levels of management (executive, senior, middle, and junior management)	points
3	Skills Development-- measured based on the money that an entity spends on skills development programmes for Black employees	+10 bonus points
4	Enterprise and supplier's development – refers to the contributions to developing businesses owned by Black people and black owners' suppliers	+ 4 bonus points
5	Socioeconomic development initiatives – refers to element that is assessed based on the corporate social investment contributions that an entity makes -	points
6	Responsible for social marketing and communication	points
Total weighting points		+ 14 bonus points

Source: Republic of South Africa, B-BBEE Act, 2016:14.

The B-BBEE ratings are then used in the evaluation scoring. For example, any information about a company's B-BBEE score presented in a bid response must come with a certificate issued by an approved verification or rating organisation. The certifications provided by the verification agencies are valid for 12 months and confirm

the B-BBEE level of a measured entity based on an annual B-BBEE audit of the business. The B-BBEE score of a company will be established based on its actions in the preceding financial year, its ownership and management structures and its employee profile as of the measuring date (Republic of South Africa, 2018).

The difficulty in applying the latter requirement excludes potential bidders who meet all the requirements but fail the verification process for B-BBEE status. The B-BBEE verification process of a bidder is cumbersome because of the capacity challenges of the state to provide effective certificates to the bidders depicted. The subsequent section discusses the PPPFA's strengths and weaknesses.

4.3.2 The Preferential Public Procurement Framework Act: Strengths and weakness

In South Africa, progressive legislation and regulations are enshrined in the Constitution. The following questions may be:

- Why is corruption, particularly in public procurement, on the increase?
- Why are public procurement legislation and policies circumvented and used for personal gain through corruption practices? (Amadi and Ekekwe, 2014:164).

This section critically evaluates the strengths and weaknesses of the PPPFA and other related legislation.

First, the strength of the PPPFA is aimed at achieving socioeconomic goals in South Africa (Bolton, 2014:78). In the public procurement sector in South Africa, socioeconomic goals are determined by the bid advertisement. The accounting officer of the state institution is to ensure that the procurement of goods and services is executed according to the guidelines of the PPPFA, MFMA, and PFMA. Considering the latter requirements, emerging contractors cannot deliver on the expected outcomes of the bidding conditions during the execution of the contract because of the fraudulent behaviour of the bidders and not the PFMA, PPPFA, or MFMA as a legislative framework.

To illustrate, emerging contractors cannot deliver on the outcomes of advertised bids. The contractor lacks the funding to start delivering goods and services once the bid

was awarded. Sub-standard or mediocre quality of work, which does not meet the specific required outcomes of the bid, is, therefore, delivered to the organ of the state. These emerging contractors are newly established and lack the experience to meet the requirements of the advertised bid. In South Africa, bidders pledge to provide the best services and goods. Most contractors, particularly emerging and sub-contractors, do not fulfil the latter obligation and deliberately use mediocre quality material to maximise profits (Fourie, 2015:42).

The researcher, therefore, contends and is supported by Fourie (2015:43) that the contractors and public officials, who violate the procurement policies and rules by not adhering to the PPPFA, should be disqualified from conducting business with the state organs. The PPPFA is implemented without considering project management principles, such as time, cost and quality (Magoro and Brynard, 2010:4-6). The non-adherence of emerging contractors to the requirements of project management principles is flagged as a challenge in South Africa. This non-compliance to procurement principles harms service delivery, causing backlogs in infrastructural development projects.

The PPPFA and departmental policies remain flawed and contribute to difficulties experienced in the implementation phase. This is despite attempts by the National Treasury to improve the capacity of emerging contractors and test the capability by conducting a functionality test during the procurement process (Magoro and Brynard, 2010:4-23).

The functionality test assesses bidders in different areas of the contract to see whether they can perform the bid. During the functionality test, the bidder must achieve a minimum score of 100 points. The areas of assessment include the ability to use technology, the resources required to fulfil the bid, technical capabilities, and track records of previous contracts. Functionality testing refers to a tenderer's capacity to supply products or services in line with the tender document's standards (Republic of South Africa, 2017).

The accounting officer (head of department or CEO) of state organs detaches from the latter process and acts merely as a client concerned with the end product, not showing interest in how to achieve the desired outcomes. This action influences the

quality of delivered goods and services. As a corrective measure, the accounting officers and the services and assigning teams conduct site inspections to detect irregularities, implementing steps to rectify errors (Trompeter, Carpenter, Desai, Jones and Riley, 2012:287).

Third, the provisions and intentions of the PPPFA are circumvented by “fronting” contractors to meet the minimum B-BBEE points to obtain contracts for supplying goods and rendering services in government departments. B-BBEE includes the economic management of all black individuals, women, workers, youth, individuals with disabilities and others living in rural areas through diverse, integrated socio-economic methods. These include raising the number of black people who manage and own management enterprises and productive assets (South Africa, 2017:10).

Fronting is defined as a deliberate circumvention or attempted circumvention of the B-BBEE Act and the codes (Republic of South Africa, 2016). Fronting commonly involves reliance on data or claims of compliance, based on misrepresentations of facts, by the party claiming compliance or by any other person (National Treasury, 2014:9). On a conceptual level, fronting is defined as any practices or initiatives in contravention of or against the spirit of any law, provision, rule, procedure, process, system policy, practice, directive. This includes any other term or condition about Black Economic Empowerment under the B-BBEE codes (Bolton, 2010:12). Fronting, as an act in public procurement, is a problem in South Africa (Gerber, 2018:56).

Fronting does not always include black individuals, white females, and males with disabilities. This is attributable to these groups being included as historically disadvantaged individuals as stipulated in the PPPFA. Fronting means a deliberate or attempted circumvention of the B-BBEE Act and the associated codes (Bolton, 2010:12). Fronting is classified as a form of corruption. Fronting is “an entity, mechanism or structure established to circumvent Black Economic Empowerment” (Pooe, 2013:653).

The question can be whether fronting is addressed in the PPPFA and what other mechanisms can curb corruption. Simple methods exist to circumvent government procurement policies in the PPPFA and the B-BBEE Act. To answer these questions, a genuinely black-owned service provider may be awarded a bid based on the

outcome of a public procurement process but then sub-contracts the bid to a white-owned service provider at a discounted rate. It is perceived that fronting offenders commonly claim to be black-owned service providers to benefit unduly from awarding bids. These service providers often attempt to have black empowerment ownership in the company and black staff occupying top management positions. This trend is due to misrepresentation of the service provider's B-BBEE status to win bids. This misrepresentation is observed as a corrupt practice.

To illustrate, the court case between in *Hidro-Tech Systems (Pty) Ltd. vs City of Cape 98*, fronting is an offence about misrepresentation and corruption. The applicant, Viking Pony Africa Pumps (Pty) Ltd t/a Tricom Africa (Viking), was a company that supplies and installs mechanical and electrical equipment for water and sewerage treatment works. The first applicant was Hidro-Tech Systems (Pty) Ltd (Hidro-Tech), a company that conducts the same business as Viking. The second respondent was the City of Cape Town (City).¹ The City participated in the proceedings in the Western Cape High Court, Cape Town² (High Court) but elected to abide by the decisions of both the Supreme Court of Appeal and Constitutional Court. Hidro-Tech's concern prompted it to investigate the reason behind Viking's unabating competitive edge over it. It found that Viking won most of these tenders because of its higher historically disadvantaged individual profile.

Historically disadvantaged individuals held 70% of Viking's shares, and shareholding could not be verified, whereas the converse was obtained in Hidro-Tech it was confirmed that the majority shareholders are from the designated group means black individuals. Viking Pony was awarded more tenders than Hidro-Tech. They (Hidro)

¹ The City of Cape Town is a metropolitan municipality established concerning the Local Government: Municipal Structures Act 117 of 1998 read with Establishment of the City of Cape Town, Western Cape Provincial Gazette 5588 PN 479, 22 September 2000.

² *Hidro-Tech Systems (Pty) Ltd v City of Cape Town and Others* 2010 (1) SA 483 (C).

complained to the City of Cape Town that most shareholders in Viking Pony were a mere token and urged the City of Cape Town to investigate the allegations of fronting.

The judgement issued by the High Court describes that fronting results in the benefit of preferential procurement favouring those not intended to prosper by it. The matter was referred to the Constitutional Court. The Constitutional Court's finding was an object lesson on how this problem should be dealt with.

The investigation regarding the verification of Hidro-Tech's allegation confirmed that fronting occurred. It confirmed that the shareholding reflected in Viking Pony's bid documents was incorrect and the allegations of fronting were not further investigated ((41/2010) 1 SA 483 (C) para 75 (hereafter *Hidro-Tech Systems*)).

In the above case, the state failed in its duty by not properly investigating the allegations of fronting. The database company managing the supplier database on behalf of the City confirmed that the shareholders reflected in Viking Pony tender documents were correct. No proper investigation of alleged fronting was conducted, which is totally against the objectives of the Constitution, the PPPFA and the Regulations. The High Court urged the City of Cape Town to investigate the fronting allegations by acting against the service provider following regulation 15(1) of the PPPFA. The Supreme Court of Appeal confirmed the finding of the High Court, but Government of Cape Town persisted in not investigating the fronting allegations (Beukes, 2011:26; Mubangizi and Sewpersadh, 2017:67).

As a last attempt to resolve the above, the Constitutional Court was approached to compel Government to investigate the above allegations. The Constitutional Court lamented the City of Cape Town's (the state) complacency regarding its legal obligations not to investigate the alleged fronting thoroughly. In defence, the City stated there was no need to investigate the alleged fronting as the shareholding status of Viking Pony was verified by its supplier's database during the application process. The court again rejected the application because the supplier's database company appointed by the City was ill-equipped to investigate the allegations of fronting properly. The High Court agreed that the black directors on the board of Viking Pony were a pretence intended only to enhance the B-BBEE status to score preferential points during the public bidding process.

Government not only displayed reluctance to investigate the fronting allegations, but it was also undeterred by the repeated court challenges and the resultant costs to the fiscus. This seems like a wasteful expenditure, as stipulated in the PFMA. Viking suffered financial losses. The City terminated its contract with Viking knowing that its B-BBEE credentials were not a true reflection of the company's equity status, which is corruption in public procurement. This shows how companies will keep economic power among a few advantaged businesses despite progressive procurement legislation and regulations in South Africa. This behaviour prevents black people's development and economic growth and prevents Government from achieving its socioeconomic objective through B-BBEE legislation.

4.4.2.1 Analysis of Viking case study

First, the above case confirms a constitutional and statutory obligation to act against fronting. The state has an oversight role to ensure the legislative mandate is executed. If the City used the B-BBEE codes, which prescribe verification of B-BBEE through verification agencies, the fronting by Viking may have been detected. The verification process would have been conducted through a verification agent or auditor, who would be familiar with the scorecard measurements for ownership and management in the B-BBEE codes (Mohapi and Njenga, 2012:58).

Second, the City of Cape Town failed to use the resources, such as its database of service providers, to confirm ownership or B-BBEE credentials under the B-BBEE codes (National Treasury, 2014:8; Mohapi and Njenga, 2012:59). The City of Cape Town has a database of all service providers. This should be checked to confirm ownership or B-BBEE credentials in the verification process. This is a prerequisite for all service providers to register with the City of Cape Town before considering submitting a bid.

Third, if the content of contract maintenance between the City and *Viking* audited regularly, a shareholder change, as with *Viking*, would have been detected. Government institutions sign procurement contracts and maintenance plans with the suppliers when a bid is awarded to the successful bidder. *Viking* changed shareholders to score more preferential points than they are competitive.

It can be concluded that if the City of Cape Town used the Black Economic Empowerment (BEE) codes, describing verification of BEE status through verification agencies, the fronting of *Viking* may have been detected. Observing the B-BBEE Act makes for a stricter procurement environment. The PPPFA remains the framework Act for preferential procurement, and it does not prescribe a B-BBEE status verification certificate to enter a bid for public bidding.

The outdated PPPFA Regulations of 2000 helped to establish the Preferential Procurement Regulation published in 2017. With the introduction of the Preferential Procurement Regulations, 2017, the B-BBEE point system for awarding bids was included. The suppliers are forced to submit proof of the B-BBEE status level of contributors. B-BBEE status level of contributors refers to the B-BBEE status of an entity about a code of good practices on BEE issued under Section 9(1) of the B-BBEE Act (National Treasury, 2017:8).

Despite the aforementioned discord between the PPPFA Regulations and the B-BBEE Act, the regulations achieved positive changes because the PPPFA extends to all those entities under the PFMA and MFMA. This was a welcome change because now all three spheres of government, national, provincial, and local, must consider policies according to the framework Act. No deviation is allowed, as was previously the case (55 & 56 *Viking Pony* (2011) 1 SA 327 (CC) para 27). The researcher perceived another weakness of the procurement policies within the South African context. This is inadequate monitoring and evaluation of information submitted by the suppliers. This means the suppliers' information cannot be verified against the bid as stated in the procurement policy document at departmental or municipal levels (Bent, 2014:78). The latter negatively influence the accuracy of the procurement information. It refers to preferential procurement spending patterns at the state organs on national, provincial, and local levels to indicate the aggregate and divisional expenditure and its related preferential market profile. This harms the growth of small businesses, preventing the PPPFA's objective from being implemented to its full extent.

4.3.3 The Constitutional Requirement of Public Procurement in South Africa

As aforementioned, the Constitution of the Republic of South Africa, 108 of 1996, stipulates how public procurement should be regulated in Section 217(1). Section

217(2) provides the criteria to formulate preference policies regarding contract allocations. Section 217(3) requires national legislation to provide a framework for implementing procurement policies. These principles direct public procurement in South Africa. They presented in Section 217 of the Constitution as follows (Republic of South Africa, 1996):

217(1) - When an organ of the state in the national, provincial or local sphere of government, or any other institution identified in national legislation, contracts for goods or services, it must do so following a system that is fair, equitable, transparent, competitive, and cost-effective.

217(2) - Subsection (1) does not prevent the state organs or institutions referred to in that subsection from implementing a procurement policy providing for —

categories of preference in the allocation of contracts; and

the protection or advancement of persons, or categories of persons, disadvantaged by unfair discrimination.

National legislation must prescribe a framework within which the policy referred to in subsection (2) may be implemented.

It can be deduced from the above that the principal section of legislation regulating public procurement is enshrined in the Republic's Constitution of South Africa. Section 217 of the Constitution requires that when an organ of state embarks on a contract for goods and services, it must follow principles of fairness, equitability, transparency, competitiveness, and cost-effectiveness. This constitutional requirement is repeated in Section 51(1)(a) of the Public Management Act 1 of 1999.

The PFMA provides the accounting authority of a national or provincial department or public entity to execute the procurement and provisioning system in a fair, equitable, transparent, competitive, and cost-effective manner. The Constitution and the PPPFA permit state organs to implement a preferential procurement policy advancing previously disadvantaged individuals excluded from an economic activity because of unfair discrimination. The procurement policies of the state organs should be aligned with the PPPFA and B-BBEE Act. For this research, the Constitution supports

formulating and implementing public procurement policies in state organs. The subsequent section discusses the development and implementation of the PPP.

4.4 OVERVIEW OF APPLICABLE PUBLIC PROCUREMENT LEGISLATION

This research summarised the applicable legislation within the public procurement field in South Africa. As mentioned earlier, the Constitution of the Republic of South Africa (Act 108 of 1996) requires the public procurement system be fair, equitable, transparent, competitive, and cost-effective. These requirements establish societal goals or outcomes for the building and construction procurement industry. The question may be: Is the South African legislative framework adequate for fighting corruption in public procurement? An adequate legal and regulatory framework must be established to combat corruption in public procurement. This must be enforced with constant and consistent vigilance exercised in all corners of society (Rabie, 2011:67). It can be concluded that the legislation to regulate public procurement is critical to understanding corruption in the South African context.

4.4.1 Applicable legislation

The primary sections of legislation governing the public sector’s procurement system, are outlined in Table 4.3.

Table 4.3: Applicable legislation in South Africa concerning public procurement

Act	Aspects applicable to procurement
Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996)	Provides procurement objectives and establishes Government’s policy for preference. Establishes requirements for the award of contracts to be lawful, reasonable, and procedurally fair.
PPPFA, 2000 (Act No 5 of 2000)	Establishes how preferential procurement policies are to be implemented.

Act	Aspects applicable to procurement
The Promotion of Equality and the Prevention of Unfair Discrimination Act, 2000 (Act 4 of 2000)	Prohibits the state or any person from discriminating unfairly against any person on the grounds of race or gender through the denial of access to contractual opportunities for rendering services or failing to accommodate the needs of such persons.
PFMA (Act 1 of 1999)	Establishes a regulatory framework for SCM, including procurement within national and provincial departments and state-owned enterprises.
Municipality Finance Management Act	Establishes a regulatory framework for SCM, including procurement within municipalities.
B-BBEEA, 2003 (Act No. 53 of 2003)	Establishes a code of good practice to inform the: <ul style="list-style-type: none"> • development of qualification criteria for issuing licences or concessions, the sale of state-owned enterprises and for entering partnerships with the private sector; and • development and implementation of a preferential procurement policy.
Prevention and Combatting of Corrupt Activities Act, 2004. (Act No. 12 of 2004)	Makes corruption and related activities an offence, establishes a register to place certain restrictions on persons and enterprises convicted of corrupt activities relating to tenders and contracts, and sets a duty on certain persons.
Construction Industry Development Board Act, 2000 (Act 38 of 2000)	Establishes how the Board can promote and implement policies, programmes, and projects, including those aimed at procurement reform, standardisation, and uniformity in procurement documentation, practices and procedures within the framework of the procurement policy of Government, through the establishment of:

Act	Aspects applicable to procurement
	<ul style="list-style-type: none"> • a national register of contractors (and, if required, consultants and suppliers) to manage public sector procurement risk and facilitate public procurement; • a register of projects above a financial value with data relating to contracts awarded and completed and a best practice project assessment scheme; • best practices and uniform standards; and establish a code of conduct for the parties engaged in the construction procurement.
The Conventional Penalties Act (Act 15 of 1962)	Provides for the enforceability of penalty stipulations, including stipulations based on pre-estimates of damage.
Arbitration Act (Act 42 of 1965)	Provides for the settlement of disputes by arbitration tribunals about written arbitration agreements and the reinforcement of the awards of such tribunals.
Auditor-General Act (Act 12 of 1995)	Requires that the Auditor-General reasonably satisfies themselves that satisfactory management measures were taken to ensure that resources are procured economically and used efficiently and effectively. (The Auditor-General has broad powers to investigate and enquire about procurement matters and related control. They must report their findings either to Parliament or a provincial legislative).
Public Protector Act (Act 23 of 1994)	Permits the public to raise concerns and empowers the Public Protector, acting as an ombudsman, to investigate, report on and take the necessary remedial action on any conduct in state affairs or the Public Administration, alleged or suspected, to be improper or to cause any impropriety or prejudice. Information or evidence that suggests criminal activity is referred to the South African Police Service and the Director of Public Prosecutions. Non-compliance with tender procedures that render expenditure irregular or unauthorised is referred to as the Auditor-General.

Act	Aspects applicable to procurement
Competitions Act (Act 89 of 1998)	<p>Prohibits the following between parties:</p> <p>Restrictive horizontal practices which affect substantially preventing or lessening competition in a market or involve directly or indirectly fixing a purchase or selling price or any other trading condition; dividing markets by allocating customers, suppliers, territories, or specific types of goods or services; or collusive tendering; restrictive vertical practices, which affect substantially preventing or lessening competition in a market or establishing a minimum resale price.</p>
Protected Disclosure Act (Act 26 of 2000)	<p>Provides for the protection of employees in both the public and private sector who disclose information in good faith regarding unlawful or irregular conduct to the Public Protector, Auditor-General or a person or body established for the Act. Protects those employees who “blow the whistle” on corrupt practices.</p>
Promotion of Access to Information Act, (Act 2 of 2000)	<p>Gives effect to the rights provided for in the Bill of Rights in Section 32 of the Constitution (Act 108 of 1996), indicating that everyone has the right of access to information held by the state and any information held by another person required for the exercise or protection of any rights.</p> <p>Sets out the procedures for obtaining records in the public and private sector, the grounds for refusal of access to information, mandatory disclosures in the public interest, and appeals against decisions of information officers of certain public bodies.</p>
Promotion of Administrative Justice Act (Act 3 of 2000)	<p>Establishes fair administrative procedures, permits those affected by unfair administrative action to request reasons for such administrative action within 90 days of, or when they noticed, such actions, and requires administrators to respond within 90 days of receipt of such requests. (Administrative actions are presumed to have been taken without worthy cause, where an administrator fails to respond within the prescribed period).</p> <p>Provides for procedures for the judicial review of administrative actions and remedies in proceedings for judicial review, including the prohibition of an</p>

Act	Aspects applicable to procurement
	administrator from acting particularly, setting aside the administrative action, correcting the defective action, and ordering the administrator to pay compensation.

Source: Western Cape Government Standard for Construction Procurement System (2012: 49).

Table 4.3 emphasises the most important legislative framework guiding public procurement in South Africa. This legislative framework is fragmented. It does not holistically address all matters of corruption in public procurement. The fragmented approach makes the conviction of perpetrators cumbersome through the legal process. The researcher has first-hand experience with corrupt practices in public procurement. Managing corrupt practices through the labour relations processes is a lengthy, complicated process. Completion is time-consuming. The subsequent section discusses PFMA and public procurement.

4.4.2 The Public Finance Management Act and Public Procurement

The PFMA of 1999 governs financial management practices and establishes a regulatory framework within the state organs for public procurement in South Africa. As aforementioned, public procurement provision is a policy device to achieve socioeconomic objectives (Bolton, 2006: 60). In addition, the PFMA is aligned with the PPPFA, which requires that all government departments maintain a “fair, equitable, transparent, competitive, and cost-effective” procurement system (National Treasury, 2014:6). The aforementioned approach aims to promulgate subsequent regulations to entrench these principles and eliminate fraud from the procurement process. The PFMA moved Government's procurement process from a ‘rules-based system’ run by the previous State Tender Board to a more flexible and decentralised system managed by the accounting officers of departments and provinces (Hanks, Davies and Perera, 2008:14). Abolishing the previous State Tender Board streamlined the procurement process and placed the ultimate accountability on the head of the department as the accounting officer.

In this study, it can be contended that the South African legislative framework combatting corruption is complex and not completely coordinated to achieve the desired outcomes. Considering the aforementioned, there is a need to reform the legislative framework regarding public procurement in South Africa. Accordingly, South Africa introduced a reformed system in 2003, aligned with international best practices on procurement legislation and regulations. This helped to introduce the new SCM policy, which applies to all state organs in South Africa. The latter reforms benefit public procurement in South Africa (Republic of South Africa, 1996:12). Public procurement, as an integral part of SCM, contributes to better financial management within organs of the state by streamlining individual functions and attempts to obtain value for money (National Treasury, 2015:5). The latter considers the full chain of events from the sourcing through to the use and disposal of the product.

The crucial factors of the PFMA are to govern and provide guidelines on the timing and content of national and provincial budgets. Compiling budgets in the state's organs is critical to ensure sound financial management. The planning and expenditure of goods and services are integral to the PFMA. The budgets at national, provincial and municipal levels are constructed in set rules, termed operation and capital budgets (National Treasury, 2015:5). To illustrate the preceding if an organ of the state plans to build a bridge in a specific town, the expenditure should be included in the three-year budget cycle.

The PFMA regulates the procurement of goods and services, guidelines and rules on planning and reporting the funds spent in a specific financial year. The study identifies the procurement process as complex and lengthy, as stipulated in the National Treasury regulations relating to goods and services. Accurate documentation procurement activities are essential as the AGSA examines the auditing and internal control measures. Internal control measures in public procurement must be strengthened through capacity building and constant refining of procurement practitioners' skills (Cankwo, Obanda and Pule, 2015:12-28). The subsequent section discusses the role of accounting officers at municipalities and municipal entities regarding SCM.

4.4.3 Supply Chain Management: A guide for accounting officers of municipalities and municipal entities

The National Treasury is the leading department that regulates and directs public procurement in South Africa in all three spheres of government. The SCM guideline ensures the acceleration of public procurement reform in South Africa (National Treasury, 2014:12). SCM guidelines direct all national and provincial departments. In contrast, the municipalities, as the third sphere, are also directed by the SCM guidelines (National Treasury, 2012:12). The purpose of these guidelines is to assist the spheres of government and public entities in aligning their SCM policies and practices to the national procurement legislation (National Treasury, 2014:15).

For this study, it can be inferred that the role of the National Treasury is critical to regulating public procurement in South Africa. The Constitution guides the National Treasury and, more importantly, the PPPFA and the Preferential Procurement Regulations of 2001 (Republic of South Africa, 2003:14). The Preferential Procurement Regulations of 2001 were replaced by the 2011 version (National Treasury, 2014:12). In 2017, the National Treasury issued the amended Preferential Procurement Regulation. In 2017, Preferential Procurement Regulations provided guidelines on how the B-BBEE maximum points scored were considered for procuring goods and services. On a municipal level, the primary objective of the SCM guide provides “guidance to the adoption of an integrated SCM function and its related managerial responsibilities assigned to accounting officers concerning Sections 62 and 95 of the MFMA” (Republic of South Africa, 2012). The local government plays a pivotal role in delivering services to the citizens of South Africa. Critical service delivery occurs at local government levels, and it can be deduced that the procurement of goods and services is an activity that will deliver services to the citizens of South Africa.

4.4.4 Municipal Financial Management Act (2003) and Public Procurement

Similar to the PFMA, the MFMA (No. 56 of 2003) establishes a regulatory framework for SCM, including public procurement within municipalities and municipal entities. Within the context of public procurement, the MFMA requires each municipality to have and implement its SCM, including having a PPP. Critically, the latter policy should conform to the PPPFA and other procurement legislation and regulations in South

Africa. To reiterate, the PPPFA stipulates the five pillars of procurement in South Africa. These pillars are fairness, equitability, transparency, competitiveness, and cost-effectiveness when procuring goods and services.

The finding of the Auditor-General Report mentioned that public institutions are “not adhering to the latter principles are not always included in the procurement policies of departments” (Auditor-General Report, 2015: 16). Besides these pillars, the SCM policies of municipalities should be based on the principle of value for money (Auditor-General Report, 2014:16). The MFMA prescribes municipalities to undertake the public procurement function within the defined boundaries of the South African legislation. The municipality Council must delegate power to the municipal manager as an accounting officer to implement and operationalise the SCM policy (National Treasury, 2014:23).

The accounting officer submits annual reports to the Municipal Council and the audit committee quarterly regarding the implementation challenges, contracts concluded, risks identified, and implementation of internal control measures to minimise the risks in public procurement at a municipal level. It can be concluded that the MFMA guides municipalities. Various factors do not allow municipalities to operate optimally or to comply with proper financial management through internal control measures. The Auditor-General (AG) emphasises that the leading causes of dysfunctional municipalities are skills gaps and the lack of capacity of staff members (Auditor-General Report, 2014: 12).

Capacity building of procurement officials at state institutions in the SCM environment is essential to ensure continuous adherence to procurement processes while procuring goods and services. The role of the municipal manager is to ensure the enforcement of the SCM policy. It is critical to ensure that contracts and agreements are properly procured by following prescribed procurement processes and that contractors' performance is monitored and reported as necessary. Concerning deviations from the prescribed provision of the SCM policy, the municipal manager or their delegate must provide reasons for such amendments, which should be tabled in the Council and the local community for consultation (Notsi, 2012:67).

The municipal manager and the municipal staff implementing the SCM policy must meet the prescribed competency levels. The municipal leadership will ensure that SCM officials are trained or that opportunities are created for development in the procurement field (Kamara, 2017:98).

Corruption in public procurement became evident in most South African municipalities even though clear guidelines regarding preventing corruption exist (Rispel, Jager and Fonn, 2016:239-249). The MFMA prescribes to municipalities how to deal with corruption and unsolicited bids, how financial reporting and auditing must be undertaken and the institutionalisation of internal control measures. The responsibilities of the mayor, the municipal manager, and other role players are critical to implementing and maintaining internal control measures to a level sufficient to detect corruption in public procurement. The reports of the AGSA (2016/17) emphasised various challenges in the public procurement system of municipalities.

The AGSA laments that a lack of ethical leadership from senior financial managers, non-compliance to SCM laws, prescriptions, and regulations, over and under expenditure on budgets, and improper financial reporting are the key challenges public procurement encounters (AG Report, 2014:31). Combatting corruption in municipalities through the Prevention and Combatting of Corruption Activities Act, 2014 is a challenging task because of political interference in procuring goods and services and various interpretations of the law at the municipality level. It became apparent that anti-corruption and anti-fraud plans should be instituted to help fight corruption. The role of the SCM practitioner and other stakeholders is critical in assisting the accounting officer or their delegated authority in combatting corruption in the SCM. The MFMA of 2003 covers the SCM functions of the local government.

4.4.5 National Regulatory Framework

SCM operates within a regulatory framework set by a national government, which is extended to provinces and local government bodies under specific policies, legislation and regulations. Key legislation influencing this function includes the PFMA (1999), PPPFA (2000), Preferential Procurement Framework Regulations (2001), and the National Treasury Regulations (2005). The BEE Codes of Good Practice, released by the Department of Trade and Industry (DTI) in 2007, will affect SCM once incorporated

into the revised Preferential Procurement Policy Act. Provincial governments within South Africa developed and adopted their own preferential procurement policies, which, while aligned with the National Preferential Procurement Policy Act, design targets for provincial departments and entities.

Besides the legislative framework for government SCM, the National Treasury released SCM guidelines, practice notes and policies guiding the implementation of SCM in national, provincial, and local government departments. The SCM guidelines are available on the National Treasury website and distributed to all Head of Provincial Treasuries in all provinces in South Africa. Despite implementing SCM guidelines at the institutional level, suppliers misuse the SCM system, according to reports released after completing bid reviews and forensic investigations (AGSA Report, 2018). Non-compliance, collusion, fronting and bypassing of the SCM guidelines is one predicament state institutions are experiencing during the internal audit reports (Matebese-Notshulwana, 2021:45).

In developing sustainable public procurement policies, government bodies would need to ensure the following regarding these policies:

- align with their existing SCM regulatory frameworks.
- are not causing any conflict between the Preferential Procurement Regulations and environmental principles or criteria in the policy.
- integrate the sustainable procurement policy in all dimensions of the SCM cycle.
- institutionalise sustainable procurement within existing structures created by the regulatory framework (National Treasury, 2015:14).

It is concluded that procurement policies of state organs should express the intentions of the Constitution, the PPPFA and other related legislative imperatives. The operationalisation of the procurement and SCM policies should be aligned when new legislation is promulgated. The amendment of the B-BBEE Act forced service providers to submit certificates as verification of their registration with approved entities in their respective sectors. This certification allows service providers to claim points stipulated in the bid documents. A brief discussion of the aforementioned laws, regulations, policies and their implications for SCM was provided. The following section discusses the public policy procurement process.

4.5 PUBLIC POLICY FORMULATION PROCESS

The main aim of this study was to critically assess whether the public procurement policies of departments include elements aimed at preventing corruption in public procurement. The aim is also to recommend a public procurement framework for the South African public sector to improve procurement practices and address corruption. A poorly worded or vague policy designed by Government, or the organ of state-level limits the successful implementation efforts. Conversely, suitable policy formulation and execution cannot overcome the shortcomings of a bad policy or a poor planning effort (Wu, Ramesh, Howlett and Fritzen, 2017:89). The need to start with a formulated policy that involves an innovative idea or concept is the most crucial and critical factor which helps to promote its successful implementation. As Allio (2005:13) notes, exemplary implementation naturally starts with good policy input: 'the soup is only as good as the ingredients'. Therefore, the procurement policies formulated should be implementable and enforceable to achieve socioeconomic goals as stipulated in the PPPFA.

Policy formulation includes employing an agenda-setting process. It is based on the concern or challenge identification, policy analysis and policy instruments, such as legislation, taxation, persuasion, inspections, auditing, service delivery, and stakeholder engagement to obtain agreement during the consultation process (Wu, Ramesh, Howlett and Fritzen, 2017:56). In policy formulation, political agendas are included and approved through stakeholder consultation that is the function of politicians relating to inputs from top management and technocrats in government.

Policies are usually separated from goals like functional, operational, and tactical plans. These policy goals are interpreted and translated by executive leadership/top management into setting specific, measurable, achievable, relevant, and time-bound (SMART) objectives with aligned programmes and projects (Chen and Zhang, 2016:35). Policy formulation is an essential function of government. The policy articulates the vision and objectives of Government. To achieve the government's vision in South Africa, the five-year NDPs were developed. The NDPs are cascaded to or included in the sector and ministerial strategic plans. Both policies and strategies were aligned with the national vision and development plans.

From the preceding, it is determined that the principal legislation regulating public procurement in South Africa is the Constitution of the Republic of South Africa (1996) and the PPPFA. While recent reforms in the procurement process in the South African public service resulted in a more transparent approach, the capacity of anti-corruption institutions should be strengthened (Manyathi,-2019:48).

Policy formulation is essential in the policy process. A policy is a high-level statement of principles and goals addressing particular concerns. A policy must articulate clear objectives translated into one or more plans. These plans, therefore, are cascaded into a programme or a series of projects. A policy should attempt to respond to the system (Weimer and Vining, 2017:123).

Dye (2001:75) asserts that public policy is whatever the “government chooses to do or not to do”. Fox and Meyer (1995:107) perceive policy as an “authoritative statement made by legitimate public institutions about how they propose to deal with policy problems”. Government policies are typically found in defence, health, education, environmental, and disaster management departments (Fox and Meyer, 1995:107).

Considering the above aspects, the PPP is one of the critical functions of the organs of the state. Policy in public procurement is a high-level statement of principles and goals aligned with the PPPFA. The principles and goals of the public procurement policy of any organ of state should align with the PPPFA. According to Section 2(1), an organ of the state must determine its preferential procurement policy and implement it within the framework under the Act.

‘Organ of state’ as a constitutional concept was first introduced by the 1993 Constitution, where it was defined as including any statutory body or functionary. In their interpretation of this notion, the courts and academic writers invoked the tests developed in common law to determine its meaning (Mdumbe, 2009:34). One question arises: Does an organ of the state have the discretion to implement a preferential policy (Bolton, 2007:269)? Controversy surrounds the obligation of the organ of the state to use the framework provided in the PPPFA for implementing policies. True reform in public procurement can occur if state organs take responsibility for implementing the PPPFA. They contribute to the outcomes of government to readdress the imbalances of the pre-1994 era.

For this study, regarding the aforementioned statements, public policy is a critical element of government action. It entails the formulation of guidelines to achieve particular goals and objectives. It is constantly subject to environmental change and influence—specifically, in the PPP. A policy statement precedes public policy formulation. Public policy is, therefore, an authoritative statement on Government's actions, incorporating or implying the authoritative allocation of values for the whole society (Roux, 2002:418).

Within the South African context, policy formulation regarding public procurement resides with the legislation at various levels (spheres) of government, administration and political authorities. Public officials perform their duties daily at various levels and, as a result, have valuable information regarding the critical matters to be considered during policy formulation. Considering the above, it should be reiterated that public officials are constantly confronted with the implementation challenges of public procurement policies. These include rapid technological developments, which lead to new procurement methods, and the influence changes in policy development in the procurement environment (Keskitalo and Andersson, 2017:13). The subsequent section discusses implementing PPP in public sector organisations.

4.6 IMPLEMENTATION OF PUBLIC PROCUREMENT POLICY

Procurement policy implementation involves the conversion of a formulated policy into action to achieve reliable results. Policy formulation and implementation depend on identifying the organisation's goals and the rational analysis of its external environment, internal resources and capabilities. Managing the implementation and the organisational-related concerns are the frequent source of complexities and difficulties that characterise the policy implementation process (Wu, Ramesh, Howlett, and Fritzen, 2017:45).

Implementation of the policy is geared toward providing instructions around a policy document or developing a set of standard operating procedures. Birkland (2014:23) defines public policy implementation as a stage between policymaking and policy establishment and the consequences of the policy for the affected citizens. Public policy implementation converts inputs, such as financial, technical, human resources,

and materials, into outputs. The organs of the state intend to promote socioeconomic objectives as a policy instrument (Bolton, 2007:53).

The PPP has implementation mechanisms in South Africa that must provide access to previously disadvantaged individuals to procurement opportunities of the state. In South Africa, policy implementation is observed as accomplishing policy objectives through operations, project planning, and programming (Brynard, 2010:23). Public policy implementation should have well-defined outcomes.

In South Africa, adopting two approaches to public policy implementation is followed. These approaches can be classified as top-down and bottom-up approaches (Kuipers, Higgs, Kickert, et al., 2014:1-20). By scanning the public procurement research environment, Cerna (2013:18) asserts that the top-down approach refers to theoretical orientations where implementation is a separate stage of the policy cycle, characterised as the enforcement and execution of state policy direction. The South African Government employs the top-down approach to implementing government policies (Brynard, 2010:45).

The Parliament of South Africa debates new legislation approved by the president later upon the conclusion of the consultation process. The president signs the legislation and becomes enforceable. The ruling party presents orders at the top for political decisions to be implemented by bureaucrats and agencies. During the implementation of public policy, communication is crucial to ensure successful enforcement.

Communication of the intent of the PPP can be an area of concern during the implementation phase. From a public procurement perspective, the breakdown in communication between the actors, and therefore, the principal (the head of department or supervisor), the agent (procurement official delegated to perform an activity on behalf of the principal) and the agency that conducts the actual implementation can become problematic. The principal or principals have employed the agent to execute service on their behalf. Agents have delegated decision-making authority to principals (Kim 2020:67).

The top-down approach asserts that the implementation process is an administrative exercise that must be conducted in isolation from other policy processes. The top-

down implementers place the onus on the policymakers as key actors. Elmore (1979:603) mentioned that the top-down approach of public policy in practice is unachievable owing to a lack of proper planning and consultation in implementing the policies.

Within the context of PPP in South Africa, the administrative mechanism is the machine that operationalises the implementation process. Magoro and Brynard (2010:5-8) indicate that the implementation phase can commence once appropriate policies are signed into law. The PPPFA and the South African Constitution specify that the implementation process of procurement policies should conform to prescribed principles to minimise corruption practices.

This study critically aimed to assess public procurement policies and corruption. Sabatier and Mazmanian (1983:34-36) introduced a framework of five variables for effective policy implementation. The variables are:

- The content of public policy is either distributive, regulatory, or redistributive.
- The context of the institution.
- The commitment of the implementers.
- Capacity building of tangible resources, such as human, financial, and technological, and intangible elements, such as leadership, motivation, courage, and political will.
- Clients and coalitions influence the implementation process, including interest groups, community leaders, and outside actors.

Magoro and Brynard (2010:14) assert that these variables form the important factors that embrace divergent implementation perspectives on diverse political systems and in countries at varying levels of development. It can be concluded that the policy implementation model assists governments in addressing and improving factors or aspects of corrupt practices in public procurement.

4.7 OBJECTIVES OF THE PUBLIC PROCUREMENT POLICY

This section aims to profile the objectives of the PPP. Public procurement is a policy device in service delivery to citizens in South Africa. Magoro and Brynard (2010:7)

warn that any misstep while implementing the procurement policy could have negative long-term consequences. It is pivotal that constitutional objectives, such as fairness, equitability, transparency, competitiveness, and cost-effectiveness, be adhered to in awarding contracts to potential and successful bidders. Departments must adhere to the PPPFA, which specifies formulating and implementing the preferential procurement policy following Section 217(1) of the Constitution. Deviation from the PPPFA and the procurement objectives, as stipulated in the Constitution, can open the door for corrupt procurement practices, and second, the socioeconomic goals of government cannot be achieved.

It can be inferred that PPP within the South African context aims to address the inequalities of the past, before 1994, but cannot address corrupt practices (Bolton, 2014a:18). The role of the organs of the state is to implement the PPP on operational and tactical levels. Implementing public procurement policies in this research explores the most important qualities to achieve the procurement objectives as stipulated in the Constitution. One of the research objectives is to examine whether a relationship exists between the formulation, implementation and non-adherence to objectives, leading to corrupt procurement practices. The following section explores principles guiding procurement policies in South Africa.

4.8 PRINCIPLES GUIDING PROCUREMENT POLICIES IN SOUTH AFRICA

Adherence to the principles and provisions of the Constitution and the PPPFA is considered while formulating and implementing the procurement policy. It requires a critical analysis of the intentions and objectives of the PPPFA versus the specific outcomes of the procurement policy at a departmental and organisational level in the organs of the state. Pauw and Wolvaardt (2009:67) analysed five principles: fairness, equitableness, transparency, competitiveness, and cost-effectiveness of public procurement in South Africa. One of the five principles is fairness. Fairness ensures that individuals are awarding and administering contracts with potential bidders in all fairness and impartiality.

4.8.1 Fairness

Fairness is a fundamental principle in Public Administration and law. Fairness is a building block of democracy. Bolton (2014b:48) asserts that fairness “is a freedom from discrimination, just and appropriate in the circumstances, impartial, in conformity with rules or standards, treating people equally, unbiased, uncorrupted, and unprejudiced”. The World Bank’s Manual on Procurement (2010:10) describes fairness as “good procurement is impartial, consistent, and, therefore, reliable. It offers to all interested contractors, suppliers and consultants a level playing field on which to compete and directly expands the purchaser’s options and opportunities”. In the South African context, fairness is one of the constitutional principles. In the public procurement context, fairness refers to how decisions are made. The relationship between an organ of the state and a private service provider must be based on fairness during the procurement processes (Paloni and Zanardi, 2012:23).

Another principle of public procurement is transparency. The latter entails the procurement process as open and transparent, and no information is withheld from the bidders (Adekilekun and Gan, 2015:309). It also ensures that prospective bidders are treated justly, unbiasedly, and free from corruption or favouritism during the bidding process. Public procurement transparency can be improved by open government procurement, implementing e-tendering in the procurement system, and publishing the bidding results in bulletins. One of the key components of procurement deals with purchasing goods and services.

Government procurement practices should be applied through open tender processes by making public information regarding the outcomes and awarding of tenders and contracts and easy access to procedures for reporting corrupt activities related to procurement fraud. Good governance in public finance management will be enhanced (Rogerson, 2010:481). Openness during the procurement process can prevent corruption and minimise manipulation of bidding processes (Fombad, 2013:67).

The principle of transparency in practice promotes good governance and minimises the risk factors of possible fraud and corruption (Georgieva, 2017:117-167). From a South African perspective as a democratic state, the people’s interest is the centre of Government’s mandate to improve living conditions and enhance economic growth. It

implies that transparency in practice is a fulfilment that can improve Government's responsibility towards its inhabitants.

4.1.1 A Lack of Transparency in Bidding

Gourdon, Bastien and Folliot-Lalliot (2017:56) and Beth (2005:107) identify transparency as one of the most effective deterrents to combat corruption in public procurement. Transparency is also one of the fundamental criteria for democratic governance and a crucial device for sharing power between Government and the people (Janssen and van den Hoven, 2015:13). Transparency increases the probability that wrongdoings will be reported, authority violations will be revealed, and actions will be tracked (Matheus, Janssen and Janowski, 2020:101).

Bidders must have clear information on the steps to follow during bidding. It allows for informed decisions, improvement in attending to Government's needs and priorities. The feedback received from Government on the outcome of the award will help bidders to prepare better for future bids. Transparent procurement processes can contribute to a more open and efficient allocation of resources through increased competition and budgetary savings for governments through more effective procurement systems, such as e-bidding.

Through e-bidding, bidders can place their bids electronically on a website in real time. The e-bidding process will enhance transparency, and confidence in bidders will be restored while participating in procurement processes. Such increases in competition help to reduce costs and improve the quality and delivery of the required goods and services while facilitating innovative approaches to production.

Transparency is a mechanism to curb corruption in public procurement. The basic information must be released with much information to as many people as interested in the earliest possible stage. Transparency requires the publication of rules and procedures as the basis of all procurement decisions. Beth (2005:78) and Wittig (2003:123) asserted that transparency and accountability are the cornerstones of public procurement, and corrupt practices can be minimised by developing and implementing policies geared towards addressing these practices (Fagbadebo and Dorasamy, 2021:15). Public information should be accessible, understandable, and

timely with reasonable deadlines for submitting the bid (a set timeframe). It will ensure that the procedure for contesting the outcomes of a bid is eliminated. Consistent procurement processes should be implemented by applying the same rules and procedures to all bidders. It can be conducted by establishing a single set of regulations through a centralised database, reflecting the various stages of public procurement processes (Beth, 2005:78; Wittig, 2003:123).

Besides the accessibility of information and consistent application of procurement rules, Beth (2005:79) and Wittig (2005:136) identified objectivity as a crucial element to ensure transparency in the procurement process. The objectivity notion can be applied by involving the stakeholders in defining the bid specifications, creating a competitive environment for bidders (Beth, 2005:78; Wittig, 2005:135).

From the aforementioned, transparency of public procurement rules and procedures is an antidote to curb corruption in public procurement. The head of the department, with the procurement manager over procurement processes, needs to exercise discretion and monitor the compliance process more closely. Increasing transparency requires proactive measures to decrease the possibility of public officials engaging in corrupt practices. Corruption in public procurement manipulates rules and processes for personal gain. Transparency must be created from the start of the procurement process (Transparency International, 2011:15). This might minimise corrupt practices. The transparency process may appear time-consuming and costly at the outset, but it is irreplaceable and will save time long term (Transparency International, 2011:16). To combat corruption in public procurement, transparency of tendering processes is an effective device.

Transparency should be the cornerstone of public procurement in South Africa, but it is not operationalised in state institutions because of corrupt practices. Transparency entails openness, honest visibility and ready accessibility to information regarding the public procurement processes (Fourie and Poggenpoel, 2017:169). In public procurement, transparency alludes to enabling all relevant stakeholders to know the processes and procedures from the initiation stage to the awarding of the contract.

In South Africa, the stakeholders are empowered to identify the steps of the bidding process. In the bid document, the specific points used for scoring should be made

known to the stakeholders. The stages of evaluation and calculation points for specific disadvantaged individuals should be stipulated in the open bid document. The information in the bid document should be well-documented and widely publicised to ensure easy access to all information for all stakeholders. In South Africa, the invitation to bid is advertised on the National Treasury website and local newspapers to enhance transparency. In a transparent public procurement system, all participants have access to reliable, accurate, relevant, complete, and timely information on the procurement process (Osei-afokwa, 2012:140).

Equal opportunities for all prospective service providers and contractors are also the basis of public procurement in South Africa. Public procurement transparency entails the accessibility to all information regarding the legislation, procedures, regulations, and procurement opportunities. This study analysed the public procurement system and processes to establish whether mechanisms are prepared to detect corruption.

Transparency is one indicator that can curb corruption in public procurement in South Africa, as stipulated in the Constitution. To illustrate this, the training and capacity of procurement officials, introducing e-procurement systems accessible to the public, technical scores of tenders, and quoted prices of winning and losing bidders are published in the National Treasury's tender bulletin. These measures can be implemented to curb corruption in South Africa (National Treasury, 2015:5). The subsequent section discusses equitableness as a requirement in the South African public procurement environment.

4.8.2 Equitableness

The term 'equity' is defined as the body of principles constituting fairness and right (Oxford English Dictionary, 2015:47). Equity is also one of the constitutional principles embodied in the South African Constitution. In public procurement, equity alludes to the redress of inequalities and unfair discriminatory practices of the past (National Treasury, 2014:7). Section 217(1) of the South African Constitution stipulates that when organs of a state contract for goods and services, they should use contracting power as an empowerment tool. Government procurement should improve the position of previously disadvantaged groups in South Africa. Considering Sections 217(2) and 217(3) of the South African Constitution, preferential allocation of public

contracts should eliminate inequalities and unfair discriminatory practices of the past (Bolton, 2007:35).

4.8.3 Competitiveness

Besides the equitableness, competitiveness in public procurement is used to obtain the most competitive price for goods and services. The notion is linked to the economic environment in the South African context, where resources are limited. Procedural competitiveness refers to awarding the bid contracts by obtaining the best competitive price and product in the market (Bolton, 2014b:24). Competitive procurement through a bidding process is an essential element in acquiring goods and services. The Constitution, and the PPPFA regulations require fair and open competition based on functional and generic specifications.

Careful development of bid specifications helps to assure that the goods and services offered by service providers meet stipulated needs (Du Plessis and Maennig, 2011:349). Against this background, it can be contended that a bid that does not meet the requirements can be rejected. The original specifications must be specific and address the required services or goods. The objective of the bid specifications should be based on the function and performance of the items or services desired.

Competitiveness from a socioeconomic perspective is a good attribute of South Africa (Du Plessis and Maennig, 2011:350). It is about bringing the best service at the best price. It can contribute to saving for public expenditure and increase the living standards of the country's inhabitants. Conversely, monopolies do not always offer the best price for goods and services (Kirzner, 2015:10). Monopolies control the market and can offer any price as competition is limited or non-existent. In South Africa, procurement information should be available; general procurement rules, procedures, practices, criteria, and evaluation processes should be published in bidding goods and services (Bolton, 2014:4).

In the sense of public procurement, competition refers to the process of "shopping around for the best price or deal". According to Section 217(1) of the Constitution, competition can take various forms. The forms imply that public procurement should be widely publicised to allow enough contractors to participate (Bolton, 2007:56).

4.8.4 Cost-effectiveness

Cost-effectiveness is defined as “providing an adequate financial return concerning outlay” (Oxford English Dictionary, 2015:34). Cost-effectiveness, as public procurement application, is captured in Section 195(1)(b) of the South African Constitution. Applying cost-effectiveness throughout the procurement process entails the planning stage, procurement process, and contract maintenance or contract administration (National Treasury, 2014:13).

The value of money closely relates to cost-effectiveness. Provided the past discriminatory practices in South Africa and excluding most of the population, emerging service providers cannot provide services to an organ of the state without considering the cost. The emerging service provider lacks sufficient capital and capacity to fulfil the bid requirements. The lowest prices offered by more established service providers cannot be the only factor to consider in ensuring value for money.

Value for money is not necessarily the same as the lowest price, though it may be. Factors such as promptness, previous delivery records, reliability in service, and the level of operating costs should be considered, besides the lowest bid (National Treasury, 2015:9). These factors play a major role in addressing the procurement of goods and services from a service provider that previously did not have access to markets because of the South African discriminatory legislation.

It can, therefore, be deduced that the principles of public procurement are critical to ensuring that the bidder and procurement official understand the basic rules guiding procurement. These principles are also stipulated in the Constitution of South Africa. This study explored the principles of transparency, openness, equity, cost-effectiveness, and competitiveness that govern public procurement management. It also set the framework for a code of conduct for public procurement practitioners and all other officials directly or indirectly associated with the public procurement process. By implementing and integrating these principles into the work ethic of procurement officials, the outcomes of decisions will always conform to the goal of public procurement. Public institutions' public procurement rules and policies should capture the latter principles.

4.9 PUBLIC PROCUREMENT IN SOUTH AFRICA: A CRITICAL ANALYSIS

Government contracting of goods and services is regulated and formulated in the Constitution of South Africa. Section 217 of the Constitution stipulates that contracting goods and services by an organ of state must be fair, equitable, transparent, competitive, and cost-effective, as mentioned.

The procurement regulations of 2011, however, provide for the procurement points to be allocated for locally produced goods and services or locally manufactured goods with a stipulated minimum threshold for local production, and content will be considered. For example, the Passenger Rail Agency of South Africa's (PRASA) massive R51 billion tender for new passenger carriages was derailed amidst fears of French multinational Alstom's ability to keep to the contract's local content requirements (Public Protector's Report, 2015:134).

Compared to the 2001 regulations, the functionality criteria during the award stage of the procurement processes should conform to the PPPFA. A critical analysis of the 2001 and 2011 regulations indicated the functionality criteria in the 2001 regulations should serve as “qualification criteria” and not as “award criteria” (Quinot, 2020:10).

The PPPFA in Section 2(1)(e) further provides that “any specific goal, for which a point may be awarded, must be specified in the invitation to submit a tender” (Republic of South Africa, 2011). However, the new 2011 procurement regulations do not refer to attaining “specific goals”. The award of preference points is tied to a supplier's certified B-BBEE status about the B-BBEEA. The higher the B-BBEE rating of a service provider, the higher the number of preference points awarded. The service provider scoring the highest points from 100 (for price and preference in B-BBEE) is then generally awarded the contract.

The 2011 regulations provide a situation where two or more bidders score the same points. It stipulates that, in such a case, the contract must be awarded to the bidder who scored the most B-BBEE preference points. If, conversely, functionality forms part of the evaluation process and two or more bidders score the same number of points, including equal preference points for B-BBEE, the contract must be awarded to the bidder who scored the most points for functionality.

If two or more bidders score the same points, drawing lots must decide the award. The PPPFA also provides for the award of a contract to a bidder who does not score the highest points. Section 2(1)(f) is a necessary provision and provides that the contract must be awarded to the bidder scoring the highest points unless objective criteria besides those contemplated in paragraphs (d) and (e) justify the award to another bidder.

The 2011 regulations to the PPPFA similarly allow for the award of a contract to a service provider who did not score the highest total number of points. It applies “only according to Section 2(1)(f) of the PPPFA” (Republic of South Africa, 2011). Regulation 9 of the 2001 Procurement Regulations contained a similar provision, which entails that “a contract may, on reasonable and justifiable grounds, be awarded to a bidder that did not score the highest number of points” (Republic of South Africa, 2011).

From the preceding analysis, the study contends the existence of discrepancies between the 2001 and 2011 Public Procurement Regulations. Applying the 2011 Public Procurement Regulations indicates that targeting procurement became more evident. Including B-BBEE scoring criteria as a point, the system emphasises that the South African procurement system addresses socioeconomic objectives and redresses the exclusion of previously disadvantaged individuals in the economy.

The criteria justifying the award of a contract to a bidder that does not score the highest points do, however, appear to be limited. The legislature, through the PPPFA, and the executive, through the Public Preferential Procurement Regulations, afford limited discretion to state organs. This regards the award of contracts to bidders who do not score the highest points. Section 2(1)(f) of the PPPFA is an exception to the general rule that a contract award should be awarded to the highest-scoring bidder.

A restrictive interpretation should be provided to the phrase “objective criteria in addition to those contemplated in paragraphs (d) and (e)” of Section 2(1) of the PPPFA (Republic of South Africa, 2005: 18). The same reasoning can be applied to “reasonable and justifiable grounds” in Regulation 9 of 2001. Regulations should similarly be afforded a restrictive interpretation. The 2001 regulations also detailed the goals to be achieved in awarding bids. It even furthers limits state organs' discretion

regarding “objective criteria”. Under the 2001 regulations, preference points could “primarily” be awarded for historically disadvantaged individuals (HDI) and RDP goals. It specifies that if functionality forms part of the evaluation process and two or more bids score equal points (including equal preference points for B-BBEE), the contract must be awarded to the bidder scoring the highest points for functionality.

Therefore, the functionality provisions in the 2011 regulations are precise—no discretion is afforded to state organs to incorporate functionality criteria in the procurement process. Once the relevance of functionality is determined to the procurement, the procedures for including functionality in the procurement process are articulated in the regulations and elaborated on in the implementation guide to the regulations.

The PPPFA stipulates that 80 or 90 percentage points to the lowest prices are awarded to the competing bidders who score the most points. Merely 10% or 20% recognise the black empowerment goals.

B-BBEE is complex. The marginalisation of the majority racial group in South Africa was a complex initiative. They did not benefit from the transformation goals of Government before 1994 (Republic of South Africa, 2016). A conflict of interpretation exists between implementing the PPPFA and the B-BBEE Act of 2003.

SECTION 2: PROCUREMENT PROCESSES, CHALLENGES AND ROLE PLAYERS

4.10 THE PROCUREMENT PROCESS

The South African procurement processes transformed in 2000 from a pure compliance-driven field to a more integrated SCM function. Each department (national, provincial, and local levels) must develop and implement the procurement and SCM policy stipulated in the Constitution of South Africa (National Treasury, 2014:3-10). The focus of the role and the responsibility of the supply chain managers is catalytic—to propel change in the supply change management domain.

To gauge an understanding of the procurement system, it is important to understand how the bidding process functions in the organs of the state. The bidding process involves preparing a bid specification and compilations of bid documents (National Treasury, 2015:8-18). The procurement unit of the public institution's department must issue bid specifications to permit fair and equitable considerations from qualified service providers. Compiling bid documents involves using the appropriate standard bidding documents (SBDs) and general conditions of contract (GCC) issued by the National Treasury. The SBD means the bid document prepared by the public sector organisation serves as a point of reference to prepare bidding documents by the service provider. National Treasury provides the SBD, but the accounting officers in public sector organisations can customise and use the documents to suit their needs for the required services and goods.

The bidding process comprises five stages:

- compiling the bid documents
- inviting the bids
- closing and receiving bids
- evaluating the bids
- clearing the bids and awarding the contract as stipulated in the PPPFA and associated regulations (National Treasury, 2014:12).

A standard set of regulations and guidelines from the National Treasury governs each stage. It occurs by implementing these processes. It differs across provinces and

municipalities because of geographical demands on commodities that need to be procured (National Treasury, 2005:19). The processes discussed earlier are detailed next.

4.10.1 Compiling the bid documents

The accounting officer appoints a specification committee, also named the head of a department, municipal manager or director-general, or his delegate. The tasks of the specification committee members are to ensure that technical details of the bid are captured in the bid document according to the nature of products or services that need to be procured. The bid specifications contain the breakdown of points for price and functionality (Ratshisusu, 2014:587-606).

Specifications include pre-qualifying criteria. So, bidders complying with the set criteria or standards are eligible to bid. Once the specifications for goods or services are drafted, the department submits requests to the bid committee to invite tenders (National Treasury, 2015:3-9). Following a prescribed format, these requests must contain the full details of the information required by the office, enabling it to compile an appropriate bid advertisement.

The standard tender forms are prescribed by National Treasury and are used in all government-related bids. The documents should indicate accurate quantities, the requirements for certificates, samples, or compulsory attendance at site inspections and explanatory meetings, and must form part of the tender conditions (Pillay and Erasmus, 2013:45). Once the specification is compiled, it is presented to the head of SCM and handed to the bid specification committee for review and approval.

Upon receiving an approved specification, the SCM Unit prepares documents for advertising a bid in the public environment. The lack of technical specification expertise in the South African Government sector because of inadequate training can lead to corrupt practices in construction bids (Fombad, 2014:66-92). The collusion of mega infrastructural service providers is still challenging in South Africa because of the massive funds involved in these projects.

Mazibuko (2020:7) posits that “public infrastructure, particularly that relating to roads, energy, water, and transport, enables the economy to grow faster and become more productive through contributing to raising competitiveness, exports and lowering the cost of doing business”. For example, the procurement of railway locomotives by PRASA was riddled with corrupt practices (Republic of South Africa, 2018).

4.10.2 Inviting of the bids

Inviting bids are described in the PPPFA and associated regulations. All bids should be openly advertised, at least in the Government Bulletin. The South African Government Tender Bulletin is available on the National Treasury’s website and can be accessed by the general public and public institutions to ascertain whether bids have been advertised. Before the advertisement for the bid is processed, the supply chain managers determine the procurement method, depending on the type and value of the contract. The bid's value plays a pivotal role in the procurement process that should be followed.

To illustrate, with bids estimated at a specific value, SCM and the procurement units need to obtain at least three telephonic or advertised quotations from suppliers, preferably from a database of suppliers. SCM units must run competitive bidding procedures for bids more significant than the threshold value of R1 million. Should the contracts exceed R1 million in value, the PPPFA provisions apply. It invites potential suppliers to submit their offers by completing the tender documents (National Treasury Instruction, 2021:5).

The National Treasury stipulates that the criteria used to evaluate functionality should be described by applying additional points for functionality. Functionality means the supplier’s ability to meet the service delivery requirements. Moreover, the National Treasury (2021) prescribes that a set of documents be issued to bidders and records be kept of potential vendors collecting documents. Some bid invitations stipulate that a deposit is payable that will be refunded if a bid is submitted, or documents are returned. If the request for proposals occurs in complex projects, it is customary to hold a mandatory briefing to allow bidders to clear any misunderstanding (National Treasury, 2015:8).

4.10.3 Receiving bids

When receiving bids, specific criteria should be applied as stipulated in the PPPFA and departmental SCM policies. One of the key characteristics of the bidding process is transparency and fairness. It implies that all bids received are opened simultaneously. To enhance transparency and fairness, Ngobeni (2016:45) advises that proper procurement procedures be applied during the official opening of bids to avoid any irregularities. Bids should be opened in public and in the presence of all competing suppliers who wish to be present. Besides, particulars of each bid should be announced in public and entered into an official tender register, which should be kept for auditing purposes. It is, therefore, a requirement that bids should be submitted in sealed envelopes, marked with the name and reference number of the bid and particulars of the bidder.

4.10.4 Evaluating the bids

Evaluating bids is the most crucial stage of the bidding process. It requires all appointed (in writing) members of the Bid Evaluation Committee (BEC) to be directly or indirectly observant and to keep a sharp eye on the process. Reasonable source selections are required, following the pre-determined rules. Common grounds for successfully implementing the bid contract should be provided (Munzhedzi and Harry, 2016:56).

The BEC should sign a declaration of secrecy and conflict of interest by assuring that the committee members have no interest in suppliers bidding for a specific service during this stage. The role of the BEC is to make recommendations to the Departmental Bid Adjudication Committee (DBAC), considering the legal and statutory requirements, price, compliance to the prescribed conditions of the bid, functionality (where applicable) and preference procurement provisions. The accounting officer delegates the bid evaluation responsibility to the Bid Adjudication Committee.

The adjudication committee sits at regular intervals to evaluate bids following the criteria specified in the bid documents. If functionality points are awarded, the adjudication committee should understand the criteria for evaluation (through employing the scorecards) and score bids against these criteria to remove ambiguity

or subjectivity. Various factors determine the scorecards. These factors are the type of bid, the point system, either 80/20 or 90/10, the requirements of the bid and functionality criteria. The scorecards for environmental criteria are included in the evaluation.

Since the evaluation process is formulae-driven, the Bid Adjudication Committee can apply the price formula and eliminate the bidders scoring below a certain threshold before proceeding to the subsequent deliberations. The BEC's findings and recommendations direct the Bid Adjudication Committee. The Bid Adjudication Committee can either accept or reject these recommendations. According to the PFMA and MFMA, the accounting officer must ultimately exercise their judgement and discretion before the bid is finally approved (National Treasury, 2014:12).

4.10.5 Clearing the bids and awarding the contract

An audit should confirm that the evaluation exercise is not flawed and is open and whether procedures and non-discriminatory criteria were used before awarding a bid (Mantzaris, 2014:81). The adjudication committee approves the bid. In South Africa, the segregation of duties between the DBAC committee and the BEC and the potential risk of conflict of interest, more objectivity and more observations in the final decision (Pauw and Wolvaardt, 2009:66-67).

AA service provider assessment must be conducted in certain bids before awarding the contract. The SCM units play a prominent role in the bidding process and should ensure that legislative imperatives and requirements are adhered to. The service provider assessment includes:

- establishing the financial standing of the company;
- assessing its past performance in delivering services;
- checking the legal compliance of the company with taxation;
- labour relation practices in the company;
- adherence to corporate laws; and
- inspecting the capacity of the company to deliver where necessary.

Upon completion of the service provider assessment, the accounting officer, under his authority, can approve the successful bidder (National Treasury, 2015:12). Successful bidders are notified using letters of acceptance. The organisation approves acceptance on behalf of the relevant public institution. These letters are the basis for the placement of orders, administration of contracts and settlement of disputes. Tender results from national and provincial departments are published in the Government Tender Bulletin. Once the contract is awarded, SCM is crucial to provide contract management functions, creation of orders, payments, and evaluation and monitoring of performance and compliance with socioeconomic objectives.

From the preceding, it can be concluded that bid processes should be documented in all state organs' SCM or procurement policies. Deviation from the documented procurement processes and state policies will create a possible audit query of non-compliance (Musonda and Pretorius, 2015:2-7). The AGSA annually audits financial and procurement processes in all public institutions, including public entities in South Africa. During these audits in 2017, the AGSA found non-compliance to procurement processes as the major shortcoming in various public institutions (AGSA Report, 2017:23). In addition, lack of compliance with the SCM law and bypassing the procurement processes were flagged as significant areas of concern (The AGSA Report, 2017, 23). The factors influencing the formulation and implementation of PPP in South Africa to curb corruption are discussed in the subsequent section.

4.11 FACTORS INFLUENCING THE DESIGN AND IMPLEMENTATION OF PUBLIC PROCUREMENT POLICY

This section presents the factors restraining public procurement practices and corruption in South Africa. SCM is an integral part of procurement in the South African public sector. It is, therefore, used as a device for managing public procurement practices to obtain socioeconomic objectives. Despite employing SCM as a strategic device, public procurement in South Africa still encounters enormous difficulties. These include:

- non-compliance with SCM policy and regulations;
- lack of proper knowledge;
- inadequate skills and capacity planning and linking demand to the budget;

- lack of accountability of the senior management in public institutions;
- fraud and corruption;
- inadequate monitoring and evaluation of SCM; and
- unethical behaviour.

The main risk factors identified in public procurement in South Africa are discussed in the following sections.

4.11.1 Non-compliance with Procurement Policies and Regulations

The PPPFA, perused with the SCM guideline, is a roadmap for implementing several related policies and regulations in any organ of state (National Treasury, 2014:12). In the South African context, non-compliance, such as bypassing procurement processes, maladministration, limited bidding processes to avoid the formal bid process (Manyathi, Burger and Moritmer, 2021:11).

Therefore, advertisements are cancelled before the award stage (Volmink, 2014:3). Bidders exploit these shortcomings to become involved in corrupt activities. Ambe and Badenhorst-Weiss (2012:18) acknowledge inadequate controls and procedures for handling bids, bid committee members are not appointed in line with policy requirements, and there is insufficient motivation for deviations from SCM procedures. Therefore, public procurement corruption remains a significant problem in South Africa.

For example, the revelation and testimonies of individuals at the Zondo Commission demonstrated the extent of corruption in public procurement in South Africa. The Judicial Commission of Inquiry into Allegations of State Capture, also known as the Zondo Commission of Inquiry or Zondo Commission, is a public inquiry launched by the President of South Africa. Furthermore, the Judicial Commission of Inquiry into allegations of State Capture, Corruption and Fraud in the Public Sector, including organs of the state, better known as the Zondo Commission, confirmed how individuals enriched political heads and public officials by engaging in corrupt practices (Lambrechts, 2019). BOSASA, as a private company, was contracted by state entities to deliver security services. Angelo Agrizzi was BOSASA's chief operating officer (COO). He revealed during the Zondo Commission deliberations how the company

bribed 38 politicians and senior government officials with cash and favours to ensure the securing of government contracts (Judicial Commission of Inquiry into allegations of State Capture, Corruption and Fraud in the Public Sector, including state organs Report, 2021).

For example, the Free State Provincial Government went with the Indian company PARAS in the Estina Integrated Dairy Farm project 2012. According to Peter Thabethe, the former head of the Free State Provincial Agriculture Department, no one in South Africa was interested in supporting it. Several witnesses implicated Thabethe at the Zondo Commission of Inquiry into State Capture in spearheading the mismanaged project. Over R200 million was looted, leaving its intended beneficiaries in the cold (Corruption Watch Report, 2019).

4.11.2 Lack of proper knowledge, skills and capacity

The annual audit conducted by the AG in national, provincial and local (municipalities) governments in South Africa indicated a lack of proper knowledge, skills, and capacity to implement the legislative imperative and operational requirement of the PPPFA, the regulations, and departmental or municipality's respective SCM policies (AG Report, 2019:23). The commitment from the National Treasury to achieve SCM objectives entirely is in the AGSA report. It includes providing support by facilitating the development of training materials (National Treasury, 2015:2).

Despite these initiatives, there is still a lack of knowledge and skills and capacity in the SCM environment in South Africa. Sheoraj (2008:16) identified skills and capacity shortages as the most significant weakness to the success of public procurement in South Africa. Adequate capacity in appropriate structures with skilled and professional SCM personnel is a crucial success factor for proper SCM implementation. In some state organs, SCM personnel's skills and abilities are lacking. The South African Government embarked on programmes that educate practitioners. Implementing these programmes, though, was deficient. Horn and Raga (2012: 88) contend that regular workshops, during which the legislative prescripts are explained, can assist in overcoming skills and knowledge incapacities.

Based on the evidence presented by Kamara (2017:10), capacity divergences exist at municipal levels. It influences their ability to fulfil a constitutional mandate in several respects (Migiro and Ambe, 2008:233). These include non-compliance with SCM regulations, one obstacle to achieving socioeconomic goals in South Africa.

4.11.3 Inadequate planning and linking demand to the budget

The SCM process comprises various routes to obtain value for money. Processes of SCM are demand management and creating a costing plan for all procurement commodities. It entails the decision-making process, allowing state organs to procure the right product at the right time, place and cost (National Treasury, 2015:4).

Cost-effectiveness is one pillar of public procurement in South Africa (Ngcamphalala and Ambe, 2016:35). Cost-effective procurement depends on a specialist's skills to ensure that buying requirements are reliably determined, appropriate contract strategies are developed, and contracts are well-managed. The opportunities are seized to secure the best deal at the right time and at the right price.

Considering the aforementioned, several state organs are confronted with the challenges of improper planning, linking demand to budget (Ambe and Badenhorst-weiss, 2012:242-245). The SCM guidelines underscore the importance of composing accurate and realistic strategic plans. Therefore, there is a need to properly monitor the service delivery to ensure the efficient and effective use of scarce public procurement resources (National Treasury, 2015:5).

Inadequate planning and a complex budgeting process harm the implementation and operationalisation of SCM plans. SCM plans cannot be implemented, causing advertised bids to be cancelled. The head of a department for an organ of the state ensures that the SCM plans for goods and services are linked to the budget. Proper financial planning concerning the purchase of goods and services has declined. As Masuku (2019:125) asserts, efficient public resources are critical to promoting good governance in the South African public institutions. Efficiency in public procurement limits wastage and reduces losses in acquiring goods and services.

4.11.4 Lack of accountability in the public procurement procedures

Accountability constitutes a central pillar of public procurement (Bashuna, 2013:13). Accountability is one of the four core concerns to strengthen the capacity of national and local governments (Kango Kiptoo, 2013:90-99). Without transparent and accountable systems as an enabling environment, governments and citizens must engage in a mutually responsive way by making citizens aware of their constitutional rights to services provided by public sector organisations. Publications of various government services on the Internet are one method to promote accountability and access to services. The vast resources channelled through public procurement systems threaten increased corruption and misuse of funds by government officials.

Gaventa (2002:2) identified that accountability is based on three principles: “inclusive rights for all people, the right of participation and the obligations to protect and promote the realisation of rights by states and other duty bearers”. These three principles emphasise that the rights of all people should be respected and honoured during decisions (Gaventa, 2002:2). The consultation processes with citizens during PPP and processes should be followed during the policy process.

Wittig (2005: 23) identified accountability as the cornerstone of a well-functioning public procurement system. These public procurement systems should be based on certain principles, such as integrity, fairness, transparency, accountability, and credibility (Dza, Fisher and Gapp, 2013:45). The public procurement system should also be available, simple to be understood by the public, and have the mechanism and capacity for independent control and audit of procurement operations to provide accountability and compliance (Fombad, 2013:3). Accountability entails the involvement of government, public institutions, public entities, and individual public officials, including companies’ executives, agents, private organisations, or other individuals who act on behalf of companies to decide on their areas of responsibility. Public procurement processes and systems should be followed. Full accountability is systematic and dependable.

The accounting officer (head of department, director-general, or mayor), as stipulated in the PFMA, is responsible and accountable for how public funds are spent. These imperatives cannot be transferred. Without implementing proper transparent ad

accountable systems in state institutions, state resources can enrich the corrupt officials (OECD, 2018). Mantzaris and Pillay (2017:62) declare that annually, fraud and corruption cost South African taxpayers hundreds of millions of rand.

In South Africa, fraud and corruption cases are increasing, as stated in the AGSA Report, 2018/19. It, therefore, requires critical intervention to manage the problem. Strengthening the implementation of procurement legislation, and promoting ethical leadership and consequence management, is one of the measures to address fraud and corruption challenges. The promulgation of particular legislation and improvement in existing legislation led to the creation among others Gordhan (2012:12) asserted that since 1994, South Africa has enjoyed unprecedented social and infrastructural programmes.

Most people hoped that freedom would bring relative socioeconomic liberation and improvement since increasing bitterness towards Government. It includes a lack of perceived quality of governance, service delivery failure, and fraud and corruption in some spheres of the economy. It leads to the frustration of South African citizens displayed in the protest actions, specifically against poor service delivery by Government (Taylor and Raga, 2014:221).

Sugudhav-sewipersadh (2015:17) emphasises corruption, incompetence, and negligence by public servants as significant causes of corruption in public procurement in South Africa. Among government institutions probed by the AGSA for procurement practices, irregularities were the Tshwane metro, and 65 municipal officials were investigated for unauthorised business deals worth R185 million with their Council (Pauw, 2011:54).

The AGSA emphasised weaknesses in SCM, controls over information technology, human resource management, and capital assets and performance during a briefing to Parliament's Standing Committee on Public Account (SCOPA) (Fourie, 2015:12). According to Transparency International (2014:13), governments (including government-owned enterprises), individual officials, agents, and executives should be accountable for executing their duties and decisions in their areas of responsibility. Transparency International (2014:14) emphasises the following ways to promote accountability:

- Effective record-keeping of decisions and the reasons for those decisions enable reviewing the decisions.
- Mechanisms to uncover and investigate corruption increase the chances of being caught and function as a deterrent.
- Systematic and credible enforcement of rules, including establishing independent oversight and employing effective proportionate and dissuasive sanctions, make it less inclined that an official will risk offering or accepting a bribe.
- The dismissal of individuals or debarment of companies and imposition of public and criminal penalties, including fines and imprisonment, are significant deterrents to improper behaviour (Transparency International, 2014:14).

Improving efficiency in the public procurement system requires the delivery and administration of public services to be identified, closing the loophole for corrupt practices (UNDP, 2004: 9). Accountability, as one pillar of the PFMA of South Africa, requires the accounting officer to take preventive measures and action when corrupt practices are discovered. Lobel (2019) notes that accountability needs a detection system to promote self-regulation. Self-regulation measures include applying the code of conduct of public officials and managerial leadership, such as individuals employed in the Senior Management Service (SMS). It requires that the necessary sanctions be applied against corrupt practices.

To summarise, corruption in public procurement is problematic in South Africa. Government needs to address the problem by finding innovative ways of curbing corruption and administrative malpractices within South African spheres of government. One of many innovative ideas is strengthening the law enforcement capacity and conviction rate of fraud and corruption cases. Other ideas are to effectively fight the scourge of maladministration, mismanagement of finances, fraud, and corruption, bypassing procurement policies and practices to self-gain, and drastically reviewing the financial and procurement internal control systems to detect deficiencies. It includes developing early warning systems to detect and emphasise flaws in the procurement and financial systems of South Africa.

Within a democratic government, such as South Africa, accountability is the mechanism where the public exercises its right to be provided with an account of the

practical, efficient, economical, and transparent use of state funds. Evidence provided by Gaventa (2002) and Transparency International (2013), the function of anti-corruption agencies is important to curb corruption and enhance accountability to the public and the taxpayer.

4.11.5 Inadequate procurement monitoring and evaluation measures

Effective policymaking requires information on whether governments are doing things right and whether they achieve the intended results (Lopez-Acevedo, Rivera and Lima, 2010:57). Strong monitoring and evaluation systems provide the means to compile and integrate this valuable information into the policy cycle, providing the basis for sound governance and accountability for public policies (Lopez-Acevedo *et al.*, 2010:57).

Government entities are placed in a difficult position to enforce or implement SCM as the policy requires (Ambe and Badenhorst-Weiss, 2012:245). Deviations or non-compliance to the procurement policies are not detected or identified after the act was committed. Procurement actors in government spent millions of rand in ways that contravened laws and regulations (Ambe, 2016:14). The AGSA's report noted unauthorised, fruitless and wasteful expenditures in contravention of laws and regulations as one of the significant non-compliance matters (AGSA Report, 2017). Proper monitoring and evaluation must reduce wasteful expenditure and infringement of public procurement policies and principles in South Africa. A change of attitude and the negative influence of corruption cannot be accomplished over a brief period. More importantly, political will must change the state of corruption in South Africa.

4.11.6 Unethical behaviour in SCM and procurement processes

Ethical behaviour is the cornerstone of the South African democratic dispensation, as alluded to in the Constitution (Act 108 of 1996). The study of ethics entails moral judgements and proper and improper conduct within the South African procurement context. Ethics and conflict of interest influence the SCM implementation and operationalisation in the state organs. This study aimed to determine the relationship between corruption and public procurement formulation and implementation.

It is, therefore, critical that the public closely monitor the ethical behaviour of the parliamentarians. Many politicians are implicated in cases of fraud and corruption in South Africa as an act of unethical, though it is not acceptable to the public. Munzhedzi (2016:234) contends that unethical conduct in Africa starts at the top of the political and public service leadership. Naidoo (2012:656) identified a need for increasing ethical leadership in the South African public sector. Ethical leadership is associated with effective leadership and good governance. These qualities are needed to prevent and curb corruption in public services (Naidoo, 2012:656).

The public procurement environment is perceived as open to fraud and corruption by the public owing to most government spending on goods and services procurement. The National Treasury's guide to accounting officers prescribes a standard approach to SCM procedure. One challenge emphasised is a lack of compliance and application of the guidelines. It resulted in differentiation in approaches and a lack of standardisation. Fourie and Poggenpoel (2017:76) assert that the completeness of several municipalities' tender documents is difficult to verify. The principles of procurement officials' ethical behaviour must be considered.

4.11.7 Ineffectiveness of B-BBEE

B-BBEE legislation aims to empower all historically disadvantaged people rather than only a small group of black investors (DTI, 2013). The adopted B-BBEE led to calls for expanded opportunities for workers and smaller enterprises and more representative ownership and management. However, the B-BBEE provisions have failed in certain instances to ensure a broad-based approach instead of imposing high costs on the economy without supporting employment creation or growth. The 2005 B-BBEE model remains excessively focused on transactions involving existing assets and benefiting a relatively small number of individuals (Ambe, 2016:10). Instead of empowering the black masses through wealth creation black empowerment created a specific type of black elite business model and individuals using state bid processes to obtain wealth (Von Holdt, 2019:10).

These shortcomings emerged in implementing B-BBEE as stated below:

- First, ownership and senior management concerns receive disproportionate emphasis. The unintended consequences of this trend include “fronting” speculation and tender abuse of the procurement system (Mulaudzi, 2017:65).
- Second, the regulations do not adequately incentivise employment creation, support for small enterprises and local procurement. The Preferential Procurement Regulations aggravate this situation by privileging ownership over local production.
- Finally, the B-BBEE regulations penalise public entities as suppliers if they fulfil the B-BBEE requirement and are excluded from procurement processes. The Government of South Africa, as a democratic state, owns public entities on behalf of its people, but regulations lack black empowerment initiatives to address inequalities (Fine, 2012:554).

After the discussion presented earlier, constraints exist in South African public sector procurement practices. These predicaments can be ascribed to a lack of proper knowledge, skills and capacity. The South African Government, therefore, needs to address the latter dilemmas to achieve the policy objectives of public procurement ultimately.

4.12 ROLE PLAYERS IN THE SOUTH AFRICAN PUBLIC PROCUREMENT ENVIRONMENT

Several considerations could enhance procurement in the South African public sector. These considerations include the role of the AGSA, the Public Protector, the Public Service Commission, and the establishment of the Office of the Chief Procurement Officer (National Treasury, 2015:7). This study provides a detailed analysis of the aforementioned. Developing a model to curb corruption in public procurement is based on the effective functioning of anti-corruption bodies in South Africa. The study aimed not to assess the effectiveness of anti-corruption oversight bodies but to use the data and discussion to establish a relationship between corruption and weak public procurement policies in South Africa. The subsequent section explores the AG’s findings regarding SCM and procurement processes.

4.12.1 The Auditor-General's SCM and procurement processes

The study explored corruption in public procurement to determine whether public procurement policies of government departments and municipalities have built-in mechanisms to combat corruption. The role of the AG is to conduct an audit on all organs of the state (Arendse, 2012:14). The organ of the state operates in a PFMA or an MFMA legislative environment, as explained. These legislative environments govern SCM and other compliance matters by identifying the root cause of non-compliance to SCM legislation. The AGSA recommends and suggests corrective action to address the shortages identified during the audit process. The SCM processes, including procurement of goods and services as significant expenditures, are focus areas of the AGSA. The role and responsibilities of the AGSA are discussed in the subsequent section.

4.12.2 The role and responsibilities of the AGSA

The Constitution of the Republic of South Africa stipulates that the AGSA is the only institution mandated to conduct audits and reports on the public sector expenditure of the South African taxpayers' money. The basis for establishing the AGSA in South Africa, in the context of corruption in public procurement, is to combat corruption, fraud, and other instances of economic crime. These are linked to the founding provision, as mentioned in the *Constitution of the Republic of South Africa*.

The AGSA is a "Chapter 9" institution owing to its mandate outlined in Chapter 9 (Sections 181 & 188) of the *Constitution of the Republic of South Africa*. The AGSA, as the Supreme Audit Institution (SAI) of South Africa, exists to strengthen South Africa's democracy. It is conducted by enabling oversight, accountability and governance in the public sector through auditing by building public confidence. This is the AGSA's reputational promise/mission.

The AGSA is a member of the International Organisation of SAIs (INTOSAI). This is an autonomous organisation for external government audit institutions with a special consultative status with the United Nations Economic and Social Council (ECOSOC). The AGSA is legally, financially and operationally independent and governed by its

Act, the Public Audit Act, No. 25 of 2004 (PAA). The organisation charges government institutions to generate income for its audits. The AGSA reports directly to Parliament.

The findings of the AGSA's reports (2014-2019) also emphasise that the root causes of corruption are based on identifying internal controls that failed to prevent or detect the error in the financial statements and performance reports that have led to non-compliance with legislation. These root causes are confirmed with management and shared in the management report with the accounting officer and the executive authorities. The lack of internal control deficiencies, poor leadership relating to finances and performance, and the lack of operationalisation of corporate governance systems and processes contributed mainly to the non-compliance in the procurement system. The procurement of goods and services is also associated with various risks.

The AGSA audits regulated by the Auditing Profession Amendment Act, 2021, No.5 of 2021, allow the AGSA to impose sanctions on public sector organisations that violate basic financial and procurement guidelines and legislation. The aforesaid Act provides for sanctions in the admission of guilt process and following a disciplinary hearing; provides for offences relating to investigation and disciplinary process and provides for the protection and sharing of information among the law enforcement agencies, such as the South African Police Service (SAPS), NPA, and the Special Investigations Unit (SIU). From the aforesaid, the AGSA's report (2014-2019), highlighted the findings of the most common audits are:

- no or inadequate contract performance measures and monitoring.
- contracts amended or extended without proper approval.
- suppliers owned or managed by employees of auditees made false declarations in awards.
- employees failed to declare their family members' interests.
- preference point system not applied or incorrectly applied.
- inadequate contract performance measures and monitoring.
- supplier scoring highest points / with the lowest quotation not selected – no justification.
- bid documentation did not stipulate the minimum threshold for local production and content.

In response to the daunting findings of the AGSA, as alluded to above, the National Treasury will continue with these initiatives to improve public financial management, accounting and reporting (National Treasury, 2015:3-15):

- Procurement reform aims to root out corruption and wastage while introducing innovative approaches to government procurement.
- Modernisation of the state procurement system ensures the efficient, effective and transparent use of financial and other resources to improve service.
- Building the capacity of the Office of the Chief Procurement Officer (OCPO) to deliver on its mandate to oversee and support procurement matters across the public sector. The OCPO is mandated to modernise and supervise the public procurement system in South Africa. Although the Office is not actively involved in procurement, it monitors procurement reforms, the procurement system, and how Government conducts business with the private sector.
- Strengthening the governance and execution of the Integrated Financial Management System (IFMS) project through the Programme Management Office (PMO) at the National Treasury office.
- Developing financial management regulatory frameworks, aligning reporting frameworks with local and international best practices, reviewing Treasury regulations and instructions, developing and implementing accounting policies, and enforcing compliance with public finance legislation.
- Developing support plans with targeted departments and entities to address financial management weaknesses identified by the audit outcomes and the Financial Management Capability Maturity Model (FMCMM) assessments. The National Treasury developed the FMCMM developed the FMCMM. It separates the FMCMM's essential risk management components and provides institutions with a uniform and straightforward risk management maturity assessment approach. Institutions are urged to review their risk management maturity at least once a financial year. However, it can be used as often as needed. It will generate helpful trend data for evaluating progress towards a mature risk management status and emphasising areas of improvement and stagnation (National Treasury, 2018).
- Improving the capacity within Government regarding financial management, internal audit and risk management (National Treasury, 2015:3-15).

Based on the above functions and responsibilities of the AGSA, reports to the National Treasury by accounting officers and authorities, and assumed by the AGSA, indicate a continuous low level of compliance with the SCM legal framework. The negative results of this non-compliance include interruptions to the procurement of goods, services and works and failure to source goods and services at the right price and time.

The audit reports of the AGSA (2014-2019) indicate continuous poor policy implementation and operational flaws in institutional SCM oversight. These weaknesses include the inability of staff to interpret and apply SCM policies and standards. The underlying problem is that SCM is conducted within a decentralised legal framework, at two distinct levels, on operational and regulatory levels. At the operational level, it is undertaken by SCM units in individual state organs involved regarding implementing policies and not being consistently applied during the procurement processes.

These findings of the AGSA indicate that the South African procurement section in the state organs needs to be reviewed. First, the legislative environment should have a built-in mechanism to curb corruption in public procurement. Implementing the approved SCM regulations should also be prioritised, and adequate training should be provided to staff to understand and apply the new regulations.

Second, the skills and capacity levels of the procurement officials should be addressed to ensure that the skills and competencies are suitable to meet the required demands. More importantly, all SCM deviations should be documented and filed appropriately for audit. Internal control measures are an important contributing factor to ensuring the proper recording of transactions. The role of the AGSA illustrates the importance of public accountability by all public servants.

To summarise, the AGSA has a role in auditing the credibility of procurement processes in the state organs in South Africa. This role is cemented in the Constitution as a “Chapter 9 institution”. The National Treasury, as a regulator of state funds, provides money to the organs of the state. The PFMA and MFMA explain that the accounting officer should record and prove how the budget received from the National Treasury is spent.

Procuring goods and services is the primary cost driver in the South African economy. The role of the AGSA is to establish whether the legislative mandate is followed and that procurement policies and procedures are approved and implemented in the organs of the state. The subsequent section explores the role of the Public Service Commission in combatting corruption in the public sector.

4.12.3 Public Service Commission (PSC)

Concerning the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), the PSC's role is to monitor, evaluate and investigate the public service administration. The PSC attempts to generate an annual assessment of the extent of compliance by the public service to the values and principles of the Constitution (Fourie and Poggenpoel, 2017:169). The PSC monitors and evaluates the public service and ensures that the Department of Public Service and Administration (DPSA) implements the constitutional principles for public service (Van Vuuren, 2014:34). Constitutionally, the PSC is a "Chapter 9" organisation.

This power provides the PSC with an independent mandate, which indicates that no person or organ of the state may interfere with its functioning, as stipulated in Section 196(3) of the Constitution. The PSC is accountable only to the National Assembly (Section 196(5)) and must exercise its power without fear, favour or prejudice in the maintenance interest of efficient Public Administration and a high standard of professional ethics in the public service (Section 196(2)).

Within the context of this study, the importance of the reported statistics on public corruption becomes clearer. First, the statistics collected from all reported corruption cases were used for analyses to determine a relationship between corruption and PPP. Second, the annual reports by the PSC regarding the status of compliance in the public sector are valuable secondary information to be analysed. This research aimed to enlighten Government's ability or inability to measure the incidence of corruption – how, when, and where it occurs, the risk factors, systematic problems, causes and consequences of corruption in public procurement. The corruption statistics in public procurement are collected to evaluate whether anti-corruption strategies (both preventive and reactive) are effective.

The measure of corruption by using statistical data is based on reported cases. Although such indicators are essential to measure the effectiveness of reactive strategies, including the legislative terrain, they reveal little about the efficacy of an integrated strategy. Corruption is a dynamic phenomenon; its form, appearance and modus operandi constantly change (Osipian, 2009:322). As one loophole is closed and control is strengthened, corrupt officials and persons establish other creative ways to continue with corrupt practices. The subsequent section explores the SCM reform in 2015.

The PSC 2009 did not adequately discuss the lack of accountability and inability to identify the root causes of service delivery. Janse Van Rensburg (2014:33) mentioned that “various aspects impeding service delivery include incompetent public servants, a lack of accountability, poor human resources practices, inadequate procurement practices and lack of leadership”. Fourie and Poggenpoel (2017:170) contend that the massive protest relating to service delivery underperformance originates not only at the municipal level but also in appointed board members' challenges in all public institutions in South Africa.

Poor financial performance and incompetent officials are the many root causes of service delivery and corruption in public service. Because of the lack of capacity in the Office of PSC relating to investigations of cases and turnaround timeframes with staff promotions to other departments, matters related to a lack of accountability and the deficient performance of officials are adequately addressed. Investigations of corrupt cases reported to the PSC are unresolved (Fourie and Poggenpoel, 2017:169).

The review of the PSC and AGSA studies and conclusions from the analysis indicate that the root causes of public sector concerns have not yet been properly investigated, evaluated or discussed (Fourie and Poggenpoel, 2017:173). The subsequent section discusses the OCPO and its role in SCM reform in South Africa.

4.12.4 The Office of the Chief Procurement Officer and SCM Reform in 2015

This study explored corruption in public procurement and aimed to observe the South African public procurement system and processes. The introduction of various legislative frameworks in the financial and procurement environments propelled

changes in how Government should regulate the procurement of goods and services. The PFMA, No. 1 of 1999 and MFMA, 56 of 2003 aim to tighten financial control, reduce corruption and maladministration, and promote accountability (Fourie, 2015:38). Because of the last reforms, controlling bodies of each organ of the state must conduct a risk assessment and implement a fraud prevention plan following the risk assessment.

PFMA and the MFMA stated that departments, entities' accounting officers, and accounting authorities are responsible for all SCM activities. Their responsibilities include developing SCM policies and management systems, staff training and development according to the national supply chain framework. Critically, it is required for them to adhere to national supply chain norms and standards and report compliance.

In agreement with the PFMA and the MFMA, the public sector SCM system are guidelines for a public institution on how to procure goods and services and also allows managers to manage public funds (National Treasury, 2015:7). The PFMA and MFMA can be centralised at the operational level of the department and included in the Accounting Officer Systems of public institutions. SCM across South Africa is highly fragmented and rarely achieves the desired outcomes stipulated in the Constitution and PPPFA. This fragmentation of the SCM processes in South Africa impedes Government from obtaining maximum value for money during buying processing of goods and services and improving the skill levels of procurement specialists.

The OCPO is in National Treasury, collaborating with all government institutions, and is tasked to modernise and oversee the South African public sector SCM system. This office ensures that goods, services and construction works are procured in a fair, equitable, transparent, competitive, and cost-effective manner, in agreement with the Constitution and all relevant procurement legislation (Mafukata, 2015:89). The OCPO was established owing to the enormous challenges experienced by individual government departments, municipalities and public entities. These challenges include corruption and a lack of skills and capacity.

Government has a significant role in accelerating and promoting local industry and black economic empowerment (Gordhan, 2014:28). The effectiveness of the OCPO in

addressing some anomalies associated with public sector procurement, such as corruption, remains to be ascertained (Munzhedzi, 2016:6). The OCPO is in the National Treasury and is primarily there to design and implement an adequate Information and Communication Technology (ICT) system.

The functions of the OCPO are to formulate and advise on policy, administer national legislation, and ensure that policies and legislation are implemented in an appropriate, consistent and systematic manner (SCM Report, 2015:10). Besides the above, the other strategic functions of the OCPO are to:

- assess the performance of accounting officers and accounting authorities concerning adherence to SCM regulations, Treasury instructions, guidelines, policy, norms, and standards.
- determine the efficiency of procurement.
- determine the effectiveness of implementing Section 217(2) policies, which provide for preference in the adjudication of contracts and advancement of persons or categories of persons disadvantaged by unfair discrimination.
- support other socioeconomic objectives (SCM Report, 2015:10).

The other functions are:

- prescribe the scope of goods, services and construction work to be contracted nationally through a national SCM system.
- prescribe the process for procuring high-value goods, services and construction work.
- ensure transparency with an effective data management system.
- support accounting officers and accounting authorities in conducting national SCM and procurement policies, regulations, instructions, and guidelines.
- sanction non-compliance with national SCM and procurement policies, regulations, instructions, and guidelines.
- regulate procuring and contracting options, bidding, and contract documentation.
- monitor how SCM policy is implemented concerning development objectives, value for money and delivery methods.

- establish a national database of suppliers, service providers, and contractors, including targeted business enterprises.
- develop and implement a code of conduct governing suppliers.
- develop and implement a code of conduct governing public sector officials, including political office bearers in SCM.
- sanction private and public sector transgressors who abuse the public procurement system.
- implement a dispute resolution system, including dealing with reports by the public of abuse of the public procurement system (Public Sector SCM review Report, 2015:10).

The OCPO has the vital function of regulating procurement in South Africa. Although the OCPO aims to uncover corrupt practices in public sector organisations, limited progress has been made in creating a clean and transparent government. Owing to capacity challenges, such as budget and adequate staff in the OCPO, investigation of reported corrupt cases cannot be pursued (National Treasury, 2020).

Several reports in the media alluded to corruption in state-owned enterprises (SOEs). The OCPO has not been proactively helping to investigate corrupt practices. When there are corruption cases, such as manipulation of procurement processes in Eskom, the OCPO does not proactively implement to address procurement deviations. Other challenges are the OCPO lacks the expertise to investigate corrupt and fraudulent practices and instead refers these cases to law enforcement agencies (Manyathi, 2019:116).

The OCPO must execute this mandate in these functional areas:

- governance of the procurement system.
- monitoring and compliance of SCM.
- SCM client support.
- strategic sourcing initiative.
- policy, norms, and standards.
- contract management.

- ICT: e-procurement data management (Republic of South Africa, 2015; SCM Report, 2015:10).

An intergovernmental oversight and support system will be implemented. Following Section 216 of the Constitution, Section 6 of the PFMA and Section 11 of the MFMA, the OCPO will oversee the implementation of the SCM systems of national departments, national public entities, state-owned entities, and the top 17 municipalities (National Treasury, 2015:16).

A part of the public sector SCM reform is a reporting framework developed to streamline procurement processes. Second, creating a central database of service providers, individuals, and companies is a critical element to minimise the manipulations of procurement processes, which leads to corrupt practices in state organs. The OCPO is filling a critical post to perform the abovementioned functions (SCM Report, 2015:17).

The successful revamp of the SCM processes is a critical factor in the combat against corruption. The OCPO has been publishing reports on the state of the public procurement system since 2016. These reports reflect the progress regarding constructing the commerce platform, central supplier database, data and e-tender portal. These offer welcome opportunities for generating rich data about this system utilisation and backup challenges. The electronic systems used to procure goods and services presented options to the OCPO by communicating challenges to end-users in public institutions.

They note the unintegrated and deteriorating character of Government's broader information technology systems, most prominently BAS (the accounting system), PERSAL (personnel), and logistics (LOGIS). These are complex because of a lack of integration. The OCPO did not indicate the data it collects and whether plans are implemented to address unintegrated public procurement systems. The subsequent section discusses the role of the Public Protector in investigating corruption in public procurement.

4.12.5 The role of the Public Protector to investigate corruption in public procurement

The role of the Public Protector is to investigate cases of fraud, corruption, and maladministration in South Africa. This role of the Public Protector is documented in Section 182(1) of the Constitution of South Africa. This section stipulates that the Public Protector can investigate any conduct in state organs or Public Administration, alleged or suspected to be improper or cause any impropriety or prejudice; report on any corrupt conduct, and implement remedial action when corrupt cases are detected. In line with Section 182(1), the Public Protector, as the highest administrative oversight agency, has the authority to investigate, report on and correct unlawful behaviour in all aspects of state government.

Anybody with a complaint can contact the Public Protector. In the South African context, various fraud and corruption cases were investigated in the organs of the state. The investigation capacity in South Africa should be strengthened to curb corruption. Moreover, the role of the Public Protector is to investigate, report and resolve alleged or suspected illegal behaviour in state matters, strengthen and maintain constitutional democracy and safeguard against political influences when recommending the findings in their reports (Mbiada, 2017:24).

Politicians interfered in procuring goods and services for personal gain and obtained lucrative government contracts. (Martin, 2013:18). The role of the Public Protector in the combat against corruption is an essential aspect of the combat against corruption and maladministration. The Supreme Court of Appeal described the institution as an “important defence against maladministration and corruption”, which “are capable of insidiously destroying the nation”. One reason for the excellent reputation of the Public Protector is that it is observed as a stronghold of democratic principles and the rule of law (President of the Republic of South Africa v Office of the Public Protector and Others (91139/2016) [2017]).

In 2016, the Public Protector’s published report, Derailed Report No 3 of 2015/16, of manipulating PPP, rules and prescriptions at PRASA, a public entity in South Africa, fulfils the constitutional mandate assigned to the Office of the Public Protector. The Derailed Report emerged after 37 complaints were lodged with the Public Protector to

investigate. The necessary remedial steps were made against individuals involved in alleged maladministration and associated unethical actions, including anomalies in recruitment, conflict of interest, nepotism, and human resources mismanagement, including victimisation of whistle-blowers by the company's chief executive officer (Mr Montana) and other officials at PRASA (Public Protector Report, 2016). The Public Protector investigates corrupt practices in state institutions. Therefore, the Public Protector's investigations and recommendations must be understood against this background.

Corruption, fraud and maladministration have been increasing in the most recent years in South Africa (Naidoo, 2012:26). public procurement corruption in the state's organs was reported in the mainstream media. It is the constitutional right of the public to approach the Public Protector to investigate the latter. As a Section Nine (9) organisation, the role of the Public Protector to investigate cannot be underestimated. The Public Protector is part of a network of oversight and accountability bodies, including the AGSA, PSC, the judiciary, financial intelligence centre, legislature, media, and society (Mantzaris, 2014:87). These bodies play a significant role in enforcing democratic values of good governance, the rule of law and life quality in South Africa.

Despite challenges of funding to recruit suitable staff members, the Public Protector issued reports reflecting maladministration at various state institutions. In these reports, politicians are implicated as significant individuals influencing the public procurement processes; for example, the relationship between former President Jacob Zuma and Cabinet ministers with the Gupta family (Desai and Vahed, 2017:17). During the presidency of Zuma, key political appointments were made to influence the procurement of goods, services and projects of the Gupta family. The former President of South Africa, Mr Zuma, has created an environment for corrupt practices, crippled key state institutions and jeopardised national security (Pauw, 2017:65). The Public Protector's *State of Capture* report and the thousands of leaked Gupta emails have painted a sordid picture of how the state, Government, the ANC; the president, was infiltrated and became an enabler of violating the country's sovereignty (Pauw, 2017:56). This has impoverished the nation, crippled vital public institutions and jeopardised our security.

With the newly appointed Public Protector from 2018 to 2020, the Corruption Watch (2019) emphasised an extraordinary level of professional incompetence. A lack of integrity led to the inability of the state to investigate corruption cases. During the former Public Protector's function in office, she did not only suffer displeasure from the public but suffered an extraordinary reprimand for a personal cost order imposed on her by the High Court (Corruption Watch Report, 2019:6).

4.13 ANTI-CORRUPTION INITIATIVES TO CURB AND PREVENT CORRUPTION

The South African legal environment has transformed radically since 1994. The Bill of Rights and other legislation established a legal environment to be perceived as free from corruption. The culture of secrecy is replaced with openness, transparency, democracy, and accountability. In the context of public procurement, these changes in the legislative mandate create a better environment to address socio-economic challenges and poverty. Introducing legislation includes the following, which makes it possible for the public to hold Government accountable for its actions:

- Promotion of the Access to Information Act
- Promoting the Administrative Justice Act
- The Competition Commission
- The AGSA
- The Public Protector
- The PSC.

It implies that hidden corruption is exposed through media reports and other channels. The Asset Forfeiture Unit, the Special Investigations Unit, and the NPA 2015 had limited successes in prosecuting and convicting corrupt individuals owing to the lack of political will to prosecute corrupt individuals. In 2020, a new NPA head was appointed to ensure the use of the evidence provided by the Zondo Commission for investigation purposes and in court cases.

Despite the legislation and various anti-corruption institutions and commissions to deal with corruption, corruption cases have significantly increased in South Africa (Lodge, 2017:404). Taylor and Raga (2014:220) assert that corruption is a complex

phenomenon. South Africa also has multi-agency initiatives to address the ever-increasing levels of corruption, especially in public procurement. The DPSA also compiled an anti-corruption strategy to address corrupt practices and implement measures to limit opportunities to engage in corruption.

The above approach is a whole-of-society attempt involving a law-abiding, ethical, responsible state, business, and society. It encourages citizens to hold leaders and organisations responsible. It envisions a society where all individuals have zero tolerance for corruption (Republic of South Africa, 2020). The anti-corruption task team, comprising the Special Investigations Unit, the NPA, the National Treasury, the Office of the Accountant General, the South African Revenue Services, and the Financial Intelligence Centre, are all partners in investigating the alleged corruption. This study attempted to establish whether the public procurement formulation and implementation of initiatives and policies at the state organs are weak or whether they are enforced.

There are definite reasons for the increase in corruption in South Africa. The framework to curb corruption in South Africa has three challenges (Republic of South Africa, 2003:23; Naidoo, 2013:523:543):

- Various institutions enforce anti-corruption measures but fail to address corrupt practices at an institutional level due to a fragmented approach relating to the prosecution and convicting of corrupt officials.
- Investigations in state organs regarding alleged corruption are slow and often with no conclusion.
- Disciplinary proceedings against public officials involved in corrupt practices, specifically in public procurement, are often unsuccessful (Brunette, Klaaren, and Nqaba, 2019:36). Public officials are afraid to report corrupt cases to the authorities owing to the fear of victimisation by senior officials and even suspension from the workplace.

Public officials are suspended at the state's expense, meaning they still receive a salary at home. Prosecutions and convictions of corrupt cases concerning the PFMA and MFMA are not pursued, and as a result, several officials are not prosecuted for corrupt cases. The code of conduct for parliamentarians is not enforced, but it

becomes a political battle. Public officials doing business with state organs are not fully prosecuted, and a declaration of interest during the bid process is not enforced. Therefore, a coherent and comprehensive response to corruption in public procurement is drastically needed in South Africa.

Despite the substantial number of institutions mandated to combat corruption, no single institution is identified with a clear mandate to educate South Africans or raise awareness about the influence of corruption on the economy. The collaborative approach with public society, business groups, trade unions, and community organisations are most suitable for raising awareness among South African citizens. The latter has the expertise, resources and capability to mobilise communities and combat corruption (National Planning Commission, 2013:89).

Notwithstanding the global obligations to establish an independent agency or agencies to combat corruption, little effort was made to create such a body. None of the aforementioned bodies is explicitly mandated to address corruption as their sole objective. The role of the Public Protector, the PSC and the AGSA is independent as “Chapter 9” institutions and is not primarily mandated to combat corruption (Republic of South Africa, 1996:104). Both the Public Protector and the PSC are confined to investigating corruption cases, such as maladministration, mismanagement of public funds and recommending remedial action.

A corruption strategy should be formulated and institutionalised to solve the challenges above. Such an institution should be adequately funded, have no direct link to the executive, be independent, be decisive, and be effective when action is needed. This initiative agrees with the OECD Report on Review of Model (2007:12). The OECD report emphasises that a legal foundation of anti-corruption agencies must be spelt out:

An anti-corruption institution should have a clear legal basis governing the following areas: mandate, institutional placement, appointment and removal of its director, internal structures, functions, jurisdiction, power and responsibilities, budget, personnel-related matters, special provisions, relationship with other institutions in the anti-corruption sphere, accountability and reporting. Certain success factors are required to make

this a reality, such as political will and support for the agency (OECD Report, 2007:22).

The role of the anti-corruption agency cannot be underestimated. For example, the Corruption Watch, a non-profit group, was founded in January 2012. They depend on the people to report corrupt practices in the public and private sectors. They use the reports, such as the Public Protector's, the Zondo Commission and Court cases on corruption as an essential source of intelligence to confront corruption and keep politicians responsible for their actions. The subsequent section discusses the NDP and corruption in public procurement.

4.13.1 The National Development Plan and corruption in public procurement

The focus of corruption, as postulated in the NDP, 2011 embodies that “corruption undermines good governance, including sound institutions and the effective operations of government” in South Africa (NDP, 2011:20). The country needs an anti-corruption system that “makes public servants accountable, protects whistle-blowers, and closely monitors procurement” (NDP, 1998:24). The NDP articulates that the 2030 vision for South Africa will be “a society in which citizens have the confidence and knowledge to hold public and private officials to account and in which leaders have integrity and high ethical standards” (NDP, 2011:24). The role of the anti-corruption agencies is pivotal to the resources, independent from political influence and power to investigate corruption. In response to the 2030 vision, the NDP stipulates the following four priorities:

- build a resilient anti-corruption system;
- strengthen the accountability and responsibility of public servants;
- create a transparent, responsive, and accountable public service; and
- strengthen judicial governance and the rule of law (National Development Commission, 2014:153).

Implementing anti-corruption measures in South Africa is critical for its 2030 vision. The NDP intends to address and diagnose elements of corruption in South Africa, more specifically in public procurement, presenting a threat to the people. The NDP asserts that anti-corruption agencies' successful establishment and role is a

mechanism to conduct corruption (Republic of South Africa, 2012), for example, the Public Protector, as discussed.

Within the South African context, corruption is committed for various reasons. The anti-corruption agencies should be independent of political influence to ensure public procurement processes are not manipulated for personal gain by using public goods and services to channel corrupt practices. Manipulation of various procurement processes became a challenge (Fourie, 2015:34). For example, the political elite in South Africa manipulates the procurement processes of key public institutions for private gain and self-enrichment.

In South Africa, the State Capture Report (2014) illustrates how leaked emails of the Gupta's painted a gloomy picture of the extent of state capture by the political elite (Public Protector Report, 2014). The infiltration of the procurement processes of the public institution began by appointing politically connected individuals in the position of massive influence concerning the appointed individual as the driver of corrupt practices in public institutions. They violated the public procurement processes, leaking confidential information relating to bid information to the service providers.

The NDP also emphasises the need for a differentiated approach to public procurement in South Africa (National Development Commission 2014:24). Buying stationery for office use differs from that of an extraordinarily complex and specialised medical x-ray machine or from commissioning building a school. The purchase of stationary entails the procurement processes of obtaining written quotations based on the procurement of the goods; with medical x-ray machines, technical specifications are required by the line function of the public institution. Besides the differentiation between high technological equipment and simple purchase of stationery, public sector SCM systems need to be robust, transparent and intelligent to allow for the correct required approaches for such different forms of procurement (Republic of South Africa, 2015:17).

4.13.2 Audits and supervisions capabilities

The National Treasury, established in Chapter 13 of the Constitution, must promote and enforce transparency and effective management regarding revenue, expenditure,

assets, and liabilities in each sphere of government. Concerning Section 5 of the MFMA, the National Treasury must promote good budgetary and fiscal management by municipalities and, for this purpose, monitor implementing municipal budgets, including their expenditure, revenue collection and borrowing. The National Treasury, in the context of the MFMA, can investigate any system of financial management and internal control in any municipality or municipal entity.

The National Treasury can recommend improvements and take appropriate steps if a municipality or municipal entity commits a breach of the MFMA, including the stopping of funds (Munzhedzi, 2014:45). Compliance with the MFMA is the first step to ensuring that municipalities mitigate corruption risks in public procurement. The leaders' role is essential to ensure continuous audits are conducted to detect non-compliance and corrupt practices at public sector organisations in South Africa.

Concerning Sections 62 and 95 of the MFMA (2003), accounting officers are entirely responsible and should be held accountable for any expenditures relating to SCM within their line of responsibility. Any expense incurred should be subject to appropriate regulations. The accounting officers are responsible for developing and implementing directives and procedures to curb the misuse of public funds.

Guidelines issued by the National Treasury will provide the parameters to ensure uniformity within the SCM system. Each accounting officer is responsible for implementing the SCM policy adopted by the Council (National Treasury 2015:6). The accounting officer may develop an implementation plan to manage the SCM policy implementation.

Concerning the policy of the municipality/municipal entity, the Council must establish the SCM Unit. The accounting officer will ensure that the SCM Unit is adequately staffed. A parent municipality and a municipal entity under sole or shared control may establish a joint SCM unit to implement their respective SCM policies (National Treasury, 2015:6). SCM is an integral part of financial management, and the SCM Unit should preferably operate under the direct supervision of the chief financial officer.

Departmental SCM units in all spheres of government entities (national, provincial, and local) should ensure clear lines of authority, accountability, and performance criteria

that will contribute towards minimising risk and improving sourcing procedures and processes while enhancing asset and inventory management.

4.14 ADDRESSING INCREASING LEVELS OF CORRUPTION IN PUBLIC PROCUREMENT

Corruption can arise from an ineffective and silo approach to policy implementation strategies or inefficient institutions to collect bribes from individuals seeking avenues to circumvent procedures and prescribes (Sequeira and Djankov, 2014:430). For example, companies and truck drivers pay bribes to public officers at entry points for illegal access to South Africa at SOEs, such as Transnet. Appolloni and Nshombo (2014:17) posit that “a skew income distribution that discriminates against the majority may increase the temptation to make illicit gains”. South Africa has one of the most skewed income distribution levels globally (Van der Berg, 2011:3). Greed, lawlessness and pure evil actions caused corruption in public procurement.

4.14.1 Measurement of procurement corruption in South Africa

Three widely used scientific measurements of corruption can apply to corruption in the procurement sector. Farida and Ahmadi-Esfahani (2006:15) assert that (1) the general perception methodology, (2) the incidence-based methodology, and (3) the transparency international expert evaluation methodology are methods that hold value in achieving the goal of estimating the spread and mapping of corruption. The first relies on the media coverage of corruption. Analysing the transparency global expert evaluation measure, procurement corruption in South Africa is reflected in the daily reporting of alleged corrupt practices in public procurement in the media.

4.14.1.1 Administrative measures

Administrative measures in procurement-related corruption include obtaining government support to drive processes and systems to deal with the threats and vulnerabilities of corruption. These measures include anti-corruption legislation to curb corruption. Applying financial management in the public sector as a regulatory measure is subjected to accounting principles and audit requirements. Public sector financial management controls corruption in public procurement (Castellano, 2016:403). Zadek, Evans and Pruzan (2013:17) state that public sector financial

management attempts to establish accountability concerning results and not merely a process. The audit requirements, as stipulated in the PFMA and the MFMA, aim solely to identify and address areas of non-compliance with public finance regulations.

Besides the foregoing, the following can be used as control mechanisms to combat corruption in public procurement:

- stringent financial controls;
- adherence to regulations;
- the role of internal control measures regularly; and
- increased supervision of public officials' work outputs (Williams and Quinot, 2008:248).

The conflict of interest between officials and bidders in public procurement is one of the most important administrative measures to curb corruption (Engelbert, Kaltenborn and Reit-Born, 2016:67). The rotation of procurement officials within various sections of public procurement aims to prevent the formation of relationships with bidders from being implemented. Another measure is the contractor's role in engaging in corrupt practices during the public procurement process. In South Africa, administrative measures refer to signing conflict of interest agreements while evaluating a bid. These measures include the rotation of procurement officials to prevent the formation of relationships that may lead to corruption and the segregation of duties (Williams-Elegbe, 2012:09).

4.14.1.2 Regulatory measures

Regulatory measures in this study comprise the legislative framework and regulations that Government adopts against corruption. These include legal, criminal and public penalties for violating anti-corruption legislation enforceable in public and private sectors (Gourdon, Bastien and Folliot-Lalliot, 2017:46; Williams and Quinot, 2008:248-256). The Prevention and Combatting of Corruption Activity Act of 2004 stipulate that a fine or jail sentence can be imposed if a person is found guilty after a criminal trial. On a departmental level in South Africa, a public official involved in corruption will be disciplined internally by applying labour relations legislation. Externally, prosecution

action entails criminal charges as articulated in the Prevention and Combatting of Corruption Activity Act of 2004 (Republic of South Africa, 2003:1-19).

Public officials can be removed from employment should they be found guilty of violating internal and external legislation and procedures. The other regulatory measures are the blacklisting of contractors owing to unethical conduct to prevent future participation in government bids (Williams and Quinot, 2008:249; Legodi, 2017:23). This can lead to the disqualification of contractors from future and prospective bids. However, the debarment of the supplier is not also successfully applied in public sector organisations owing to the extensive process of reporting such non-compliance to the National Treasury.

The list of debarred suppliers is not constantly updated. The public official involved in corrupt practices and maladministration is not swiftly dismissed owing to lengthy internal labour relations processes (PSC Report, 2017:4). In creating a conducive environment for bidding for contracts, the considered legislative requirements are also important regulatory measures. The public procurement environment is competitive, and contractors are easily tempted to become involved in corrupt activities (Mantzaris, 2014:45).

The Constitution of South Africa (1996) stipulates in Section 217(1) that public procurement should be transparent, competitive and cost-effective. These requirements include that all contracts should be publicly advertised to enhance transparency (National Treasury, 2014:13). The former apartheid regime withheld information from previously disadvantaged individuals to participate in the economic activities of South Africa.

The value for money principle, as one principle of public procurement, is vital to ensure that the desired outcomes of the bidding process about value for money are achieved (National Treasury, 2015:23). In the South African context, transparency, competitiveness and cost-effectiveness are regulatory measures solely directed towards anti-corruption measures in public procurement. Creating an environment where corruption cannot thrive is critical to curbing corrupt practices in South Africa.

4.14.1.3 Social measures

The media plays a significant role in the societal measures of exposure of corruption in public procurement. Society displays dissatisfaction toward corruption, leading to shame and ridicule. Williams and Quinot (2008:248-256) warn that social sanctions are hardly used as major devices against corruption since they are fundamentally informal and disorganised reporting mechanisms. Equally, reporting corruption in public procurement might accompany limited use of regulatory devices, for example, that the names of persons involved in corruption are exposed and published in the media. There is no control regulatory framework concerning prosecuting alleged corrupt officials; the media can be used as a judge.

For example, in the Philippines, the names of corrupt government officials are published in the public media (Williams and Quinot, 2008:248-253). It promotes openness and transparency in the public procurement system. The blacklisted service providers, as stipulated on the National Treasury's database, are prohibited from conducting any business or obtaining procurement contracts from Government until their names are cleared through a vigorous process (National Treasury, 2015:34). This information becomes public knowledge. It may lead to the service provider not receiving any procurement contracts from Government. Strategies to prevent and curb corruption in public procurement are discussed in the subsequent section.

4.15 SYNTHESIS OF CORRUPTION IN PUBLIC PROCUREMENT IN SOUTH AFRICA

As aforementioned, the prevalence of corruption, particularly in public procurement, continues to increase unabatedly in South Africa. On a conceptual level, corruption alludes to the abuse of entrusted power for private benefit. Corruption in public procurement has a detrimental effect on human development and stifles growth prospects in South Africa.

Historically, the transformation entailed moving from a corrupt system of the apartheid era of governance to one where principles of accountability and transparency are entrenched. Flowing from the transformation process, desperation ensued for a positive developmental state in South Africa. Despite these positive developments in

the economic and other sectors, corruption remains a challenge. Within the global context, corruption is prevalent in all societies and the organs of the state. Bracking (2018:12) mentioned that in South Africa, the increase of corrupt cases at state institutions is raising red flags and the citizens to act against corrupt executives (Bracking, 2018:12). The Constitution of South Africa promotes the value of equality; however, the scourge of corrupt behaviour, as reported in the media, continues to oppose Government's constitutional mandate.

Corruption harms economic growth. Social scientists and researchers grappled with the effect of corruption on the democratic governance of South Africa (Adetiba, 2016:67). This study aimed to determine a relationship between corruption and weak procurement policies, focusing on the public sector. Corruption can arise because of bad procurement policies or inefficient institutions to prevent the collection of bribes from individuals, either public officials or politicians seeking to avoid them (Djankov, LaPorta, Lopez-de-Silanes and Shleifer, 2008:430-265). Corruption emerges once procurement laws and regulations are violated to benefit an individual or group of individuals against the public interest and need of internal service providers.

Sound legal frameworks for public procurement and anti-corruption are important in curbing corruption. Both are prerequisites for a transparent, competitive and objective procurement system. Respect for the rule of law is essential. Experience has indicated however, that legislation alone cannot prevent corruption in public procurement. Here, corruption in public procurement would barely exist in countries with well-developed legal and prosecution abilities to deal with corrupt practices; for example, on the UNCITRAL ML or the EU Directives (UNODC Report, 2012:24).

Important decisions, such as approving tender documents, the decision to reject a bid, or the decision to award a contract to a particular bidder, should be made by more than one person; a process that includes several informed stakeholders could also be used (UNODC Report, 2013:25). Within the South African context, and before approving a bid, various committees should be incorporated, such as the bid specification, evaluation or adjudication committee. The head of the organ of state at the national, provincial, or local level finally signs the successful bid for the conclusion with the successful service provider.

As anti-corruption initiatives globally gain momentum, there is a mechanism for fighting corruption—debarment or blacklisting of corrupt or unqualified contractors and individuals—emerged as an especially noteworthy device (Weilert, 2016:216-240; United Nation's Report and Procurement, 2011:26). The alternative model employed by the World Bank (WB) in its sanctions system is much more focused. Under this approach, the reviewing officials act in an adjudicative manner. A formal determination must be made as to whether this contractor has committed acts that qualify as grounds for debarment under a specific list of prohibited acts (Williams-Elegbe, 2013b:21). The EU legislation and directives, to illustrate, do not provide for a debarment regime but an ad-hoc approach of exclusion. Each procuring entity has to determine, case-by-case, whether a particular company is suitable and reliable or should be excluded from a public tender procedure (Weilert, 2016:216-241). Hjelmeng and Søreide (2014:3) posit that “the WB debars suppliers were found guilty in collusion, but this is not among the offences listed in the EU legislation. And, while some policymakers prefer lists of firms to be mandatorily debarred, others consider the question of debarment on a case-to-case basis”.

Suspension or debarment from public contracts is an effective device in the combat against corruption (Auriol and Søreide, 2017:3). Depriving private companies of the opportunity to do business with Government is inclined to be one of the strongest deterrents for future wrongdoers. It ensures that Government does not contract with those contractors lacking effective internal controls (United Nations Report and Procurement, 2011:24). In South Africa, global instruments against corruption are essential, as procurement is a major sphere of government activity. Procurement involves large sums of money. Principles provided by the United Nations and the EU can be useful to minimise corruption in public procurement. The maintenance of transparency, competitiveness and efficient procurement systems are key measures in the combat against corruption.

4.16 CONCLUSION

This chapter focused on Research Objectives 2 and 5 – reporting on the ability of public procurement policies to curb corruption at public institutions by identifying, collecting and perusing literature on public procurement legislation and policies and

corruption to analyse public procurement policies in the South African context. This chapter discussed the historical development of public procurement policies in South Africa. More attention is provided to the public procurement formulation and implementation processes. It became clear in this chapter that public policy is an important part of the public procurement process.

This chapter also described the sections of legislation regulating public procurement in South Africa. The legislative framework provided a better understanding of what role the organs of the state should play. Key procurement principles are discussed in the Constitution of South Africa, the PPPFA, and other applicable legislation. The strengths and weaknesses of the PPPFA and B-BBEE Act are discussed. The roles and responsibilities of the anti-corruption agencies are explored. The AGSA and the Public Protector in Chapter 9 organisations (as stipulated in the Constitution) have a role in identifying and investigating corruption and maladministration in public procurement. In this chapter, the role of the OCPO is discussed.

This chapter also discusses the role of law enforcement agencies and Chapter 9, institutions in curbing corruption. The legislative context where the PFMA requires bid invitations, MFMA, SCM Regulations, PPPFA, and the B-BBEE Act can be complex, misunderstood, or misinterpreted, with costly implications identified. Public institutions suffer the consequences of ineffective and non-compliant bid specifications, causing delays in the delivery of goods and services and pressuring the operationalisation of procurement processes.

The reputation of organisations is at risk. Auriacombe (2019:12) asserts that poor management and performance of processes harm economic growth and development in South Africa. The adherence to procurement policies and operationalisation of the legislative framework in South Africa will mitigate the risks of corruption in the public procurement environment. The next chapter deliberates and explains the research methodology applied in this study.

CHAPTER 5: RESEARCH METHODOLOGY

5.1 INTRODUCTION

This chapter introduced the methodological basis of the study. It is divided into two parts. The first section elaborates on the questions on the philosophy of science and what they mean for investigating public procurement policy.

This chapter discusses the research design and methodologies employed in this study. The focus is on the research paradigm, research design, scope, sample, data collection, and data analysis methods applied in this study. The chapter begins with contextualising the research paradigm. Thereafter, it presents the research design and the rationale, supporting the design choice employed in the study. This chapter chronologically explains the data collection process followed to collect the data used in the study. The methodology applied in analysing the diverse data obtained through interviews, documents, surveys, and evaluations is also chronologically presented in this chapter.

This chapter also aims to explain the statistical approach and techniques employed, serving as a basis or model of how the researcher perceives the world. The perception enables the study to answer the research questions based on empirical evidence. The study research design attempted to measure the influence of dependent variables on the independent to establish an answer to the questions in Chapter 1. Corruption, public procurement policy development and implementation are the main themes of this research. The research design is further classified as empirical, quantitative and qualitative.

Establishing a solution to the research problem involves the research methodology. The research methodology employed in this study is numerically oriented, comprising primary data by organising and analysing the data, applying select statistical techniques. The statistical techniques entail descriptive statistics to summarise and organise the secondary data effectively and orderly. Crucial in this study was the identification of variables. The variables were employed and manipulated using bivariate and multivariate techniques to establish relationships and answer the research questions. The main question in the study was to determine whether

procurement policy mechanisms prevent corruption within the South African context by obtaining opinion and expert insights from public procurement managers employed in national, and provincial departments, including municipalities.

The second part of the chapter concentrates on the design and implementation of the primary research phase of the study. The research objectives and the questions that flow from it are articulated in Section 2.1. In Section 2.8, the data collection methods are explained. The strengths and weaknesses of the research methods are enumerated. Justification is provided for identifying the case study approach as the most appropriate method for this study.

SECTION 1- METHODOLOGICAL PROCESSES

5.2 PHILOSOPHICAL ORIENTATION OF THE STUDY

The study aimed to establish a solution to the real problem, indicating corruption in public procurement in public administration. The researcher's philosophical worldview is a pragmatic paradigm (Ngulube, 2015:345). The pragmatic paradigm is a way of thinking, focusing on what works rather than what is absolutely and objectively true or accurate. The assumption is that social inquiry might reach truths about the real world through a single scientific technique (Kelly and Cordeiro, 2020:23). This implies emphasising a social phenomenon from multiple worldviews and perspectives.

Over three decades ago, Morgan and Smircich (1980:491) pointed out that social inquiry embodies philosophical assumptions about knowledge or the nature and existence of social reality (ontology). This includes identifying that knowledge and ways of knowing (epistemology) are a paradigmatic research base in a subject field. A paradigmatic research base entails a clear vision of paradigms or worldviews to be held by the researcher, providing philosophical, theoretical, instrumental, and methodological foundations (Žukauskas, Vveinhardt and Andriukaitienė, 2018:12).

These are the foundations on which social research is framed. Philosophical assumptions assist researchers in choosing the problems to study, the questions to direct, and the theories to produce valid knowledge. Creswell (2014:31) refers to these philosophical assumptions as worldviews. The ontology of pragmatism concerns the

effectiveness of the quantitative or qualitative approaches rather than establishing the “true conditions in the real world” situations (Robson and McCartan, 2016:35).

Based on these observations, the ontological assumption about corruption and public procurement reality is the observation that public procurement policies at state organs include anti-corruption elements. Should these procurement policies not be updated or amended, the anti-corruption initiatives will be ineffective in curbing corruption. Ontology entails the nature of reality and what there is to know about the world. The ontological science concern is whether a social reality exists, independently perceived by individual conceptions and interpretations, or whether a shared social reality occurs.

Scholars observe a paradigm as synonymous with the theoretical framework, contending that it influences how knowledge is studied and interpreted (Brannen, 2017:3-37). For example, in employing a paradigm in scientific research, such a paradigm is determined by the intent, motivation, objectives, research questions, and expectations for the research (Parvaiz, Mufti and Wahab, 2016:67-79). Paradigm is vital as the first step of research to establish the methodology, methods, literature, or research design that should be employed (Brannen, 2017:35).

The scientific research paradigm is a broad structure that includes people's perceptions, beliefs and awareness of various ideas and procedures in scientific research. The scientific research paradigm is also defined by a step-by-step process that includes multiple stages. After completing the processes mentioned above, the researcher links the study objectives and questions (Žukauskas, *et al.*, 2018:12). The research philosophy is interpretivism and entails engaging the participants. The interpretivism research philosophy is mainly used during qualitative studies through interviews, observations and document analysis. The research is based on these principles; therefore, it is difficult to understand the social world.

This study took a realist approach and had various intentions to investigate the public procurement policy in South Africa. This indicates that the public procurement systems (the policies that govern it and the behaviour of its leading actors) exist as a single, independent reality. From a philosophical perspective, this study did not create or alter

the existence of public procurement; instead, the reality of public procurement exists outside the study.

On the objectives of this study, the object of inquiry-public procurement policy and corruption at national, and provincial departments, including municipalities in the Western Cape are identifiable and were empirically observed and measured. The functioning of public procurement systems and behaviours of the public procurement officials and service providers is understood through empirical generalisations or regularities. The research approach is discussed in the subsequent section.

5.3 METHODOLOGICAL ORIENTATION

This section of the study describes the methods used in the study, the participants involved in the study, the technique employed to generate the data and the process followed in conducting the research project. The research methods in the study are to plan procedures by composing the steps of broad assumptions to detailed methods of data collection, analysis and interpretation of the results. The subsequent section contributes to the discussion of the methods employed in this study. The quantitative, qualitative and mixed methods are explored, and justification is provided for their suitability for this study.

5.3.1 Research design

The research design in the study described how the quantitative and qualitative designs are mixed, and convergent parallel mixed-method research was applied. The unit of analysis, the research setting for the study and the participants are described next.

5.3.2 Quantitative method

Research designs are explicitly explained by Bell, Bryman and Harley (2018:76). Research design is an integral part of a research report and establishes a problem's solution. The research design is empirical; data were collected during interviews and surveys questionnaire. A quantitative approach usually uses numerical data and an analysis process to identify a relationship between the public procurement policy and corruption in South Africa. In this study, the quantitative paradigm was amplified with

the practice of independent variables to determine whether an explanation can be established about causal effects on public procurement policy. Using numerical analysis entails assigning numbers as quantitative indicators of corruption and fraud in public procurement policy. The indicators of the public procurement policy were used as a proxy to design the effects of corruption, with the dependent variable being the procurement policy. Therefore, identifying many variables that may describe causes and effects is embedded in the quantitative research design (Creswell, 2014:31). The survey questionnaire generated written data on the respondents' evaluation. This survey questionnaire was employed during the quantitative phase. The researcher hand-delivered or emailed copies of the survey questionnaire among the 53 procurement managers and officials in national, and provincial departments and municipalities in the Western Cape.

5.3.3 Qualitative method

During the qualitative phase interviews with procurement managers was used to collect the data. These interviews were conducted with 25 of the identified individuals employed in the public sector organisation in the Western Cape in South Africa. The interviews were supplemented by the review of public procurement policies at all the identified public sector institutions situated in the Western Cape province. The responses were received in written form and qualitatively analysed. All interviews were digitally recorded and transcribed verbatim.

5.3.4 Mixed-method research

The research employed both quantitative and qualitative methods. The researcher collected two types of data, indicating numerical and narrative. Numerical data-derived questionnaires are counted to measure the phenomenon (McNabb, 2015:67). Tashakkori, Teddlie and Johnson (2015:13) define the mixed methods research (MMR) as “the broad inquiry logic that guides the selection of specific methods and informed by conceptual positions common to mixed methods practitioners” (e.g., the rejection of “either-or” choices at all levels of the research process). This definition of the methodology used both quantitative and qualitative research methods.

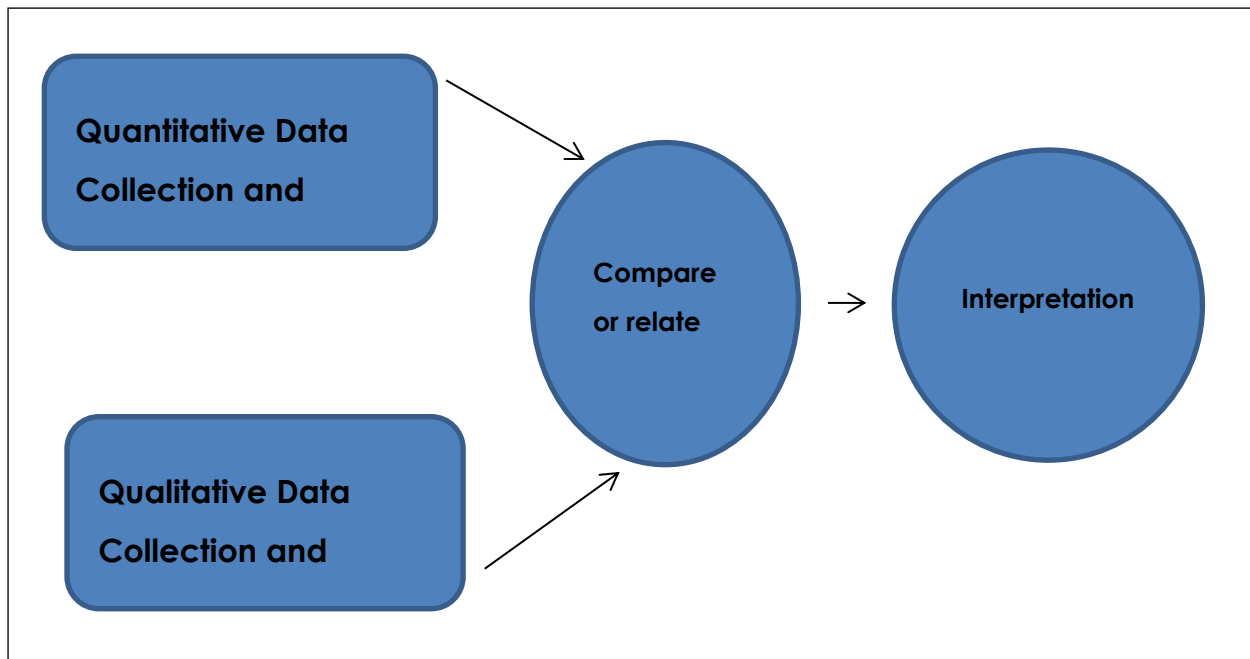
MMR is, therefore, in the realm of multi-paradigm as it employs both the positivist and interpretivist paradigms (Hesse-Biber and Johnson, 2015:145). The positivist approach is quantitative and uses surveys, structured questionnaires, government statistics, and data collection methods because they are reliable and representative. Interpretivism paradigms are qualitative and use methods like unstructured interviews or participant observation. Employing MMR gradually became more conventional. This resulted from a systematic approach to development and use beginning in the late 1980s (Timans, Wouters and Heilbron, 2019:195). Despite some continuing debate, MMR became increasingly recognised as an approach capable of uniting quantitative and qualitative approaches to creating the third paradigm. Some now observe it as a dominant paradigm in social research (Punch, 2013:42). The researcher sought to clarify and define the approach as employing mixed methods progressed. The need to differentiate the approach from previous paradigms was asserted (Laurie, 2017:145).

MMR comprises research that includes at least one qualitative and one quantitative method (Mayoh and Onwuegbuzie, 2015:91). While some observations support this description of mixed methods research, it is also noted that inconsistency in definitions exists (Tashakkori, Teddlie and Johnson, 2015:45). The MMR extends beyond the confines of triangulation, employing several research techniques in the same research design (Romm and Ngulube, 2015:56). In this study, the concurrent parallel mixed research methodology was used.

The convergent mixed-method approach is the most familiar of advanced mixed research methods (Creswell, 2013:267). It involves collecting and analysing two independent strands of quantitative and qualitative data in a single phase, merging the results of the two strands, and then looking for convergence, divergence, contradictions, or relationships between the two data sets. The MMR discusses the content aim of the study. A convergent parallel MMR design was employed. This design is where qualitative and quantitative data are collected in parallel, analysed separately, and merged. This study used quantitative data to assess the theory and predict whether the independent variables positively or negatively influence the dependent variables.

In the method mentioned above, the researcher collected quantitative and qualitative results and analysed them separately to establish whether the results were confirmed or disconfirmed. The combined results provided a complete understanding of the experience of public procurement managers relating to public procurement policy and corruption.

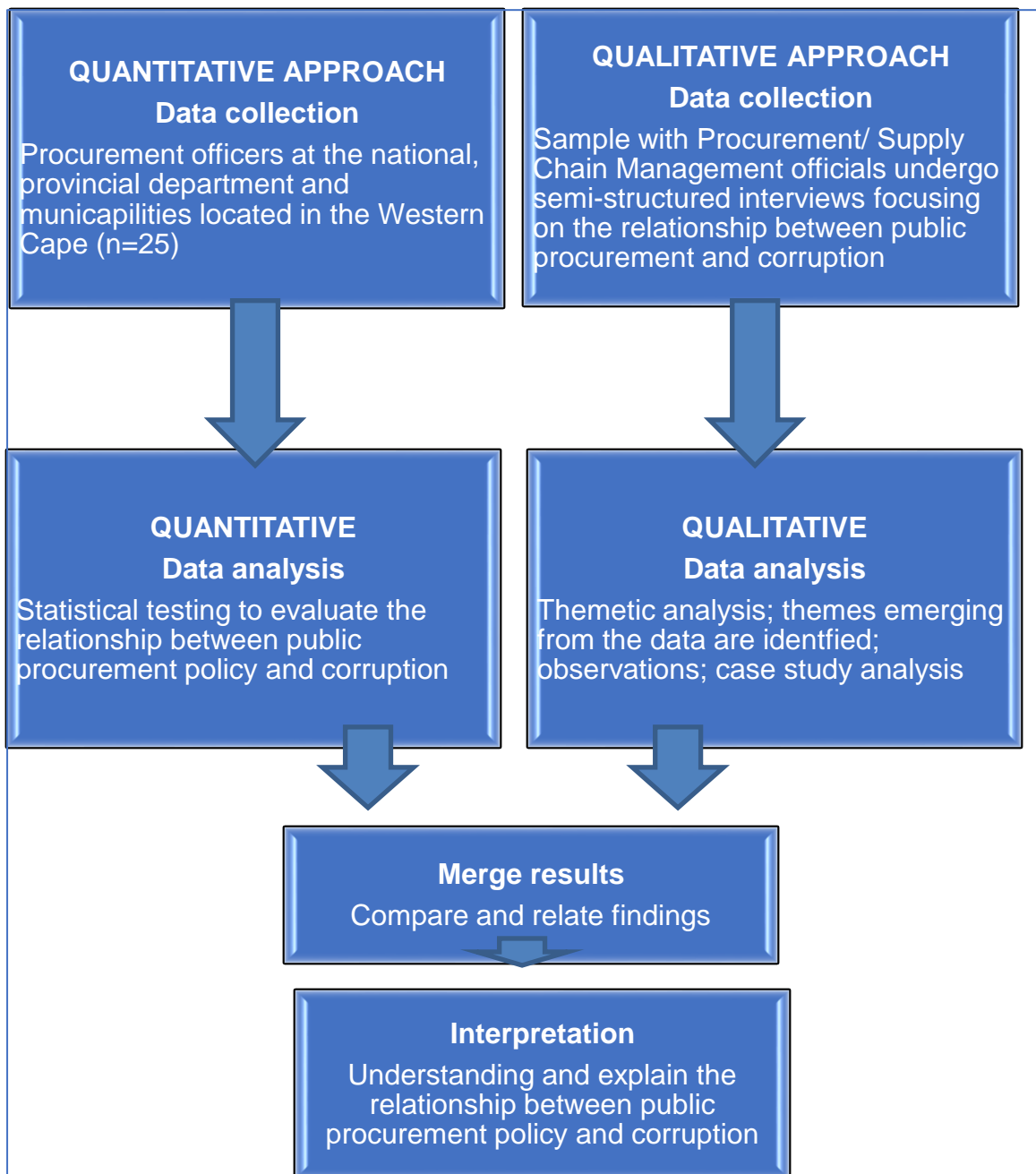
Figure 5.1: Convergent Parallel Mixed-Method Research Design



Source: Adopted from Creswell (2013: 268).

The mixed methods design for this study was a convergent parallel design. It involved collecting and analysing two independent strands of quantitative and qualitative data in a single phase, merging the results, and seeking convergence, contradictions, or relationships between the two data sets (Figure 5.1).

Figure 5.2: Convergent Parallel Mixed-Method Design



Source: Adopted from Ngulube (2015:140).

Applying both the qualitative and quantitative methods is called MMR, discussed in the subsequent section.

5.3.5 Justification of triangulation method

As aforementioned, this study employed both quantitative and qualitative research methods. Saunders and Bezzina (2015:297) assert these strategies can be grouped into eight factors indicating experiment, survey, case study, grounded theory, ethnography, action research, cross-sectional and longitudinal studies and exploratory, descriptive, and exploratory studies.

These research strategies were employed, combined with the triangulation method referred to and applied in this research. Accordingly, the quantitative and qualitative research method was used in the national and provincial department, including municipalities in the Western Cape. These results from the questionnaire, interviews and case study were combined and articulated to develop a model for the South African Government to manage corruption in public procurement.

This study employed triangulation of multiple data sources, such as interviews, questionnaires and literature, as crucial to combining qualitative and quantitative research methods. The study was, therefore, rigorously enhanced and reflects trustworthiness in the qualitative approach. Triangulation further ensured the validity and reliability of the quantitative approach. Palinkas, Horwitz, Green, *et al.* (2015:533-544) contend that triangulation also allows researchers to deal with phenomenon aspects thoroughly deal with phenomenon aspects deal with phenomenon aspects and increase the collected research data. Building on Denzin (2017:59), Cohen, Morrison and Manion (2017:107-144) outlined six types of triangulation:

- Time triangulation employs cross-sectional and longitudinal designs. Cross-sectional research collects data from a population at a single point, whereas a longitudinal study collects data from the same sample.
- Space triangulation employs comparative or cross-cultural approaches instead of researching one culture.
- Combined levels of triangulation involve more than one level of analysis (individual level, group level and organisational level).
- Theoretical triangulation employs multiple theories to explain research findings.

- Investigator triangulation employs more than one observer independent of the other.
- Methodological triangulation entails multiple methods.

This study used the methodological triangulation methods quantitative and qualitative research approaches. The triangulation of the survey ensured credibility. Triangulation utilises multiple sources in collecting data for a study and if an investigation is well triangulated, the study will “contain richness, depth, breadth, complexity and rigour” (Liamputtong, 2016:171). Hussein (2015:43) concurs that employing triangulation in social sciences research can increase the credibility of scientific knowledge by improving both internal consistency and generalisability by combining quantitative and qualitative methods in the same study. This study entailed both literature and empirical research components.

The nature and complexity of the research problem, research questions and related aims and objectives necessitated a purposeful research design to meet the requirements of these research intentions and outcomes. A mixed-method design was adopted with triangulation of multiple data sources (interviews, literature review, document analysis and questionnaires) to enhance the richness of the study. A mixed research design increased the scope and range of research to discuss the research problem and related research questions. The researcher contends that the MMR makes this study a suitable philosophical framework for further understanding the relationship between public procurement policy and corruption.

This research concluded from the information collected from existing statistics and empirical data obtained from interviews, questionnaires, and focus group discussions with respondents. This research methodology involved employing primary and secondary data and organising and analysing the data through selected statistical techniques. The result is useful in improving public procurement policy development and implementation. From the perspective of the purpose, the design of this research was supported by descriptive research on evaluation features.

5.3.6 Unit of analysis

The unit of analysis of this study was the South African public sector. The study analysed the policy procurement policies of national and provincial departments, including municipalities in the Western Cape, South Africa. Public procurement policy development and implementation processes and anti-corruption strategies were the focus. The reason for selecting the South African public sector is that the researcher was an employee of the South African public procurement discipline for several years and has first-hand experience in public procurement policies and prescriptions.

It, therefore, took less time and resources to collect empirical data. Twenty-five (25) procurement managers and officials employed by national, provincial, and municipalities in the Western Cape were selected to participate in this study. Corruption and anti-corruption are highly noticeable phenomena in South Africa. This study, therefore, aimed to investigate whether the public procurement policies of the department include anti-corruption measures.

5.3.7 Observation unit

Various observation units (data sources) were used to analyse the public procurement policy process in South Africa. The observation unit is the national, and provincial departments, including municipalities in the Western Cape, South Africa. The population in this study was 25 public procurement managers and supervisors employed in the government mentioned above departments and municipalities (Section 1.8). It is expected that data collected for this unit of observation can provide an answer to the research questions. A considerable portion of the research material was obtained from government literature.

5.4 POPULATION AND TARGET POPULATION

Sampling aims to select a representative set of individuals from a target population in the research. The latter requires that the target population be operationalised as a sampling population. A sampling population comprises those final sampling units in the target population with a positive, non-zero probability of being selected as a sample (Rubin and Babbie, 2016:67). Therefore, sampling provides a practical data

collection method, especially when the population is large or complex to access Bryman (2016:11).

A sample must, therefore, reflect the population. This contributed to the validity derived through the study, reflecting how the sample is distributed through the selected population. Bless, Higson-Smith and Sithole (2013:134) indicate the following good sampling procedures to conduct research:

- a well-defined population;
- an adequately chosen sample; and
- an estimation of how representative the entire population of the sample is.

Gentles, Charles, Ploeg and McKibbin (2015:1772) assert that the sampling theory assumes that inference of a condition can be made and drawn about a population from which the sample is taken. The aim of a study should determine some characteristics of a population and draw inferences about an unknown population by employing sample statistics (Bless, *et al.*, 2013:135).

Government in South Africa is divided into three spheres: national, provincial and local. Each sphere's responsibility is outlined in the Constitution. Governments of each sphere have a political and administrative arm. The political arm creates the laws and policies, while the administrative arm is the part of Government providing services and implementing the laws and policies. Citizens elect representatives to Parliament, the provincial legislatures, and the local councils. The National Government of South Africa comprises Parliament, Cabinet and various departments. In this study, the population is the three spheres of government in the Western Cape, South Africa.

South Africa has forty (40) national departments, with the head office in Pretoria and twenty-two (22) regional offices in the Western Cape. The target group selected comprised national departments' procurement offices in the Western Cape. Six national departments' regional offices in the Western Cape, including Parliament, were included as a sample in this study. Thirteen (13) provincial departments are in the Western Cape. Nine (9) of thirteen (13) were included in the study (Table 5.1).

The Western Cape comprises thirty (30) municipalities with one metropolitan municipality, five rural district municipalities, and 24 local municipalities. Ten (10) of the thirty (30) municipalities in the Western Cape were selected as a sample for this study.

Table 5.1: Sample Composition

Nr	Type organ of state	Population	Sample	%
1	National departments located regional offices in the Western Cape	22	6	27%
2	Provincial Department in Western Cape	13	9	69%
3	Municipalities in the Western Cape	30	10	33%
	TOTAL	65	25	

Source: Researcher

The research domain was the public procurement policy in the South African public service, specifically in national and provincial departments, including municipalities in the Western Cape, South Africa. The policy is formulated at the management level. Therefore, policies are also formulated at the managerial level in the public procurement field. The researcher contends that public procurement managers are, therefore, the most suitable population to obtain data to understand how policies are developed and implemented.

5.4.2 Population and sampling methods/design

Sampling is an efficient and effective method for studying a population. The common sampling designs are probability (simple random, systematic, stratified, and cluster) and non-probability (convenience sampling, purposive sampling, quota sampling)

(Suri, 2011:67). The population data of one province, the Western Cape, regarding corruption reporting, were used in the study. According to Hair, Page and Brunsveld (2029:181), "The research objectives and scope of the study are critical in defining the target population" (Hair, Page and Brunsveld, 2019). The sample is drawn from a list of national departments with a regional office in the Western Cape and provincial departments and municipalities also based in the Western Cape.

Although non-probability samples are considered more accurate and rigorous, sometimes, random sampling in applied social research is not feasible, practical or theoretically sensible. According to Ritchie, Lewis and Elam (2013:35), purposive sampling involves selecting units or groups of individuals and institutions based on a specific purpose for answering a research question. Given the nature of this study, it was more appropriate to employ a non-probability, purposive sampling method.

The target group is public procurement managers and officials employed in national and provincial departments and municipalities who are experts in the procurement processes in the Western Cape; therefore, they were selected to participate in this study. They provided expert advice on the development and implementation of procurement processes. Considering a specific plan and a defined required data set, the researcher approached the sampling problem with a non-probability sampling method (Creswell and Clark, 2017:36).

Table 5.2: Illustration of the Triangulation Research Approach

Triangulation Approach (Quantitative & Qualitative) Research Design					
<p>Research Design: Triangulation using a combined approach, indicating qualitative and quantitative, by statistical analysis and identifying themes. Supported by: Evaluative and a case study: Descriptive statistics followed by inferential statistics</p> <p>QUANTITATIVE & QUALITATIVE METHOD</p>					
Population Group	Target group	Sampling technique	Method of data collection	Method of data analysis	Method of Data Verification
<p>Population Group A</p> <p>Municipalities indicating:</p> <ol style="list-style-type: none"> 1. Hesseque, 2. Swellendam, 3. Overstrand 4. West Coast, 5. Saldanha 6. Swartland, 7. City of Cape Town 8. Witzenberg 9. Drakenstein 10. Mossel Bay 	Procurement Managers	Non-probability purposive technique	Interviews, questionnaires Document analysis	Statistical and content analysis	Reliability and validity; Dependability
<p>Population Group B</p> <p>Provincial departments</p> <ol style="list-style-type: none"> 1. Agriculture 2. Social Development 3. Environmental Affairs and Development Planning 4. Premier 5. Human Settlements 6. Education 7. Transport and Public Works 8. Provincial Treasury 9. Economic Development & Tourism 	Procurement Managers	Non-probability purposive technique	Interviews, questionnaires Document analysis	Statistical and content analysis	Reliability and validity; Dependability

Population Group C	Procurement, Managers and officials	Non-probability purposive technique	Interviews, questionnaires Document analysis	Statistical analysis	Reliability and validity
1. Parliament, 2. Rural development and land reform 3. Employment and Labour 4. SALGA 5. Correctional Services 6. Economic Development, Fishery and Forestry					

Source: Author's own

The procedure for conducting the study will be explained in the next section.

5.4.3 Procedure to collect empirical data

Appointments were scheduled for all SCM practitioners, better known as procurement managers or specialists, to complete the questionnaires. The researcher visited the SCM practitioners' offices, explained the study's purpose, and distributed the questionnaires. The advantage of the questionnaire is that the researcher was engaged in the process and could respond to questions from the participants. Brannen (2017:35) describes the interview process as a qualitative technique useful in the exploratory process. This approach was used to collect the data. It is a suitable research technique for an unexplored and sensitive subject.

Face-to-face interviews were conducted with the supply chain managers and the senior manager of the Forensic Investigation Unit using semi-structured interviews. Furthermore, extensive notes were taken, and all interviews were recorded. The officials mentioned above were informed that the interview was recorded, and consent was obtained. Extensive notes were also taken. Anonymity and confidentiality were considered as officials did not provide information if they feared disciplinary action or criminal sanctions. Respondents may also fear retaliation if they provide information.

The researcher was involved in the data collection, and no field workers were employed. Creswell and Clark (2017:45) argue that the researcher's involvement in

the interview process is to ensure that follow-up questions can be addressed. The data collection process was conducted from 1 June 2017 to 30 July 2020.

5.4.4 Targeted population

This study aimed to establish the relationship between public procurement policy and corruption. To fulfil this aim, the study employed a non-probability purposive sampling technique. Twenty-five procurement managers at the identified state organs, and national and provincial departments, including municipalities in the Western Cape, were included in the sample.

5.5 MAIN DATA COLLECTION METHODS AND MEASURING INSTRUMENT

The primary data collection devices selected for this study were interviews, content and thematic analysis, questionnaires, and case study. Data collection is a fundamental element of all research methods and devices with research strengths and weaknesses. The strengths and weaknesses of the data collection devices used in this research are discussed in these subsections.

5.5.2 Strengths and weaknesses of data collection tool

Qualitative interviews are an excellent way to collect detailed information from respondents. Interviews extract the information to answer the research questions or the “how?” of various phenomena. During the interviews, the researcher observed beyond those that a respondent is orally reporting. These observations include the respondent’s body language, and even their choice of time and location for the interview, providing meaningful data to the researcher. The location of the procurement office is remote from the general administrative office to allow minimal contact with procurement officials. Qualitative interviews are time intensive and costly (Brannen, 2017:37).

Besides qualitative interviews, other data collection methods were used. These methods are structured interviews, observations, document analysis, case studies, and surveys. Table 5.3 summarises the main strengths and weaknesses of each method considered for both the qualitative and quantitative methods.

Table 5.3: Strengths and weaknesses of data collection methods

No	Method	Strengths	Weaknesses
	Interviews	<p>Well-structured and easy-to-compare respondents' answers</p> <ul style="list-style-type: none"> - Can reach a large sample - Easy to replicate - Conducting an interview is relatively quick to conduct 	<ul style="list-style-type: none"> - Very rigid - Low flexibility in the respondent's choice - Challenging to obtain detailed data - Time-consuming and relatively highly costly
	Case studies	<ul style="list-style-type: none"> - Provides detailed information about individuals - Offer an excellent opportunity for innovation and change theoretical assumptions. - Can be a good alternative or complement to focus groups 	<ul style="list-style-type: none"> - Difficult to establish cause-effect connections - Hard to generalise from a few case studies - Ethical issues, especially confidentiality, may appear - Difficult to create a case study that suits all subjects
	Observations	<ul style="list-style-type: none"> - Collect data simultaneously with the event occurrence - Unobtrusive way, which is not dependent on someone's response - Flexible and oriented to knowledge discovery 	<ul style="list-style-type: none"> - Very time-consuming - Dependent on the observer's impartiality - Requires significant preparation - Difficult to collect data in real-time
	Document analysis	<ul style="list-style-type: none"> - Overcomes the difficulties of encouraging participation by users - There are few costs involved other than staff time 	<ul style="list-style-type: none"> - Not suitable to evaluate user opinions, needs or satisfaction with services - Some documents may be sensitive and not publicly available - Requires investigative skills

No	Method	Strengths	Weaknesses
	Surveys	<ul style="list-style-type: none"> - Low development time - Cost-effective - Easy data collection and analysis using statistical methods - Can reach a high audience - High representativeness 	<ul style="list-style-type: none"> - Reliability of data depends on the quality of answers and survey structure - The rigidity of the structure - Do not capture emotions, behaviour and changes of emotions of respondents
	Correlational study	<ul style="list-style-type: none"> - A lot of information and different domains can be explored - Association between two variables can be easily calculated - No manipulation of behaviour is required 	<ul style="list-style-type: none"> - No direct causes and effects can be inferred - May lack internal/external validity - It does not provide a conclusive reason for a correlation between the two variables.
	Multivariate analysis	<ul style="list-style-type: none"> - Several statistical tests and techniques can be used - Various information and different domains can be explored - Technical rigour of the process 	<ul style="list-style-type: none"> - A complex of the employed techniques - Requires employing specialised statistical software

Source: Adopted and amended; (Queirós, Faria and Almeida, 2017:378-383).

5.5.3 Interviews

This study employed face-to-face semi-structured interviews to explore the understanding of public procurement and corruption concepts from the interviewees' perspectives. The process, as mentioned earlier was guided by an interview guide, designed, and refined by the pilot process. The researcher administered interviews with purposively selected supply chain managers that play a pivotal role in procuring goods and services. The interview guide covered the study objectives, indicating to critically assess whether the public procurement policies of departments include elements aimed at preventing corruption in public procurement. It was also intended to measure the relationship between corruption and public procurement policy by applying statistical analysis techniques to collect data and to recommend a public procurement framework for the South African public sector to improve procurement practices and address corruption.

A semi-structured interview technique was employed in this study. The semi-structured interview technique is qualitative and exploratory (Brannen, 2017:37). The exploratory technique is more suitable for the study as corruption and public procurement are, to a certain extent, unexplored and provides insight into the complexity of the phenomena. This is the strength of the semi-structured interview technique. The interview comprised a list of questions, which emerged from the literature review, the conceptual framework and the case study analysis.

The interview part of the research sought to engage with supply chain managers and officials employed in the procurement sections in national departments, provincial departments, and municipalities of the Western Cape. All corruption cases in public procurement are reported to the Forensic Investigation Unit. It is, therefore, pivotal to interview the manager to establish the trends and extent of public procurement corruption in the Western Cape, South Africa. All the interviewed participants were senior officials or were appointed to management positions.

A summary of the number of state organs and officials involved in the interviews and questionnaires are tabulated next.

Table 5.4: Number of state organs involved in the data collection process

Organ of state	Procurement Managers interviewed	Questionnaires and observations per organ of state completed
National Departments, including Parliament	6	11
Provincial Departments	9	20
Municipalities	10	22
TOTAL	25	53

Source: Researcher

Table 5.4 demonstrates various state organs employed in national and provincial departments, including municipalities, used during the data collection process. Twenty-five (25) procurement managers were interviewed in the identified state organs. One forensic manager in procurement and one risk manager was interviewed depicted.

For this study, the interview questions were constructed around five themes. These themes were derived from the literature review study presented in Chapter 6. The same questions were directed to all procurement managers and risk advisers. Pre-testing of interviews was undertaken before using them in each organ of the state.

The testing was conducted on a procurement manager employed by the provincial government but was not part of the study. This enabled refining the questions by removing repetitive or non-value-adding questions. All interviewees were supplied with the major questions before the face-to-face interview. This is a proactive step to

ensure that the interviewee becomes familiar with the questions. The interview process was drawn on the guidelines of Seidman (2013:123) to ensure informative interviews are conducted.

Seidman (2013:123) postulates five guides to facilitate the process. The author (ibid) maintains that questions should indicate clear, brief, and easy to understand, let the participants do most of the talking when answering the questions with few interjections, ask one question at a time to avoid confusion, avoid sensitive questions, and repeat the key questions throughout the interview. Permission was also sought from participants to record the interviews. During the interview process, notes were taken and transcribed on a recorder for analysis. Holstein and Gubrium (2016:82) support that voice recording and taking notes during the interview process better understand the participant's and interviewer's interaction. The duration of the interviews was 30-45 minutes per session.

5.5.4 Content and thematic analysis

Most social research is based on interviewing and written text. In this study, content analysis was employed by analysing documents and notes prescribed during the interviews with the procurement managers. According to Gaur and Kumar (2018:281), content analysis is a research technique for replicable and valid inference from data in their context. Neuendorf (2016:67) describes content analysis as the character of a document's content by examining who says what, to whom and with what effect. Thematic analysis is an independent qualitative description approach described as a method for identifying, analysing, and reporting patterns (themes) within data (Braun and Clarke, 2006). In this study, the content of the interviews was transcribed and analysed by creating themes. These transcriptions were analysed with the Atlas.ti 8.4.14™ software.

The software package was used to extract, compare, explore, and aggregate the data to delineate the relationships among derived themes and emerging sub-themes. Friese, Soratto and Pires (2018:4) claim that Atlas.ti effectively revealed underlying conditions in the information-pursuing process. It is a workbench for qualitative

analysis of large bodies of textual, graphical, audio, and video data. The software's capabilities assist the researcher in applying a systematic approach to unstructured data; for example, data that formal statistical approaches cannot meaningfully analyse extracted from the Atlas.ti software.

The interview transcripts in Atlas.ti illustrated the number of procurement officials interviewed employed in state institutions interviewed. The interviews were recorded, transcribed and transferred into the Atlas.ti software for analysis. For example, the Department of Agriculture assigned an identification number (ID) ID1, Hesseque municipality ID2, and the Department of Social Development ID3. The identification number is essential to identify the public sector department when the Atlas.ti analyses the transcript software.

The main themes identified during the transcribes are influencing factors: policy development, influencing factors: policy implementation, a non-compliance system of identification and detection, and implementation: lapse for corruption. The relationship between these codes and the data was contrasted, and the associated codes were divided into sub-themes. While the sub-themes were inductively developed from the results, key themes were extracted from the research objectives. While specific sub-themes are identified with fewer codes, the group made the decision and kept specific codes in their respective sub-themes to prevent the propensity of the programme to strip what was created in the interview of its contents. The relationship between the codes and the data was compared, and related codes were grouped to emerge from the sub-themes. Therefore, nine (9) primary themes and fourth (40) sub-themes were generated from the interview discussions. The main themes that emerged from the analysis were as follows:

- Influencing factors: public procurement policy development
- Influencing factors: public procurement policy implementation
- Non-compliance systems: Identification and detection
- Public policy implementation; lapses/vulnerabilities
- Public procurement development: Corruption prevention

- Recommendations: Policy development
- Recommendations: Policy implementation.

The coding and classifying of responses are the beginning point of the data processing process. It primarily includes the first cycle coding of the transcribed documentation from the interview discussions. They were loaded into Atlas.ti software to summarise the data fragments initially. These parts were branded with phrases called codes. The clarity of policy objectives was identified as the central theme. The influencing factors relating to implementation identified by the respondents were the National Development Plan, local needs, accountability, B-BBEE promotion, conflict of interest and interdepartmental linkage. The researcher collected sufficient data to draw the necessary conclusions, and any further collection would not produce new value-added insights into the study. The researcher analysed the collected data, made meaningful conclusions, and findings, and generated detailed descriptions or themes based on the saturation point reached in the study.

5.5.5 Semi-structured interviews

An interview is an essential device for collecting data. Interviews can be classified as structured, semi-structured or in-depth. Structured interview questions are scripted or closed and require limited pre-determined answers. A semi-structured interview technique was selected and used in this study. According to Brannen (2017:35), the semi-structured interview is a qualitative technique useful for the exploratory process. This approach makes it a suitable research technique for an unexplored subject.

Creswell (2013:45) also identifies the interviewer as an integral part of the investigation. The semi-structured interview comprises a list of questions from the literature review and the case study analysis. The category of semi-structured interviews was chosen for this study because it allows omitted questions not considered relevant to the research topic. The format also allows the researcher opportunities to respond to unexpected outcomes. By selecting supply chain managers in the identified state organs with varied backgrounds and experience, it was reasonable to expect that some senior officials have more public procurement

experience and knowledge of procurement procedures and systems than others. Overall, interviews provided a dynamic and interactive environment that encouraged participants to expand on their responses, share different perspectives, and contribute to a collective exploration of the research topic. The interview setting fosters a collaborative and synergistic atmosphere, allowing researchers to gather more information and gain a deeper understanding of participants' thoughts and experiences.

The introduction to the interview questionnaire stated that respondents' experiences and opinions were needed to help policymakers and researchers better understand the functioning of the public procurement systems in South Africa. The respondent and the researcher signed a consent and confidentiality agreement stipulating that information would be used only for research. The interview questionnaire was kept short with relevant questions. Questions were kept brief and purposeful, considering the objective of the research. Jargon and technical language were avoided. The interview questionnaires were used to collect qualitative data. Questions were presented to twenty-five (25) procurement managers in the Western Cape's national and provincial departments and municipalities. The questionnaires were safely locked away in a cabinet.

A pilot study was conducted prior to the main study. A purposive sample was selected to enable the researcher to eliminate any ambiguous areas or questions. The refined the questionnaire and ensured that the standard of questions was objective and suitable for collecting information about people's knowledge, beliefs, attitudes, and behaviour. The researcher modified the interview questions based on the comments from participants in the pilot study. By selecting supply chain managers in the identified state organs with varied backgrounds and experience, it is reasonable to expect that some senior officials have more public procurement experience and knowledge of procurement procedures and systems. The interview questionnaire was administered as respondents' experiences and opinions were needed to help policymakers and researchers better understand the workings of the public procurement systems in South Africa. The self-administered questionnaire comprised three sections:

- **Section A** required the biographical information of the respondents, indicating age, gender, educational qualifications, position in their organisations, and number of years of experience in procurement.
- **Section B** comprised brief statements using the five-point Likert-type scale, ranging from strongly disagree to agree strongly. Section B also contained public procurement policy formulation, implementation processes, and corruption legislation.
- **Section C** allowed respondents to respond by answering open-ended questions freely. Interviews were conducted to collect information on areas identified in the literature review.

This study employed a questionnaire to collect data. Developing questions for a questionnaire depends on how they are phrased and the order in which they appear. Reiter (2017:14) postulates that the challenge for a researcher is formulating the questions that will obtain the most valuable and relevant information. Maxfield and Babbie (2014:158) contend that the designing of the questionnaire requires that the researcher provide attention to the following:

- the appearance of the questionnaire
- the question sequences;
- the wording of the questions; and
- response categories.

To achieve the latter, the researcher developed self-administered questionnaires to supplement the interviews. The questionnaires were based on the literature review conducted in Chapters 2,3 and 4 to ensure respondents understood the questions.

For this research, the questionnaire ensured the confidentiality of the respondents. A cover letter and a questionnaire were distributed to the respondents. English was the language of business in the identified state organs.

A self-administered questionnaire is for the respondents to answer the questionnaire without constraints and pressure from the researcher. The survey questionnaires were hand-delivered to the respondents. This was to encourage the return of the survey forms. Self-administered questionnaires are the best avenue for several respondents (Fink, 2015:17). Choosing suitable research methods to approach sensitive subject areas is important. Therefore, by choosing this method for collecting data, the confidentiality and privacy of the respondents can be ensured. It can also increase the percentage rate of respondents responding to the questionnaires.

The form of data measurement used for this survey was also designed uncomplicatedly to ease the respondents in answering the questionnaire. A five-point Likert scale was applied to respondents to answer the questions. Various parts of the questionnaire used different five-point scales. The Likert scale technique is simple and easy to administer in self-completion questionnaires, either manually or electronically. Since the research is sensitive, the respondents were reminded this survey questionnaire did not identify individuals or organisations involved in illegal activity.

The study intended to observe the organisation's policy or guidelines relating to developing and implementing public procurement processes in their respective departments or municipalities. The respondents were also reminded not to mention any individual or organisation engaged in illegal activities in the survey questionnaire. Guaranteeing anonymity and confidentiality while emphasising the need for honest answers is vital.

5.5.6 Questionnaire design

The questionnaire for this research was designed, formatted, and managed, employing the electronic, dedicated survey software package. Questions were grouped into coherent sections. Respondents answered each question by selecting from a pre-defined list of options. All questions could be answered without respondents consulting the organisational literature or information. These steps ensured undergirding of the reliability and validity of the measures. The questionnaires were used to collect quantitative data.

Respondents were not obligated to disclose any personal details or identify themselves. Anonymity was crucial as the research focused on a sensitive nature, focusing on corruption perceptions and policy implementation with government policies.

5.5.7 Document analysis

This study employed publicly available documents accessed through the Internet. The study accessed and analysed several documents, including policies, procedures and strategic documents related to public procurement in all the public sector organisations in the Western Cape.

Table 5.5: Key documents retrieved for analysis

Name of the organ of state	Domain	Source	Type of Document retrieved
Department of Rural Development and Planning, Labour, Economic Development, Fishery and forestry, Correctional Services & SALGA	National Department's regional offices in Western Cape	Internet and hard copy	Accounting Officer Framework relating to the procurement of goods and services
Parliament	National in the Western Cape	Internet and hard copy	Financial Directive and Delegations
Department of social development, agriculture, premier, environmental affairs and development planning, provincial treasury, human settlements, transport and public works, education & economic development and tourism	Provincial Department of the Western Cape	Internet and hard copy	Accounting Officer Framework relating to the procurement of goods and services
Hesseque, Swellendam, Overstrand, West Coast, Saldanha, Swartland, City of Cape Town, Witzenberg, Mossel Bay & Drakenstein	Municipalities in Western Cape	Internet and hard copy	SCM policies

Source: Researcher

The study employed the document analysis strategy. It is a valid research strategy with considerable merit as a policy evaluation and reform methodology in public procurement. The criteria for assessing public procurement policy documents were that the documents had to be produced by the specific organ of the state (national,

provincial, and local levels of governance) or endorsed by the accounting officers. The research focuses on documents related to the research area.

5.5.8 Case study

A case study approach provides more realistic responses than a purely statistical survey. This research synergised the methods or devices of data collection in the study. The case study approach is “an increasingly popular and relevant research strategy” (Yin, 2017:56). Case study research helps describe a phenomenon and tests or generates theory (Palinkas, Horwitz, Green, *et al.*, 2015:533). From the perspective of theory, the findings of a qualitative case study bridged the divergence between inductive and deductive research (Palinkas, *et al.*, *ibid.*).

A case study should rest upon multiple sources of evidence, with data collected using convergence in a triangulating fashion (Yazan, 2015:56). Theory development from case study approaches are traditionally associated with multiple case studies rather than single cases (Gehman, Glaser, Eisenhardt, *et al.*, 2017:105). No agreement concerns the optimum number of case studies that may offer “analytical generalisation”. Multiple case studies enrich the study findings and are, therefore, better than one (Farquhar, Michels and Robson, 2020:165). The theory is developed as the cases are replicated. In public administration and organisational studies, case studies are widely employed as a study method. This method is also increasingly growing in confidence as a rigorous research strategy in its own right (Alvesson and Sköldberg, 2017:54). Lewis (2015:474) suggests that case studies are “one of the most common ways to do qualitative inquiry”. This study used multiple case studies to collect data. The case study was conducted on all the identified state organs.

According to Yin (2017:68), “the distinctive need for case studies arises out of the desire to understand complex social phenomena” because “the case study method allows investigators to retain the holistic and meaningful characteristics of real-life events”. Case studies are the preferred strategy when “how?” or “why?” questions are being directed, when the researcher has limited control over events and when the focus is on a contemporary phenomenon within some real-life context (Hancock and

Algozzine, 2016:56-59). In such a setting, a case study would be *explanatory*. Depending on the research questions presented, the extent of control an investigator has over actual behavioural events and focusing on contemporary rather than historical events suggests *exploratory* and *descriptive* case studies (Yin, 2017:68).

In this study, the case study approach was applied. The identified organs of the state, including national departments with regional offices in the Western Cape and provincial departments and municipalities, were grouped as a study unit. The aforementioned study unit includes identified departments and municipalities in the public sector in the Western Cape. The justification study approach is discussed in the subsequent section.

5.5.9 Justification of the case study

The justification for employing a case study is that public procurement and corruption are complex and sensitive subjects. The researcher used the case study as one methodology in this study. Case studies add richness and complexity to a phenomenon, reflecting the complex environment of contemporary concerns confronting the officials in public procurement. The researcher contends that the case study approach describes the real-world phenomenon rather than developed normative decision models. Through the lens of reality, the researcher observes the challenges public procurement encounters. The case study approach is a well-known method employed by qualitative researchers. This study used it as one lens to investigate public procurement policies and corruption in the public sector. More importantly, this study aimed to develop a model in South Africa on how to deal with corruption in public procurement. The case study will help achieve this aim.

Case study research is a valuable method as it allows for expanding and generalising theories by combining the existing theoretical knowledge with new empirical insights (Yin, 2013:140). It is especially important in studying topics that attracted little previous research attention. Applying the case study was helpful in transcending the local boundaries of the investigated cases, capturing new layers of reality while developing new, testable and empirically valid theoretical and practical insights (Miles,

2015:309). This study employed statistical analysis to identify a correlation between public procurement policies and corruption. The aforementioned approach focuses less on its underlying explanations. The case study research assisted in discovering causal relationships and comprehending how and why everything has happened in a certain way creating thick, interesting, and easily readable descriptions and rich understandings of phenomena in their natural settings (Yin, 2013:23).

5.6 DATA COLLECTION TECHNIQUES

The research project followed the chronological steps to collect the data. The steps are explained in the subsequent sections.

5.6.1 Research phases

The researcher used logical steps to systematically address the research aim, objectives and problem by collecting data and presenting findings or results (Bell, Bryman and Harley, 2018:143). The researcher followed the logical approach to collect data throughout the study to develop phases of a research project. Others could replicate this approach for future research. A detailed research phase approach is vital for the concepts of validity and reliability. Table 5.6 summarises the three phases of data collection.

Table 5.6: Visual display regarding the phases of data collection process

Research phase	Data source	N	Method of data collection	Data	Appendix/Reference
One	Procurement policies documents		Theme Analysis	Narrative	A
Two	Procurement officials		A survey using a Questionnaire	Numerical	B

Research phase	Data source	N	Method of data collection	Data	Appendix/Reference
	Public procurement policies and guidelines from the National and Provincial Treasury		Case study and highly structured	Mixed	C
Three	Procurement Managers and officials, including forensic managers		Questionnaire	Mixed	C

Source: Researcher

The first phase of the research included questionnaires and theme analysis of public procurement policies of the state organs are assessed. The researcher first directed questions using less structured questionnaires. These questionnaires used a semi-structured format permitting participants to control the information disclosed (Plowright, 2018:189).

In Phase 2, the researcher used a more structured questionnaire with risk factors that influences public procurement, how public procurement policies are developed and implemented, knowledge, rules and regulations, compliance, transparency and accountability, training and capacity building, sanctions and outcomes, measures to address corruption in public procurement and solutions to curb corruption practices. The questionnaire included a mixture of closed-ended questions to allow respondents to retain control over the research direction (Appendix C). The closed-ended questions required a response from the participants on a rating scale from 1 to 5—these questions aimed to ascertain the level of anti-corruption initiatives implemented at state institutions (Appendix C). For example, questions were asked about procurement policy development and implementation processes. These anti-corruption initiatives

included the analysis of reported corruption cases database, annual reports and reporting mechanisms.

The study aimed to measure if public procurement policies in the organs of the state have a built-in mechanism to curb corruption in public procurement processes. In the final research phase, a highly structured questionnaire was employed to give the researcher greater predictability of the collected data. High predictability was essential regarding the knowledge, compliance with rules and regulations, transparency, accountability, and sanctions of public procurement officials. Phase 3 included a highly structured analysis of various variables describing corruption in public corruption. These variables or artefacts included the organs of the state's annual reports, AGSA's 2010-2015 reports, public procurement policies, and websites.

In conclusion, by choosing a mixed-methods approach, researchers need not use one method over the other (Creswell and Creswell, 2017:23). The two approaches have more similarities than differences, with both methods being proper valuable and legitimate, depending on the research being conducted (Babbie, 2010:45). By employing the proposed framework (Chapter 4) as a basis and mixed research methodology, a researcher may determine the strategies, approaches and activities used to complete a research project (Plowright, 2018:189). The subsequent section discusses the reliability and validity of the study.

SECTION 2- DATA COLLECTION PROCESSES

5.7 DATA COLLECTION PROCESS

In this research project, two types of data were collected in two phases: primary and secondary data.

5.7.1 Primary data

The research instruments employed in this study were questionnaires and interviews to obtain primary data. This was conducted with a focus on the objectives set in the study. The primary data were collected from selected respondents within the sample

frame of the research population. Moreover, primary data assisted the researcher in obtaining a first-hand experience of the extent and perceptions of corruption in public procurement. Considering the study objective, primary data enriched the understanding of the challenges in public procurement and assisted in answering the research.

5.7.2 Secondary data

Johnston (2017:619) asserts that although “secondary data analysis is a versatile methodology and can be used in various ways, it is also an analytical exercise with methodological and evaluative measures, as is the case in collecting and evaluating primary data”. In this study, secondary data provided the researcher with a wide-angle lens or distant panoramic shot of the extent of corruption in public procurement. It presented the researcher with the opportunity to answer the problem investigated. The research questions start with “to what factors, what are the reasons, and to what extent?” are questions allowing the researcher to obtain responses from experts in public procurement.

The study examined the effectiveness of public procurement policies to curb corruption. It, therefore, collected data related to opinions of experts’ public procurement policies employed in the South African public sector. The secondary data obtained from the participants answered the research questions. This was conducted by analysing data and establishing theoretical foundations for public procurement policy development and implementation. Both primary and secondary data focused on determining the relationship between corruption and public procurement policy in South Africa.

5.8 DATA ANALYSIS

The purpose of conducting interviews with the procurement managers was to answer Research Question 1, as depicted in Table 2.7. The SPSS Version 26 was used to analyse data and examine the descriptive and correctional analysis. For open-ended questions, informal content analysis was used by categorising similar

keywords/themes. The questionnaire was also used to collect data. The aforementioned questionnaires were distributed among all officials working in public procurement domains at the state organs in the Western Cape.

The research questions listed are derived from Chapter 1 of this study (Section 1.3).

Table 5.7: Research Questions

Research Question	Research Questions	Response	Methods
RQ 1	What are the strength and weaknesses of public procurement policies aimed at curbing corruption at public institutions in the Western Cape?	Opinions of implementation, knowledge, rules and regulations, compliance, accountability, training sanctions and outcomes through open-ended questions	By conducting the descriptive analysis—mode, median and standard deviation
RQ 2	What are the various factors that relate to the success of public procurement policies aimed at curbing corruption at public institutions in the Western Cape?	Opinions of accountability and transparency through open-end questions	Using an informal content analysis technique to look for similar keywords/themes
RQ 3	What are the variables that determine the effectiveness of public procurement at	Measure of systems and non-compliance	By conducting the Descriptive Analysis—

	public institutions in the Western Cape department in South Africa?	to public procurement processes	mode, median and standard deviation
RQ 4	What are the reasons for the significant increase or decrease of corruption in public procurement at public institutions in the Western Cape?	Measure the extent of corruption in the organisation. Respondents were asked about the number and type of corrupt practices in their organisation	Using an informal content analysis technique to look for similar keywords/themes
RQ 5	What is the relationship between public procurement policies and corruption in a public sector department in South Africa?	Measure the strength of the relationship between public procurement policies and corruption	The bivariate correlation coefficient, regression and Multivariate Analysis (SPSS) were used to determine the relationship between public procurement policies and corruption

Source: Researcher

The collected data were analysed using statistical techniques, coding, and theme analysis. During quantitative analysis, the researcher analysed the data based on the questions or hypotheses and used the appropriate statistical test to address the question. Qualitative data analysis involves coding the data, dividing the text into small units, assigning a label to each unit, and grouping them into codes.

5.8.1 Scale construction

According to Babbie (2020:23), Likert scales offer a mechanism for ensuring greater originality in responses. The Likert scale is mainly used where a rating of variables can be measured on several items. A rating scale is also called the Likert scale.

5.8.2 The Likert scale

Respondents expressed attitudes and other responses about several ordinal-level categories. These categories include a rating of 'strongly agree', 'agree', 'neutral' (unsure) 'disagree' and 'strongly disagree'. The Likert scale is often used to measure opinions and attitudes or perceptions of individuals and, in this study, the attitudes and opinions regarding public procurement policy and corruption. In the questionnaires, the respondents were asked to rate their agreement or disagreement with a particular statement. The Likert scale provided an analysis limited to comments posted in the questionnaire; for example, respondent 'a' has a more positive perception than respondent 'b'. The results of the information from the Likert scale measured the respondent's perception in numerical terms.

The Likert scale is used extensively to analyse the numerical values of a questionnaire. This study used the Likert scale to measure the opinions, providing an opportunity to infer the procurement officials in the state organs. An overview of the ethical consideration is discussed in the subsequent section.

5.8.3 Statistical approach and techniques

The statistical technique employed in the study is descriptive statistics. This straightforward technique includes simple calculations to test the relationship between dependent and independent variables. This technique was essential and aimed to answer the research question in Chapter 1 (Section 1.3). Testing a hypothesis, "*The development and implementation of public procurement policies are not directed to prevent or curb corruption*" (Section 1.3), was conducted to determine if the calculations in the bivariate linear equation truly represent the statistical outcomes.

This study focused on a single phenomenon's relationship with one another. Bivariate analysis, including the calculations, explores how the dependent or the outcome variable depends on or is explained by the independent or the explanatory variable or explores the association between two variables with no cause-and-effect relationship. This study employed MMR; the statistical analysis (quantitative) informed the qualitative method (Creswell, 2013:34). The Statistical Package for the Social Sciences (SPSS version 26) was used in analysing the questionnaire survey to answer the research questions. The statistical analysis comprised three phases in each step of statistical analyses descriptive statistics, correlative analyses and inferential (multivariate) statistical analyses. The first phase is descriptive statistical analyses, followed by correlative analysis in the second phase. The third phase is inferential (multivariate) analyses. The subsequent section summarises the descriptive statistical process as a meaningful way to clean up data.

5.8.3.1 Descriptive statistics

Descriptive statistics is a technique to summarise and organise data into meaningful forms. This study employed descriptive statistics to understand the phenomenon, such as public procurement policies and corrupt practices. Data from the survey questionnaire were analysed by exploring statistics to determine an interrelationship between variables. "Paired data in statistics, also referred to as ordered pairs, refers to two variables in entities in a connected group to determine the relationship between them."

For the data collection to be called paired data, these data values must be linked or linked together and not considered separately (Guo and Yuan, 2017:1323). For example, the paired data will be a pre-drug test. Analogically, the researcher may record each participant's blood pressure in the sample before and after administering the medication. Results must balance these measures because each "before" measure is linked only to the "after" measure of the same subject.

This study was based on assessing the relationship between the dependent (corruption) and independent (public procurement policy) variables through hypothesis

testing. Descriptive statistics assisted the researcher in clearing up data. As described above (Section 2.9), the data cleaning process is necessary after the data were collected and analysed to detect any errors. Errors in the study refer to bias or inaccuracies in measurement, which, if detected, can be controlled or eliminated. Data obtained from the questionnaire and interviews were implemented to assess the hypothesis. The Kruskal-Wallis test is explained in the subsequent section.

5.8.3.2 Kruskal-Wallis Test

The Kruskal-Wallis test evaluates whether the population medians on dependent variables are the same across all levels of a factor (Green and Salkind, 2016:54). The Kruskal-Wallis, a non-parametric test, is used to compare three or more independent samples of ordinal (rank) data. The non-parametric test refers to procedures that do not make assumptions about the underlying population. It is not dependent on any data about any parametric group of probability distributions.

Because there is no underlying population, non-parametric procedures are sometimes known as distribution-free tests (Gerald, 2018:52). The reason this test was chosen is to compare three main groups of respondents: organs of the state (national, provincial, and local governments) of the variables influencing public procurement policy. The institutional environment of the state institutions differs owing to numerous factors. These factors are the control measures in place to curb corruption, such as internal auditing findings and the extent and implementation challenges of the procurement policies. The bivariate correlation and regression methods are explained in the subsequent section.

5.8.3.3 Bivariate correlation and regression

Correlation is a statistical method used to analyse the relationships among variables. There are two types of correlation: Spearman Correlation and Pearson Correlation (Wild, Pfannkuch and Parsonage, 2017:84-107). For this study, Pearson (r_s) was suitable for answering Research Question 2, the relationship between public procurement policy and corruption. The Pearson correlation is a non-parametric

statistical method and measures the association between two quantitative variables without distinction between the independent and dependent variables.

This study investigated the relationship between public procurement policy and corruption. It also provides information on the strength or weaknesses and the direction of the relationships between two (2) variables. The correlation coefficient varies with the value between +1 and -1, where +1 demonstrates a perfect positive relationship, and -1 is the value of a perfect negative relationship between the two variables. This method was chosen to:

- analysed and measured the relationship between public procurement and corruption.
- analysed the factors influencing public procurement policy development and implementation.

Negative correlations indicate that the high value of one variable is associated with low values of the other variable, and contrarywise (Schabenberger and Gotway, 2017:78). When correlations are near zero, it indicates little or no association between the variables.

5.8.3.4 Inferential statistics

Inferential statistics allowed the researcher to make inferences regarding the collected data. Furthermore, inferential statistics were used to reach conclusions beyond the direct data, which entails analysing the data obtained in more broad-spectrum conditions (Wild, Pfannkuch and Parsonage, 2017:84-107). Inferential statistics provide a means of assessing the hypothesis. The t-test is the most common test for comparing the means by testing whether there is a significant difference between two variables. Inferential statistical analysis, therefore, allows conclusions on a population from the sample data.

This study used inferential statistical analysis to determine the relationship between two multivariate data sets. Inferential were appropriate and valuable for this study because statistical analyses involved investigating the strength of the relationship

between two composite sets of independent and dependent variables. The study was confronted with various limitations, explained in the subsequent section.

5.9 STUDY LIMITATIONS

A study of this magnitude cannot be possible without limitations. Some respondents may not have been willing to reveal the accurate information required for the study. The latter risk was reduced by explaining the benefit of the study to the respondents. Obtaining approval at specific public institutions, especially in public institutions that include national and provincial departments and municipalities in the Western Cape, presented a significant challenge to the study.

As corruption is a topic obtaining media attention and emphasised as a significant risk in South Africa by local and international bodies, such as the World Bank and the International Monetary Fund (IMF), the head of public institutions and procurement officials felt they could be exposed to releasing corrupt practices of their organisations. Therefore, they relied on participants to provide their viewpoints and experiences of the public procurement process to curb corruption.

Besides the limitations of qualitative research, this study experienced specific situational problems. The researcher travelled extensively to collect data from the municipalities – sometimes about 700 kilometres to conduct interviews with significant financial implications for the project. The geographical location of municipalities and departments is over 800 kilometres apart. The researcher obtained approval from the head of the public institution and travelled 700 kilometres. He had to find on arrival that the participant was not available. This indicates that the researcher needed to arranged accommodation in the town and conduct the interview the following day.

There are limitations in conducting any research, especially with sensitive issues, such as corruption in public procurement within the Government context. Not everybody is interested in being part of a study about ethical challenges in disclosing corrupt workplace practices. Five interview requests were declined by three municipal managers and two national departments. The reasons cited were the possible

disclosure of confidential information despite a clear explanation by the researcher that ethical clearance for the conduct of the study was obtained. The ethical standards of Unisa (Section 2.8) were explained to all the participants before the interviews. The statistical procedures and research strategies also had limitations as a small sample was selected from the population.

The variables identified are, for example, transparency, accountability, training and capacity-building debriefing to unsuccessful bidders, declaration of interest and conflict of interest, among other things. All variables are numeric, and measurement types are ordinal. Data analysis is necessary for any study, as explained in the subsequent section.

5.10 RELIABILITY AND VALIDITY

Reliability and validity are crucial elements of the study. The following three sections explain the reliability analysis, internal and external validity, and dependability of the study.

5.10.1 Reliability analysis

The researcher conducted a reliability test during the research period to identify measurement errors in the respondents' scores and determine the reliability of the respondents' answers. Reliability refers to the agreement between various measuring attempts. Reliability refers to the consistency or dependability over time, of questionnaire items or observers (Allen, Bennett and Heritage, 2018:45). This analysis allowed for observing the properties of measurement scales and the items used in the questionnaire.

It could, therefore, be decided which items in the questionnaire were related by observing the consistency of the scale. For example, the respondents scored consistently on questions on knowledge of public procurement rules and regulations, implementation of public procurement policies' procedures, compliance to procurement to prevent corruption, accountability, training and capacity building questions, measures to address corruption in public procurement and solutions to

address corruption in public procurement. From here, any problems can be identified and eliminated from the scale of the questionnaire survey. This research conducted an internal reliability analysis to measure consistency among the items on a scale. In support of the preceding, Fellows and Liu (2015:176) assert that internal reliability is used to assess the reliability of a summated scale where several items are summed to form a total score.

The most common method for conducting internal reliability analysis is Cronbach's alpha, known as a measure of an index of consistency. According to Willits, Theodori and Luloff (2016:126), when using a Likert scale, it is imperative to calculate and report Cronbach's alpha coefficient for testing internal consistency reliability for any rankings or used. Cronbach's alpha measures the internal reliability of the items on a test or questionnaire, ranging from 0 to 1.0.

In this research, the results for Cronbach's alpha were applied. The rule of thumb for Cronbach's alpha is 1.0; however, if the result is above 0.7, it is acceptable for most research intentions. This research indicates that the value of Cronbach's alpha is 0.891. The closer the value of Cronbach's alpha to 1.0, the greater the internal consistency of the items in the scale of the questionnaire survey. The Cronbach alpha test applied in this study indicated acceptable levels of satisfaction, and conclusive results, as noted, were used (Bryman, 2008:151).

Table 5.8: Reliability statistics

Reliability Statistics		
Cronbach's Alpha	Cronbach's Alpha Based on Standardised Items	Number of items
0.891	53	72

Researcher

Table 5.8 demonstrates that the study results of the Cronbach alpha reliability test indicated 0.891, more than the acceptable score of 0.70. The alpha values were

described as excellent (0.93–0.94), strong (0.91–0.93), reliable (0.84–0.90), robust (0.81), fairly high (0.76–0.95), high (0.73–0.95), good (0.71–0.91), relatively high (0.70–0.77), slightly low (0.68), reasonable (0.67–0.87), adequate (0.64–0.85), moderate (0.61–0.65), satisfactory (0.58–0.97), acceptable (0.45–0.98), sufficient (0.45–0.96), not satisfactory (0.4–0.55) and low (0.11) (Taber, 2018:1273).

It can, therefore, be concluded that the questionnaire, as a research instrument, is exceptionally reliable, with a score of 0.891.

5.10.2 Internal validity

Morse (2016:1212) indicates that a study should ensure internal validity. Heale and Twycross (2015:62) further argue that the reliability of the data needs to be assessed by applying internal consistency, “stability and repeatability of results. This implies that the reliability of the result is consistent and can be replicated in identical situations and different circumstances” (Twycross, 2015:62). This process usually involves ensuring that the questions and interviews could be classified in one category only. Bias and errors were reduced by ensuring that statements required a positive or negative response and providing reasons for selecting a response. Bias in handling outliers was eliminated by repeating the data capturing process and comparing the data fields for consistency.

Each participant was informed of the nature of the interview, as questions were provided before the interview. It reduced evaluation apprehension. All interviews for the state organs, such as national and provincial departments, and municipalities of the Western Cape, were standardised to reduce bias. The analysis of all identified policy documents was standardised. The reliability and validity of the study entailed the objectivity and credibility of the data collected and analysed. This study established the reliability and validity of collected data through interviews in that a purposive sample approach was applied to all procurement managers.

5.10.3 External validity

External validity was achieved by focusing on the research question and criteria for selecting sub-units and undertaking cross-case analysis. Measuring the intended variables is based on the designed research instrument. This method increased the validity of this study. It is a process of determining the instrument and analysing data to limit random error. The research applied to face and content validity in this study, linking the questions to the problem statement. The study applied predictive and concurrent validity methods during the data analysis process. Predictive validity refers to “the degree to which scores on a test or assessment are related to performance on a criterion or gold standard assessment that is in the future. Predictive validity is often considered in conjunction with concurrent validity in establishing the criterion-based of a test or measure” (Frey, 2018:14).

5.10.4 Dependability of the study

Research dependability was further established to address and enhance the study's trustworthiness. Compared to reliability in quantitative research, Dependability ensures that a *thick description* of the methods employed in the study is provided (Connelly, 2016:435). This study confirmed dependability by a rich and thick description of the research design, data collection, detailed transcription, and data analysis process. This approach can enable other researchers to repeat the study to obtain comparable results. The subsequent section concentrates on the data collection process.

2.11.7 Confidentially and anonymity

The researcher explained to the participant the freedom to choose whether to participate in the study or not. The participant was informed of the research's objective and purpose, what participation in the research entailed, how the research results would be disseminated and used, the researchers, their affiliation, what their rights as participants were, and where they could obtain more information to make an informed decision about whether to participate in the research as stipulated in the Unisa Policy

on Research Ethics (Unisa, 2016:5). The subjects provided their informed consent to the researcher. Owing to the sensitivity of corruption in public sector departments, the anonymity of participants was guaranteed. The researcher explained the respondent's anonymity before the commencement of the interviews, including the confidentiality of information provided.

5.11 ETHICAL CONSIDERATIONS

This research focused on public sector departments, including municipalities in the Western Cape, South Africa and therefore, ethics is a critical issue. Noting this research was empirical, and government officials were interviewed to establish the extent of the public procurement policy to combat corruption, ethical considerations were crucial. The lives of the people who participate in the study may, therefore, be negatively affected (Bowen, Edwards and Cattell, 2012:23). Research not only implies that the researcher enters the scientific community or field but also involves the acceptance of a code of conduct of ethical principles. To engage in scientific research, the researcher must make a moral commitment to the search for truth and knowledge about the public procurement policy reality.

Flick (2018:142) postulates that ethical concerns arise during interaction with others. Ethical behaviour assists in guarding individuals, communities and environments while offering the opportunity to increase the total good in the world. Anticipating and mitigating potential ethical concerns is essential throughout the research process. Researchers should protect their participants, uphold integrity during the research process and safeguard against misbehaviour that may reflect poorly on their institutions or organisations (Leavy, 2016:88).

During this study, the research conducted complied with Unisa's ethical guidelines and relevant professional bodies and scientific organisations. The Unisa's ethical guidelines stipulate that research should be performed with scholarly integrity, quality, social responsibility, and ethical behaviour in mind. According to McMillan and Schumacher (2015:52-53), Resnik (2018:56) and the American Educational Research

Association and the American Psychological Association (2017:12), the following code of ethics must be adhered to when conducting research:

- The right to remain anonymous: The participants' privacy and interests must be respected. Participants may insist that their data will be treated with confidentiality.
- Appropriate and informed consent must be asked from the participants: The researcher should inform the subjects of all aspects of the research that might influence their willingness to participate. The researcher must also answer all queries on features with adverse effects or consequences. When obtaining permission to do the research, the researcher must explain the following to the participants: the purpose of the research, the intended use of the data, the time required for participation, and the non-interfering and non-judgemental role of the researcher. The participants must be informed that they may terminate their participation.
- The design, the research itself and the report of the findings must be declared.
- The right to expect responsibility from the researcher: Participants may expect and demand that the researcher will be sensitive to their human dignity and that they will be respectful and well-meaning in their intentions. Researchers should assure participants they will not be harmed by participating in the research or that harm will be minimised.
- The researcher must comply with the professional standards governing the conduct of the research.
- Obligation to the profession means sharing the research project's findings, conclusions and recommendations for the benefit of all. The researcher is morally obliged to undertake the study. So, the findings obtained will not cause misleading information. The researcher is expected to honestly and accurately report the findings (American Educational Research Association Code of Ethics: American Educational Research Association, 2017:12).

The above ethical principles were applied in this research. The Unisa rules of a moral code of conduct were used as required. Unisa has a policy on research ethics. The Unisa rules of an ethical code of conduct ensure the promotion of an institutional

culture that leads to the systemic growth of expertise, critical debate, intellectual curiosity, tolerance, and a plurality of opinion within the context of academic freedom while also maintaining an atmosphere for researchers where they are self-reliant but ethical in their research practice. The researcher conducted ethical research, understanding and promoting adherence to all applicable procedures and protecting the rights of all stakeholders, as stipulated in the Unisa Policy on Research Ethics (Unisa, 2016:4).

Permission to conduct the study was obtained from the heads of departments or chief financial officers of all public sector organisations, such as the national departments of rural development, provincial departments of agriculture, premier, social development, and the municipal managers at Swellendam, Hessequa, Overstrand and West Coast and other identified state organs in the Western Cape (see Appendix E).

5.12 CONCLUSION

Chapter 5 described the research design used in the study. The mixed-method design selected for the study employed both qualitative and quantitative methods. The primary data collection methods were also emphasised. The data analysis was also described. The credibility and dependability of the study followed and applied. The imperative was the ethical considerations considered during the study and, finally, the constraints encountered during the study.

This chapter, therefore, provided a report on the procedures used to collect data for this study. The next chapter will discuss the analysis and findings of this study.

CHAPTER 6: FINDINGS AND ANALYSIS

6.1 INTRODUCTION

Chapter 6 presents the results and findings of the collected data in a sample. Interviews and questionnaires were used to collect the data (see Chapter 5). Each question generated a variable and was “coded with a number assigned to each possible response” (Denis, 2020:134).

Chapter 6 is divided into three sections. The first section provides the results of the quantitative methods used in the study. The data collected during the quantitative phase were analysed using the statistical analysis, the SPSS, version 26. The second section of the results focused on qualitative data. The data collection method during the qualitative process includes interviews with the participants and observers. During the latter phase, Atlas ti, a qualitative analysis software, was used to determine the themes emerging from the interviews. The third section discusses the convergent parallel mixed research method by comparing and merging quantitative and qualitative data findings. Chapter 6 ends with a summary of the findings of the discussion.

Chapter 6 discusses the **first Objective** of the study: to explore the strengths and weaknesses of public procurement policies aimed at curbing corruption at public institutions in the Western Cape; and **Objective 5**: To measure the relationship between corruption and PPP by applying statistical analysis techniques to existing data. Chapter 3 addresses Objective 1: the strengths and weaknesses of policy procurement policies by identifying and examining literature and systems on PPP and anti-corruption measures. Chapter 2 focuses on Objective 2: determine various factors that relate to the success of public procurement policies in curbing corruption at public institutions. Finally, Chapter 4 addresses Objective 3: to determine the specific variables that determine the efficient management of public procurement policies.

6.2 RESPONSE RATE

6.2.1 Final sample

The quantitative data were obtained from fifty-three (53) questionnaires distributed to officials in the public procurement environment in national, and provincial departments and municipalities in the Western Cape. The final sample is purposive and includes all the officials selected from the aforementioned state institutions.

6.2.2 Response rate

From the fifty-three (53) questionnaires administered, regardless of the sensitive nature of the questionnaire's content, all 53 respondents returned the completed version of the questionnaire. The responses were modest due to the extremely sensitive nature of the questions. The response rate was considered excellent according to comparable studies having a sensitive research nature (Andreenkova and Javeline, 2018:116).

The researcher was involved during the interview process. The data from questionnaires and interviews were collected simultaneously. A convergent parallel MMR design was employed in the study (5.3 of Chapter 5). It entails collecting and analysing two strands of quantitative and qualitative data in a single step, integrating the findings, and looking for convergence, contradictions, and relationships between the two sets of data (Creswell and Clark, 2017:67). The employing of the method ensured that data collection and response rate increased.

6.2.3 Hypotheses

The **null hypothesis** confirmed a relationship between public procurement and corruption in the national, provincial departments and municipalities. The variables, such as the years of public procurement experience, their knowledge of the PPP, design, implementation, and enforcement of the PPP, were analysed.

6.3 DATA ANALYSIS

6.3.1 Procedures

The study implemented the techniques listed below to guarantee the analyses were conducted correctly in response to the study questions. The researcher employed the procedures as a guide to accurately answer questions and achieve the research objectives. The fifty-three (53) administered questionnaires were divided into two sections, A and B, and explained below:

- Section A of the questionnaire is only related to the demographic material of the respondents (Annexure C). Statistically descriptive analyses and crosstab analysis techniques were employed to summarise the general background of the respondents.
- Section B questions are specifically on 13 key focus areas to address the factors influencing PPP in state institutions and how it can help prevent corruption derived from the literature, as stated in Chapters 4 and 5. The 13 key factors are:
 - policy development and implementation processes;
 - knowledge, rules and regulations of public procurement;
 - compliance and transparency during the implementation of PPP processes;
 - training and capacity building;
 - sanctions and outcomes of the procurement processes;
 - measures to address corruption in public procurement;
 - corruption and public procurement concerning audit processes, conflict of interest; and
 - solutions to address corrupt practices in public procurement.

All the aforementioned questions were derived from the literature review. Four (4) statistical techniques, such as the principal component analysis (PCA), the Kruskal-Wallis H test and the Spearman, were employed to measure the relationship between corruption and public procurement policies.

1 SECTION 1- STATISTICAL APPROACH

6.4 STATISTICAL METHODS

The SPSS is a powerful statistical software package mainly used by researchers to analyse complex statistical data. All the data from the questionnaires were entered into the SPSS software, and the appropriate statistical test and variables for analysis were selected. The SPSS peruses all the data, performs the analysis and presents the researcher with outputs, such as tables and graphics. The SPSS also performs simple to complex statistical functions, including frequencies, cross-tabulations, and bivariate statistics, and can validate predictive models using advanced statistical procedures. In this study, the SSPS version 26 examined the questionnaires to answer the research questions described in Chapter 5.

Table 6.1: Statistical Tests

Method	Purpose	Rationale	Research questions to be answered
Cronbach alpha	Testing the reliability of the survey instrument	Improve the reliability of the study	Test reliability of the questionnaire as an instrument to collect the data
Cross-tabulation	Categorised variable as the independent variable and a continuous variable as the dependent variable	Testing the demographic of the respondents	Research question 4 What are the reasons for the significant increase or decrease of corruption in public procurement by analysing the demographic of respondents
Spearman Correlation (rho)	Test relationships of variables	Test the relationship between PPP and corruption	Research question 5: What is the relationship between public procurement policies and corruption? Hypotheses testing

Method	Purpose	Rationale	Research questions to be answered
Kruskal- Wallis One-Way ANOVA	Evaluates population media on dependent variables are the same across all levels	Evaluate the three spheres of government groups, national and provincial departments, and municipalities	Research question 3: What are the reasons that public procurement policies cannot prevent or curb corruption Research question 3: What are the variables and systems are used to identify and detect elements of non-compliance in public procurement processes in the South African public sector?
Factor analysis	Test demographic characteristics influence policy procurement and corruption.	Determine the factor that influences public procurement formation and implementation and corruption.	Research question 2: What are various factors that relate to the success of PPP

Source: Researcher

The importance of Cronbach's alpha is to test the reliability of the questionnaire.

6.5 RESEARCH FINDINGS

Respondents who answered the questionnaire were individuals from three state institutions, as discussed in Chapter 5. Most respondents are procurement managers and in supervisory roles and have vast procurement experience. They handled several procurement projects.

In Section A, the questionnaire, five questions elicited much information on the respondents' general backgrounds as possible, as depicted in Table 6.1 on the statistical test table.

6.6 INTERNAL RELIABILITY

6.6.1 Cronbach Alpha Test

Cronbach's alpha measures internal consistency, or how closely a group of variables are connected. It is regarded as a measure of the scale reliability of questionnaire items. Scale reliability refers to the consistent distribution of items in a questionnaire. It is also how much a construct's measure is constant or trustworthy, better known as reliability. If a scale measures the same construct or item several times and obtains the same answer, the item does not change (Amirrudin, Nasution and Supahar, 2021:31).

This study used Cronbach's alpha to test the scale's reliability. SPSS software version 26 was used to test the reliability of the study. Item analysis was performed on scales of the questionnaire (72 items), and they were determined to have excellent reliabilities according to computer output (Table 6.2). However, the scales did not need to be interpreted because they were derived directly from the item's groupings on the existing factors, which had unambiguous descriptions. The study used the Cronbach alpha instrument to test the reliability of items between the scales. The scales code, scale description and range of questions on the research instrument are used to compute the Cronbach alpha test as in (Table 6.2).

Table 6.2: Scale codes and descriptions

Scale code	Scale description	Range of questions on the research instrument
Development of PPP	Awareness of how PPP is developed	9:1-4
Implementation of PPP	Awareness and stage of PP implementation	10:1-4
Knowledge of public procurement officials and managers	Knowledge of PPP	11;1-3
Rules and regulations	PPP rule implemented	12:1-4

Scale code	Scale description	Range of questions on the research instrument
Compliance with the public procurement policy	Analysing systems in place to curb corruption	13:1-4
Transparency of public procurement processes	Level and application of transparency in PPP	14:1-4
Accountability- the level and application concerning PPP processes	Level and application of accountability in PPP	15:1-6
Training and capacity building	Level and understanding of training and capacity interventions	16:1-5
Sanctions- enforcement	Enforcement of sanctions	17:1-2
Outcomes of PPP processes	Ranking of implementation outcomes of PPP to curb corruption	18:1-3
Measures to address corruption in PPP	Ranking of control measures implemented in PPP	19:1-8
Corruption and public procurement	Measure the strength and weaknesses between corruption and PPP	20:1-3
Solutions for corruption in PPP	Ranking of solutions in PPP	21:1-0

Source: Researcher

All the aforementioned (as depicted in 6.1) were captured in the SPSS software, and codes were assigned to each item. The Cronbach alpha test was run. The results provided by the outputs report.

Table 6.3), Hoekstra *et al.*, (2019:352) assert that the Cronbach alpha provides an average value for reliability coefficients attainable under dichotomous. A higher Cronbach alpha value represented a good internal consistency of the scale items and indicated a higher inter-correlation among tested items.

Table 6.3: Cronbach alpha reliability and case processing summary

Case Processing Summary			
		N	%
Cases or items of research instrument	Valid	53	100.0
	Excluded	0	.0
	Total	53	100.0
a. Listwise deletion based on all variables in the procedure.			
Reliability Statistics			
Cronbach's alpha	N of Items		
.891	72		

Source: Researcher

Table 6.3, 72 items (Annexure C) were analysed. The Cronbach alpha test measured the reliability and internal consistency of the 72 items in the research instrument. No missing items were included from the Cronbach alpha test, and 53 respondents completed the questionnaire. The results of the Cronbach alpha test are .891 (Table 6.3). Cronbach alpha is greater than .7 is acceptable, .8 is good, and .9 is excellent. The score of .891 is good and found reliable for the study. The next section will address the biographical profile of the sample.

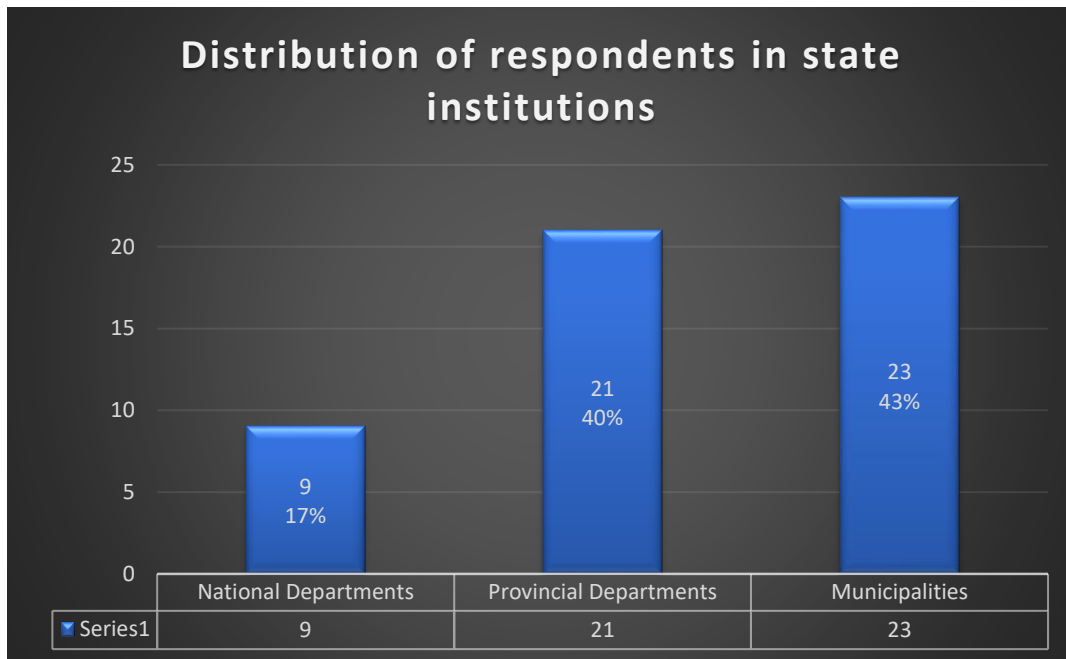
6.7 RESULTS: QUANTITATIVE APPROACH

6.7.1 Biographic Profile of the Sample

The demographic factors that emerged from the literature review are aligned with the study, as indicated by Naidoo (2010), Fourie (2015), Søreide (2016) and William-Elegbe (2012). These factors affected state institutions' formulation and

implementation of public procurement policies. Therefore, the demographic factors pertained to the research study's objectives to ascertain the profile of the respondents in their environments. The study aimed to analyse the effect of public procurement policies to prevent or curb corruption in public procurement.

Figure 6.1: Distribution of sample of participants employed in public institutions



Source: Researcher

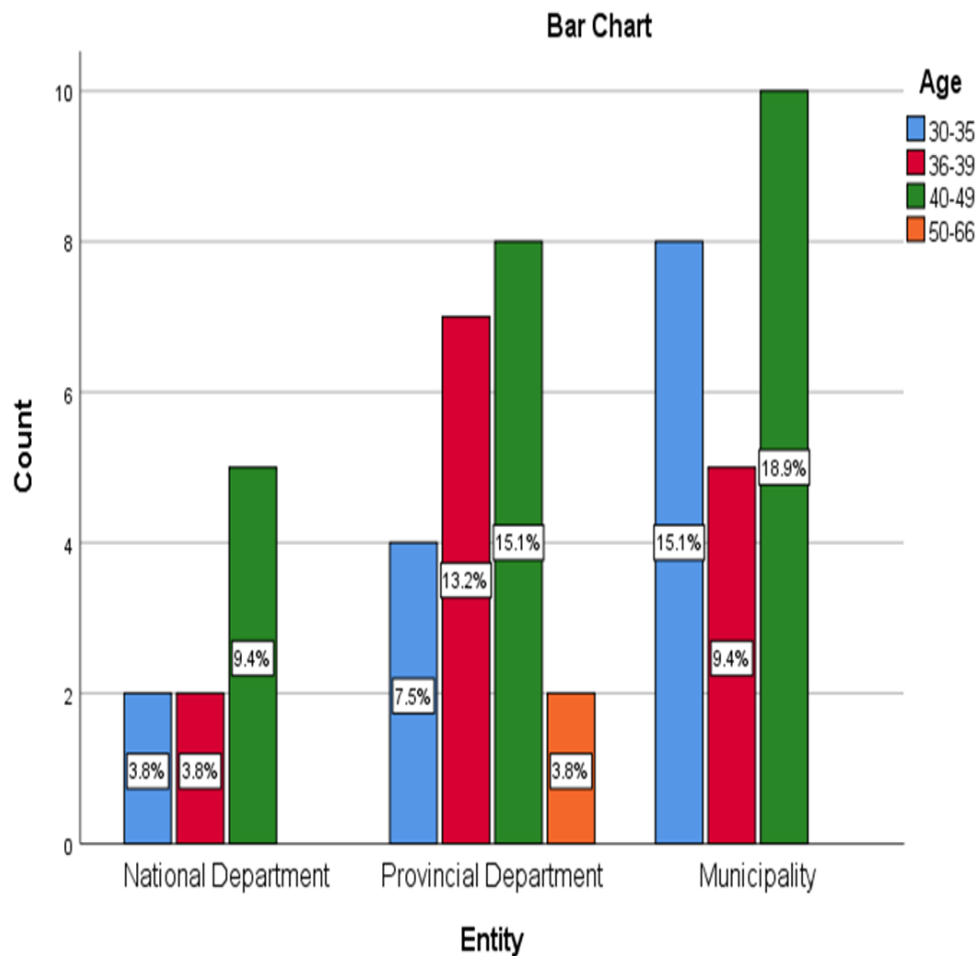
The above table 6.1 summarised the number of respondents who completed the questionnaire by national, provincial departments and municipalities. Nine (9), or 17% of the respondents, are in national departments, 21 or 40% are in provincial departments, and 23 or 43% are in municipalities. The study population was 65 national and provincial departments and municipalities in the Western Cape, South Africa. However, 53 of 65 national and provincial departments and municipalities were included in the study. Fifty-three questionnaires were sent, and 53 (N=53) responses were received for analysis in the study. The respondents indicated the sphere of government in which they are working Table 6.1 shows that respondents indicated the sphere of government where they are employed at that gender, highest qualification, age and position held in the organisation. All respondents fully completed

the questionnaires, and no missing values were reported during the statistical analysis. The sample size (N=53) was used to statistically test variables to answer the research questions.

6.7.2 Age of respondents

Figure 6.1 displays that 3.8% of respondents are employed in national departments, while 9.4% between the ages of 40-51 also work in national departments. They are related to provincial departments; 7.5% are between the ages of 30-35 years, 13,2% are between the ages of 36-39, and 15% are between the ages of 40-51. In the municipalities, 15.1% between the ages of 30-35, 9.4% between 36-39 and 18,9 between 40-51 are employed in public institutions. In all public institutions, no person between 51- 52,8% of the respondents completed the questionnaire. Therefore, it can be concluded that most respondents are between the ages of 30-35 years of age.

Figure 6.2: Age of the respondents per state institution



6.7.3 Educational level and years of experience in procurement

Table 6.4 indicates that 50% have an honours degree between 18-22 years of experience in procurement. Respondents who obtained a master's degree are between 5-8 years, and 18-22 years is the most dominant factor. From the 53 questionnaires analysed, it can be deduced that all respondents have a type of qualification. More importantly, it is notable that most respondents (15) between 5-8 years (33%) have a master's degree.

Table 6.4: Distribution of the sample by education and the number of years' experience in procurement

Years of experience employed in public procurement	High school Matric	Diploma	Bachelor's degree	Honours degree	Master's degree	Total
0-4 years	0.0%	0.0%	0.0%	8.3%	0.0%	7
5-8 years	42.9%	18.8%	26.7%	8.3%	33.3%	16
9-12 years	42.9%	31.3%	26.7%	0.0%	33.3%	15
13-17 years	14.3%	37.5%	20.0%	33.3%	0.0%	12
18-22 years	0.0%	12.5%	26.7%	50.0%	33.3%	3
Total	1	12	13	14	13	53

6.7.4 Age and educational status of officials

Table 6.4 signifies that age as the variable and the educational status of officials are fairly distributed. Between the 0-4 years of experience in public procurement, only one respondent has an honour's degree, and in years 5-8, 42,9% have a high school qualification, 18,8% a diploma, 26,7% a bachelor's degree, 8.3% an honour degree and 33.3% a master's degree. Regarding 9-12 years of experience in public procurement, 42,9 have a high qualification, 31.3% have a diploma, 26.7% have a bachelor's degree and 33% have a master's degree. Between 13-17 years of

experience in public procurement, 14% have a high school qualification, 35,5% a diploma, 20% honours, and none with a master's degree. Last, ages between 18-22 years of experience had non-high school qualifications, 12,5% a diploma, 26,7% a bachelor's, 50% having an honours degree and 33.3% possessing a master's degree.

From the aforementioned findings, most respondents, 50%, possess an honours degree. More interestingly, 5-8 and 9-12 years of respondents' experience have a high school qualification (42%) which means respondents with less experience possess a high school qualification (

Table 6.4). The younger age groups have minimum qualifications when entering the procurement environment. The respondents with more years of experience in public procurement possess higher qualifications.

Table 6.5: Distribution of age and qualification

Age	High school Matric	Diploma	Bachelor's degree	Honours degree	Master's degree	Total
30-35	42.9%	31.3%	26.7%	0.0%	33.3%	14
36-39	42.9%	18.8%	53.3%	0.0%	0.0%	14
40-51	14.3%	50.0%	20.0%	75.0%	66.7%	23
51-66	0.0%	0.0%	0.0%	16.7%	0.0%	2
Total	7	16	15	12	3	53

Source: Researcher

6.7.5 Descriptive Statistics and Cross-Tabulations

The cross-tabulation analysis was used to analyse categorical (nominal measurement scale and ordinal) data. It provided a wealth of information about the relationships between variables and reasons for decreasing or increasing corrupt practices in the public sector. Respondents were asked to rank these variables on the scale from strongly disagree, disagree, neutral-not disagree nor agree, agree, and strongly agree. Fifty-six questionnaire or research instrument variables were statistically analysed (Appendix A- Descriptive statistics). These 56 variables are:

- Organisation/Entity
- Gender
- Highest qualification
- Number of years of experience in public procurement
- Age
- Position in the organisation
- The organisation has a procurement policy
- PPP goals and objectives
- Budget and resources to implement PPP
- PPP development and implementation to curb corruption
- PPPFA address social outcomes
- Relationship between PPP and corruption
- Was PPP developed to prevent corruption
- Policy consulted with various role players
- PPP approved by executive authority
- PPP can prevent corruption
- PPP procedures in responsibility
- Specification, evaluation, and adjudication structure appointed
- Content knowledge of the PPP Framework Act
- Adherence to the stages of PPP

- SCM's official knowledge of procurement rules
- Knowledge of procedures
- SCM official declaration of interest
- Regulations concerning selection criteria
- Provision of debriefing to suppliers
- Ethical behaviour of officials employed in state institutions
- Compliance with procurement rules
- Systems to detect non-compliance
- Non-compliance leads to corrupt practices
- Debriefing of unsuccessful bidders
- Results of bids made public
- Commercially sensitive information disclosed
- Lack of transparency creates an opportunity for corrupt practices
- Declaration of interest by bid committees
- PPP corruption to be addressed at the highest level
- Declaration of interest deterrent to corrupt practices
- Collusion with suppliers
- Value for money underpinning PPP
- Certified training for public officials
- Awareness session on strategic procurement
- Training on linear weighting factors
- Training in contract risk management
- Enforcement of warnings suspension
- Enforcement of sanctions on politicians
- Ranking of measures to curb corruption
- PPP includes value for money
- The outcomes of PPP are to prevent corruption
- Conflict of interest
- Adherence to rules and regulations
- Internal control measures

- Ethical behaviour
- Disqualification of contracts
- Social pressures
- Role of the media
- Blacklisting of supplier database
- Decisions in line with PPP
- Regular reviews/audits of procurement processes
- Conduct of bid committees
- More regulations in procurement processes to curb corruption
- Top management rules in the enforcement of the code of conduct
- Training on ethics
- Reporting of corrupt practices
- Strengthening of internal control measures
- Free press reporting
- Strengthening the judiciary as a solution to curb corruption
- Public participation as a solution to curb corruption
- Complaint-handling mechanism as a solution to curb corruption
- International community involvement as a solution to curb corruption.

In the cross-tabulation, a descriptive statistical test was conducted to determine whether sample proportions matched the theoretical values. The study measured the significant increase or decrease of corruption in public procurement by analysing the respondents' ratings of the questions. The two assumptions of a chi-square test are met:

- Variables are measured at an ordinal level.
- Variables comprise two or more categorical, independent groups.

The descriptive statistics in Annexure A provide simple summaries of the sample and the measures from the dataset. The results of the descriptive statistical test computed using the SPSS software indicated a mean (M) ranging from 3.70 to 5.00. The mean score indicated a consistency relating to the variables analysed. The lowest mean of

3.70, public participation as a solution to corruption, demonstrated that most respondents did not strongly agree that the latter is a solution for corruption in public procurement. On the contrary, with the highest mean score of 5.0, the variable content knowledge of PPPFA, all respondents strongly agreed that knowledge is essential to perform the public procurement function.

The standard deviation is displayed in Annexure A (descriptive statistics), demonstrating that respondents scored .000, the lowest, to 1.370, the highest, while completing the questionnaire. The variable, such as the content of the PPPFA, means all respondents agreed that PPPFA is an important document in the procurement environment. Fifty-three (53) respondents completed the questionnaire with no missing values. In the next section, the factor analysis will be discussed.

6.8 FACTOR ANALYSIS

This section identifies factors influencing policy procurement design and implementation in a public organisation. The research question is: What are the various factors that relate to the success of public procurement aimed at curbing corruption at public institutions in the Western Cape? The factor analysis (FA) technique was used to list and prioritise the factors. FA is a data reduction approach that allows the researcher to observe variables that are difficult to quantify directly. Moreover, FA reduces many variables to a few understandable underlying components, resulting in data simplified to grasp and interpret. Since a high number of measured items were reduced to a smaller number of composite variables, PCA was the most appropriate approach (Humble, 2020:48).

FA is a statistical data reduction methodology that uses a mathematical procedure to simplify connected components and uncover patterns in a collection of variables (Beattie and Esmonde-White, 2021:365). Because of the massive variables identified in the study, the researcher used FA to condense several variables into smaller components. This method takes the largest common variance from all variables and converts it to a single score used for future analysis.

The FA is a multivariant technique determining factors explaining a phenomenon under investigation. This study used the PCA, a dimensionality reduction method that normally aims to reduce the dimensionality of large data sets by transforming a large set of variables into a smaller one that still contains most of the information in the large data set (Hasan and Abdulazeez, 2021:23). Its purpose is to simplify the interpretation and recognise relationships and patterns from data collected into a limited set of groups with a similar variance (Bartholomew, Knott and Moustaki, 2011:45).

The process entails the isolation of constructs and concepts and simplifying the interpretation of data to explain the correlation among the variables. For example, PPP may be influenced more by a particular society's social, political and economic context, such as political priorities, equal distribution of business opportunities, procurement for local suppliers and BEE. The PCA is a data analysis tool issued to reduce several interrelated variables' dimensionality (number of variables) while retaining as much information (variation) as possible. PCA calculates an uncorrelated set of variables (*components* or principal components) (Kumar, 2017:174).

In this study, 12 variables from the questionnaires completed by the respondents were computed in the SPSS, as displayed in Table 6.6. The number of variables was listed, reduced and measured on how variables are linked. For example, the “regular review or audit” variable of procurement processes show an initial value of 1.000 and an extraction of .802.

Table 6.6: Communalities of variables computed

Communalities of variables computed		
Variable	Initial	Extraction
Regular review/audits of procurement processes	1.000	.802
Bid Committees' professional and ethical conduct	1.000	.757
More regulations in the procurement process to curb corruption	1.000	.509
Top management leadership role in the enforcement of the code of conduct	1.000	.680
Training on ethics relating to public procurement processes	1.000	.736
Competent, accountable, and professional in handling and reporting corrupt practice	1.000	.707
Strengthening internal control measures	1.000	.635
Free press reporting	1.000	.703
Strengthened judiciary as a solution to procurement corruption	1.000	.648
Public participation as a solution to corruption	1.000	.636
Complaints-handling mechanisms as a solution to procurement corruption	1.000	.560
International community involvement in addressing procurement corruption	1.000	.790
Extraction Method: Principal Component Analysis.		

Source: Researcher

The initial value and estimates of the variance in each variable are measured by all components or factors, as displayed in Table 6.6. The proportion of the variance in each variable is measured based on the extracted factors. As displayed in Table 6.6, the description of communalities of the variable computed indicates the variance in each variable displayed. The initial value of all variables is 1.000, which means each variable has an equal chance of competing in the extract exercise.

The extraction communalities refer to the estimates of the variance in each variable measured by the components. In Table 6.6, 12 variables were extracted and ranged from .509 - .802. For example, the variable regular review or audit of procurement processes displayed an extraction value of 8.02, one of the most important variables rated by respondents to curb corruption in public procurement. The commonality refers to the sum of the squared component loadings up to the number of extracted components. Communality in the context is statistics, and more specifically, in FA, a variable's communality is useful for measuring the predictability of the variable's value.

The PCA also entails the total variance explained after the components of the computed variables have been completed. Table 6.7 indicates the total variance of components 1-12.

Table 6.7: Total variance explained

Total Variance Explained										
Component	Variable	Initial Eigenvalues			Extraction Sums of Squared Loadings			Rotation Sums of Squared Loadings		
		Total	% of Variance	Cumulative %	Total	% of Variance	Cumulative %	Total	% of Variance	Cumulative %
1	Competent and accountable handling of corruption cases	3.547	29.559	29.559	3.547	29.559	29.559	3.346	27.883	27.883
2	Strengthening internal control measures	2.191	18.255	47.814	2.191	18.255	47.814	1.837	15.31	43.193
3	International community involvement	1.28	10.669	58.484	1.28	10.669	58.484	1.633	13.608	56.8
4	Training on ethics	1.145	9.539	68.022	1.145	9.539	68.022	1.347	11.222	68.022
5	Top management enforcement	0.774	6.447	74.469						

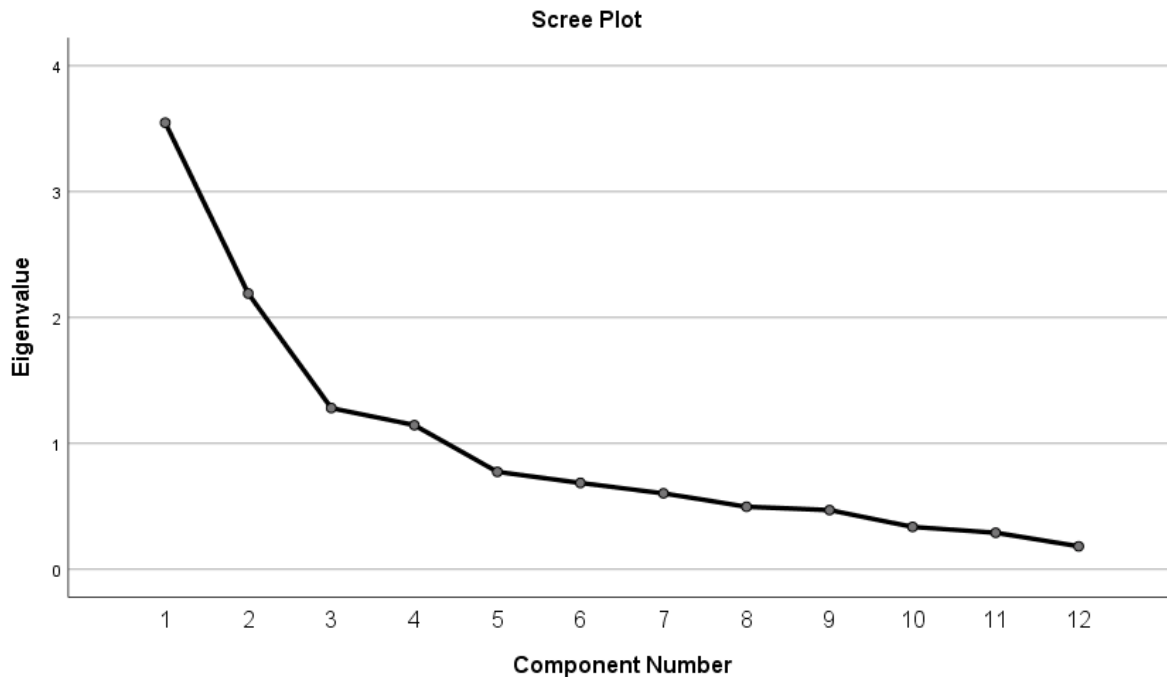
Total Variance Explained										
6	Regular review/audits	0.686	5.714	80.184						
7	Public participation	0.603	5.025	85.209						
8	Complaint handling	0.496	4.136	89.345						
9	Bid committees' ethical conduct	0.47	3.917	93.262						
10	Strengthening judiciary	0.336	2.802	96.065						
11	More regulations	0.29	2.417	98.482						
12	Free press reporting	0.182	1.518	100						
Extraction Method: Principal Component Analysis.										

As displayed in Table 6.7, four components, competent and accountable handling of corruption cases, strengthening internal control measures, international community involvement and training in ethics, are extracted from the component matrix statistical analysis. The values in this column indicate the principal components that explain the proportion of each variable's variance. Variables with high values are well represented in the common factor space, while variables with low values are not well represented.

In Table 6.7, 12 implies competent and accountable handling of corruption cases, strengthening internal control measures, international community involvement, training on ethics, top management enforcement, regular review/audits, public participation, compliant handling, bid committee ethical conduct, strengthening the judiciary, more regulations and free press reporting are listed, and four (4). Four variables emerged, competent and accountable handling of reported corrupt cases, strengthening internal control measures, training on ethics and international involvement as variables with the most component loading. It means that the latter variables play a significant role in reducing corrupt practices in public institutions.

The remaining eight variables, such as top management enforcement, regular reviews/audits, complaint handling, bid committees' ethical conduct, strengthening the judiciary, more regulations, and free press reporting (Table 6.7), have less influence as a measure to curb corruption in public procurement at public institutions; therefore, they are also statistically strongly related.

Figure 6.3: Scree plot



Source: Researcher

In multivariate statistics, the scree plot is useful to ascertain the number of factors to retain in exploratory FA or principal components to keep in a PCA test. The scree plot graphs the eigenvalue against the component number. An eigenvalue is a number that indicates how much variance in the original variables can be ascribed to a certain component. These eigenvalues are used to assist in how several factors should be chosen. The rotation of factors computed in SPSS demonstrated which variables from the questionnaires are most dominant and can be used for further analysis. Humble (2020:37) asserts that the rotation of components analysis is a crucial mathematical method to understand how variables are categorised according to the questionnaire or research instrument responses.

The rotation system demonstrated which respondents rate the highest as solutions to curb corruption in public procurement. The oblique or sloping rotation technique Varimax was used for interwoven correlated structures between items. The scree plot visualises the eigenvalues or the quality scores. The first four components have

eigenvalues over 1 and are “strong factors”. After the 5 and onwards, the eigenvalues declined dramatically. The sharp drop between components 1-4 and components 5-6 strongly suggests that four factors underlie the research question; what factors influence the development and implementation of public procurement policies?

The results of the rotation component matrix four variables scored above 0.715 and were included in the factors that displayed the most loadings, as depicted in Table 6.7. The component loading is recorded. as 768 to .715. The variables are public participation as a solution to corruption (PPS), the strengthening of the judiciary as a solution to procurement corruption (SJS), complaints-handling mechanisms as a solution to procurement corruption (CHM), and international community involvement in addressing procurement corruption (ICI) are most important factors to curb corruption. These variables were identified as the factors influencing the development and implementation of public procurement policies in their institutions.

Other component factors, such as more regulations in the procurement process to curb corruption, free press reporting, competent, accountable, and professional handling and reporting of corrupt practices, strengthening internal control measures, top management leadership in enforcement, bid committees' ethical conduct, training on ethics, and regular review/audits, scored less than 7.00 were not considered.

Table 6.8: Rotation Component Matrix of Variables

Rotated Component Matrix of variables computed ^a				
	Component			
	1	2	3	4
Public participation as a solution to corruption (PPS)	0.768		-0.104	0.168
Strengthened judiciary as a solution to procurement corruption (SJS)	0.757		0.272	
Complaints-handling mechanisms as a solution to procurement corruption (CHM)	0.74			
International community involvement in addressing procurement corruption (ICI)	0.715	0.381	-0.263	0.254
More regulations in procurement process to curb corruption	0.689		0.172	
Free press reporting	0.677	-0.433	0.226	
Competent, accountable and professional handling and reporting corrupt practice	-0.11	0.805	0.169	0.132
Strengthening internal control measures	0.166	0.75	0.211	
Top management leadership role in the code's enforcement of conduct		0.298	0.766	
Bid Committees' professional and ethical conduct.			0.674	0.548

Rotated Component Matrix of variables computed ^a				
Training on ethics relating to public procurement processes	0.371	0.427	0.516	-0.386
Regular review/audits of procurement processes	0.112			0.879
Extraction Method: Principal Component Analysis.				
Rotation Method: Varimax with Kaiser Normalisation.				
a. Rotation converged in eight iterations.				

Source: Researcher

From the above discussion, 12 items such as public participation, strengthening the judiciary, complaint handling, international community involvement, more regulations in the procurement process to curb corruption, free press reporting, competent, accountable and professional handling and reporting of corrupt practices, strengthening internal control measures, top management leadership in enforcement, bid committees ethical conduct, training on ethics, regular review/audits are identified as factors that play a role in the PPP and combatting corruption.

As depicted in Table 6.8, public participation, strengthening the judiciary, complaints handling, and international community involvement are critical factors in addressing corruption in public procurement. These factors can be operationalised by ensuring citizens know how corrupt practices influence economic growth and poverty reduction. The judiciary and international involvement can address the control environment of public procurement by collaborating with international procurement institutions to implement measures and best practices to curb corruption.

These international organisations are the WB, the OECD, and the UN. Government must, therefore, mobilise the community to be outspoken and address challenges

relating to corruption in public procurement at public institutions. Strengthening judiciary and international involvement in addressing procurement corruption variables solves curb corruption. The remaining other components include more regulations in the procurement process to curb corruption, free press reporting, competent, accountable, and professional handling and reporting of corrupt practices, strengthening internal control measures, top management leadership in enforcement, bid committees' ethical conduct, training on ethics, regular review/audits as displayed in Table 6.8 are variables less important to address corruption challenges.

Anti-corruption efforts are not only resided with Government but also in the communities. The eigenvalue in PCA statistical test determines the number of attributes to be considered for curbing corrupt practices. The FA results confirmed that procurement policies, design and implementation processes should be aligned to address corrupt practices, noting that a large sum of money is involved in the procurement processes. For example, the public procurement environment is ever-changing, relating to how suppliers exploit the procurement of goods and services for personal gain. New methods must be introduced to curb corruption in procurement. These new methods are vetting suppliers and limited interaction between the procurement official and supplier during the bidding processes. Next, the statistical correlation test will be discussed.

6.9 CORRELATIONAL STATISTICS

To assess research linkages, descriptive statistics must be translated into explanatory statistics to analyse the landscape of the interrelationship between the variables in this study (Cohen *et al.*, 2011). The relationship between variables was calculated using Spearman correlation (ρ), a non-parametric correlation. The correlations help the researcher determine the strength and direction of the relationship between the variables under investigation. Knapp (2016:359) indicates that the Spearman correlation assesses the relationship between rankings (order listing) using the same value range, -1 to +1.

6.9.1 Spearman Correlation

The research question is: *what is the relationship between public procurement policies and corruption?* are answered by using the Spearman correlation statistical test. Denis (2020:356) asserts that non-parametric Spearman (r_s) is the most suitable test attributable to data ranking to address research questions effectively. The data assumptions of conducting the Spearman test were met in the study, such as:

- Ordinal data were used to rank the variables; for example, ordinal data include Likert scales (e.g., a 5-point scale from “strongly disagree” through to “strongly agree” or other ways of ranking categories) (e.g., 3-point scales). In this study, the Likert scale was used and met the requirements of the Spearman test assumption.
- Paired observation: for example, a person is interested in the relationship between two variables. With 30 participants, this means there would be 30 paired observations. In this study, over 30 respondents were received, meeting the Spearman test assumption.
- Monotonic relationship between two variables. A monotonic relationship exists when the variables increase in value together, or as one variable value increases, the other variable value decreases (Schober, Boer and Schwarte, 2018:81).

In this study, the Spearman assumption is to meet all the statistical requirements. The non-parametric correlation and the Spearman test will be discussed in the next section.

6.9.2 Non-parametric correlations

Table 6.9: Spearman Test

Spearman Correlations- PPP and corruption					
			Entity	Procurement policies are developed and implemented to prevent corruption	PPP can prevent corruption
Spearman's rho	Entity	Correlation Coefficient	1	0.061	0.111
		Sig. (2-tailed)	.	0.665	0.43
		N	53	53	53
	Procurement policies are developed and implemented to prevent corruption	Correlation Coefficient	0.061	1	0.152
		Sig. (2-tailed)	0.665	.	0.276
		N	53	53	53
	PPP can prevent corruption	Correlation Coefficient	0.111	0.152	1
		Sig. (2-tailed)	0.43	0.276	.
		N	53	53	53

Source: Researcher

Table 6.9 displays the Spearman correlations between two variables. Public procurement can prevent corruption. The study sample is 53 (N=53), and procurement officials and managers employed in three spheres of government, national, provincial departments and the local government, better known as municipalities, completed the questionnaire.

6.9.3 Analysis and interpretation

As displayed in Table 6.9, the correlation was run to determine how public procurement policies can prevent corruption. The Spearman correlation is a statistical test to measure the strength of a relationship between paired data. In the above table, the sample used in the study is denoted by (Rs) and as by designed constrained. The Spearman's Rank Correlation Coefficient Rs value is a statistical measure of the

strength of a link or relationship between two data sets. If the +1, the stronger the relationship and -1 indicates a weak relationship.

The results indicated a strong statistical significance at the 2-tailed with a score of .665 between procurement policies developed and implemented to prevent corruption. The correlation coefficient of .665 is more than .05 ($-0.05 < p\text{-value}$), which is statistically significant. The Spearman of -.014 indicates a weak correlation between listed variables, such as PPP can prevent corruption.

As depicted in 6.10, the correlation coefficient, the significant level (2-tailed) indicated a score of .665. This implies that the value is higher than the $p > .05$ value. The respondents agreed the PPP could prevent corruption. Other factors contribute to why PPP is effectively developed in public sector organisations; the implementation thereof is lacking, which needs to be explored in the qualitative data collected for the study.

The assumption of the Spearman test was fulfilled in the study, such as the correlation between two ordinal variables and the Likert-type questionnaire. The Sig. (2-tailed) is the p-value, and the population (N= 53) is the number of observations correlated. The Sig. (2-tailed) in statistics, better known as the two-tailed test, is a method where the critical area of a distribution is two-sided and tests whether a sample is greater or less than a range of values. It is used in testing for statistical significance.

If the sample being tested falls into either of the critical areas, the alternative hypothesis is accepted instead of the null hypothesis. In the next section, the Kruskal-Wallis analysis was used to establish the strength of the correlation between the variables in the study.

6.10 KRUSKAL-WALLIS STATISTICAL TEST

The Kruskal-Wallis H test was used to test the hypotheses of the study. This test is a non-parametric test equivalent to the one-way analysis of variance (ANOVA). It evaluates whether several independent samples come from the same population scores or are ranked from the highest and then summed within each group individually. Therefore, three groups of respondents participated in the study: national, provincial

departments, and local governments. The Kruskal-Wallis test is based on rank sums (Denis, 2020:358). Based on the stated research questions, the research hypotheses are:

Null Hypothesis (H₀): The development and implementation of public procurement policies will prevent or curb corruption.

Alternative Hypothesis (H_a): The development and implementation of public procurement policies are not directed to prevent or curb corruption.

Table 6.10: Hypothesis Kruskal-Wallis H test

Test Statistics^{a,b}	
	Procurement policies developed and implemented to prevent corruption
Kruskal-Wallis H	0.422
df	2
Asymp. Sig.	0.81
a. Kruskal-Wallis test	
b. Grouping Variable: Entity	

Source: Researcher

The result from the aforementioned test (Table 6.10) determines whether policy procurement policies developed are directed to prevent corruption is not significant. The results of the Kruskal-Wallis demonstrated a significant difference between PPP development and implementation to prevent corruption. The result has also displayed a scoring of $H(2) = 0.810$ and 0.422 , $p < 05$, indicating that the groups did not differ

significantly from each other regarding whether PPP design, development and implementation prevent corruption. Public procurement development and implementation influence preventing corruption, according to the results. The difference in the total between the two is not statistically significant.

Therefore, the null hypothesis (H₀) is retained with a significant value of .810 indicates that PPP development to prevent corruption within the sample (N=53) is consistently the same across categories of data analysed. The alternative hypothesis (H_a): the development and implementation of public procurement policies are not directed to prevent or curb corruption remains.

The research question is, *What are the variables that determine the effectiveness of public procurement policies at public institutions in the Western Cape?* The analysis of the literature reviewed in Chapters 2, 3 and 4 indicated that the institutionalisation of internal audit processes to be implemented and the declaration of secrecy during the bid process is essential to detect corrupt practices. Collusion between the bidder and public officer, the enforcement of procurement rules and regulations, the conflict of interest, and the top management roles in implementing sanctions and strengthening the control measures are the key elements to identifying and detecting non-compliance in public procurement processes (Treasury, 2014:5; Fourie, 2015:45; Ambe, and Badenhorst-Weiss, 2012:13).

The conceptual framework proposed in Chapter three (3) confirmed that the elements are key variables to detect and identify non-compliance in public procurement. The Kruskal-Wallis test was used to statistically identify the strength and correlation among the analysed variables. The assumption test to run the Kruskal-Wallis test was considered:

- The independent variable is measured ordinal. The Likert scale was used in the questionnaire instrument.
- The independent variable comprises two or more categorical independent groups. These groups are national and provincial departments and local government.

- Independent of observation means there is no relationship between observations in each group. Distribution in each group has the same shape.

All the preceding assumptions were met, and the Kruskal-Wallis is the most appropriate statistical test to run.

Table 6.11: Ranks of the Kruskal-Wallis H test

Ranks of variables			
	Entity	N	Mean Rank
Conflict of interest	National Department	9	28.17
	Provincial Department	21	26.43
	Local government/ Municipality	23	27.07
	Total	53	
Adherence to regulations, rules, and procedures	National Department	9	31.72
	Provincial Department	21	22.64
	Local government/ Municipality	23	29.13
	Total	53	
Internal control measures	National Department	9	31.72
	Provincial Department	21	19.67
	Local government/ Municipality	23	31.85
	Total	53	
Ethical behaviour	National Department	9	35.22
	Provincial Department	21	17.38
	Local government/ Municipality	23	32.57
	Total	53	
Disqualification of contracts	National Department	9	33.94
	Provincial Department	21	22.5
	Local government/ Municipality	23	28.39
	Total	53	
Social pressures	National Department	9	20.89
	Provincial Department	21	27.95
	Local government/ Municipality	23	28.52
	Total	53	
Role of the media.	National Department	9	22.72
	Provincial Department	21	28.12
	Local government/ Municipality	23	27.65
	Total	53	
	National Department	9	23.67

Ranks of variables			
Blacklisting database of suppliers.	Provincial Department	21	24.64
	Local government/ Municipality	23	30.46
	Total	53	

Source: Researcher

The mean test indicated that the means of the dependent variables for the diverse groups (N=53) of the variables were scored with a range between 17.38 to 35.22 (Table 6.11). Interestingly, the means scored for the conflict of interest (m=4.40), adherence to regulations, rules and procedures (m=4.55), internal control measures (m=4.58), ethical behaviour (m=4.53), disqualification of contracts (m=4.15), social pressures (m=3.87), the role of the media (m=4.04) and the blacklisting of suppliers (m=4.62) confirmed that effectively implementing these measures can prevent corruption.

Table 6.12: Kruskal-Wallis test statistics

Test Statistics ^b								
	Conflict of interest	Adherence to regulations, rules and procedures	Internal control measures	Ethical behaviour	Disqualification of contracts	Social pressures	Role of the media.	Blacklisting database of suppliers.
Kruskal-Wallis H	0.104	4.062	10.797	18.152	4.399	1.889	0.963	3.01
df	2	2	2	2	2	2	2	2
Asymp. Sig.	0.95	0.131	0.005	0	0.111	0.389	0.618	0.222
a. Kruskal-Wallis test								
b. Grouping Variable: Entity								

Source: Researcher

Table 6.12 indicates that the p-values of variables are computed using the SPSS software. The conflict of interest scored.014, p =9.50, adherence to regulations, rules,

and procedures, 4.062, $p=.131$, internal control measures, 10.797, $p=.005$, ethical behaviour, 4.399, $p=.000$, disqualification of contracts, 4.399, $p=.111$, social pressures, 1.889, $p=.389$, the role of the media.963, $p=.618$ and blacklisting database of suppliers, 3.010, $p=.222$. This means that the variables' conflict of interest is less significant statistically, with a $p=.950$, followed by the role of the media, $p=.618$ and social pressures $p=.389$. This means that most respondents ($N=53$) in the three spheres of government, national and provincial departments, and local government rated the aforementioned as the most important variables to combat corruption.

The Kruskal-Wallis Independent Sample statistical test in Table 6.12 demonstrates that the respondents within the three samples scored consistently and strongly agreed by rating the eight variables, as displayed and ranked in order of scores in Table 6.12, on the 5 points on the Likert scale as the systems to identified and detect elements of non-compliance in PPP which can curb corruption in public procurement. In the next section, the comments from respondents are discussed.

SECTION 2- QUALITATIVE APPROACH: ANALYSIS AND RESULTS

6.11 ANALYSIS AND RESULTS: QUALITATIVE APPROACH

6.11.1 Demographic analysis

As aforementioned in Section 1, the interviews were conducted with procurement managers and officials employed in public procurement in the public sector. These entities comprise national, provincial departments and local governments (Chapter 2). The process of how the interviews were conducted was discussed in Chapter 2.

The composition of the sample for the interviews is as follows:

Table 6.13: Composition of sample

No	Department/Municipality	Respondent/ Participant	Short Code	List of interview scripts	Questionnaires Completed
1	Department of Agriculture – (provincial)	Respondent 1	AGR	5 pages	Yes
2	Department of Social Development (provincial)	Respondent 2	SG	5 pages	Yes
3	Department of Environmental and Development Planning (provincial)	Respondent 3	EP	5 pages	Yes
4	Department of Premier (provincial)	Respondent 4	DP	5 pages	Yes
5	Hesseque (Municipality)	Respondent 5	HE	5 pages	Yes
6	Swellendam (Municipality)	Respondent 6	SW	5 pages	Yes
7	Overstrand (Municipality)	Respondent 7	OS	4 pages	Yes
8	West Coast (Municipality)	Respondent 8	WC	8 pages	Yes

No	Department/Municipality	Respondent/ Participant	Short Code	List of interview scripts	Questionnaires Completed
9	Parliament (Legislature, reside under national Dept)	Respondent 9	PA	7 pages	Yes
10	Department of Rural Development and Land Reform (national)	Respondent 10	RD	5 pages	Yes
11	Saldanha municipality	Respondent 11	SM	4 pages	Yes
12	Department of Human Settlement (provincial)	Respondent 12	DHS	4 pages	Yes
13	Department of Education (provincial)	Respondent 13	WCED	4 pages	Yes
14	Department of Transport and Public Works (provincial)	Respondent 14	TPW	5 pages	Yes
15	City of Cape Town (municipality)	Respondent 15	CCT	8 pages	Yes
16	Swartland Municipality	Respondent 16	SM	6 pages	Yes
17	Witzenberg Municipality	Respondent 17	WM	6 pages	Yes
18	Department of Employment and Labour (national)	Respondent 18	DOL	5 pages	Yes
19	Drakenstein Municipality	Respondent 19	DM	5 pages	Yes
20	SALGA (national)	Respondent 20	SAL	4 pages	Yes

No	Department/Municipality	Respondent/ Participant	Short Code	List of interview scripts	Questionnaires Completed
21	Depart Economic Development & Fishery and Forestry (national)	Respondent 21	DED	4 pages	Yes
22	Prov Treasury (provincial)	Respondent 22	PT	5 pages	Yes
23	Mossel Bay municipality	Respondent 23	MSM	4 pages	Yes
24	Department of Environmental and Tourism (provincial)	Respondent 24	DEDAT	4 pages	Yes
25	Depart of Correctional Services (national)	Respondent 25	DCS	2 pages	Yes
	TOTAL	25	25	104 pages	

Source: Researcher

Table 6.13 demonstrates the sample composite where the qualitative data through interviews was conducted. Twenty-five (25) procurement managers and officials were interviewed and transcribed into the text, as explained in Chapter 2. Procurement officials in state entities report to the procurement managers responsible for the whole procurement cycle in these entities. Hundred and four (104) pages of text were created from the 25 interviews conducted.

6.11.2 Document analysis

Policy documents related to procurement policies and Accounting Officer Framework relating to how goods and services are procured in the national, provincial and local government departments were obtained from varied sources (Table 5.5). Besides the interview data, ten (10) documents were reviewed. All documents reviewed revealed

the existence of the procurement policy and Accounting Officer Framework (AOF) in the sample.

All AOF policies are analysed in line with Section 217 of the Constitution, stipulating that the procurement of goods and services should be fair, equitable, transparent, competitive, and cost-effective (Chapter 4, Section 4.1). Preferential procurement, specifically relating to local content, is included in all procurement policies or AOF of all the respondents.

The document analysis of all public sector institutions selected for the demonstration is that all policies and rules relating to procurement are aligned with the directives or practices of the National Treasury. National Treasury sent the directive to the Provincial Treasury (PT) to assist national and provincial departments and local governments in aligning their policies or AOF to the national directives.

Concerning the national departments, it was discovered that the chief financial officer endorsed the AOF and associated delegations. These documents are implemented in all regional offices, and regular audits are conducted to ensure compliance. At provincial departments, it was revealed that PT plays a critical role in ensuring that all AOFs are aligned with the directives of the National Treasury.

A CFO and SCM forum discuss challenges relating to procurement on a transversal platform. The transversal platform includes all departments' procurement managers and officials to discuss procurement processes and streamline guidelines. The transversal platform is a quarterly meeting chaired by the Department of Premier. PT audited the AOF, and all fraud and corruption cases were reported for further investigation.

Documents obtained also revealed that the Forensic Investigation Unit is established in the Premier's office in the Western Cape to investigate corruption cases and respond to the anonymous hotline queries reported by public officials and the general citizens. Public members and staff can anonymously report all fraud and corrupt practices to the latter unit.

At the municipal level, the national directives also dictate the formulation and implementation of procurement policy. All municipalities called their policies the SCM policy. The SCM policies analysed include demand, acquisition, logistics, demand and risk and performance management. Provincial Treasuries assist the municipalities in aligning SCM policies to the national directive through audits and strengthening internal control measures.

All SCM policies have annexures. The annexures attached include the code of conduct of supply chain practitioners. Preferential procurement policy or plan, gift policy, the conduct of conduct for bid adjudication committees, B-BBEE and the listing of suppliers. Municipality's council members approve SCM policies of all municipalities; the municipality manager and the chief financial officer are responsible for enforcement and operationalisation thereof. Any deviations or non-compliance need to be reported to the Council.

The procurement policies or AOF aligned with the national directives (Republic of South Africa, 2016). There is a lack of an inclusive approach to the anti-corruption legislation and should be an attached annexure in the state institutions' procurement policies to ensure investigation of corrupt and fraudulent practices is not easily pursued. This means that procurement policies analysed do not include anti-corruption legislation or annexures emphasising anti-corruption measures.

The variation is visible when officials involved in corrupt practices need to be charged for misconduct or appear in a court of law. For example, the Prevention and Combatting of Corrupt Activities Act 12 of 2004 is isolated and, therefore, not linked to the procurement policies in public institutions.

6.12 THEMATIC ANALYSIS

Interviews were conducted with 25 procurement managers and procurement officials in national and provincial departments and municipalities. The interview processes were explained in Chapter 2 by obtaining approval from the participants and

scheduling a time and date to conduct the interview. All interviews were recorded and transcribed into text format.

The text format was analysed by Atlas ti. – an analytical-qualitative software. The interview transcribes and is coded into main themes and sub-themes. As Isaacs (2014:318) suggests, coding is “the establishment of categories and concepts drawn from the data is a methodical technique to compress large amounts of data into smaller, more easily analysed components”.

The main and sub-themes emerging from the interview processes are:

Table 0.14: Main themes and sub-themes

Main themes	Sub-themes	Research Aim/Objective
<p>1. Influencing factors: PPP development</p>	<p>B-BBEE promotion Clarity of Policy Objectives Conflict of interest Inefficient use of resources Accountability Local needs Political will NDPs Interdepartmental linkages</p>	<p>Objective 3</p>
<p>2. Influencing factors: PPP implementation</p>	<p>Availability of PPP Availability of resources/capacities Cost-effectiveness of implementation Availability of PPP Capacity building/training Accountability Monitoring and Evaluation (M&E) Stakeholder's engagement Internal control mechanism Protection of whistle-blower Values and social factors Use of code of conduct Leadership accountability</p>	<p>Objective 3</p>

3. Non-compliance system of identification and detection	Inquiry commission/labour relation practice Internal control mechanism Zero tolerance approach Technological leverage	Objective 3	
4. PPP Development Lapses/vulnerabilities	Capacity building/training concerns Lack of confidence in procurement policy Laissez-faire concerns to corruption practices	Objective 2	
5. PPP development: Corruption prevention	Anti-corruption policy assessment Municipal SCM policy The positive expectation of policy	Objective 2	
6. PPP implementation lapses/vulnerabilities	Lack of internal control mechanism Unethical behaviours Issues of red tape Public political interference Manipulation of specifications by line managers Implementation problem Lack of departmental anti-corruption strategy Lack of training/workshops on PPP Inadequate capacities/resources Lack of accountability Corrupt suppliers	Objective 2	

7. PPP implementation: Corruption prevention	Capacity for compliance	Aims 1 & 2
	Compliance and proactiveness	Objective 2
	Leadership	
	Public awareness	
	Internal control mechanism	
	Procurement good practice	
	Review of strategy	
	Staff attitudes towards corruption	
	Use of Code of conduct	
	Use of Whistle-blower	

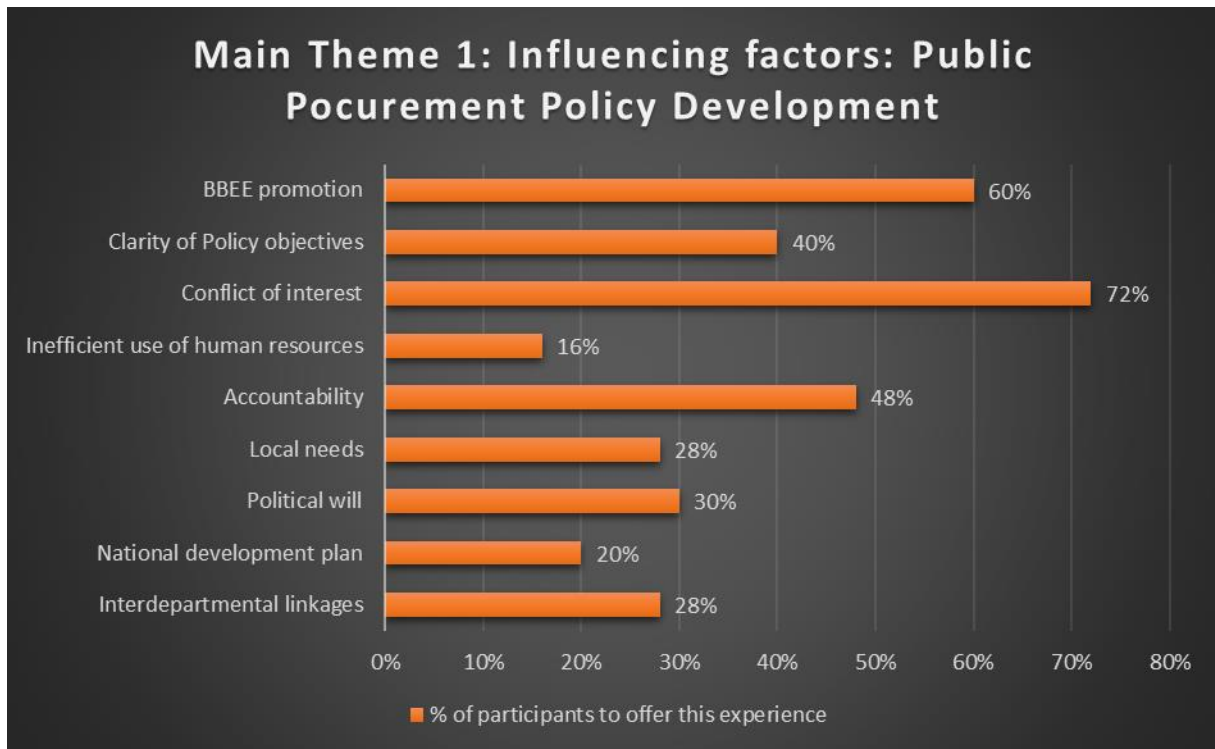
Source: Researcher

Table 0.14 lists all the main and sub-themes identified during the qualitative analysis. The in-depth interviews revealed that the main themes that emerged as a focus on the PPP development and implementation to combat corruption, which is the core study objective. The next section discusses the main and sub-themes.

6.12.1 Influencing factors: Public procurement policy development

The data obtained from the interviews revealed the participant's assessment of the factors influencing the development and design of the PPP in their environments, as indicated in **Figure 6.4**.

Figure 6.4: Main theme 1: Influencing factors: Public procurement Policy development (Fix BBEE to B-BBEE in the Figure)



6.12.2 B-BBEE Promotion

The interview data revealed the participants indicated that B-BBEE promotion is one factor influencing the PPP development in the sphere of government. Sixty per cent indicated that B-BBEE promotion is a determinant factor to be considered when developing a procurement policy. When asked what factors influence developing public procurement policies, two respondents replied that the Council of the municipality’s responsibility is to ensure that suppliers are locally based. Respondent D6 stated:

The notion of the Council is to ensure that suppliers are locally based. Before approving the SCM policy, the Council wants to see how we will source locally and wants the methods we use. The PPPFA makes provision for the procurement of goods and services locally and uses this as a base to promote local companies in the region.

To reiterate the above statement, respondent D7 stated that the Constitution and the NDPs of South Africa are key drivers in formulating policy, specifically in the procurement space.

The Constitution, the National Development Plan, and the political party in charge of the geopolitical shift are all that SCM. It's buying public goods and leveraging states' power to buy public records for that's dealing with. Thus, formulation comes from a pro-poor budget for health education only houses go back to that sort of debt for me and make a way to think that all initiatives cascade down into a provincial and local government level. It can be argued that policy formulation will happen because it's based on mandate and execution, which is obviously up to the National Development Plan and the national framework that exists in an institution [D7, 1:3].

6.12.3 Clarity of policy objectives

Forty per cent (40%) of the participants comprised all the procurement managers and officials, respectively, and believed that clarity of objectives is the main ingredient of public procurement development. The factors cited by participants are objective of the policy should be clear, assessing the effective measures to consider. Policies are in place, but the:

... public perceives the government as corrupt; hence, a top-down approach must be followed when dealing with corrupt practices [D9, 3:3].

Top management must set an example to adhere to public procurement policies. Instead of leading from the top to the bottom, leadership engages in corrupt practices.

6.12.4 Conflict of interest

Participants (72%) identified conflict of interest contributing to corrupt practices. Conflict of interest is emphasised as a massive problem as stated next:

It is a massive problem, and SCM (referring to supply chain management) is not aware of the connection the officials have a family and friends; as a result, they benefit from the procurement of goods and services".(D6, 6:5).

The interviews also indicated that senior management conflicts with interest during procurement processes. Participant D7 stated that:

Senior management person is those who are in conflict of interest, and this phenomenon will always exist in procurement despite the government policy in place (D7, 8:5).

6.12.5 Inefficient use of human resources and accountability

Interview data revealed that 16% of participants indicated the inefficient use of human resources influences policy procurement development. It was cited that in the procurement space, everything is in place in South Africa [a reference to policies and processes]. Participant (D4) stated that;

... you can have enough resources, but you are not utilising them efficiently in the fight against corruption (D4, 6:4)

Besides inefficient use of resources, accountability emerged as another factor influencing PPP. In the Constitution of South Africa, procurement is embedded in key principles, such as fairness, equity, transparency, cost-effectiveness, and competitiveness. Despite the latter principles in place in the sphere of government, corrupt practices continue. D8 cited that the following response.

One of the reasons for the increase in corrupt practices is the lack of accountability. Secondly, no adherence to the policy. Remember, when you implement a policy, you must adhere to it. It steers your conduct in your environment; you cannot do this; you can do what you are allowed to do, so the policies guide you in terms of what is allowed. But it's the practice you need to implement. You can even be also to the code of conduct in terms of behaviour (D8,4:4).

A factor that can reduce corruption is transparency. D9 responded that transparency, good governance, and accountability should be instilled from the top down in a sphere of government. D9 cited those internal controls, such as the AGSA and stakeholder relations and participation, are all factors that can reduce corrupt practices (D9, 9:3).

One lapse of accountability relating to anti-corruption legislation is the greed of officials and the lack of a control mechanism in the procurement system. D2 (D2,2:1) mentioned that the greed of officials and the lack of control mechanisms in any environment open the door to corruption.

When public office bearers and officials misuse their power to empower and promote certain businesses, control measures, such as auditing and frequent checking of procurement processes, are recommended but not implemented. Nobody from a leadership perspective is taking accountability for their corrupt action (referring to leadership) actions (D7, 7:25); 48% of the participant emphasised accountability is a key factor in curbing corruption in public procurement.

6.12.6 Local content and political will

Participants were asked to identify factors to be considered when developing their procurement policies. D9 (9:4) responded that one attribute to be considered when the policy is developed is local content. Local content improves the local economy in a region and creates employment opportunities. Specifically, on a local level, municipalities, the Council that approved the PPP ensures that goods and services are sourced from local suppliers.

The political will and the intention of the local political party in a municipality plays a significant role in procuring goods and services. D9 (9:3) cited that politics will influence developing policy. Regarding preferential procurement, procurement from local suppliers will enhance the life of the communities.

6.12.7 National Development Plan and interdepartmental linkages

The NDP of South Africa plays a critical role in developing communities and reducing poverty (Chapter 1). Data from the interviews showed that community values and social experiences would influence the formulation and implementation of PPP. One of the participants agreed that PPP is influenced and underpinned by the value of money, competitiveness, transparency, and accountability. These values originate from the Constitution.

What also emerged from the data interviews is that policies should have a development focus, and in the same breath, ethical issues are never prioritised to curb corruption.

The Constitution, the National Development Plan, and the leading political party want to influence processes in SCM to benefit certain individuals (D7, 7:3).

It can be concluded that developing procurement policies should align with the Constitution and the NDPs. Therefore, all the policy directives from the national government concerning National Treasury directives must filter down to provincial and local government levels. Developing policies occurs because it is based on mandate and execution, linking to the objectives of the NDPs and the national framework in a public institution.

Interdepartmental linkages between the spheres of government play a role formulation of PPP. On the national and provincial levels of government, the AOF and delegation are a tool to regulate the procurement of goods and services. In the municipality, the National Treasury prescribed that a municipality must develop their PPP in line with the sets of directives and guidelines. D6 stated that:

The SCM /Procurement policy comes from the provision of municipality regulations, National Treasury (NT) and PT providing guidelines in terms of circulars, NT guidelines on how the SCM policy should look and what elements are compliant. Our SCM is amended to speak to the provision of NT and PT guidelines and take into consideration the local context of the municipality. The SCM policy is regularly checked to ensure alignment with the NT & PT guidelines, circulars, and practice notices. It is annually amended, and the procurement plan is aligned with the budget approval (D6, 6:4).

A participant cited that Treasury Regulations play a role in formulating PPP. The delegations in the policy prescribe what authority and responsibility are delegated to a certain individual in an organisation. D3 warned that risk committees play a role in the enforcement of procurement policies in spheres of government. With internal

control, they are the watchdogs of public procurement implementation in the sphere of government; 28% of the participants indicated interdepartmental linkages are an influencing factor in developing the PPP. The next section explores factors influencing the implementation of public procurement policies.

Figure 6.5: Main Theme 2: Influencing factors: Public procurement policy implementation

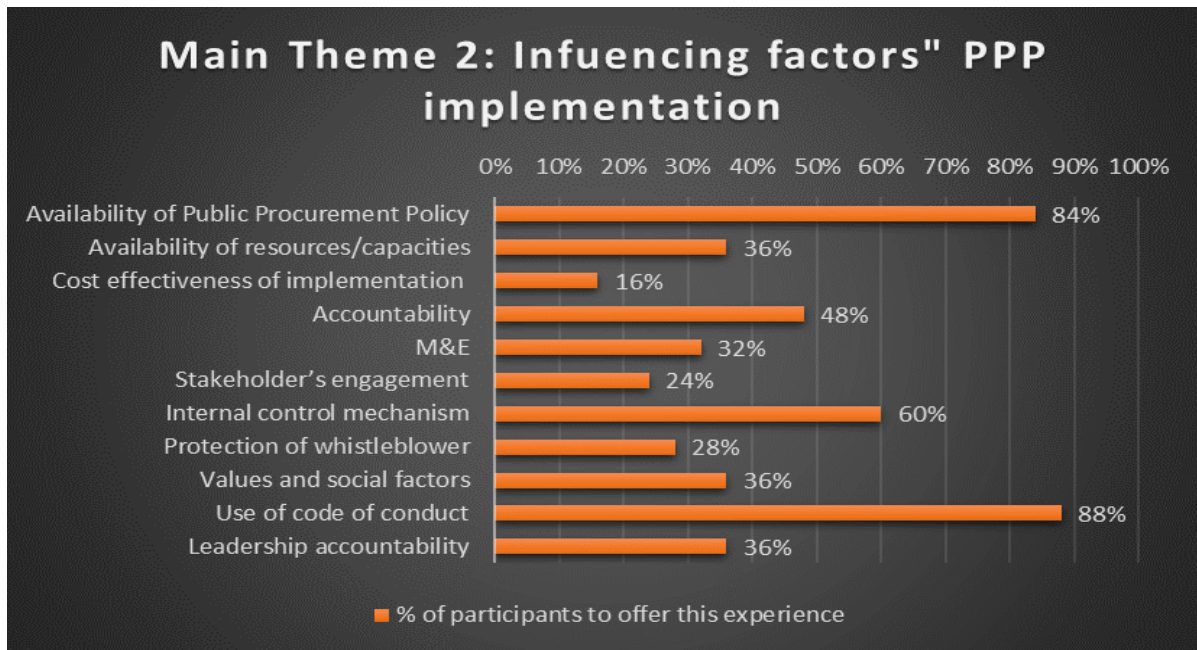


Figure 6.5 displays the main theme 2: Influencing factors of PPP implementation, as appeared from the interviews conducted, discussed in the next section.

6.12.8 Availability of public procurement policy, resources and capacities

Eighty-four per cent of the participants indicated that the accessibility of PPP is a factor influencing the implementation of PPP in the spheres of government. These state institutions are departments of Labour and Employment, Agriculture, Social Development, Environmental Affairs and Development Planning, Economic Development and Tourism, Education, Premier, Rural Development, Transport and Public Works and Human Settlements. The local level includes the West Coast, the City of Cape Town, Overstrand, Hessequa, Swellendam, Saldanha, Witzenberg,

Drakenstein, and Swartland. When asked how they implement the PPP in their departments or municipality, they indicated that introducing the MFMA policy was based on the outcomes thereof, but with the adaptation of Supply Chain Regulations guided by the National Treasury (NT), the SCM was amended to incorporate the NT.

One respondent mentioned that the PPP and plan were incorporated into one document. The public procurement implementation plan details the activities of each role player to prevent fraud and corruption. The accounting officer has a role in implementing certain controls, such as regularly auditing procurement processes to address challenges of corruption and non-compliance. The guidelines and procedures from the NT and delegations of authority stipulate what each official needs to perform during the procurement processes. All the participants indicated that they have an approved PPP or accounting officers' system. Concerning the availability of resources and capacities to curb corrupt practices, participants indicated that internal control measures and declaration of gifts are key factors.

D1 mentioned that besides the control measures, checks conducted by internal audit and the AGSA regarding compliance audits are conducted in the procurement space. Information from the initial phase of the procurement process is critical in fighting corruption because early detection is the first step. D1 responded that:

Information from the ground ... you must have a compliance unit. Looking at all the procurement processes quoted previously on Source Link (referring to the online quotation system), I don't know IPS (also the quotation system for procurement). You just check whether everything is in order with regard quotation system of goods and services. This is an example of internal controls; they normally do the checks, and therefore the person's a key role in the unit and the people who know the policies and the procedures must be aware of compliance matters (D1, 3:2).

What emerges from the interviews is the segregation of duties in curbing corruption. D4 mentioned that someone does a procurement activity, and another needs to approve the action. Regular checks must be conducted at each step of the

procurement process to prevent corruption. Systems and processes must, therefore, be in place to address corrupt practices in public procurement (D4, 4:2).

Data from interviews also indicated that policies and anti-corruption policies are in place, and participation and transparency are promoted to create good governance. However, officials still get involved in corruption practices (D9, 9:2). This means the procurement policy environment has all policies and rules in place, but attributable to the greed of officials and instructions from senior management to bypass processes. As a result, corrupt practices are increasing in South Africa (Gray, 2021:9).

6.12.9 Cost-effectiveness of implementation and accountability

When implementing PPP, the intentions of the policy must be clearly stated. Cost practices should also be considered when the policy is developed and implemented. Cost analysis must be conducted before implementing a policy.

Relating to the reasons for the increase in corrupt practices in public procurement, D8 cited:

One of the reasons is the lack of accountability. Secondly, no adherence to the policy. Remember, when you implement a policy, you need to adhere to it. It steers your conduct in your environment; you cannot do this, you can do that, you are allowed to do this, you know, so, the policies guide you in terms of what is allowed. But it is the practice you need to implement the SCM guidelines. You can even be also to the code of conduct in terms of behaviour (D8, 8:3).

6.12.10 Monitoring and Evaluation (M&E) and stakeholder engagement

Interviews confirmed that 32% of the participants indicated that M&E is a factor influencing PPP to curb corruption in government. D4 (4:6) conceded that their department has an M&E team in place from risk management as they checked the project's feasibility before advertising it as a bid. An evaluation report is compiled, emphasising the risk of a specific project and checking whether the supplier is a registered entity. The check and balance constantly eliminate the possibility of corrupt

practices and safeguards potential liability to the department relating to unfairness in the procurement process (D4; 4:5).

Risk factors must be adequately managed in the control environment. D 10 explained that:

We have to report quarterly, and ten days after the quarter, we have to report to the mayor on any progress made and problems we are having within the implementation of the SCM in the district or the municipality they [refers to the Council of the municipality] need six (6) [referring to regulation in the PPP], but I'm not quite sure what the issue in the policy says. The 30 days of the financial year-end. We also have to report on the implementation, but that report goes to the Council. The Council should report on issues like if in between you have major issues, but it should also report it. I refer to regulation six (6), which is also on the SCM regulations, or is now within our supply chain policy. Regulation six (6) said that a report must be submitted about the SCM within ten days at the end of each quarter (D10,10:3).

Besides the M&E factors, as reflected earlier, stakeholder engagement influences PPP implementation. Interviews indicated that training staff members and the public on applying PPP is important because they will be involved in the processes and eliminate rejection of their bids. The level of stakeholder engagement is informed by prescriptive legislation.

6.12.11 Internal control mechanism and protection of whistle-blowers

When asked about the systems used to identify and detect elements of non-compliance in public procurement, the participant (D5) responded that:

Internal control mechanisms and declaration of gifts in the gift register of the department are among other elements to detect non-compliance. Checks and compliance audits relating to procurement processes are conducted in the departments.

D1 responded that:

The code of conduct and declaration of secrecy is applicable measures to deal with corrupt behaviour. ... certain information is confidential and declared secret by the bid committee.

Doing business with the state while being an employee of the state is a major concern. Despite the request to declare interest in a certain supplier, officials don't want to declare their interest. During an investigation into a case, it was discovered that the officer never disclosed close links to the supplier to whom the bid was awarded.

D6 (6:20) responded that:

The gift policy should be adhered to. He stated that the gift policy is introduced or incorporated into the SCM policy/ principles. SCM is based on the principle of fairness.

No gift should be accepted, but it should be declared in the gift register under R350. The gift register is quarterly audited (D6, 6:4).

Protecting a whistle-blower also emerged as a mechanism to detect and report corrupt practices in PPP. D1 (1:12) asserted that a whistle-blower policy is in place, but the protection of the person blowing the whistle is lacking.

D1 (1:13) responded that:

There's also protection in terms of where and when a person discloses information or corrupt practices, but I think in government, it's not always working. The whistle-blower does not get adequate protection. If senior management, especially the management, is implicated in the case, they have come for the person [meaning the whistle-blower will be exposed and subject to the victimisation or unfair disciplinary action] in terms of disciplinary actions, which happened in most cases (D1, 1:12).

One of the participants mentioned that reporting corrupt cases resulted in people being threatened and killed because of greed, for example:

I know people who were killed and threatened because they wanted to be ethical and expose corrupt practices. They live in danger and see what happened in KZN (a reference to a province in South Africa) (D4, 4:5).

The whistle-blower policy appears excellent on paper but is the opposite of what it is intended to achieve. Public and international rules should regulate public institutions' frameworks; therefore, functional and effective national whistle-blower protection frameworks are required at the institutional level. The operationalisation of the whistle-blower policy should include a protection clause and activities on the roles and responsibilities of the whistle-blower and the public institution.

In the cover of frameworks on all sides, the whistle-blower should feel safe and adequately protected. Finally, it is proposed that transparency between actors enables two-way communication; after blowing the whistle, the reporter must continue to obtain inputs from concerned parties; they should not be exploited as a source of information but as a valuable asset to uncovering corrupt practices.

6.12.12 Values and social factors

One reason for unethical conduct is based on “keeping up with the Jones” and upholding a particular type of lifestyle. Ethical values and social factors, such as societal pressures, are some root causes contributing to corrupt practices in societies in South Africa (Vian, 2020:169). Maintaining a lifestyle above the person’s income was cited as a public procurement risk factor. Linking to upholding a certain lifestyle, the lack of control measures in PPP in public institutions complicates detecting elements of non-compliance. Participants agreed that procurement could be effective when correctly implemented to reach its intended outcomes. The effects of control measures were cited as an element to ensure early detection of non-compliance (D2, 2:10). One participant confirmed:

South Africa is one of the best in the country with the best policies and regulations, but if we cannot enforce implementation or good governance, the policy is ineffective and creates the breeding ground for corrupt practices (D13, 13:3).

6.12.13 Code of conduct and leadership accountability

Data from interviews indicated that nine of the 25 participants agreed that the code of conduct influences implementing PPP. D1 (1:18) confirmed that all SCM officials endorsed the code of conduct, including not taking or soliciting a bribe; dealing directly or indirectly with or through a spouse or family member who is a supplier, vendor, customer, or rival, or is employed by the above; or any other activity that might impair the employee's objectivity and performance. D 2 (2:25) mentioned:

... accepting gifts and combative practices are unethical and illegal and should be avoided.

D 9 (9:25) quoted:

The procurement and supply chain official signs the code of conduct and the bid committees, but no official from water services; obtained quotations, but did that person sign the code of conduct form? This is the cause of the decentralisation of the SCM function; that is, this kind of the end-user, the person who in the end-user data does not sign the declaration of secrecy and the code of conduct.

D10 indicated that all procurement officials endorsed the code of conduct and are annually audited by the AGSA and stated:

We have our policies and sign the code of conduct every financial year. The AG must audit the code of conduct each year (D10, 10:2).

To strengthen the response, D10 (10:3) confirmed that the code of conduct is an annexure to their SCM policy. He stated that:

Our supply policy had annexures that were attached to the policy. These annexures are from the AG. Annexure A is the code of conduct for SCM practitioners and all role players. And annexure F is the gift policy that speaks to corruption prevention and the gifts you received.

Therefore, all spheres of government enforce the code of conduct as a control measure to curb corruption.

6.13.13.1 Leadership and accountability

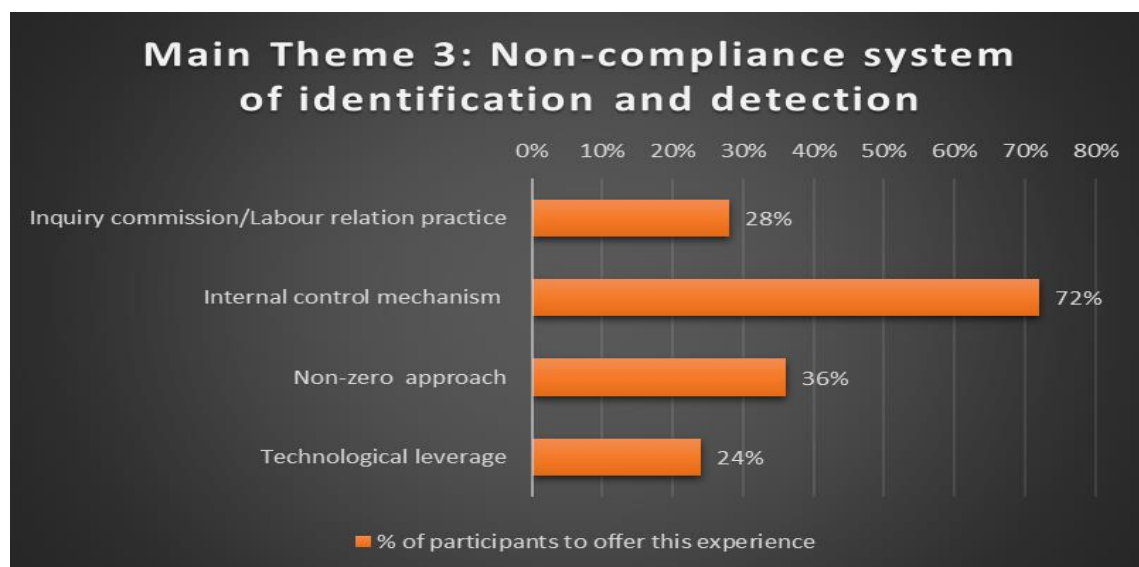
Concerning leadership accountability, three participants indicated the latter factors to be considered when implementing a PPP. The head of the department or municipal manager implements the King 1V Report relating to ethical conduct, good governance and accountability. To confirm, Participant D3 mentioned:

Once the King 1V Report (referring to the King Report underpinning sound leadership and good governance) is implemented in the procurement environment, the key role of the accounting officer cannot be overlooked.

Data emerging from the interviews confirmed the main themes concerning the non-compliance system to the procurement rules and the identification and detection of corrupt practices in public institutions. Following the latter evidence from respondents, it can be deduced that implementing the principles stated in King's report can be used to minimise corruption of public procurement processes in South Africa. According to Mantzaris and Pillay (2013:12), manipulating basic bid policies, rules, and procedures are major cause of corruption in South Africa.

6.13 NON-COMPLIANCE SYSTEM OF IDENTIFICATION AND DETECTION

Figure 6.6: Main theme 3: Non-compliance system of identification and detection



From Figure 6.6, four thematic categories or sub-themes emerged from the interviews and are discussed in these sections.

6.13.1 Inquiry commission/Labour relation practices

The interview data revealed the observations and comments of ten participants. Twenty-eight per cent of the participants confirmed that the Zondo Commission of Inquiry on State Capture in South Africa and labour relations practices as measures to identify and detect corrupt practices. D4 responded that the Commission of Inquiry had limited power to prosecute and charge persons implicated in corrupt practices. He stated that politicians and people testified for a day or two at the Zondo Commission discussing corruption but cannot be found guilty of corrupt activities.

The Zondo Commission is a good platform to discuss corruption, but it does not deal with the core of corruption and eventually prosecute people; it is an inquiry, not a court of law (D4, 4:29).

During the interview data, D10 was passionate about funds spent on the Commission:

How much money has been spent on these commissions? And what were the actual actions that were even taken out of the commission? Because this guy from Bosasa [a supplier] returned, how many times to testify? Is this only an exercise, or will something come serious about the commissions? We reported a case by sending emails regarding certain information about the supply chain, but nothing happened. We sent it to the Commission of Inquiry but heard nothing about it. It has not occurred in our municipality and entails whether we trade with this supplier. We (a reference to the municipality) then have to respond to the latter, but it is just an exercise and no recourse relating to the punishment of action of the supplier (D10, 10:31).

From the preceding verbatim quotation, procurement managers are frustrated about how the senior officials in an organisation deal with corruption. Once an official is implicated in corrupt practices, the labour relations processes become slow. It costs the taxpayer money to pay an official while not performing duties at work attributable to suspension from work. The Zondo Commission has limited power to prosecute

someone who testified on corruption practices. Evidence collected from witnesses and individuals, including affidavits or statements, must be handed over to the NPA for further investigation. It can also be used as evidence in a court of law.

6.13.2 Internal control mechanism

Data collected through interviews demonstrated that the internal control mechanism is a factor to detect and identify corrupt practices in spheres of government. About 72% of participants indicated that internal control measure is key to detecting corrupt practices. The Logistical Information System (LOGIS) system is most participants' online procurement and payments system. Despite the audit trail of transactions on the LOGIS, corrupt practices continue unabatedly. D5 stated:

The online LOGIS system is one of the systems to record and audit transactions. One person can be captured, and another person authorised the payments. A strong internal control system will allow -compliance investigation and propose corrective action. The not integrated system and other systems lead to non-compliance in procuring goods and services (D5, 5:12).

Three bid committees, indicating the Bid Specification Committee, the BEC, and the Bid Adjudication Committee, are appointed at the participant's organisations as stipulated in the procurement policy. The experience at D6 indicated that AG had found no matters of non-compliance. He quoted that the Bid Specification Committee drafts the specification:

We got the BEC which is more than one person who ensures compliance with SCM processes and makes recommendations to the adjudication committee. The Bid Adjudication Committee (BAC) is appointed in writing and functional. The BEC compares an SCM's official/s to ensure that the correct procurement processes are followed through the process. As a result, the AGSA detected no non-compliance matters during the auditing processes (D6, 6:25).

What also emerged from the interviews is that managers should constantly follow correct procedures. The BEC and BAC of state institutions are unaware of what

procedures should be followed in procurement. Managers also mention building up a defensive line to protect against organisational non-compliance. The aforementioned actions are risk factors and damage the image of procurement.

6.13.3 Zero tolerance approach

The participants expressed the zero-tolerance approach to corruption in public procurement as an element to detect non-compliance. Thirty-six per cent of the participants indicated that managers and leaders should adopt a zero-tolerance approach in public organisations to curb corruption in South Africa. It was raised that internal control and audit must be implemented at each procurement activity. The blacklisting of suppliers on the database was mentioned as a zero-tolerance approach. Succinctly, D2 mentioned:

Currently, we are busy adopting a blacklisting in SCM policy as an addendum to the policy, anyone can come; you can do it anonymously to submit the name of the company which needs to be blacklisted (D2, 2;15).

6.13.4 Technological leverage

Participants were asked to identify the technological system's effectiveness in curbing corruption, and 24% specified that the technological procurement system plays a role in detecting corrupt practices. D2 stated:

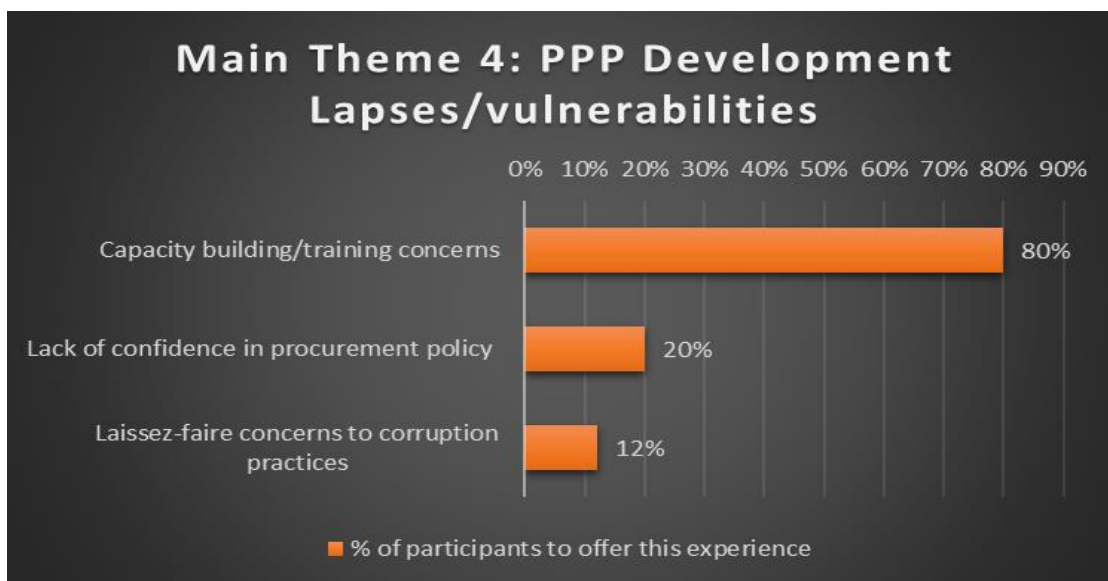
We also use SAPs (referring to procurement and accounting systems) and the national database. SAP is defined as Systems Applications and Products in Data Processing for transaction processing, reports operating data at the end of every month or quarter and analyses financial data. These databases aim to restrict the suppliers and list deemed default on the blacklist database (D2, 214).

As alluded to previously, the LOGIS (a procurement system used in South Africa) creates an audit trail, but its effectiveness in curbing corrupt activities is questionable.

6.14 PROCUREMENT POLICY DEVELOPMENT LAPSES AND VULNERABILITIES

The fourth thematic category from the interviews relating to the PPP development is lapses and vulnerabilities in the procurement processes.

Figure 6.7: Main Theme 4: Public Procurement Policy Development Lapses/vulnerabilities



As displayed the above main themes – PPP development lapses/vulnerabilities in the procurement processes as emerged from the interviews are discussed in the next section.

6.14.1 Capacity building/training concerns

About 80% of participants stated capacity and training concerns. Training on procurement, fraud and corruption is conducted. D3 asserted:

We do training on procurement and fraud and corruption in procurement, which is rolled out to all officials in the Western Cape government. Therefore, officials in the government need to nominate themselves to obtain such training sessions. But we have a module that deals with fraud and corruption in the procurement space (D3, 3:2).

Training on procurement policies and processes is conducted before their implementation. Staff, therefore, learn about the measures and procedures to be followed when procuring goods and services. The intentions of training are perceived well, but there are few consequences for the non-compliance at the execution phase. Training on fraud and corruption was conducted—the participants raised the following concern:

... workshop it (the policy) will eliminate uncertainty in terms of people perceived, how to apply it and when you apply... you can have a good policy, but if you don't even apply it correctly and implement it differently, it defeats the purpose; and the objective you want to reach (D8, 8:6).

The capacity to implement and drive procurement processes in the local government (a reference to municipalities) was raised as a concern. D10 mentioned that:

No capable people are driving the processes in municipalities or government or training staff to be ethical in procurement processes (D10, 10:33).

6.14.2 Lack of confidence in procurement policy and laissez-faire concern to corruption

A lack of confidence in procurement policy implementation emerged from the interviews; 20% of the participants indicated that control measures must be intensified to curb corruption. The following statement supports the aforesaid:

Look I said, entirely previously, that more control measures need to be implemented to curb corruption. I'm saying that because the PPP will not necessarily prevent corruption (D2, 2:20).

Similarly, the laissez-faire concerns about corruption refer to the past corrupt practices in public procurement not adequately implemented as stated in the policy frameworks. One participant, D16, stated that:

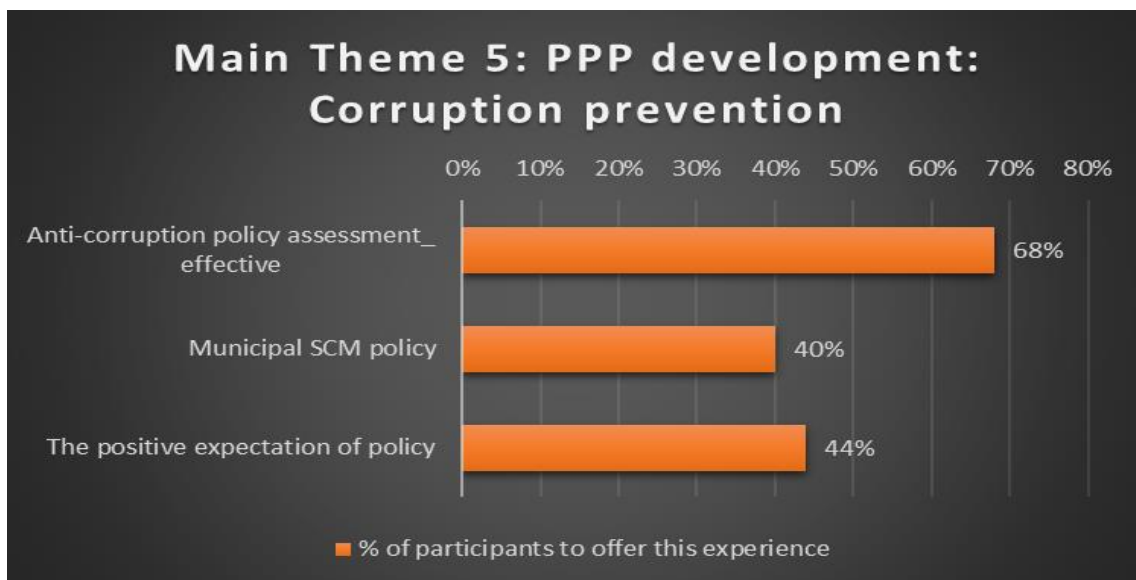
The current and the previous corrupt practices are not adequately addressed, and when the opposition party addresses these matters, it seems like a personal attack on the individual's character (D16, 16:3).

Internal control measures play a critical role in curbing corruption. This argument aligns with the literature review in Chapters 3 and 4. A strong policy environment must, therefore, be supplemented with internal measures.

6.15 PUBLIC PROCUREMENT POLICY DEVELOPMENT: PREVENTION OF CORRUPTION

Participants were asked whether PPP can prevent corruption. The thematic categories emerging from the interview data are displayed in Figure 6.8.

Figure 6.8: Main Theme 5: Public Procurement Policy Development: Corruption prevention



As displayed in Figure 6.8, the main theme – PPP development and corruption prevention, as emerged from the interviews is discussed in these sections.

6.15.1 Anti-corruption policy assessment effectiveness

Concerning the effectiveness and assessment of the anti-corruption public procurement policy, 68% of the participants confirmed that PPP effectively prevents corruption. The respondents indicated they always encourage transparency during the

procurement processes. What came to the fore is that abuse of the procurement system for personal gain and the lack of implementation of the debarment of suppliers contravening procurement rules is an area of concern, and more measures need to be implemented to curb corruption. Policies, procurement mechanisms and processes help fight corruption; however, strengthened control mechanisms are required in the procurement space. Contrary to the preceding statement, D6 felt the anti-corruption policies are ineffective. He stated:

... not fully effective, anti-corruption policies are formulated and implemented. Once a corrupt case arises, the implementation measures and provision of the anti-corruption policy are not working effectively (D5, 5:16).

What also emerged from the interviews is that policies are important concerning anti-corruption policies. Some municipalities indicated the corruption as minor and contained within the organisation's structures (D10, 10:6). Government is doing enough to combat corruption, but, in some cases, there are financial constraints or capabilities. Therefore, top management must be committed to dealing with corrupt practices, which will filter down to the lower levels in spheres of Government.

6.15.2 Municipal SCM policy

All municipalities have an approved SCM policy. Forty per cent (40%) of the participants agreed that the SCM policy must be adapted to the municipality's needs. Guidelines and processes must be streamlined regarding the general accounting practice (GPA). Lately, the supply chain management processes have been reviewed with more elements of public regulations. D1 mentioned that the new Procurement Bill (a reference to the draft Procurement Bill, 2019, aiming to reform public procurement in South Africa) has built-in mechanisms to curb corruption. Within the local government space, D7 asserted:

... throughout the years, we developed our policy incorporating the regulations, principles, and procedures, so you will see that our same policy

approaches include these principles. You will see our SCM policy 281 pages. It is a dense document incorporating all these principles (D7, 7:23).

However, some noted that national and provincial departments lack SCM policy but use the Accounting Officer System (AOS) as a guideline to procure goods and services. D5 mentioned:

We don't have a policy but use the AOS as prescribed by National Treasury and Provincial Treasury (PT). The AOS applies to all national and provincial departments and describes how the procurement of goods and services should be regulated. Our AOS is approved by the Head of the Department and endorsed by PT and is available for perusal at any given time. Officials are aware of the content of the AOS (refers to the AOS)" (D5, 5:1).

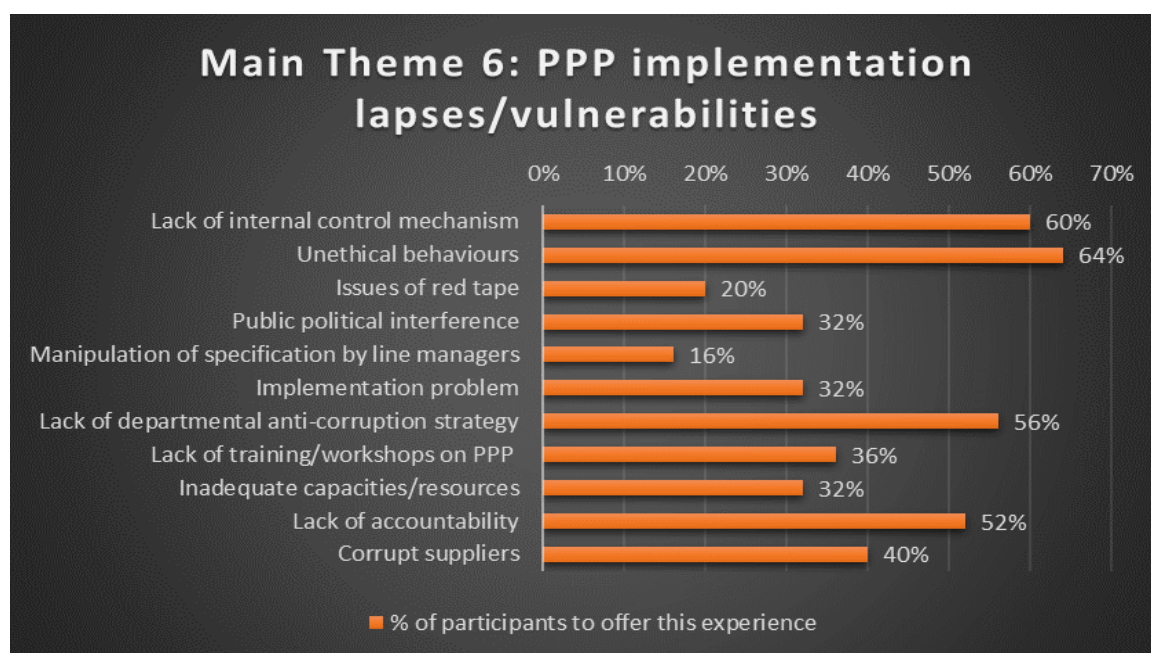
6.15.3 Positive expectations on policy

Forty-four per cent of the participants agreed when asked whether the PPP can prevent corruption. The role of the chief procurement officer in the National Treasury in strengthening the centralisation of certain contracts and commodities was mentioned. The central database of suppliers, as instruments to ensure the fairness of the allocation of contracts and bids, is a key measure and seems like a best practice. D2 (2:9) asserted that the PPP could prevent corruption if effectively implemented. Certain participants expressed a concern that paragraph in the PPP includes regulations and processes which need to be followed, but officials involved in corrupt practices ignore these guidelines. The latter cannot be tolerated, and action is needed should elements of collusion, threatening, or bribery be established in the procurement process. D10 mentioned that:

... there are certain systems in place, and we are having this issue with AG. We have to supply him with a list of all the working employees. We have to supply them with a list of all the supplies we use, and it must validate certain regulations within the supply chain and not procure from people in the service or the state. I believe it serves up the state. Now what we know as municipalities, what we are doing to the curb, is we use the agencies (D10, 10:35).

6.16 PUBLIC PROCUREMENT POLICY IMPLEMENTATION LAPSES AND VULNERABILITIES

Figure 0.9: Main Theme 6: Public Procurement Policy implementation lapses/vulnerabilities



As presented in Figure 0.9, all main themes—PPP implementation lapses/vulnerabilities emerging from the interviews are discussed next.

6.16.1 Lack of/weak internal control mechanism

When requested to identify the root causes for corruption, participants responded that the lack of internal mechanism and 60% of the participants confirmed that internal procurement systems must be revamped. An observation was expressed by D6 (6:16) that internal control measures of state institutions are strong, but procurement document sign-off is not in line with the procurement policy. Another observation expressed is those poor internal measures are the root causes of corruption. An official in procurement in a management position or the line function (referring to the operational level) is aware of poor internal control measures but attributable to capacity challenges in a public organisation; these officials take advantage, becoming

involved in corrupt practices. Another participant agreed that the lack of systems and processes in the procurement environment, lack of oversight, unethical behaviour, and weak internal measures complicate detecting matters of non-compliance.

6.16.2 Unethical behaviour

As aforementioned, unethical behaviour contributes to the increase in corrupt activities. Sixty-four per cent of the participants confirmed unethical conduct as a major challenge. As D7 (7:1) mentioned — people cannot be trained to be ethical in the execution of their tasks, but it requires adjustment of moral behaviour in a society. Moral decay, greed, and not adhering to the policies in place are concerns that public organisation encounter.

With unethical conduct, the human element was one of the major factors leading to corruption (D8, 8:2). D21 mentioned that greed is a major factor contributing to corruption in public procurement. It was, therefore, attributable to financial pressure to obtain funds to uphold a certain lifestyle. Public officials consider corruption as an option to maintain their lifestyles.

6.16.3 Red tape issues

Red tape is one of the factors that lead to corrupt activities. Red tape and bureaucracy provide both incentives and opportunities for bribery and corruption. Individuals and suppliers of goods and services to the Government are eager to unlawfully pay to evade institutional constraints, providing an opportunity for corrupt practices. To confirm the latter, D5 stated:

... red tape is one of the risk factors. It is not so easy to effectively procurement of goods and services. Numerous factors need to be considered. For example, the process flow of goods and services must be followed. Officials must be aware of what processes should be followed; hence we ensure that they are trained and upskilled continuously (D5, 5:4).

6.16.4 Public political interference

The increase of corruption in public organisations is caused by political interference, specifically on the municipal level, attributable to the nature of local suppliers with relationships with councillors. On the national and provincial levels, political leaders influence the procurement of massive projects amounting to millions of rands. Political leaders influence either the bid evaluation or adjudication committee members to favour a specific supplier at the expense of the most qualifying service provider. It is an area of concern in decision-making in the procurement space (D5, 5:4).

6.16.5 Manipulation of specification by line managers

Thirty-two per cent of the participants indicated that line managers manipulate the specification of the procurement of goods and services. D6 (6:14) mentioned that:

Specifications are one of our major risk factors. For instance, the specifications are not based on the intended product we want to procure. Line managers compile specifications that fit a specific service provider or company. SCM official does not have technical expertise in the service/goods that need to be procured, and line managers try to manipulate the specifications to give the bid and procurement of goods/services to their preferred company.

They should sign the declaration of secrecy, but sometimes SCM is unaware of the risk and only detects it after the service has been awarded. It has been listed as a risk factor, and the director of procurement was informed.

Manipulating the specification from a technical observation is challenging and open to corrupt practices. The procurement specifically knows the technical specification; for example, engineering services specification is compiled by engineering services.

6.16.6 Implementation problem

The implementation problem refers to the lapses experienced while implementing the procurement policy. One lapse is not adherence to the PPP. D1 mentioned:

No adherence to the policy exists in this organisation. When you implement a policy, you need to adhere to it. Policy steers your conduct in your environment; you cannot do this, you can do that, you are allowed to do this, you know, so, the policies guide you in terms of what is allowed (referring to that the policy environment guides the public official of what to do when executing the public sector procurement function). You can even be also to the code of conduct in terms of behaviour (referring to applying the code of conduct in the procurement environment) (D1, 1:20).

Another matter emphasised is that officials are appointed to a procurement position without vetting.

Adherence to implemented policies is a vital aspect of preventing corrupt activities. National and provincial departments and local government level/ municipalities confirm illegal and wasteful expenditure owing to incomplete implementation of procurement and related financial policies in public institutions. In public procurement, there is a lack of adherence to procurement policies.

6.16.7 Lack of departmental anti-corruption strategy

Risk adversity is the effect of uncertainty on the objective. About 56% indicated that the lack of a departmental anti-corruption strategy is a risk, contributing to the corruption in PPP. D13 (13:26) confirmed that Government has a transversal anti-corruption strategy, but the strategy is not enforced. Transversal anti-corruption strategy refers to the applicability of the strategy of all Western Cape provincial departments. In the Western Cape, each department has an anti-fraud and corruption prevention policy, but forensic services are mandated to investigate corrupt practices and maladministration. Some noted that strategy implementation requires political will and leadership in any environment.

6.16.8 Lack of training/workshop on PPP

Forty per cent flagged the lack of training and conducting of the workshop on PPP as reasons for the increasing corruption activities in public organisations. Various policies

are introduced in procurement, but the lack of training contributes to errors while implementing the procurement policies. D1 mentioned that:

A lot of policy comes out, and you should interpret them in your way so each person is not getting] confusion (referring to policies that are developed and implemented but interpreted). These different understandings of what the policy means. It is particularly important to conduct a workshop on interpreting the policy.

From the foregoing, the scope and objectives of policies should be stated to ensure a mutual understanding of the outcomes. Within the South African context, regulators and stakeholders are confused about the purpose of the PPP guidelines and directives on public procurement. They also mentioned a lack of an unclouded vision of what the directives attempt to achieve. Therefore, the National Treasury must provide a clear framework for understanding the guidelines and directives' functions and their relationship with national policy, the PPPFA.

Competition exists among suppliers to acquire work from Government. They pressure the line functionary to implement providing the AOS but also to engage in corrupt activities. Line functionaries are not always aware of what is required from them in dealing with the supplier and, therefore, sometimes contact suppliers directly without the involvement of SCM. Training line functionaries relating to supply chain processes is important to ensure they know what to do when dealing with suppliers of goods and services. D10 cited that:

There are no capable people in his organisation to drive the procurement processes, and inadequate staff training contributes to corruption in municipalities or government departments (D10, 10:33).

According to this study, there are capable officials in state institutions to implement public procurement processes but reports through the media sketch a negative perspective of public sector procurement as corrupt. Training and awareness of the influence of corrupt practices on the image of state institutions should be institutionalised among staff members.

6.16.9 Inadequate capacities/resources

Eight or 32% of the participants confirmed that their departments (national and provincial departments) and local government departments, such as municipalities, lack the resources to fight corruption. More needs to be conducted to capacitate state organisations' finance and SCM sections. D6 (6:6) mentioned that they try their best to fight corruption but lack resources. There is a lack of capacity to investigate corruption in departments or municipalities. Similarly, D7 agreed with D6 that:

The capacity to investigate corruption in the state department is absent. Hence, corruption will happen because there are opportunities and people to see the loopholes, which will not be covered directly through codification. Brilliant documents are developed but not implemented (D7, 7:15).

From the aforementioned, inadequate resources and capacity is a major challenge to curbing corruption in public sector organisations. It hampers service delivery to the citizens of South Africa. In South Africa, the NPA is mandated to investigate reported corrupt practices, but the case cannot be finalised due to resource constraints, capacity, and skill shortages. Moreover, corrupt suppliers and officials notice the inability of the NPA to investigate corruption cases and use it as a loophole to pursue wrongdoings in procurement processes.

6.16.10 Lack of accountability

One reason for corruption in PPP is the lack of accountability. The increase of corruption in state organisations is an area of concern on a national, provincial and local level. D6 (6:8) mentioned they must take a stance about accountability—all SCM matters are reported to the municipal manager.

To enhance transparency, we even advertised bids on our website and in the local newspaper to attract local suppliers and create opportunities for local people and, as a result, get a good response from the public.

Thirteen, or 52% of the participants, identified the lack of accountability in PPP as a challenge. The lack of accountability contributes to increased corruption cases in

South Africa. Mattheus, Janssen and Janowski (2020:101) mentioned that the lack of transparency increases the probability of wrongdoing and violates procurement processes. The bidders and procurement officials must have clear guidelines on what steps to follow when procuring goods and services. Transparency relates to the procurement rules and procedures to curb public procurement corruption and should be fully implemented in all public sector organisations.

6.16.11 Corrupt suppliers

Participants cited incidents of corrupt suppliers. Suppliers do not adhere to procurement rules and want to do business with state organisations. D15 cited:

... there have been minor cases, but in all involved, we had pointed a supplier to a certain type of materials and what happened is then the supplier claimed that now and an invoice was signed off for goods, but it has never been delivered. We had a case that hasn't been resolved as it is about a company whose B-BBEE certificate changed intending to obtain a bid from the municipality. They were level three and became level one within a year. We investigated the matter, and the preference points for women were incorrectly claimed. As a result, the black woman as a partner didn't know she was still a member, although she resigned from the company (D5).

These were the two cases that I know (D6, 6:22).

Corrupt suppliers explore the B-BBEE certification processes by claiming illegal preference points to obtain an unfair advantage over their competitors. From the above, public-sector organisations must debar suppliers found guilty of criminal offences and do business with Government. Given Government's stance on creating a clean and corrupt-free environment, suppliers must be forced to obey the procurement rules and guidelines. Strengthening internal compliance, risks, and anti-corruption rules are important factors in limiting the possibility of corruption.

6.17 PUBLIC PROCUREMENT POLICY IMPLEMENTATION: CORRUPTION PREVENTION

Figure 6.10: Main Theme 7: Public Procurement Policy implementation: Corruption prevention

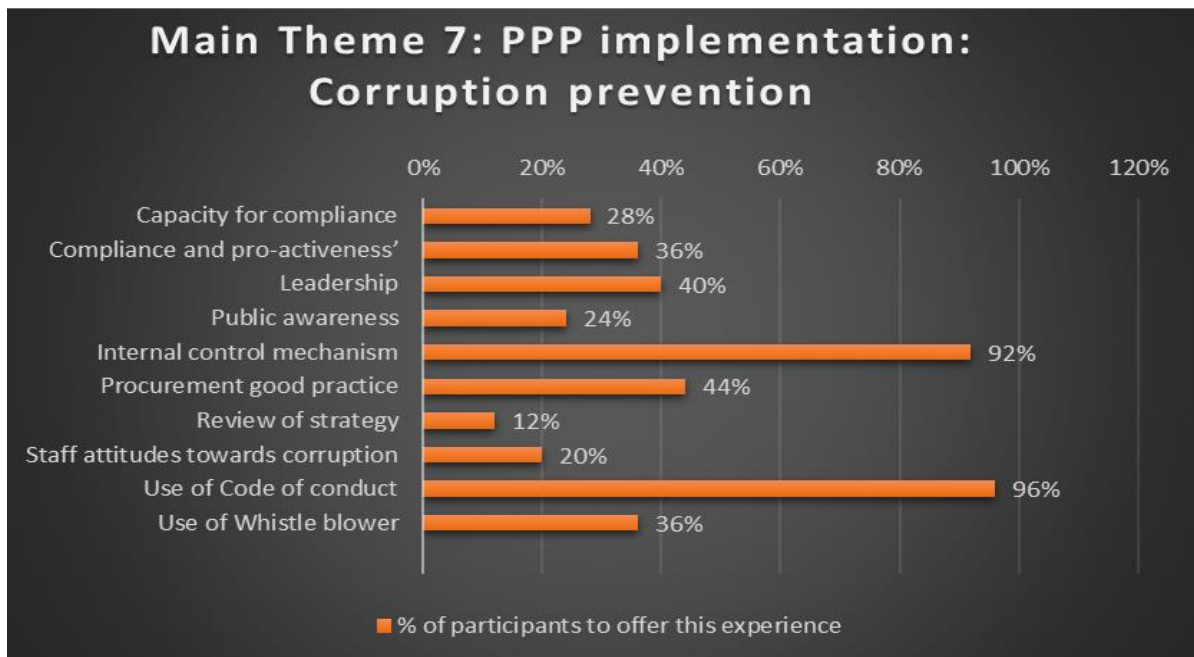


Figure 6.10 indicates that ten categories that emerged from the interview data are detailed.

6.17.1 Capacity for compliance

Capacity for compliance with public procurement policies, procedures and guidelines was identified by 28% of participants as an area of concern. Workshops relating to the implementation and execution of the intended outcomes of the procurement policies are conducted in most public institutions. Attributable to the rotation and turnaround of staff members in the department, new staff need to be appointed and oriented with the goals and objectives and processes of procurement (D8, 8:4). Therefore, training, orientation and pre-training are important because staff members must adjust to the ever-changing procurement environment (Kamara,2017). Capabilities to drive

procurement processes are a key obstacle, as the influence of mistakes or unintended actions will tarnish the organisation's image (D10:2).

6.17.2 Compliance and proactiveness

When the participants were asked if public procurement policy can prevent corruption, nine or 36% responded 'yes', indicating that PPP can prevent corruption. It was mentioned that officials follow dual procurement processes, but public institutions should have effective control measures in place as an early warning system to detect corruption. This requires proactiveness in dealing with corrupt practices within the SCM system. South Africa is one of the best countries globally with the best policies and regulations, but enforcement and implementation should be adhered to, ensuring good governance. Compliance proactiveness to the policy environment was cited (D9, 9:17).

6.17.3 Leadership

The participants responded that leadership in the procurement space is lacking. Procurement managers stated that leadership from the top management structure is not also geared to achieve public procurement outcomes owing to the appointed leaders' turnover rate, specifically in municipalities and provincial government departments. Forty per cent confirmed leadership as important to ensure the policy is implemented. Adequate checks-and-balance need to be implemented to assess the effectiveness of policies in state institutions, but the human factor to bypass these policies is lacking. There is a leadership vacuum in addressing non-compliance to policies. D7 confirmed that:

Leading by example is required to address state institutions' challenges and curb corrupt activities. There is a different perception of state leadership.

Ethical standards and leadership are interconnected. Leadership and every action in the state organisation must start from the top. This does not occur in state organisations; therefore, corruption is increasing (D7, 7:23).

D7 asserted that:

Leadership is the issue to fix the corruption problem the country faces. We can spend money, time and resources on training officials, but we cannot move forward if we don't have strong leadership in dealing decisively with challenges (D7: 7:23).

Leadership is superior quality in any organisation, and officials are expected to imitate successful leaders. Leaders must lead by example. The evidence in various corrupt cases in South Africa indicated that leaders are mostly implicated in corrupt practices. They give instructions to subordinates to execute unlawful actions in procurement. Once the case is investigated, leaders refuse to take responsibility for their actions. To force leaders to take responsibility for their actions should be included in the policy concerning the accountability of each leader. The signing of oaths is a declaration to refrain from corrupt practices.

6.17.4 Public awareness of anti-corruption measures

Twenty-four per cent of the participants agreed that a lack of public officials' awareness programmes to report corrupt cases to the relevant authorities has negatively influenced the image of the South African public sector. The education of stakeholders became a necessity in dealing with corruption. The public institution focuses on internal awareness concerning department officials, but some stakeholders need to learn about their actions related to a good business relationship with the state.

Reference was made to the Expanded Public Work Programme (EPWP), which can be a platform to start engagements with stakeholders. D10 (10:30) mentioned that SCM units want to force all employees in municipalities, and the public should understand and familiarise themselves with the content of the Prevention of Prevention and Corruption Act, number 12 of 2014. He also mentioned Section 118 of the MFMA—that no person from the public or state must interfere with the SCM processes in the municipality (D10, 10:30).

From the aforementioned, procurement officials must be familiar with the rules or regulations of procurement, including the content of fragmented South African legislation.

6.17.5 Internal control mechanism

As aforementioned, internal control mechanisms emerged as a crucial factor in limiting the opportunity for corrupt activities. Twenty-three, or 92% of the participants agreed internal control mechanisms are weak in state organisations. They cited that lifestyle is one measure, but vetting needs to be conducted with all officials who participate in procuring goods and services.

Blacklisting of supplier's processes is followed by reporting to the institution head and the NT and monitoring by internal control (D1, 1:17). D2 (2:26) mentioned that:

The blacklisting processes must be followed before a bid is awarded to the supplier. It is an opportunity to strengthen the procurement processes by implementing the blacklisting policy as an annexure to the procurement policy. Procurement officials know or are aware of the rules and how to apply them. The adjudication committee has oversight over what the evaluation committee recommended, but the bid is still frequently awarded. In this regard, internal control needs to establish where the loopholes are in the procurement system" (D2, 2:26).

What also emerged from the interviews is the role of the Forensic Unit to investigate when suspicion of corrupt practices is detected. D3 (3;12):

The role of forensics is to go even where there's a suspicion of fraud and corruption and investigate and evaluate the process followed against the set of rules. And the rules will include the system and the delegations of authority. The Accounting Officer Framework System (referring to the AOFS) in a case, usually evaluate and usually circulars that guide a procurement process to see whether there was manipulation and then also identify within the legislation; if manipulation occurred, whether it was intentional or whether there were just other intentions (D3, 3:12).

The experience shared by D3 relates to the zero-tolerance approach, referring to internal processes and disciplinary actions against officials involved in corrupt practices in the PPP. The Risk Committee was mentioned, representing a body to ensure that processes are followed relating to good governance.

Processes are in place to prevent corruption, such as policies, the code of conduct, and segregation of duties to ensure that the same person is not the player and the referee (D4, 4:3). There are no guarantees that corruption will not occur, but we need to get checks and balances in place and segregation of duties (D4:4:12).

Officials do not adhere to the procurement policy. D5 (5:8) stated:

In the context of public procurement, officials who do not adhere to policies in our department will put the system in place (check and balance) so that policy adherence is followed through (D5,5:8).

In support of D5, it is important to implement internal control measures to detect corruption cases. The AGSA plays a critical role in detecting corruption in departments. Some noted that departments are not doing enough to curb corruption. The transparency principles are captured as one of the fundamental building blocks of procurement. The processes are not provided with the necessary attention. The participants presented that a policy must be implemented once a service provider was identified as involved in illegal conduct relating to corruption. D5 (5:18) responded:

Once a service provider has been identified to conduct illegal or unethical behaviour, the case is reported to the Provincial and NT. National normally provides us with a list of blacklisted service providers, and before a bid is awarded, it is checked whether the supplier is listed on the debarred list (D5:18).

On a positive note, participants confirmed transparency and accountability as the main building blocks of SCM. SCM officials must disclose when linked to suppliers—honesty is required for ethical conduct. When asked to what extent do you think the PPP can succeed in preventing or curbing corruption? D7 (7:21) responded:

The promotion of ethical standards, hence the leadership and political will, are some of the success factors that combat corruption.

What also emerged from the interviews is that internal control measures, such as auditing of documents and processes at the public sector organisations, are irregularly conducted, leading to corrupt practices as early detection of controls is implemented. Procurement officials are familiar with the procurement policies, rules, standards, and procedures and are key in ensuring compliance with these policies. Participants' experiences indicated that control over processes is conducted centrally to ensure compliance and early detection of corrupt activities. Departments have systems, such as a hotline, to anonymously report fraud and corrupt practices (D10, 10:18). A good internal audit mechanism is important to detect corruption at a departmental level and make it easier for the AGSA to conduct its audit.

On another level, good governance in state institutions was identified as an antidote for corruption. The participants were requested to prevail in their observations regarding the importance of good governance to combat corruption. D10 (10:23) agreed that good governance is necessary for each department to implement but needs good systems and processes. These systems can distract persons from their main objective. Compliance is crucial, but the community needs to be serviced. It was mentioned that officials and leaders must have values. D10 (10:28) mentioned:

You need to have values. I and you must lead by example to stop corrupt practices that see managers are not taking gifts, and there's not one thing of the practice, or that's being delivered. As a leader, you need to be ethical, or you need to stay firm. You need to lead by example (D10, 10:28).

From the aforementioned, implementing the PPP is the responsibility of top management, and each official in public sector organisations has a role to play during the implementation phases. They need to instil values and trust in the procurement processes. Decisive leadership and the operationalisation of public sector values will be a deterrent against the increasingly reported cases of procurement corruption.

6.17.6 Procurement good practice

When inquiring about our environment's procurement practices, the participants responded that procurement processes are based on SCM regulations and various processes and thresholds. D3 is quoted:

For example, a competitive bid should be pursued for all the purchases below R50, 000 three quotation systems and above R200,000.

D3 noted that they:

... have the procurement system and the delegations of authority in place, but they also have other processes in place. The supply chain process within our department. When you want to make a payment to a service provider as the end part of the procurement process a multitude of documents must be completed. They need to complete an internal procurement, which are all mechanisms in place (D3, 3;19).

Relating to D5 (5:3), concerning a provincial department, the participant responded that the accounting officer's system stipulates threshold values for the procurement of goods or services in the department as:

- Petty cash can purchase goods or services up to a maximum value of R2,000 (including all taxes).
- Obtaining at least three informal quotes for goods or services with an estimated value of R2,000 to R10,000 (inclusive of all taxes) is required. The informal quotation refers to a quotation for goods or services communicated by post, fax, e-mail, or other means that do not necessitate a sealed bid, public opening, or public perusing of bids.
- Using the integrated procurement system, goods or services estimated at R10,000 to R500,000 (inclusive of all taxes) are acquired through a formal call for price proposals.
- Goods and services valued at more than R500 000 (all taxes included) are obtained through a competitive or restricted bidding process.

On the local level, the central SCM system was adopted, attributable to the complexity of sub-districts and towns where goods and services are procured. D6 has 26 SCM officials in various towns, and the demand and procurement section are located geographically in these areas (D6, 6:12). It is noted that a demand management plan is in place and reviewed regularly, submitted to the accounting officer or his delegate monthly. SCM officials of the municipality must coordinate demand management in consultation with the budget holder.

The contract and logistics management section supervisor and teams conduct regular checks to ensure that all resources are appropriately managed and upheld concerning the Council's Asset Management Policy, including monitoring and revising the suppliers' performance to ensure compliance with provisions and contract settings for particular goods or services. Contracts will be implemented concerning the requirements of Section 116 of the Act and the Council's Contract Management Policy. Store issues items to the users per procurement management policy (D6, 6:13).

Monthly reports are provided daily; they can see all the people who have been paid and who authorised the payment. An audit trail report will stipulate the responsible person conducting the payments for example, if a specific company's details and the ID of the official match, they will get the report from the system a positive match was found. By so doing, the official working for the state ID and company details can be matched, and conflict of interest can easily be detected (D10, 10:36).

6.17.7 Strategy review

Twelve per cent of the participants reported that the AOS is effective and should be constantly reviewed and modified should corrupt activities be detected or increased. Employing technology to review the procurement strategy is importantly attributable to the geographical location of the regional office. It will reduce travelling expenses. The AOS is in line with the Treasury Regulations and instructions. Once National Treasury issues a new instruction, the applicable amendment to the procurement strategy and policy should be incorporated (D4, 4:10).

6.17.8 Staff attitudes towards corruption

Participants were asked about their observations when one of the procurement officials is implicated or found guilty of corrupt practices; 20% of the participants clarified that it would not be tolerated. The approach of staff attitude towards bribes was described as furious. D9 (9:8) strongly disagreed with corrupt activities in procurement:

The staff members are trained on the implications, consequences, and effects of corruption and their role how to prevent it. When corruption is discovered that procurement officials participate in corruption, it should be reported, and necessary steps to be taken against the individuals' concerns (D9, 9:8).

From the preceding response, clear training of procurement officials on the implications, consequences and effects of corruption is the first step. The conduct of officials should be aligned with what they have been trained. For example, taking a bribe from a supplier is immoral conduct and requires the ability to determine between acceptable and unacceptable conduct.

6.17.9 The use of code of conduct

Relating to the code of conduct, participants responded that signing thereof implies acting in a certain way or complying with the procurement policies, procedures, prescribes, and guidelines. Data collected through the interviews indicated that 96% agreed that the code of conduct is essential in curbing procurement corruption. D1 (1:18) indicated that officials sign a code of conduct to comply with sound procurement law, which will initially influence how to deal with tenders. The latter action is extremely diverse, and they must understand what they are signing for.

D1 (1:25) alluded to signing the code of conduct and that the declaration of secrecy is necessary to ensure that certain information during the procurement process is kept confidential. Bid committees must declare interest before commencing an awarding process regarding the public service regulations issued in 2016 and Section 13, stating

corruption and the implication of officials doing business with the state while employed in government.

What also emerged from the interviews is that all state institution procurement officials must sign a code of conduct annually and be audited by the AGSA. One participant refers to signing the code of conduct as a ceremonial process by the executive head and other officials, but corrupt practices are still occurring in the sphere of government (D7, 7:22). Signing the conduct and the anti-corruption declaration by all procurement staff and employees can limit the possibility of involvement in corruption. More needs to be done, such as implementing lifestyle audits (D10, 10:34).

Endorsing the code of conduct is a deterrence to the corrupt practices in public institutions. Signing a code of conduct is an act or undertaking. Greed by public officials contributes to corrupt practices. This demonstrates that signing the code of conduct is not the only solution—changing the behaviour of officials is important to turn the tide on corrupt practices in public institutions.

6.17.10 Use of a whistle-blower

Participants were asked about the implementation of a whistle-blower policy at their public institutions. They indicated there are processes implemented in departments and municipalities to protect whistle-blowers. Nine (9) of twenty-five (25) participants interviewed, or 36%, agreed that whistle-blower policy and reporting corruption cases are essential to curb corruption. Reference was made to the role of the Public Protector to report cases of maladministration and other illegal activities. What also emerged from the interviews is that Government is not doing enough to curb corruption. D5 (5:14) stated:

Government is not doing enough to curb corruption. The transparency principles are captured as one of the fundamental building blocks of procurement. The processes are not given attention. For example, a whistle-blowing policy is a written document but not easy to execute when faced with corruption cases. The government did not provide enough protection for the whistle-blower, although it is written in the policy (D5, 5:14).

One participant noted that having a written document and implementing the intention thereof is happening in government. D8 (8:9) responded:

... but I know in our province, we also have done whistle-blow policy that came out, I think it was signed recently, or the policy was distributed to all the departments from the Department of the Premier. Now there was a whistle-blow. There's also protection in terms of where and when a person discloses information or corrupt practices, but I think in government, it's not always working. Evidence from the interviews indicated that whistle-blower does not get adequate protection.

If senior management, especially the management, is implicated in the case, they've come for the person in terms of disciplinary actions, which happens in most cases. It is focused on money and financial gain. Once you say in terms of the Whistle-blower Protection, can I say that we apply the policy terms regarding reporting the corrupt cases" (D8, 8:9)"?

D 5(5:14) cited that reporting corrupt practices is one measure to curb corruption. D 5(14) mentioned:

For example, the whistle-blowing policy is a written document but is difficult to execute when encountering corruption cases. Government did not protect the whistle-blower, although it is written in the policy (D5, 14).

While whistleblowing is often an individual act, the negative consequences of the disclosure may affect families and even communities. To appropriately advise on disclosures and advocate wide protections, whistle-blowers must realistically understand the implications of their actions. The action of the whistle-blower also raises a crucial issue – one difficult to control but must be addressed—such as failing to safeguard whistle-blowers, which might cause their dismissal from employment, depression and even murder. For example, in South Africa, Mosilo Mothepu, and his former employer, an appointed CEO of Trillian Financial Advisory, a subsidiary of Gupta, linked to Trillian Capital Partners, in March 2016, reported cases of massive corruption to the authorities.

Mrs Mothepu witnessed state capture on a huge scale and blew the whistle. Rather than receiving whistle-blower protection, she was subjected to unfounded crime charges by the NPA. Facing criminal charges and bankruptcy, Mrs Mothepu lost her dignity and relationship with close friends and families. In the South African context, the action of Mathepu emphasised concerns that a culture of impunity has hampered investigations into so-called state capture in South Africa, including intimidation of businesses that rely on government contracts and a lack of legal protection for whistle-blowers.

From a legal framework perspective, the Constitution of South Africa has overarching safeguards for whistle-blowers. The Protected Disclosures Act 26 of 2000 is the key statute relating to whistleblowing, but whistle-blowers are still intimidated and victimised in the workplace. The enforcement of the aforesaid legal framework lacks public institutions (Republic of South Africa, 2018).

All public sector organisations need to strengthen whistle-blowers' protection through the policy environment. Once a whistle-blower is identified in a public sector organisation, they are illegally charged with insubordination or other labour relations charges. The subjection to unreal labour charges constrains the whistle-blower from reporting corrupt practices. Corrupt cases in public procurement are increasing but not detected and not reported to authorities.

6.18 COMMENTS FROM THE QUESTIONNAIRE

Respondents were asked to comment on the relationship between policy procurement and corruption. Eighteen (18) respondents indicated a relationship between public procurement and corruption. Sixteen of the respondents commented that because of a lack of procurement policies and prescribe and the lack of exercising risk management about procurement, it was cited that the ethical conduct to be implemented throughout the procurement process, the top management should take a leadership role concerning the enforcement of the code of conduct. Also mentioned was the competency of accountable and professional staff to manage and report corrupt practices.

Officials must demonstrate that their decisions are fair, equitable, transparent, competitive and value for money under the Constitution and Public Finance Management Act, No 1 of 1999, as one of the policy pillars of procurement of goods and services in South Africa.

Another respondent (D13) indicated the:

Procurement processes and systems are vulnerable to fraud and corruption. Notwithstanding the controls implemented by state organisations, including its SCM policy, it is argued that corruption cases still increase due to the lack of enforcement of procurement measures and policies (D13, 13:4).

One respondent (D17) cautioned that:

... necessary control environment is not in place to limit the opportunity for corruption practices; therefore, the linkage between corruption and procurement will always be present, whether in the public or private sector. Private companies corrupt public servants for their gain or the other way around, but more stringent measures should be implemented to combat corruption (D17, 17:3).

The control environment, such as internal auditing and implementing policies, rules and guidelines, are in place to steer the conduct of the public sector officials. The role of the suppliers is to be honest and collaborate with the public officials to ensure that proper procurement processes are followed. The public official must also be professional and honest by applying the organisation's values. They need to ensure corrupt suppliers follow dual processes and do not engage in corrupt practices. Section 2 discusses the analysis and the results of the qualitative approach. Section 3 presents the analysis and merging of the quantitative and qualitative findings.

SECTION 3: ANALYSIS AND MERGING OF QUANTITATIVE AND QUALITATIVE FINDINGS

6.19 INTRODUCTION

In the next section, the researcher discusses the interpretations and discussions of the quantitative and qualitative data findings. This section summarises the interpretation and findings from the quantitative and qualitative data and the merging and comparison between the quantitative and qualitative data presented. Findings are merged and compared to achieve the aim of the study, as asserted in Chapter 1.

6.20 INTERPRETATION AND FINDINGS: QUANTITATIVE DATA

A questionnaire was employed to collect the quantitative data from ten respondents working in various public sector organisations in South Africa, more specifically in the Western Cape. Multiple statistical techniques were used to analyse the collected data. Reliability and generalisation of the results are based on the reliability of the data collection instrument and are discussed in these sections.

6.20.1 Reliability

The Cronbach alpha statistical test was employed to determine the reliability of the questionnaires. The aim was to evaluate the internal consistency of each scale employed in the study. The SPSS software was employed to conduct statistical tests. The results of scale statistics indicated a score of 0.891, which is above .70 as the acceptable norm for a statistical reliability test. As George and Mallery (2019:135) mentioned—if the Cronbach alpha test scored above .70, it is interpreted as acceptable relating to internal consistency and reliability. Attributable to the high consistency reliability test of the questionnaire employed in the study, additional statistical techniques were executed.

6.20.2 Cross-tabulation technique

The cross-tabulation statistical test was conducted to determine the demographical profile of the sample relating to public institutions where the respondents were

employed, their educational levels, years of experience in public procurement, and age. The study included public procurement managers from national and provincial departments and municipalities, in line with the aim of the study (Chapter 1). The study population comprises 65 national and provincial departments, including municipalities in the Western Cape. Fifty-three national and provincial departments, including municipalities, are included as a sample in this study.

Relating to the gender and age of the respondents, more males than females were sampled in the study. The dominant age of the respondents is between 40-51 years, indicating they are middle-aged and in provincial departments. The educational levels indicated that 75% hold an honours degree and 33% hold master's degrees. Analytical and time management was required due to the complexity of the public procurement processes. The number of years of experience was critical in the execution of tasks. Therefore, the changing environment and adapting to these requirements were required and experienced in the field.

Relating to inferential and descriptive statistics, respondents rank variables concerning these responses:

- strongly disagree
- disagree
- neutral—not disagree nor agree
- agree
- strongly agree.

Respondents were asked to rank procurement policy (Annexure C, section A, question 7.4 of the questionnaire) developed and designed to prevent corruption. The results from the descriptive statistical test indicate a mean (M) of 4.08 (Annexure A). Respondents on national, provincial and local levels 'agreed' or 'strongly agreed' that the above variable plays a role in the significant decrease in corruption in public procurement. What emerged as a dominant factor is that social pressure leads to or increases corrupt practices, and all respondents 'strongly agreed' with the latter

variable. These findings align with the literature analysed in Chapters 3 and 4. The FA statistical test is discussed in the next section.

6.20.3 Factor analysis

The statistical test aimed to determine the factors influencing the development and implementation of the PPP. The PCA techniques were employed to prioritise factors according to the value to which it is signed. Twelve components were analysed. According to the variance, rotation squared loading, four variables emerged as the most dominant factors (Table 6.7). The scree plot analysis confirmed graphically lines that the relative sizes of the eigenvalues for a variable are prioritised according to the factors. The results indicated that the four variables emerged as dominant factors with component loading between .715-.768, with .70 as the most loading. It means component factors scoring less than .700 were not considered dominant factors. These variables emerged as the most dominant:

Table 6.15: Component factor loading analysis

Item	Factor	Score
1	Public participation as a solution to corruption (PPS)	.768
2	Strengthened judiciary as a solution to public procurement corruption (SJS)	.757
3	Complaints-handling mechanisms as a solution to public procurement corruption (CHM)	.74
4	International community involvement in addressing procurement corruption (ICI)	.715

Source: Researcher

From the aforementioned findings, it can be concluded that the four factors identified were grouped into categories of similarities. All four components indicating PPS, SJS, CHM, and ICI addressed the control environment of public procurement and proposed anti-corruption solutions.

The public plays a vital role in reporting and exposing corrupt practices. The reporting mechanisms should be implemented to ensure the public can report corrupt activities to hotlines and other anti-corruption agencies. Other control mechanisms, such as more regulations in the procurement process, free press reporting, competent, accountable, and professional handling, and reporting of corrupt practices, were not loaded as the dominant factors during the statistical test because the component loading was less than 7.00.

6.20.4 Public participation as a solution to corruption (PPS)

The results from respondents indicated that public knowledge of procedures of bid processes, including the evaluation of bids, is a key factor when corruption occurs in public institutions. Public institutions must make the public aware of procurement processes by conducting workshops and awareness campaigns. This implies the e-procurement officer's knowledge and conduct displayed the employer's ethos. When an official engages in corrupt activities, the public may report such an act. Mahmood (2010:104) asserts that a major cause of public procurement problems is the lack of a competent workforce, ethics and professionalism. More importantly, the state must employ skilful individuals to implement policies and processes aligned with the key objectives and minimise public procurement risks and corrupt practices. Reporting corrupt practices through the whistle-blowing process must be encouraged in the organ of states.

6.20.5 Strengthened judiciary as a solution to procurement corruption (SJS)

The strengthening of the independence and accountability of the judiciary emerged as the second most crucial factor during the PCA. 41 53 respondents consistently rated the judiciary as an important deterrence against corruption. Therefore, 38 of 53

respondents rated the latter as one category, as strongly agreed when asked to indicate what success factor can curb corruption. The policy environment is a regulatory environment that steers procurement officials' conduct.

The approved procurement policy matters relating to procurement ethics provided a blueprint for the procurement process. Once an official engages in corruption, the necessary internal investigation should be conducted. The investigations are the control mechanism to control corrupt practices in public procurement and to see whether processes have been followed. Applying approved policy with ethics is a blueprint for the procurement process.

The judiciary's role cannot be ignored and must ensure that evidence is collected to prosecute corrupt individuals. Approved procurement policy also describes other key factors, such as the ethical conduct of the officials. Ethical behaviour is a key factor in public procurement and supports openness and accountability when dealing with suppliers. As Zadawa, Hussin and Osmadi (2018:82) stated, enforcement mechanisms in applications, prosecutions and penalties for defaulters greatly affected compliance with procurement rules. Public officials should always behave ethically and fairly in business undertakings (Wanyonyi and Muturi, 2015:325). It can be deduced that the judiciary's role is to be strengthened to deal with the increasing number of corrupt cases. Not only the judiciary has a role to play but also the investigation capacity of the state. A strong investigation ability strengthens the prospect of successful conviction of corrupt suppliers and public officials, including politicians and the public.

6.20.6 Complaints-handling mechanisms as a solution to procurement corruption (CHM)

The decisions concerning goods and services should align with the procurement principles. The emerged component indicated fairness by allowing each supplier to participate in the bidding processes. From the above, it can be concluded that the local content in the procurement process is crucial as the local supplier needs to be used, providing them with an opportunity to stimulate the local economy. The statistical

analysis through conducting the PCA emphasises the need for public organisations for a complaint-handling mechanism to deal with complaints from the public relating to procurement processes.

The complaint-handling process includes a delegated hotline for the public to report corrupt practices and clarity of procurement outcomes to public institutions. The structures above should be anonymously reported, and the confidentiality of the public must be assured. Usually, public sector organisation lacks the capacity and resources to investigate reported corrupt cases. Wrongdoing in public procurement is not addressed and sets a precedent for corrupt suppliers to continue with the status quo.

6.20.7 International community involvement in addressing procurement corruption (ICI)

Global collaboration with agencies emerged as a factor concerning the measures to curb corruption in public institutions. The results also indicated the component transformation matrix eigenvalues of the global community involved in curbing corruption is.7159. The aforesaid implies that the factors were highly rated as more regulations are required to curb corruption.

Collaboration with international procurement institutions, such as the OECD, the UNODC, the WB, the TI, WTO Agreement on Government Procurement (GPA), is significant in providing guidelines and best practices relating to procurement processes in several countries. Corruption in public procurement is a global phenomenon owing to Government's massive spending on the procurement of goods and services. The risks of corrupt practices can be minimised through collaboration and implementing best practices. In the next section, the Spearman correlational statistical test will be discussed.

6.20.8 Spearman correlational statistics

The interrelationship among variables in the study is important. The study aimed to establish the extent to which PPP can curb corruption. In the Spearman correlation, a non-parametric test was conducted. The statistical test indicated that PPP could

prevent corruption, indicating a correlation coefficient of $-.061$ and a p-value of $.665$ (Table 6.9). The sample ($N=53$) from the national and provincial departments and the local government strongly agreed that PPP could prevent corruption. Additional factors should be explored to ascertain why the latter phenomena are challenges in the procurement environment.

Corruption is a risk in public procurement. Public procurement is a crucial site for corruption because of the volume and complexity of procurement operations, the uncertainty of market value for specific commodities, the areas for government political discretion, and the interconnectedness of political, bureaucratic, and economic players. (Hawkins *et al.*, 2011; Rose-Ackerman and Palifka, 2016). The results of the correlational statistical test also indicated the strongest relationship is between variables training on ethics and the global community involvement in addressing procurement corruption. This implies that Government and public institutions must collaborate with the global community to facilitate training on ethics.

Collaborative governance is becoming increasingly important in dealing with the issues countries face. (Kamara, 2017:101). The solution for the corruption variable contributed significantly toward understanding the difficulty of corruption in public procurement. The Kruskal-Wallis test is discussed in the next section.

6.20.9 Kruskal-Wallis hypotheses testing

A Kruskal-Wallis test was employed to evaluate the study's hypotheses stated in Chapter 1. The rank sums of the dependent variable were analysed, establishing the strengths of the variables. Seeing that ($N=53$) public institutions, national and provincial departments and municipalities in the Western Cape of South Africa were included in the study consisting of three groups, the independent sample Kruskal-Wallis test was conducted to establish the consistent responses from the latter three groups, national, provincial departments and municipalities.

The following question was directed:

- Are developed policy procurement policies directed to prevent corruption?

The null hypothesis results indicated a significant value of 0.810, which implies that the hypothesis is retained. Concerning the alternative hypothesis stating:

The development and implementation of public procurement policies not directed to prevent or curb corruption scored a significant value of 0.422.

This implies that 0.422 is less than the p-value of 0.05; therefore, the hypothesis is retained. The results indicated that PPP development and implementation have an influence on preventing corruption. This study rejects the null hypothesis, accepting the alternative hypothesis.

Systems were employed to identify and detect elements of non-compliance in public procurement. The systems are:

- Conflict of interest
- Adherence to regulations, rules and procedures
- Internal control measures
- Ethical behaviour
- Disqualification of contracts
- Social pressures
- Role of the media
- Blacklisting database of suppliers (Table 6.12).

The above variables were statistically evaluated to establish significant values using the Kruskal-Wallis ranking of variables test. The results indicated variables mentioned above are effective in curbing corruption in public procurement. This implies that all respondents 'strongly agreed' that all the latter variables/measures are rated as a priority to be implemented in public sector organisations. The conflict of interest, the adherence to public policies, rules and guidelines create uniformity in implementing the process of public procurement; however, the public official's conduct is important to ensure corruption is not occurring, and, if it happens, the necessary steps to be

implemented to prevent such action. It can be concluded that impunity creates lawlessness.

6.21 INTERPRETATIONS AND DISCUSSIONS OF THE QUALITATIVE RESULTS

6.21.1 Demographic analysis

The participants' demographics played a role in this study's outcomes and aims. First, the focus of the study was PPP— corruption, and public procurement were purposively included in the sample as an expert in the latter field. Twenty-five (25) participants from national, provincial departments and municipalities were included in the study. The demographics included in the study are gender, experience in public procurement (number of years), age, and educational level. These factors are crucial in ascertaining the participants' experience in PPP. The public procurement environment constantly changes regarding instructions from national and provincial treasuries. An official must, therefore, have the knowledge, skills, ability, and capacity to influence the development and implementation of PPP.

Document analysis demonstrates that policies, directives, rules, and guidelines are important for implementing the PPP. The challenges confronting the officials and the influence of the politicians make the procurement of goods and services not a choice of employment. All departments and municipalities in the study have a PPP. With the national and provincial departments, the Accounting Offices Framework is employed to regulate the procurement of goods and services. National and provincial treasuries significantly regulate the procurement space by issuing directives and instructions to public institutions.

6.21.2 Thematic analysis

6.21.2.1 Influencing Factors: Public Procurement Policy

Concerning the influencing factors of implementing PPP, twenty-two (22) sub-themes emerged. These sub-themes are:

- B-BBEE promotion
- Clarity of policy objectives
- Conflict of interest
- Inefficient use of resources
- Accountability
- Local needs
- Political will
- NDPs
- Interdepartmental linkages
- Availability of PPP
- Availability of resources and capacity
- The cost-effectiveness of implementation
- Capacity building /training
- Accountability
- M&E
- The stakeholder's engagement
- Internal control mechanism
- Protection of whistle-blower
- Values and social factors
- Use of code of conduct
- Leadership accountability.

From the sub-themes above, corruption occurs in public institutions despite implementing policies and procedures. Consistently, 40% indicated a lack of leadership from the top management (section 6.18.4). The Council approved the procurement policy at a municipality level, better known as the SCM policy. They are focused on ensuring the procurement of goods and services is locally sourced, in line with the PPPFA provision. Policies are developed based on the mandate and execution and in line with national and provincial directives.

The increase in corrupt practices in public institutions was cited as a lack of accountability and transparency. The role of top leadership was emphasised as “grey areas”. Other reasons cited were greedy officials and lack of control mechanisms, and

misuse of public officers' power to enrich themselves from the public purse. It was mentioned that the King 1V Report on accountability and corporate governance is not implemented.

Participants consistently emphasised that internal control mechanisms play a role in curbing corruption. Conducting checks concerning compliance audits in the procurement space must be promoted in all public institutions. The strength and effectiveness of internal control measures are assessed when the AGSA issues the finding in its audit report. The question may be asked; why was early detection of non-compliance matters not emphasised before the AG conduct was audited? Participants cited that the capacity of internal audits at departmental and municipality levels is lacking.

The root cause of corruption in public institutions, as cited by the participants, 96% (section 6.18.6), is a lack of weak internal mechanisms. During the stages of the procurement process, documents are signed without checks. The procurement official intending to commit fraud and corruption is aware of the lack of internal control measures and uses this divergence or lapse as an opportunity to engage in corrupt activities.

Unethical behaviour occurred as one of the major challenges of limited corruption. Ethics cannot be trained but requires a change of moral behaviour in society. The human element of greed, living above one's means, also leads to corruption.

Political interference, specifically in procuring goods and services in a public institution, is a concern. On the municipal level, local suppliers have a relationship with a member or members of the councillors; therefore, the procurement attentively channels to these suppliers. Should officials in procurement recommend that the particular supplier does not meet the bid requirement, they must encounter disciplinary matters for refusing to execute a lawful instrument.

With the lapses or weaknesses in implementing procurement policy, manipulating specifications by line managers to favour a specific service provider is a challenge

specifically in procuring services of high technical bids; for example, engineering services were mentioned. Procurement officials lack the technical expertise of engineering services, and line managers use it as an opportunity to steer the outcomes of the bidding processes to favour a supplier. Adherence to procurement policies is a challenge.

The inadequate capacities and resources to fight corruption is the prerogative of the public organisation. When opportunities arise, a loophole is exposed and used by officials, suppliers and political heads to become involved in corrupt activities (bribery). Bribery originates from suppliers in exchange for lucrative bids. Suppliers do not adhere to procurement rules and want a business with public organisations. Brilliant documents are developed, but corruption is still rampant in South Africa.

Factors leading to corrupt practices are red tape, weak internal mechanisms and unethical behaviour. Another vulnerability in the procurement system is the lack of departmental anti-corruption departmental strategy. Strategy specifically relating to procurement should follow a risk-based approach.

Factors that emerged from the data indicated that strategy is formulated in written format but not practically implemented. As a remedy, the oversight body investigating corrupt practices was cited as the best solution; therefore, implementing a strategy requires political will and leadership to make it operationally practical in any environment (Chapter 4, Section 4.9.1).

The lack of training and workshops on PPP was flagged as one reason for increasing corrupt practices in PPP. This latter vulnerability contributed to an increase in non-compliance and created a misunderstanding and interpretation of the PPP. Interpreting a complex PPP requires an experienced official/s and the ability to apply legal jargon. Implementing the procurement has good intentions. Occasionally, the goals are not achieved owing to complex interpretations and understanding of the operating environment. Training line functionaries relating to procurement processes is, therefore, vital because they must know the implications should corruption occur and the associated reputational damage to the organisation.

6.21.2.2 Public procurement implementation: Corruption prevention

This theme observed the effectiveness of PPP in addressing corruption challenges in the organ of states. The sub-themes that emerged from the data are (Table 0.14):

- Capacity to compliance
- Compliance and proactiveness
- Leadership
- Public awareness
- Internal control mechanism
- Procurement good practices
- Review of strategy
- Staff attitudes towards corruption
- Use of code of conduct
- Use of whistle-blower.

Concerning capacity for compliance with PPP, it was established that participants are concerned about procurement in South Africa. Workshops relating to the implementation and execution of policies must be conducted. Promotions of procurement officials to high posts, specifically between the three spheres of government (national, provincial, and municipalities), pose a risk of lost valuable knowledge and skills and, therefore, affect the ability of the institution to deliver procurement outcomes. Staff rotation systems at public institutions are one of the compliance matters required by the PFMA and the MFMA and have become a necessary intervention to curb corruption in public procurement.

Implementing anti-corruption legislation is a complex and often ineffective process; therefore, it needs to be flexible in training and upskilling public officials to adapt to the ever-changing public procurement environment. The re-training and upskilling of procurement need to be reviewed by the National Treasury to assess the capabilities of public institutions to deliver on their core mandate. The risk of corruption can, therefore, be minimised.

Public awareness, education, and awareness sessions with stakeholders about the consequences of corruption must be institutionalised in organisations. The effect of corruption cost the taxpayers billions of rands and tarnished the image of South Africa as an investment haven. Suppliers do not only provide goods and services but are fellow citizens. They must contribute to developing the country and leverage the state's mandate to create jobs and employment in their respective sectors. It is, therefore, the responsibility of the public institutions to conduct a workshop with suppliers during the bidding processes. Various communication media, such as print and social media, can reach the stakeholders relating to public awareness of the procurement processes.

The internal control mechanism emerged as a key factor in minimising the opportunity for corrupt practices. Not only zero tolerance for corruption and disciplinary action against officials involved in corruption should be pursued, but the risk committee's role in managing risks, according to the King 1V Report on corporate governance and accountability, should be implemented. Concurrently, enforcing the code and segregation of duties must be monitored and evaluated constantly.

Positively, there are best practices available on global platforms to address the corruption challenges in South Africa. Procurement officials are familiar with procurement policies, procedures, and rules; therefore, enforcement is critical in curbing corruption. There are good practices of procurement but lapses and vulnerabilities of the procurement systems need to be addressed.

The reporting of corrupt practices must be furiously pursued. The procurement processes must institute procedures to ensure once a whistle-blower reports corruption, the necessary protection is provided. The data from the interviews indicated that although the whistle-blower policy and protection of the individual are being documented in practice, it is not implemented. Individual reports from corrupt cases indicate that the whistle-blowers are subjected to disciplinary processes to frustrate them in the execution of their tasks or delay prosecution proceedings. Furthermore, the whistle-blowers are also subjected to an unfounded claim of disclosing sensitive information, and they either resign or apply for another position in public institutions.

6.22 MERGING AND COMPARING OF QUANTITATIVE AND QUALITATIVE FINDINGS

6.22.1 Mixed-method Integration

A convergent parallel mixed method was employed in the study to merge the quantitative and qualitative data. The latter method was to explore and access the knowledge of public procurement managers regarding the PPP to combat corruption. Data merging occurs when “the same set of variables is created across quantitative and qualitative data sets” (Brannen, 2017:261). A valuable insight originated from using the convergent parallel MMR design. The findings of this mixed-methods study enrich the understanding of PPP to combat corruption and reveal this design's value. The preliminary findings contributed to a richer comprehension of how procurement managers perceived the world of corruption. The next step examines the joint displays, merging and integrating the quantitative and qualitative data.

Without the qualitative findings, the researcher would only know statistically what factors contributed to the corruption, the significant correlations and relationships of the hypotheses, but lack insight into the lapses and vulnerabilities that need attention and the success factor to minimise corruption practices. The qualitative findings provided a better insight into what procurement managers are encountering in the field and indicated avenues to explore that will help increase their knowledge on dealing with corruption at departmental or municipal levels.

Table 6.16: Mixed-method integration: techniques by comparing and contrasting constructs

No	Construct	Quantitative	Qualitative	Integration technique by compare contrast
1	Validity	Cronbach alpha-test- high-reliability score of 0.891	Construct validity – equal inclusion of sample	Both quantitative and qualitative data indicated a level of validity.
2	Influencing factors from the interviews questionnaire	Factor Analysis (PCA) Commonalties identified factors, and four (4) factors emerged, such as public participation as a solution to corruption, strengthening the judiciary as a solution to public procurement corruption (SJS), compliant handling as a solution to public procurement corruption (CHM), international community involvement in addressing procurement corruption (ICI) and	Thematic Analysis Sub-themes are B-BBEE promotion, conflict of interest; accountability, political will, conflict of interest; interdepartmental linkage, leadership accountability, internal control mechanism; code of conduct; capacity building/training; availability of PPP	Factors that emerged from both quantitative and qualitative are public participation in leadership roles and strengthening internal control measures.

No	Construct	Quantitative	Qualitative	Integration technique by compare contrast
		top management leadership role to the enforcement of the code of conduct and strengthening internal control.		
3	Variables and systems determining the effectiveness of public procurement policies	Kruskal-Wallis test- identified that declaration of interest by bid committees and conflict of interest by the significant difference of 1.00 (p-value>a (1.00>0.05)	Thematic analysis and sub-themes are inquiry of commissions, labour relations practices, internal control mechanism, non-zero tolerance approach, technological leverages.	Various variables and constructs emerged from the analysis. Quantitative data indicated that conflict of interest emerged as a theme and variable from the OUAN and QUAL analysis.
4	Root causes of corruption	Conflict of interest, lack of enforcement of warnings and sanctions and enforcement of sanctions on politicians, declaration of interest, and top management leadership role	Thematic analysis and sub-themes are the lack of checks and compliance audits, effectiveness of whistle-blower protection, lack of prosecution, and conflict of interest.	The conflict of interest emerged as a common construct. The effectiveness of anti-corruption implementation measures is questioned; for example, people testify at the Commission of Inquiry but no prosecution. A whistle-blower is

No	Construct	Quantitative	Qualitative	Integration technique by compare contrast
		(range from 1.000 to 0.185)		protected in policy, but it is the opposite.
5	Reasons PPP prevent corruption	Kruskal-Wallis test indicated both null and Alternative hypotheses are retained- PPP can prevent corruption.	Thematic analysis and sub-themes – greediness, lifestyle matching with others, implementation problems, lack of confidence in PPP, anti-corruption policy assessment effectiveness, and positive expectation of policy	Reasons PPP can prevent corruption hypotheses retained that PPP can prevent corruption. QUAL analysis explored factors such as implementation problems, interpretation of PPP, and continuous anti-corruption assessment.
6	Lapses and vulnerabilities	Non-compliance to the PPP can lead to corruption; lack of systems to detect elements of corrupt practices, internal control measures, lack of enforcement, and social pressures	Thematic analysis and sub-themes about PPP implementation are lack of internal mechanism, Unethical behaviour, red tape, public political interference, lack of accountability, corrupt suppliers, lack of anti-corruption strategy, lack of training/workshops on PPP and capacity, and implementation problem.	Internal control again emerged as a communal construct Non-compliance to PPP and implementation problems, such as interpretation of the policy, links to each other. Political inference and social pressures are notably key vulnerabilities. On the institutional level, implementing a

No	Construct	Quantitative	Qualitative	Integration technique by compare contrast
				corruption strategy needs attention.
7	Relationship between PPP and corruption	Spearman Correlation test indicated a strong correlation between listed variables training on ethics and international community involvement (0.665)	Thematic analysis and sub-themes relate to PPP implementation. PPP can prevent corruption, but other needs to be explored	The relationship between PPP and corruption is statistically strong, but QUAL indicated that other factors need to be explored.
8	Reasons for increase or decrease of corruption	Cross-tabulation – demographic variables analysis. The group indicated a strong relationship between social pressure and PP could lead to corruption.	Thematic analysis and sub-themes of PPP implementation are compliance and proactiveness, leadership, public awareness, review of strategy, use of code of conduct, whistle-blower, internal control measures, staff attitudes to corruption	The internal control mechanism emerged as a strong construct. Leadership and code of code have again been cited as reasons for the increase in corruption.

Source: Researcher

As depicted in 6.16, eight constructs or items originating from the quantitative and qualitative data sets were compared or contrasted. The integration technique was

used to compare or contrast the latter data sets. In the study, the quantitative and qualitative strands of the research were performed independently, and their results were combined in the interpretation. After the quantitative and qualitative data sets were compared and contrasted, the next step—the findings' convergence and divergence- was applied to the study.

These steps include the convergence and divergence technique by integrating the comparing technique as depicted in Table 6.16. The convergence and divergence entail merging the quantitative statistical results with the qualitative transcript quotes, which is called mixed-method integration. For example, the validity of the data collection processes was compared and convergent or divergent, resulting in a deeper understanding of the study findings. The convergence and divergence techniques are associated with the mixed-method approach (McCrudden, Marchand and Schutz, 2019:34).

Table 6.17 explains which constructs or items are convergent or divergent using the comparing technique.

Table 6.17: Convergence or divergence of the mixed-method integration

No	Construct	Quantitative Results	Qualitative transcript quotes	Integration technique by compare, contrast	Convergence or Divergence
1	Validity	Cronbach alpha-test-high-reliability score of 0.891	Construct validity – equal inclusion of sample	Both quantitative and qualitative data indicated a level of validity.	Convergence
2	Influencing factors	Factor Analysis (PCM)	Thematic Analysis	Factors that emerged from	Convergence

No	Construct	Quantitative Results	Qualitative transcript quotes	Integration technique by compare, contrast	Convergence or Divergence
		Component factors were identified, and four (4) factors emerged as dominant (Section 6.16)	<p>“As mentioned, lack of internal control and declaration of gifts of factors influencing PPP”</p> <p>Whistle-blowers are getting enough protection”</p>	both quantitative and qualitative are accountability; leadership role; control mechanism, and training or capacity building.	
3	Variables and systems to determining the effectiveness of public procurement policies	Kruskal-Wallis test- identified that the development and implementation of PPP prevent corruption by a significant value of.422	Thematic analysis “The Zondo Commission of inquiry is a good process, but it does not deal with the core of corruption, and eventually, people are not prosecuting, it is inquiry, not a court of law”	Various variables and constructs emerged from the analysis. Quantitative data indicated a conflict of interest from OUAN and QUAL analysis. Other systems are inquiry of commissions, labour relations practices, internal control mechanisms, non-zero tolerance	Convergence

No	Construct	Quantitative Results	Qualitative transcript quotes	Integration technique by compare, contrast	Convergence or Divergence
				approach, technological leverages.	
4	Root causes of corruption	<p>Descriptive statistics</p> <p>Knowledge of procedures for evaluation and adjudication of bids (M)-4.68, standard deviation.547</p> <p>Awareness sessions on strategic procurement (M)-4.66 and standard deviation.553</p> <p>Lack of accountability creates opportunities for corruption- (M)-4.62 and standard deviation (SD).627</p>	<p>Thematic analysis</p> <p>“Lack of implementation of the AG’s recommendation”</p> <p>Specification manipulated by line managers</p> <p>Lack of departmental anti-corruption strategy and accountability</p> <p>Lack of training on PPP.</p>	The conflict of interest emerged as a common construct. The effectiveness of anti-corruption implementation measures is questioned, for example, conflict of interest,	Convergence
5	Reasons PPP prevent corruption	Descriptive statistics and Kruskal-Wallis test	<p>Thematic analysis</p> <p>“Corrupt suppliers do not adhere to the rule of procurement”.</p>	Reasons PPP can prevent corruption hypotheses retained that	Divergence

No	Construct	Quantitative Results	Qualitative transcript quotes	Integration technique by compare, contrast	Convergence or Divergence
		<p>Hypotheses scored</p> <p>.422- null hypothesis retained relating to PPP can prevent corruption</p>	<p>'Greediness, lifestyle matching with others, implementation problems, lack of confidence in PPP, anti-corruption policy assessment effectiveness and positive expectation on policy"</p>	<p>PPP can prevent corruption.</p> <p>QUAL analysis explored factors, such as implementation problems, interpretation of PPP, and continuous anti-corruption assessment.</p>	
6	Lapses and vulnerabilities	<p>Descriptive statistics</p> <p>Non-compliance to the PPP can lead to corruption; lack of systems to detect elements of corrupt practices, internal control measures, lack of enforcement, and social pressures</p>	<p>Thematic analysis</p> <p>Processes are in place to prevent corruption, such as policies, code of conduct and segregation of duties, but implementation capacity is challenging."</p> <p>"More needs to be done to capacity and train procurement officials"</p> <p>"We don't have the resources to fight corruption."</p>	<p>Internal control again emerged as a communal construct Non-compliance to PPP and implementation problems, such as interpretation of the policy, are linked to each other. Political inference and social pressures are notably key vulnerabilities.</p> <p>On the</p>	Convergence

No	Construct	Quantitative Results	Qualitative transcript quotes	Integration technique by compare, contrast	Convergence or Divergence
			<p>We require proactiveness in dealing with corrupt practices within procurement.”</p> <p>“Leadership and every action in the state must start from the top”</p> <p>The lack of consequence management and opportunities is the reason for the increase in corruption.”</p>	institutional level, implementing a corruption strategy needs attention.	
7	Relationship between PPP and corruption	Spearman Correlation test indicated a less strong correlation (.665) between listed variables PPP can prevent corruption and PPP development and implementation could prevent corruption (.430)	Thematic analysis PPP development and implementation can prevent corruption, but other needs to be explored	The relationship between PPP and corruption is statistically strong, but QUAL indicated that other factors need to be explored.	Convergence
8	Reasons for increase or decrease	Descriptive statistics and Cross-tabulation – demographic variables analysis. The	Thematic analysis “Corruption happens because of opportunities for	The internal control mechanism emerged as a	Divergence

No	Construct	Quantitative Results	Qualitative transcript quotes	Integration technique by compare, contrast	Convergence or Divergence
		group indicated a strong relationship between social pressure and PPP could lead to corruption.	corruption and loophole.” “Lack of accountability in PP is a challenge hence the increase of corruption” “Officials are not adhering to the procurement policy” measures, staff attitudes to corruption	strong construct. Leadership and code of code have again been cited as reasons for the increase in corruption.	

Source: Researcher

Table 6:17 shows various constructs that emerged in the quantitative (QUAN) and qualitative (QUAL) analyses concerning factors influencing the development and implementation of PPP. Interestingly, the code of conduct and the lack of weak internal mechanisms emerged as notable factors by comparing the QUAN and QUAL analyses. Literature in Chapters 4 and 5 identifies the lack of accountability, collusion between the suppliers and state officials, the lack of internal control measures, including auditing of the procurement processes, as some major contributing factors to corrupt practices in public procurement.

Construct validity for the convergent parallel mixed research design was achieved through common constructs, joint displays and an equal sample size (Creswell, 2017). The sample population (N=53) is in various national, provincial departments and municipalities. Both samples (N=53) were included in the QUAN and QUAL data collection processes. The study demonstrated an elevated level of reliability (Table 6.1). Although various techniques and software, such as Atlas ti and SPSS, were used to analyse the data, qualifying the qualitative data through a convergent process

enhanced the picture of how participants perceived PPP to combat corruption in their world.

Concerning factors influencing PPP development, four similar factors emerged from the QUAN and QUAL analysis, as depicted in

Table 6.15. Therefore, these factors are public participation as a solution to corruption, strengthening the judiciary as a solution to procurement corruption, complaint-handling mechanisms to procurement corruption, and international community involvement in addressing procurement. It can be deduced that the latter factors played a role in combatting corruption in PPP.

The variables and systems determining the effectiveness of public procurement policies indicated that statistically significant differences exist between the declaration of interest by the Bid Committee and the code of conduct signed by all procurement officials annually. The head of the institution appoints Bid Committee and often lacks expertise in comparison with procurement officials (Table 6.16). The QUAL analysis broadens the understanding of what system can combat corruption.

For example, the inquiry of commissions (Zondo Commission of Inquiry) indicated a lack of consequence management of persons implicated in corrupt practices. Technological leverage on national and international levels must be explored, as depicted in Table 6.12. Technological leverage in procurement systems refers to effectively utilising electronic systems during the procurement processes. For example, e-procurement is one example of enhancing the procurement process to reduce corrupt practices.

Root causes of corruption are explained in various literature analyses (Chapters 4 and 5). A wealth of information originated from the OECD, the WB and TI, and nationally; the National Treasury issued practices on procuring goods and services. The QUAN and QUAL analysis prioritised that conflict of interest was one of the major causes of corruption in public procurement. Other constructs, such as a lack of enforcement of warnings and sanctions and enforcement of sanctions on politicians, declaration of

interest, and top management leadership, need attention to minimise the risk of corruption.

The reasons PPP can prevent corruption were quantitatively explored by the Kruskal-Wallis test by hypotheses testing, which is the core aim of the study. Both hypotheses (null and alternative) are retained, meaning there is no evidence that PPP can prevent corruption between the three groups in the population, as stated during the hypothesis tests. By comparing the OUAN and QUAL analysis, implementation problems with the PPP and interpretation challenges and assessments need to be explored.

Lapses and vulnerability of public procurement indicated a similar construct emerged from the analysis. As displayed in Table 6.12, internal control measure and lack thereof was cited as one of the key constructs. Political inference in the procurement processes and social pressures as maintaining a particular lifestyle emerged from the QUAL analysis (Table 6.12).

Statistically, the test demonstrated there is a correlation between PPP and corruption. The implementation of the PPP is supposed to be a buffer and a controlled environment to prevent corruption. Practically, participants indicated that human factors play a role and lead to non-compliance.

The QUAN analysis indicated a strong relationship between social pressures to maintain a particular lifestyle and PPP could lead to corruption. This implies that people experience social pressures to maintain a particular lifestyle for various reasons and see corruption as an opportunity to enrich themselves. As a proactive and early warning system, the internal control mechanism emerged as a strong construct. Leadership and proactiveness in dealing with challenges were highlighted. The QUAL analysis identified the review of strategy, staff attitude towards corruption, and public awareness programmes that need to be explored.

6.23 CONCLUSION

This chapter presented the emanating analysis and results from the interviews, document analysis and questionnaire. The themes and sub-themes, also known as

categories, were presented in this chapter. A statistical test was conducted on the sample obtained from national, provincial departments and municipalities.

The findings of both the quantitative and qualitative data were analysed. Statistical techniques, such as the Kruskal-Wallis K-independent sample test, Spearman, descriptive statistics, cross-tabulation, and correlation analysis, were conducted and analysed according to the aims and study objectives. The qualitative data collection and analysis enriched the understanding of why corruption in public procurement is rampant. Lapses and vulnerabilities were identified to deal with corrupt practices. Section 3 analyses the convergent parallel mixed-method design. Similarities, merging, comparisons and contrasts were presented in table format. Chapter 7 addresses the recommendations and conclusion of the study.

CHAPTER 7: CONCLUSIONS AND RECOMMENDATIONS

7.1 INTRODUCTION

This chapter synthesises the literature, recommendations, and conclusions from the research aims and objectives. The chapter further addresses the research objectives and presents a public procurement model to combat corruption emanating from the empirical analysis.

The research objectives of the study were: Firstly, critically investigate the ability of public procurement policies aimed at curbing corruption at public institutions; secondly, examine a public procurement framework for the South African public sector to improve public procurement practices and address corruption—link to the latter objectives of the research questions being formed.

7.2 SYNTHESIS OF LITERATURE REVIEW

The inter-relatedness of the main concepts and abstracts was investigated to provide a rationale for this research project. These concepts and abstracts influenced the study, forming part of the literature review.

7.2.1 Reflection of literature review and chapters

From the literature review, PPP development and implementation to combat corruption is challenging in state institutions. The introduction (Chapter 1) provided a basis and the rationale for engaging in this study. The synthesis, recommendations, and conclusion (Chapter 7) connect the chapters. The recommendations and findings provide the convergent parallel mixed-method design and the response to the initial research questions formulated in Chapter 1.

Chapter 2 discussed the conceptual framework by describing the relationship between PPP, corruption, and Public Management and management. PPP (Section 2.3), corruption (Section 2.4) Public Administration (Section 2.5), and the NPG as concepts were explained. A relational model was developed by describing the relationship

between Public Administration, public procurement, and corruption (Section 2.7). The conceptual framework provided the linkages among the concepts described above.

Chapter 3 analyses public procurement and corruption theories. The causes and cures of corruption were explored (Section 3.3). The focus was narrowed to the justification of exploring the collective, institutional and principal-agent theories applicable to the study (Sections 3.4 and 3.5 of Chapter 3). This chapter reveals evidence on the origin of theories and how they can assist the researcher in answering the research questions. Chapter 3 also touches on the models and implementation approaches that assisted the researcher in theoretically obtaining an understanding and insight into the complexity of public procurement corruption. To curb corruption in public procurement, overarching principles, such as competition, transparency, and decision-making, were described (Section 3.6). The principles to reduce corruption were discussed (Section 3.7).

Chapter 4 summarised the PPP development and implementation environment and the reforms in South Africa and internationally. The historical overview (Section 3.2 of Chapter 4) of public procurement in South Africa. The applicable legislation was explored, and the principles of policy development (Sections 4.4.2, 4.5, and 4.6 of Chapter 4). Without discussing the causes and cures of corruption in public procurement, the study will not fulfil its intended aim. (Section 4.7), factors influencing formulating and implementing public procurement, role players in the South African public procurement environment, and anti-corruption initiatives and strategies are discussed (Section 4.11 and 4.12 of Chapter 4). The role players in the South African procurement environment are described (Section 4.13).

Chapter 5 describes the methodological basis of the study. This chapter summarises the research design and the parallel, convergent mixed-method design with the reasons for selecting the most appropriate method to achieve the study's objectives. The quantitative and qualitative research approach is explained. The research techniques were analysed, and data were explored (Sections 5.5, 5.6 and 5.7).

Chapter 6 explains the findings and analysis of the data collected from various sources, such as interviews, questionnaires, documents, and journals. During the study's quantitative analysis, various statistical techniques were employed to answer all the research questions. The qualitative analysis includes the themes and sub-themes analysis. These themes that emerged from the interviews were explained. The quantitative and qualitative analyses were merged and compared into mixed-method integration processes (Chapter 6, section 6.16).

Chapter 7 provides the recommendations and conclusions of the study. The research aims, and objectives are linked to Chapter 1. The research project was evaluated by providing the contributions made on theoretical, empirical, and practical levels (Section 7.6). A proposed model was developed explaining how corruption in public corruption can be addressed in South African state institutions. Limitations of the study were provided (Section 7.7).

7.2.1.1 Research Question 1: What are the strengths and weaknesses of public procurement policies aimed at curbing corruption?

The answer to Research Question 1 can be primarily found in Chapters 2, 3, and 4 of this study. Sections 2.16 and 2.17 of Chapter 2 particularly proposed measures and remedies for addressing procurement challenges in South Africa. More importantly, the administrative, regulatory and social measures were discussed. The research relies on the work of Søreide (2010), the WB (2016), the UN, and the OECD. In support of the literature, an empirical study finds the latter measures play a role in addressing procurement corruption in public institutions. The reasons PPP can prevent corruption are statistically investigated by hypothesis testing. The statistical test results, the Kruskal-Wallis statistical test, indicated the PPP could prevent corruption, but other factors should be explored. Qualitative interviews emphasised implementation problems, such as the interpretation of PPP and continuous anti-corruption assessment.

7.2.1.2 Research Question 2: What are the various factors relate to the success of public procurement policies aimed at curbing corruption at public organisations in the Western Cape?

The answer to Research Question 2 can be primarily found in Chapter 4 (section 4.12) and Chapter 6 (section 6.21.3), which emanates from the data collected during the empirical fieldwork. Section.6.21 3 emphasised the factors influencing the formulation and implementation of PPP in South Africa. These factors are public participation as a solution to corruption, strengthening the judiciary system, compliant handling, and international community involvement in addressing corruption. Other factors are the non-compliance to procurement policies and regulations, lack of proper knowledge, skills, and capacity, lack of accountability, inadequate M&E of procurement outcomes, unethical behaviour, lack of transparency and B-BBEE ineffectiveness and supported by Ambe and Badenhorst-Weiss (2012), Horn and Raga (2012), Volmink (2014), NT (2015), Sugudhav-sewpersadh (2015) and Fourie and Poggenpoel (2017).

From an empirical perspective, the above factors that emerged from the quantitative and qualitative findings confirmed that inadequate control measures through auditing, the conflict of interest, a lack of enforcement of whistle-blower's protection, political inference in the procurement processes for personal gain contributed to the rampant increase of PPP corruption as displayed (see

Table 6.16 mixed-method integration). Although not all the factors were emphasised in the results of the empirical interviews and questionnaire, additional factors, such as

a code of conduct, and internal control measures, were added and shed light on the complexity of corruption in public procurement.

7.2.1.3 Research Question 3: What are the variables and systems that determine the effectiveness of public procurement policies at public institutions in the Western Cape?

The answer to this question is in Chapters 2 and as well in section and Chapters 4, section 4.12 and 4.15). As Ambe and Badenhorst-Weiss (2012:18) argue, there are “inadequate controls and processes for processing bids, bid committee members are not appointed following policy requirements, and deviations from SCM processes are not sufficiently motivated”. Theories, such as the institutional and principal-agent theories, explain why systems in an institution can identify and detect corrupt practices.

The empirical results verified the ineffective prosecution of the alleged corruptor implicated at the commission of inquiries, such as Zondo’s Commission of Inquiry into State Capture. The latter commission, as the system to identify elements of corruption, must be pursued to the prosecution level. More importantly, the empirical results also revealed technological leverage, such as advanced information technology systems, with audit trails, to detect corrupt practices in public procurement and the role of the anti-corruption role players in South Africa (Chapter 4, Section 4.13)

7.2.1.4 Research Question 4: What are the reasons for a significant increase or decrease of corruption in public procurement?

The answer to the significant increase or decrease in corruption was found in Chapters 4 and 5. From a governance perspective, Chapter 5, Sections 5.6 and 5.7 describe various measures and conditions that led to corruption. Therefore, from a corporate governance perspective, the head of institutions must ensure that the measures to curb corruption are proactively identified risks before they materialise (section 5.6). Corruption will increase if there is a lack of good corporate governance, including a

strong internal control mechanism. Chapter 4 informs on the role of anti-corruption agencies in fighting corruption (Section 4.15). The effectiveness of anti-corruption agencies was empirically tested through interviews and questionnaires with procurement officials. The empirical result confirmed that internal control measures, leadership and the code of conduct are the reasons for decreased corruption.

7.2.1.5 Research Question 5: What is the relationship between public procurement policy and corruption?

The answer to this question is found in Chapter 3, Section 3.7. The researcher established a relationship between PPP, corruption and Public Administration. However, corruption affects public procurement processes in a variety of ways. It influences how policy addresses corruption. It is also worth noting that public procurement is directly linked to government objectives and delivery, beyond demonstrating value for money and cost minimisation and savings (Harland, Telgen, and Callender, 2013:384). The statistical Spearman test indicated a strong correlation between PPP and corruption, which is one of the aims of this study. This means the stronger the PPP development and implementation, the lesser corruption cases occur in the public sector.

7.2.1.6 Research Question 6: What recommendations can be made to reduce corruption in public procurement at public institutions in the Western Cape?

This answer is in Chapter 4 (Section 4.15), and Søreide (2002:35-37) emphasised the provided solutions and recommendations dealing with corruption in public procurement, such as:

- Establishment of an autonomous procurement unit with professional officials in South Africa. Performance rating and assessments, combined with independent procurement departments, represent a fundamental shift to dealing with corruption at the institutional level.

- In nations with high levels of corruption, rotating public officials in charge of procurement within a certain region should be considered. Disrupting existing ties would be an anti-corruption strategy. The rotation might lead to more corruption if officials take advantage of a lucrative position to steal much.
- The procurement rules should be simplified, and clear guidelines should be stipulated so that people know what is expected with the roles and responsibilities during the procurement processes. An honest, open and transparent procurement system should be introduced.
- Unsuccessful bidders should be contacted to explain the rejection and pertinent tender information. The procurement process will be more transparent because of this matter. When significant issues occur while implementing huge procurement initiatives, a committee, not just one person, should respond. A contract appeals board should be established. Inspection and audit of the procurement process and the detection of corruption and other irregularities necessitate record-keeping, and rules of behaviour should be integral to all types of bureaucratic action.
- Routines for reducing new chances for corruption through the Internet should be developed and included in procurement regulations. Using the Internet for procurement should be based on public institutions' technological and human resource capabilities to implement procurement system technologies. To avoid the risk of corruption during the procurement processes, using technical attributes should not be limited to the pre-qualification stage but the whole procurement cycle.
- The assessment of tender document tracking should be followed by identifying those participating in the tender process. For intermediaries and agents, registration should be obtained. Suppliers who attempt to engage in corrupt practices; for example, bribing public officials of public institutions, should be barred from future bids and placed on a supplier blacklist. Businesses should be encouraged to certify that they comply with all anti-bribery legislation. Suppliers selected for contract awards should be subjected to explicit anti-corruption obligations and the establishment of a reporting structure to detect and report corrupt practices.

- The bidding contracts should include clauses allowing the state to withhold payments lost if bribery is discovered. Procurement regulations should include monitoring processes. Product controls (about the achievement of goals) should be prioritised above process controls (about the formal regularity of activities), and consequences for corrupt activities, whether internal or imposed by judges, should be proportionate to the value of the public contract. (Søreide, 2002:35-37).

Finding a solution for corruption in public procurement is a critical element within the South African context. From an empirical result, internal control measures should be strengthened. A continuous review of anti-corruption policies and legislation to determine the effectiveness of its desired outcomes. Training and capacity with procurement officials and stakeholder engagements were highlighted. The establishment of the multi-prong anti-corruption model needs to be pursued to curb corruption in public procurement.

7.3 CONCLUSIONS

These conclusions were drawn from the literature review and empirical investigation:

This study aimed to critically assess whether public procurement policies in public institutions include elements to prevent corruption in public procurement. The conclusions were drawn about each of the objectives.

7.3.1 Objective 1

The first objective was to explore the strengths and weaknesses of public procurement policies to curb corruption at public institutions in the Western Cape. This objective was achieved in Chapters 3 and 4 by analysing public institutions' procurement policies and directives and asking questions. These conclusions were drawn:

The document analysis indicated that public institution has either procurement policy or AOS, derived from the AOF as prescribed by the National Treasury regarding national and provincial departments. The interviews confirmed the document analysis that procurement policies are operationally and directed by the Constitution of South

Africa relating to the principles and PPPFA promoting, among others, local content and specific goals, the National Treasury directive, guidelines, and practice notes. The analysis of the questionnaires confirmed that the policy development and implementation environment is complex because various factors influence the operating functioning of the procurement of goods and services. Factors such as accountability and the strength of the anti-corruption policy assessment are weak because of non-compliance with the policy framework in the state organs; therefore, an increase in corruption is evident.

Resources and capacity building are lacking at institutional levels in Government; thus, implementing procurement rules cannot be enforced to curb corruption. Coupled with the latter, the compliance and proactiveness of implementing the intentions of the policy presented with blur picture. Strengthening internal control measures by early detection of non-compliance becomes necessary. Literature supports that policy internal control measures are a key factor in minimising the risk of corruption (Ambe and Badenhorst-Weiss, 2012:243).

7.3.2 Objective 2

The second objective of determine various factors related to the success of public procurement by examining a public procurement framework for the South African public sector to improve procurement practices and address corruption was achieved in Chapters 3 and 4. These conclusions were drawn:

A proposed public procurement conceptual framework was formulated in Chapter 3, provided as the basis of the PPP environment and corruption in South Africa. The exploration of the South African public procurement framework found an inability to reduce corrupt practices during all procurement phases because of a lack of enforcement of procurement rules and an outdated legislative framework. The investment of technological best practices systems can be used as procurement enablers and control measures through vigorous and continuous auditing of the processes. At the institutional level, managers and audit teams must proactively track

deviations from the prescribed processes through online audit trails of procurement activities.

The South African procurement system is fragmented at a legal and regulatory level; therefore, ambiguities and opportunities exist to commit corrupt practices. Implementation of the functional e-procurement system needs to be prioritised, which will make tracking of deviations more easily detectable. From a high-level law-making perspective, implementing the central procurement law is intricately linked to the prosecution of corruptors—capacity building in law enforcement agencies, specifically regarding the fast-tracking of pending corrupt cases.

Empirical evidence from interviews with the respondents in state institutions in South Africa (Chapter 6) confirmed that oversight and control of the procurement phases are essential to support accountability and promote integrity. Ongoing assessment of the procurement process is important to detect illicit behaviour. Internal control measures emerged from the empirical investigation as a countermeasure against corruption in public procurement.

Internal control confirms whether the chain of responsibility is clear, whether levels of authority are followed and in line with the institutional processes and whether key objectives are achieved. It can be concluded that a centralised internal control body is to be established, consisting of members from outside the public sector, such as civil society, NGOs, and community-based organisations, to ensure consistency in applying procurement laws and rules pursued in all state institutions. The citizens should elect the leaders of society and their appointments to be endorsed by the President of South Africa. The latter provision aligns with the UNCAC in prescribing a framework for countries to fight corruption in the public sector. To achieve the objectives of the study, these objectives are discussed:

7.3.2.1 Objective 3

The third objective is to examine the specific variables and systems that determine the efficient management of public procurement policies aimed at curbing corruption at

public institutions in the Western Cape was achieved in Chapter 4. These conclusions were drawn:

The South African procurement legislation was formed from an apartheid approach to more inclusion of the black-owned companies concerning the B-BBEE and the PPPFA legislation. The constitutional requirements mandate state institutions to procure goods and services by adhering to procurement principles, such as fairness, transparency, equitableness, competitiveness, and cost-effectiveness (Chapter 4, Section 4.9). Chapter 4 (See section 4.5) also summarised the public procurement legislation.

7.3.2.2 Objective 4

Objective 4, indicating measuring the relationship between corruption and public procurement by applying statistical analysis techniques, was achieved in Chapter 6. These conclusions were drawn:

The Spearman correlation test indicated statistically significant at the 2-tailed with a score of .665. The correlation coefficient of .665 is greater than .05 ($152 < .05$ p-value). The Spearman of .665 indicates a strong correlation between listed variables, such as PPP, which can prevent corruption. It can be concluded that the PPP cannot prevent corruption, but other factors should be explored to ascertain why the phenomena are a challenge in the public procurement environment. Besides the correlation coefficient, the significant level (2-tailed) indicated a score of .665. This implies that the value of higher than $p > .05$. The respondents agreed that the PPP could prevent corruption. Other factors that contribute to why PPP is effective, but the implementation thereof is lacking, need to be explored in the qualitative data collected for the study. The fourth objective is to determine the various factors that relate to the success of public procurement policies aimed at curbing corruption in the Western Cape context, and the reasons public procurement policies cannot prevent corruption were achieved in Chapters 3 and 4.

These conclusions were drawn:

The constitutional requirements of public procurement in South Africa indicated embedded principles, such as transparency, fairness, competitiveness, cost-effectiveness, and fairness, in line with the international best practices procurement model. Despite these principles and legislation promulgated to ensure zero tolerance for corrupt practices, a notable increase in corruption cases was reported in South Africa (AGSA Report, 2020: 34).

B-BBEE is complex owing to its different interpretations of legislation provisions. The marginalisation of the majority racial group in South Africa was a complex initiative, and they did not benefit from the transformation goals of Government. A conflict of interpretation exists between implementing the PPPFA and the B-BBEE Act of 2003. Empirical analysis confirmed promoting B-BBEE is one of the influencing factors leading to corrupt practices, specifically in fronting the suppliers to obtain lucrative contracts of goods and services in state institutions.

As an entity, anti-corruption role players, such as the Public Protector, the AGSA, the PSC, the Chief Procurement Officer and National Treasury, facilitate public procurement reform in South Africa. This indicated a lack of coordination and responsive effect to decisively addressing corruption. The establishment of the Commission of Inquiry seems to be ineffective, corrupt practices are revealed, but speedy persecution of the culprits is being pursued.

7.3.2.3 Objective 5

Objective 5 involves the investigate the ability of public procurement policies to prevent corruption was achieved in Chapter 3 and 4. These conclusions were drawn:

The literature review findings add value to understanding why corruption occurred despite a strong policy environment. The literature provided insight into the relationship between the policy environment and humans. Moreover, a person's reaction was explained when confronted with an opportunity of corrupt practices and factors contributing to the behaviour. The collective institutional action and principal-agent theories pictured why corruption frequently occurred in public procurement.

The literature contributed to highlighting the importance of the principal-agent theory in South Africa. In broad terms, the principal-agent theory helps explain the continuous practice of transparency and anti-corruption rules in public procurement. It explains why deviation from the rules and regulations should be punished and why some agents deviate more than others from the principal's objectives (Yukins, 2010:45). The principal-agent theory is to understand conflicting goals or interests between service providers and procurement officers.

The public policy approach was the central focus of this study and encompassed several aspects of Government function. Politics influences the public policymaking process and the administrative aspects related to government functions because the ruling party implements its political mandate as emerged from the empirical findings. The analysis of the public procurement policies in South Africa is perceived to be ineffective in curbing corruption in public procurement (Ambe, 2016:34).

The empirical findings confirmed that the development and implementation of PPP officials could not operationalise the intended purpose of the policy; therefore, different interpretation creates uncertainty in the environment. The "implementation problem" cited by the participants refers to the lapses during implementation. The policy is pivotal to preventing corruption, but the lack of adherence is a challenge. The training and capacity building of line functionaries and procurement officials must create awareness of what to do when opportunities for corrupt practices approach. Link to is this: the ethical code of conduct as a control measure must be enforced and monitored continuously.

7.3.2.4 Objective 6

Objective 6 involved the investigating a public procurement framework in the Western Cape to address corruption in public procurement. The procurement framework for the curbing of corruption in public procurement was developed in Chapter 7.

The following conclusion can be drawn:

Empirical findings from the study confirmed that the public procurement framework (PPF) and policies are fragmented, outdated, and prone to interpretation challenges, leading to maladministration and corruption. The procurement policy and framework environment should be revamped with an innovative and technologically advanced system.

7.3.3 Conclusion regarding the central hypotheses

The results of the Kruskal-Wallis statistical test demonstrated no significant difference in the hypotheses' analysis. The null hypothesis scored $H(2) = 0.810$ and $.422$, $p < 05$, indicating that the groups did not differ significantly from each other regarding whether PPP design/development and implementation prevent corruption. The results suggest that public procurement development/design and implementation do not affect the aim to prevent corruption. The null and alternative hypotheses are, therefore, retained or accepted. The following section attempts to answer this research question and make the dimensions explicit in a proposed public procurement model to curb corruption in public procurement.

7.4 PROPOSED PUBLIC PROCUREMENT MODEL FROM EMPIRICAL ANALYSIS

The researcher aims to establish why public procurement can prevent corruption. The study used the empirical findings to develop the framework. Based on the quantitative and qualitative study findings, a new framework was developed to address the challenges of corruption in public procurement in state institutions. The proposed model is relevant and applicable to the public procurement environment and will allow the policymakers, heads of state institutions, procurement managers and officials to revamp the procurement of goods and services.

The proposed model cannot be a statistic but is flexible to adjust. It should be a fluid, dynamic working model, adapting to the environmental needs of the procurement field. The researcher proposes a new model named the "Holistic Multi-Pronged Anti-Corruption Model" (HMPAM).

The model was developed by examining the quantitative and qualitative empirical data derived from the interviews with procurement managers from various state institutions with the research findings. The involvement of collecting multiple forms of data enriched the model's design. The convergent parallel mixed-method design also encourages using various perspectives and enhances the understanding and complexity of public procurement. The researcher will present the HMPAM in the next discussion.

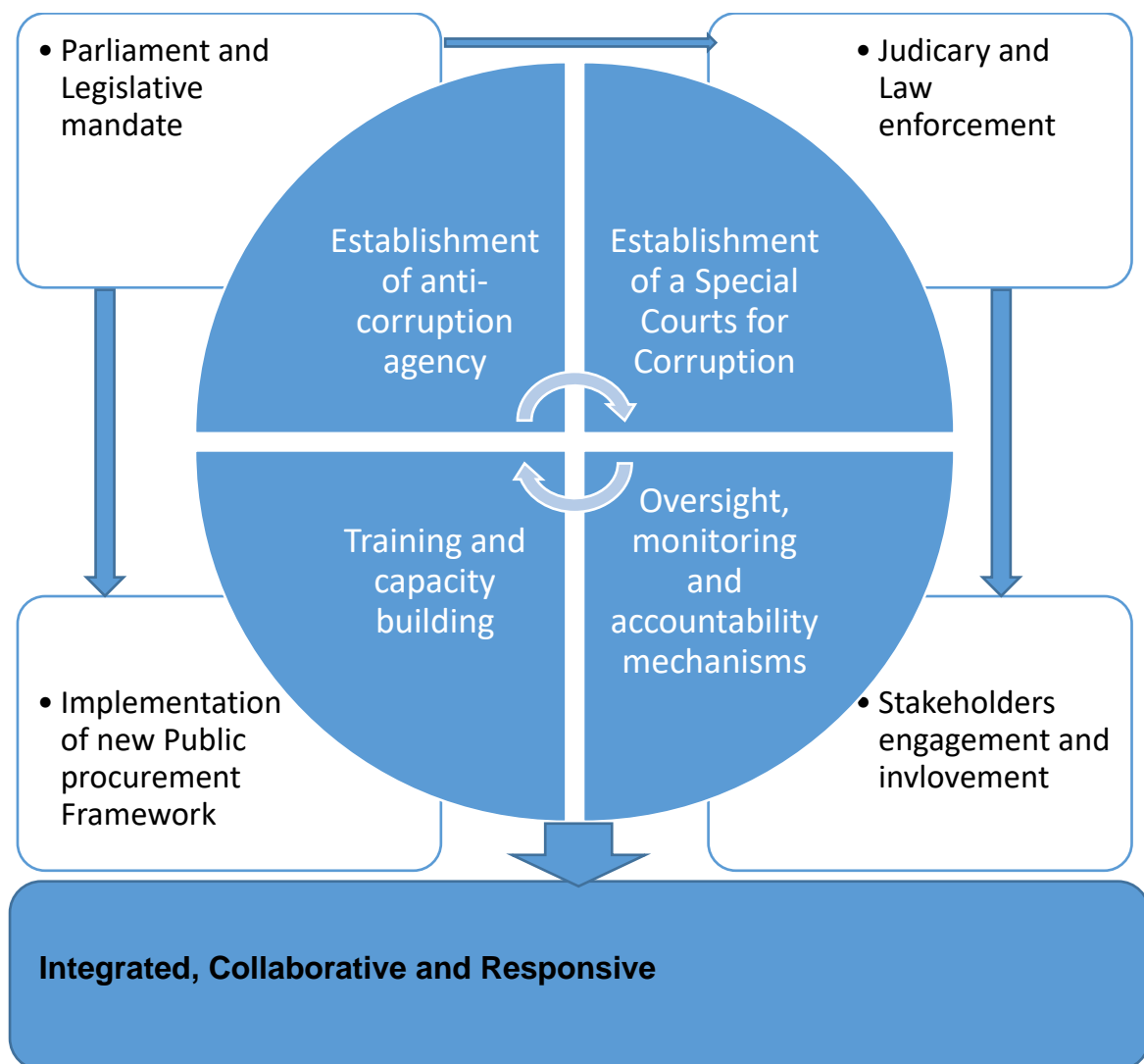


Figure 7.1: Holistic Multi-Pronged Anti-Corruption Model

Researcher: 2023

7.4.1 Parliament and legislative mandate

The institutional framework for anti-corruption in South Africa involves various institutions, including Parliament, the National Treasury, the Parliamentary Oversight Committees, the AGSA, the judiciary, and law enforcement, such as the Special Investigation Unit (SIU) and Directorate for Priority Crime Investigation better known as the Hawks. In addressing corruption challenges, empirical findings from the study show that the persecution of corrupt officials is a challenge attributable to the fragmented approach to resolving corrupt cases and the capacities of these organisations to accelerate the finalisation of cases. The researcher argued that despite these systems in place, the AGSA's and law enforcement agencies powers limited power to report on bad accounting practices, corruption and maladministration and are constrained and overruled by the Parliamentary Oversight Committees. Without oversight, law enforcement agencies provided powers are not executed according to their mandate but are curtailed by politicians.

Considering the preceding argument, the model proposed the establishment of an anti-corruption dedicated body as one of the main institutional recommendations in most anti-corruption conventions. The agency strategy derived from its mandate is to enforce the public complaints system effectively and encourage reporting of corruption cases. The agency must review the effectiveness of investigating capacity and timeframe and publish successful enforcement cases in the media. The agency's key partners should be all government institutions, public enterprises, professional bodies, NGOs, and international institutions. It, therefore, requires a prevention strategy to be adopted by the agency, as emerged from the empirical study findings.

7.4.2 Judiciary and law enforcement

The establishment of a single anti-corruption agency is a politically attractive measure but requires political will to make it a success. The judiciary and law enforcement agencies are limited to capacity challenges and delays in corrupt cases. Within the existing institutional structures, it is complex to persecute corrupt officials, deter future offenders and change the culture of corruption. The researcher proposes the

establishment of a Special Court for Corruption to address delays in the finalisation of corrupt cases. The primary purpose and mandate of the Special Court for Corruption is to improve the effectiveness and efficiency of efforts to address and persecute corrupt officials and the public involved in corrupt practices. The investigation and prosecution of major corruption cases are, therefore, also one of the primary functions of the SCC.

7.4.3 Implementation of a New Public Procurement Framework

Empirical findings from the study confirmed that the public procurement framework (PPF) and policies are fragmented, outdated, and prone to interpretation challenges, leading to maladministration and corruption. The procurement policy and framework environment should be revamped with an innovative and technologically advanced system. The researcher argued that a new PPF to be developed to address corruption-related concerns. First, to limit “implementation problems” concerning the selective application of rules to suit particular bid outcomes. Therefore, the procurement officials apply the legal rule but use specific specifications to favour a specific supplier, as mentioned in the interviews with procurement managers.

It is anticipated that the new procurement framework can be led to a shift from a decentralised to a centralised procurement model. As one leg of the PPF, the central purchasing framework should ensure the public services can speak with "one voice" to the market for each expenditure category, eliminating duplication and taking advantage of the scale of public procurement for the best effects.

On an operational level, each state institution, including public enterprises, should use the PPF as a guide to develop and implement their procurement policies. Good governance is central to effectively implementing the procurement policies; therefore, the existing OCPO in the NT should play an important role in monitoring and evaluating the procurement policies' effectiveness. As the extended control measures, the AGSA must ensure that policies are aligned to the framework, therefore, ensuring that structures and processes are in place to deliver on objectives and allow for the

assessment of management and corporate performance. The potential corrupt activities can be detected and reported to the anti-corruption agencies.

Training and capacity building in the procurement environment field is one factor that emerged from the empirical findings. Competent professionals' will to combat corruption should be one of the key priorities of implementation features of the HMPAM. Quarterly reports should be submitted to the anti-corruption agency, the Collective Action Approach (CAA), and Parliament regarding training undertaken, success factors and the progress of training interventions.

The PPF should incorporate electronic procurement methods, including the submission and rewards of bids on the central electronic system. Digitalisation is a key aspect of detecting corrupt practices early because procurement processes can be virtually audited. State institutions must invest in the fourth industrial revolution (4IR) to capacity officials to perform such functions. The PPF must include elements of the 4IR.

7.4.4 Stakeholder engagement and involvement

Stakeholders and the involvement of communities are key factors in combating corruption. It brings together the public and private sectors with other stakeholders to curb corrupt practices and improve the business environment between the state institutions and suppliers in the public procurement environment. The stakeholders' engagement aims to transform the general anti-corruption compliance standards into sector-specific commodities relating to the procurement of goods and services. The engagement between the stakeholders and state institutions is called the CAA.

To curb corruption, the role of stakeholders is to hold Government accountable for the procurement processes stipulated in the public procurement policies. Stakeholder engagement, therefore, involves independent individuals selected through an online voting system. One of the key deliverables of the stakeholders is not only critical areas in the public procurement system prone to corruption but also building confidence in the public by publishing articles in the mainstream media about their challenges,

successes and capacities. Quarterly, they must report corruption cases to a single anti-corruption agency, as mentioned in the first prong of the model. Their aim is also to hold the public and private sector suppliers accountable for violation of anti-corruption standards during the bid processes.

On strategic and operational levels, a strategy should be developed, dovetailing the key goals and outcomes of the CAA. Civil society should be invited to provide input into the strategy and operational plan of the CAA. The appointment of champions and change agents from the private sector at the CAA will help steer public procurement in an accountable, vibrant and corruption-free environment.

7.4.5 Key features of the Holistic Multi-Pronged Anti-Corruption Model (HMPAM)

The HMPAM is built on four prongs—Parliament and legislative mandate by establishing the single anti-corruption agency, judiciary, and law enforcement by establishing the Special Court for Corruption, the revamp of implementation procurement policy helping to create the PPPFA and the stakeholder's engagement and involvement also establishing the CAA.

All the above efforts require coordination between agencies, state institutions, stakeholders, communities, the public, and media to implement the model HMPM. Therefore, if such entities mandate must limit mandate overlap and conflict, duplication, and waste of resources, the process between the entities should be integrated with one aim to reduce corrupt practices in state organisations. The responsiveness to the needs of the stakeholders must be neglected.

7.5 RECOMMENDATIONS

Based on this study's findings, conclusions, and limitations, these recommendations for public procurement public and corruption and further research are suggested.

7.5.1 Recommendations for the Field of Public Procurement Policy

The central aim was described earlier. Although the findings provided a valuable understanding of why public procurement can prevent corruption, implementing control measures, such as auditing, is a key factor in detecting elements of corruption from the onset.

Implementing internal control measures must be explored in South Africa by a comprehensive assessment of integrity risks at national, provincial and municipal levels. Identifying risks and mitigating measures will ensure that corrupt practices are addressed, and existing divergences have been closed. Factors influencing procurement operations in all state institutions are essential to identify integrity-related vulnerabilities. Coupled with this, the legal framework must be overhauled. Corrupt officials and suppliers must be prosecuted as soon as possible. To speed up the detection of corruption, cross-checking procurement bids, showing the state institution and procurement officials involved, with government databases to identify atypical situations, needs to be pursued.

To establish a shared fundamental understanding among all participants in procurement, the code of conduct for conducting procurement must offer a clear expression of mutual expectations. Guidelines and practical implementation plans will be developed to help procurement officials apply these standards in their daily practices. The standards, in particular, aim to ensure that officials' private interests do not improperly influence the outcomes of the bids and the performance of their duties. The standard must specifically aim to address individual actions of the official and assessment of lifestyle and financial pressures experienced while performing duties.

Lifestyle audits must be conducted on all officials, executive authority and members of the bid committees. Occasionally, corrupt officials flaunted their ill-gotten gains by leading flashy lives with a disregard for responsibility. Society would suddenly regard the finances and lifestyles of these corrupt officials with a scepticism that frequently wanders into scorn against the backdrop of this excessive show of wealth and extravagant lifestyles. This statement is accurate because individuals and society

would have noticed a significant difference between the income received as pay or salary by some of these corrupt public officials and the costs they spent (Geldenhuys, 2016:24). In agreement with Geldenhuys (2016:25), the researcher agreed that lifestyle audits, as a preventive measure against corruption, are meant to detect and stop potential risks of corrupt practices. Lifestyle audits as a potential strategic tool for detecting, routing and combatting corruption must be conducted in South Africa.

The oversight mechanism in South Africa needs to be overhauled. The results of the AGSA depict a disturbing trend of non-compliance, maladministration and corruption. The risk factors leading to corrupt practices need to be integrated. A national awareness campaign, including all sectors doing business with the state government, must be launched. The support of the public, as citizens and stakeholders involved in the campaign process, is critical to increasing the campaign's success rate.

As the analysis indicates, fragmentation in the PPP environment is a cause for concern. The fragmentation problem creates interpretation challenges; therefore, officials know the divergence creates an opportunity to engage in corrupt activities. The PPP development and implementation need urgent attention to minimise corruption and influence economic growth. More corruption leads to few investment opportunities. With the review of outdated public procurement policies, a strategy needs to be developed on how to use technology or e-procurement. Technology will strengthen oversight capacity and detect corrupt practices because audit trails on procurement transactions can be traced in real-time.

Based on the findings of the empirical data, it is recommended that Government appoint a review board comprising members of the public and special experts to review and receive complaints. The board must make recommendations to the President regarding the corrupt cases identified at a state institution. The stringent timeframe of investigation of reported cases is to be followed. Persons or bodies wishing to file a complaint may do so with the board within ten days after the corrupt incident. The board must scrutinise complaints of corrupt practices received within seven days of filing and establish whether they will be accepted for review and remedial

action. If the board finds that procurement has been conducted consistently and corruption is involved, the measures will be drafted in a report.

7.5.2 Recommendation for future study

The findings of this study demonstrated a need for further research in exploring the relationship between public procurement cycles and the effect of corruption on suppliers. Some areas require further research, which could not be fully explored in the scope of this thesis. It is recommended that more public institutions, specifically state enterprises, be included in a longitudinal study to establish the extent of the corrupt practices and solve how to remedy and transform these institutions.

It is recommended that further studies be conducted exploring different methodologies, such as explanatory sequential mixed-method design. This transformative mixed-method design could provide a fuller understanding of the relationship between code of conduct variables, behavioural variables that contributed to corruption, and factors affecting the cost of corruption in South Africa. The analysis of the effectiveness of the law enforcement capacity to investigate corruption cases in public procurement needs to be explored in future studies.

This study was based on 25 public institutions of various institutions in South Africa. Although this was methodologically justified, there is a need for replication studies to be conducted in other local governments and public entities to confirm, refute or refine the findings made in this study. They proposed that a system be implemented on a pilot basis to address public procurement corruption.

7.6 EVALUATION OF THE RESEARCH

This study contributed at three levels to the field of PPP and corruption, indicating theoretical, empirical and practical levels.

7.6.1 Contribution at a theoretical level

The theoretical contribution of this study is manifold. The research studies relating to the PPP and corruption have been singularly neglected, focusing on the theoretical

grounds as a phenomenon of interest. The literature review confirmed the importance of exploring the constructs in designing the policies and practical strategies to reduce corruption. The approach followed by this study was original as its integrated constructs and concepts into the approach by merging, comparing and contrasting quantitative and qualitative approaches in one study to develop a model on how to address challenges in public procurement corruption.

By applying the institutional and principal agents theories in this study, there was an attempt in other studies not to operationalise them (Erridge, *et al.*, 2017:24). Against this trajectory of untested theory and a theoretical, empirical inquiry, the convergent parallel approach in this study breaks new ground.

Besides matching the institutional and principal-agency theories to PPP and corruption, how the study dealt with operationalising and assessing these theories is remarkable. This thesis provides institutional and principal-agency perspectives in public procurement research and contends for their broader use in theory. The strength of theoretical reinforcements was demonstrated in this study. In moving beyond the traditional research foci and emphasising public procurement and corruption as published in various journals, this study supports stretching the limitations of the institutional and principal-agency theories. It is recommended that the findings of this study can address challenges in public procurement and corruption in South Africa.

7.6.2 Contribution at an empirical level

Empirically, this study contributes to the understanding of PPP and corruption. First, it enlightens on how public officials respond to the institutional pressure to simplify the procurement of goods and services. The PPP environment generates various guidelines, prescribes, practice notes and limited evidence on the efficacy of these policies during implementation. The findings of this study demonstrated the importance of understanding the complexity of the public procurement environment from an empirical perspective. Implementing policy is not easy as the environment is constantly associated with various risk factors.

This study addressed the previously unanswered questions of what occurs after Government formulated a policy and whether the operationalisation challenges can be addressed. This study provides evidence on the development and implementation challenges to combat corruption. The study has opened up new research pathways by producing new thoughts about an existing phenomenon and giving parameters for future investigation. The contribution relates to academic knowledge about procurement policy in state institutions which can be used in several disciplines, such as politics, policymaking and commercial risk management.

The findings of this study explained the procurement officials' activities and behaviour in the encounter of institutional policy pressures, bribery and corrupt practice. The influence of institutional pressures, specifically from the political head wanting to commit corrupt activities, was explored to a limited extent. Before this study, neither public procurement scholars nor institutional nor principal-agency theorists have examined the causative effects of policy development and implementation factors on public procurement officials. This study provides a solid platform for future inquiries to pursue the development and implementation of PPP to minimise corruption risks.

From methodological contribution, this study relates to the innovative approach to collecting data. Owing to the sensitivity of the subject, such corruption accessing public procurement managers through their management structures poses a perennial challenge for researchers. Information from the state institution is valuable for analysis, considering ensuring the confidentiality of the individuals. It was successfully exploited in this study to obtain data from procurement managers and merge it into one research project.

7.6.3 Contribution at a practical level

This study is important and useful because of the relationships between PPP and corruption and the factors contributing to corrupt practices in public institutions. The outcomes will be meaningful in informing policymakers and political heads what practically matters in corruption that needs to be addressed.

Given the boundaries of the research, the model could effectively address specific challenges encountered by the National Treasury and provincial treasuries relating to the implementation and operationalising of the PPP. Moreover, law enforcement agencies, the courts and the judiciary can use the model to obtain knowledge from experts relating to the complexities of PPP.

This study emphasised how the social pressures and political inference variables influence the bid's behaviour and outcomes. The study results contributed significantly to the body of knowledge relating to PPP and corruption in the South African context. The HMPAM, attributable to its flexibility and fluidness, is relatively easy to implement. However, it is recommended that the latter model be assessed and adjusted to suit a particular context in South Africa and internationally.

7.7 LIMITATIONS

The target population was limited to the public institutions, such as national, provincial and local governments only attributable to resource limitations. In future studies, a research project can include state enterprises, such as Eskom (electricity supply), Transnet (railway transportation), and South Africa Express (air transportation), to be included in the empirical data collection processes.

The researcher was a procurement manager and affiliated with a group of procurement specialists in South Africa. Respondents familiar with the researcher may exhibit some prejudice. The researcher presented various ways to avoid bias during the study process in Chapter 2. Participants were assured, for example, that their information would be kept confidential.

Disclosure of corruption in public procurement is a sensitive subject from an individual and institutional level. Participants were assured that the ethics of conducting research was adhered to. The research questions were presented to the participants before the interview. The procurement managers' numerous voluntary comments indicated independence of opinion and a readiness to communicate controversial viewpoints.

7.8 CHAPTER SUMMARY

This chapter presented the conclusions, the proposed model, limitations, and recommendations relating to PPP and corruption. The research questions were addressed and linked to the literature review and the empirical study findings. The model aims to address the challenges in public procurement and propose solutions to minimise the risks of corruption.

In this study, the objectives are discussed. The research objectives were consequently achieved, indicating formulation conclusions based on the research findings to manage the effectiveness of PPP in reducing corruption in public institutions. A proposed model was provided to address the challenges of public procurement corruption in South Africa.

Recommendations for future studies were presented. This chapter also evaluated the contributions of this study. This study contributes theoretically, empirically, and practically to address the scourge of corruption. Notwithstanding the challenges encountered by state institutions relating to corruption in public procurement, recommendations in this research require a fundamental shift in the discourse of implementing anti-corruption measures.

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ANNEXURE A: DESCRIPTIVE STATISTICS

Descriptive Statistics							
	N	Minimum	Maximum	Sum	Mean	Std. Deviation	Variance
Entity	53	1	3	120	2.26	.738	.544
Gender	53	1	2	78	1.47	.504	.254
Highest qualification	53	1	5	147	2.77	1.120	1.255
Number of years' experience in public procurement	53	1	5	185	3.49	1.154	1.332
Age	53	2	5	172	3.25	.897	.804
Position in Your Organisation	53	1	5	192	3.62	1.004	1.009
Department have a Procurement Policy	53	1	2	54	1.02	.137	.019
Procurement Policy have goals and objectives	53	1	2	55	1.04	.192	.037
Budget and resources to implement Public Procurement Policy	53	1	2	55	1.04	.192	.037
Procurement policy formulated and implemented to prevent corruption	53	1	2	55	1.04	.192	.037
Procurement policy build-in mechanism prevent corruption	53	1	2	58	1.09	.295	.087
The PPPF Act addressing social outcomes	53	1	2	54	1.02	.137	.019
Relationship between public procurement policy and corruption	53	1	2	65	1.23	.423	.179
Procurement policy are developed and implemented to prevent corruption	53	1	5	216	4.08	.851	.725
Policy consulted with various role players	53	3	5	235	4.43	.605	.366
Public Procurement Policy is approved by the Executive	53	1	5	231	4.36	.879	.773
Public Procurement Policy can prevent corruption.	53	2	5	226	4.26	.880	.775

Public procurement policies and procedures in areas responsibility.	53	2	5	237	4.47	.668	.446
Specification, Evaluation and Adjudication appointed in procurement process.	53	3	5	239	4.51	.576	.332
Content knowledge of Preferential Procurement Policy Act	53	3	5	242	4.57	.537	.289
Adherence to stage of procurement as state in Department's procurement policy	53	3	5	241	4.55	.607	.368
SCM officer's knowledge of procurement rules and regulations, ethics and risks	53	4	5	253	4.77	.423	.179
Knowledge of procedures for evaluation and adjudication of bids	53	3	5	248	4.68	.547	.299
SCM officials declare their assets/interest in private companies/wealth	53	2	5	233	4.40	.631	.398
Regulations to identify and weight supplier evaluation and selection criteria	53	2	5	225	4.25	.677	.458
Provisions for debriefing of supplier failing at the pre-qualification stage/phase	53	2	5	228	4.30	.774	.599
Official behave ethically in dealing with suppliers	53	3	5	232	4.38	.713	.509
Compliance to procurement (SCM) practices, rules and regulations to curb corruption	53	2	5	241	4.55	.607	.368
Public procurement policy can be successfully preventing or curbing corruption.	53	2	5	228	4.30	.952	.907
Systems to detect elements of non-	53	3	5	236	4.45	.539	.291

compliance to public procurement policy							
Non-compliance to Public Procurement Policy/SCM policy can lead to corrupt practices	53	2	5	242	4.57	.636	.404
Debriefing to unsuccessful bidders	53	2	5	211	3.98	.888	.788
Results of all bids to made public	53	2	5	218	4.11	.993	.987
Commercially sensitive information content bid not be made public	53	1	5	220	4.15	1.045	1.092
Lack of transparency creates an opportunity for corrupt practices	53	4	5	244	4.60	.494	.244
Declaration of Interest by Specification, Evaluation and Adjudication Committees	53	3	5	250	4.72	.495	.245
Public procurement corruption to be address from the highest level.	53	2	5	239	4.51	.724	.524
Declaration of Interest and Secrecy is a deterrent to combat corruption.	53	2	5	227	4.28	.928	.861
Collusion with suppliers by offering favourable terms is corrupt practices.	53	4	5	242	4.57	.500	.250
Value for money is the core principle underpinning public procurement	53	2	5	239	4.51	.639	.409
Lack of accountability creates opportunities for corruption	53	2	5	245	4.62	.627	.393
Mandatory induction training on procurement for all public officials	53	2	5	241	4.55	.637	.406
Certified prof training wrt Procurement officers	53	3	5	239	4.51	.608	.370
Awareness sessions on strategic procurement,	53	3	5	247	4.66	.553	.306

ethics, rules and regulations.							
Training on linear weighting factor scoring (awarding scores)	53	1	5	244	4.60	.716	.513
Training in Contract Management risk analysis.	53	2	5	245	4.62	.627	.393
Enforcement of warnings, suspensions, dismissals on errant procurement officials.	53	3	5	238	4.49	.639	.409
Enforcement of sanctions on politicians found guilty of corruption.	53	3	5	243	4.58	.570	.324
Ranking of implementation above measures to curbing corruption in public procurement.	53	3	5	243	4.58	.570	.324
Public procurement policy includes value for money, equity, transparency and competitiveness	53	3	5	239	4.51	.541	.293
Outcomes of Public procurement policies are to prevent or curb corruption	53	2	5	232	4.38	.686	.470
Conflict of interest	53	1	5	233	4.40	.716	.513
Adherence to regulations, rules and procedures	53	1	5	241	4.55	.695	.483
Internal control measures	53	3	5	243	4.58	.535	.286
Ethical behaviour	53	3	5	240	4.53	.608	.369
Disqualification of contracts	53	2	5	220	4.15	.818	.669
Social pressures	53	1	5	205	3.87	1.225	1.501
Role of the media.	53	1	5	214	4.04	.919	.845
Blacklisting database of suppliers.	53	3	5	245	4.62	.562	.316
Decisions inline with PPPA principles.	53	4	5	243	4.58	.497	.247
Regular review/audits of procurement processes	53	2	5	240	4.53	.639	.408

Bid Committees professional and ethical conduct.	53	3	5	245	4.62	.527	.278
More regulations in procurement process to curb corruption	53	1	5	200	3.77	1.235	1.525
Top management leadership role in enforcement of the code of conduct	53	2	5	242	4.57	.694	.481
Training on ethics relating public procurement processes	53	3	5	244	4.60	.566	.321
Competent, accountable and professionalism handling and report corrupt practice	53	3	5	243	4.58	.535	.286
Strengthening internal control measures	53	3	5	242	4.57	.537	.289
Free press reporting	53	1	5	217	4.09	1.005	1.010
Strengthened judiciary as a solution to procurement corruption	53	2	5	238	4.49	.639	.409
Public participation as a solution to corruption	53	2	5	225	4.25	.979	.958
Complaints-handling mechanisms as a solution to procurement corruption	53	2	5	236	4.45	.748	.560
International community involvement in addressing procurement corruption	53	1	5	219	4.13	.941	.886
Valid N (listwise)	53						

ANNEXURE B: DATA COLLECTION TOOLS

ONE-ON-ONE INTERVIEW SCHEDULE:

1. HEAD OF THE SCM /ANTI-CORRUPTION/FORENSIC INVESTIGATION UNIT
2. RISK/CORRUPTION/FRAUD MANAGERS

Face-to-face an, structured interviews,

NAME (optional)	INSTITUTION	POSITION HELD
.....

Date of the interview:

The interviewee will be assured of anonymity and confidentiality of the discussion and contents of the interview.

Interview will be conducted in three phases as explained below:

Phase one: opening - researcher welcome interviewee and explain the objective of the study.

Phase two: body - explain the topics to be covered in the interview and potential questions.

Phase three: closing - thank interviewee for his/her time and availability to attend.

The duration of the interview: approximately 20 minutes.

LIST OF INTERVIEW QUESTIONS:

- Yes and No responses will not be accepted; and
- Respondents will be asked to explain/provides examples.

Corruption reporting, training, rules and regulations, public procurement policy

1. Are public officials be able to report corruption in public procurement to the relevant anti-corruption agencies such as the Public Protector, the Public Service Commissioner and Auditor-General without fear of recrimination?
2. Are your Province/Department/Municipality's public procurement officials trained to deal with corrupt practices?
3. Do you think decisions taken by the officials sitting on the Bidding Committees (Specification, Evaluation and Adjudication) are in line with applicable public procurement rules and regulations?
4. Do you think officials are held liable for being involve in corrupt practices?
5. Is there anything else relating to corruption and specifically in public procurement that you might wish to add?
6. What is your views regarding the role of the Head of Departments, to promote ethical standards and accountability to minimise corruption at the national or regional level?

7. What are the reasons for the significant increase of corruption cases in public procurement?
8. To what extent do you think that public procurement policy can be successful to prevent or curb corruption?
9. Do you think factors such as stakeholder's engagements, communication, values and social disparities influence the formulation and implementation of public procurement policy?
10. What systems are used to identify and detect elements of non-compliance in public procurement?
11. Does the public procurement policy of your Department/Municipality address risk factors such as bribery, collusion and fronting during the procurement processes?
12. Does your department/municipality have an approved anti-corruption policy?

Thank you for your contribution.

ANNEXURE C: QUESTIONNAIRE

PROJECT TITLE: Curbing Corruption Through Effective Public Procurement Policy In the Public Sector: A Case Study of the Western Cape Province

Questionnaire: Procurement/SCM Officials

PLEASE REFER TO OTHER REVIEWED DOCUMENTS FOR COMMENTS.

Dear respondent,

I write to request participation in a research project being conducted within the School of Public Administration and Management at the University of South Africa (UNISA), South Africa, regarding corruption in public procurement in the South African public sector. Your participation will help ensure that the survey is fully representative and that the findings are perceived as valid.

It would be greatly appreciated if you could spare invaluable time to respond to the survey, which should take no more than approximately 15-20 minutes to complete. Most of the responses require only a tick in the appropriate box. I would appreciate you completing the survey within the next two weeks to facilitate the completion of the study.

Please be assured that your responses will be held in the strictest of confidence and used only to gather data for university research about corruption issues in public procurement in the South African public sector. The name of the respondents will not be revealed in any document. Furthermore, documents containing information supplied will be kept in a lockable locker for five years, after which shredding will destroy them.

Your cooperation and participation in this critical survey is appreciated. Thank you again for taking the time to assist with this research.

***Please note: This survey does not seek to identify any individual or organisation involved in illegal activity but to look at the organization's policy or guidelines pertaining to public procurement and anti-corruption measures. Please do not mention any individual or organization engaged in illegal activity in this survey.**

Yours sincerely,

Jack Magakwe

UNISA- Cape Town

PROJECT TITLE: Curbing Corruption Through Effective Public Procurement Policy In the Public Sector: A Case Study of the Western Cape Province

Questionnaire: Procurement/SCM Officials

Dear respondent,

I write to request participation in a research project being conducted within the School of Public Administration and Management at the University of South Africa (UNISA), South Africa, regarding corruption in public procurement in the South African public sector. Your participation will help ensure that the survey is fully representative and that the findings are perceived as valid.

It would be greatly appreciated if you could spare invaluable time to respond to the survey, which should take no more than approximately 15-20 minutes to complete. Most of the responses require only a tick in the appropriate box. I would appreciate you completing the survey within the next two weeks to facilitate the completion of the study.

Please be assured that your responses will be held in the strictest of confidence and used only to gather data for university research about corruption issues in public procurement in the South African public sector. The name of the respondents will not be revealed in any document. Furthermore, documents containing information supplied will be kept in a lockable locker for five years, after which shredding will destroy them.

Your cooperation and participation in this critical survey is appreciated. Thank you again for taking the time to assist with this research.

***Please note: This survey does not seek to identify any individual or organisation involved in illegal activity but to look at the organization's policy or guidelines pertaining to public procurement and anti-corruption measures. Please do not mention any individual or organization engaged in illegal activity in this survey.**

Yours sincerely,

Jack Magakwe

UNISA- Cape Town

The purpose of this questionnaire is to collect data on an ongoing Degree study at UNISA. The study is to determine whether the public procurement policy has built-in mechanisms to combat corruption. You have been selected to participate in this study as one of the respondents.

This survey should take no more than approximately 20 minutes to complete. I would appreciate your completing the survey by(date) in order to conduct the interview and conduct data analysis.

Please be assured that your responses will be held in the **strictest of confidence** and used only to gather data for university research and no individual will be identified at any time during the study process. If you have any further questions concerning this survey please do not hesitate to contact the researcher, Jack Magakwe at +0732181823 or via email at jmagakwe@gmail.com. This study adheres to the ethical procedures and requirements of University of South Africa (UNISA). UNISA is committed to researcher integrity and the ethical conduct of research projects. However, if you do have any concerns or complaints about the ethical conduct of the project you may contact the UNISA Research Ethics Officer. The Research Ethics Officer is not connected with the research project and can facilitate a resolution to your concern in an impartial manner.

Please answer as fully as possible. Your cooperation and participation in this important survey is appreciated. Thank you again for taking the time to assist with this research and see you in Round 2.

Please take a few minutes of your time and fill the questionnaire as honestly as possible. Your answers will be treated with the utmost confidentiality.

SECTION A- BACKGROUND INFORMATION

Please fill in and use a tick (v) to indicates your response (where applicable)

1. Department/Local Authority/Municipality

1. National Department	2. Provincial Department	3. Municipality

.....

2. Name your Department/ Local Authority where you are currently employed. Please type the name of Department/Local Authority in the white block below:

.....

3. Gender (Tick as applicable)

1. Male	2. Female

4. Highest education qualification (Tick as applicable)

1. High school (Matric)	2. Diploma	3. Bachelor's Degree	3. Honour-graduate/post graduate Degree	4. Master degree	6. Other specify

5. Number of years' experience in public procurement/supply Chain Management (e.g.) (Tick as applicable)

0-4 years	5- 8 years	9-12 years	13-17 years	18-22 years	Other specify
1	2	3	4	5	6

6. Age Level (Tick as applicable)

1. 18-29	2. 30-35	3. 36-39	4. 40-51	5. 51-66

7. Position in your organization (Tick as applicable)

1. Junior staff	2. Supervisor	3. Junior Management	4. Middle management	5. Senior Management

Answer the following questions by indicating either **Yes** or **No**

7	Statement/ Question	Yes	No
7.1	Does your Department/Municipality have a procurement policy?		
7.2	Does the procurement policy have goals and objectives?		
7.3	Does your organisation have budgets and resources for implementation of the public procurement policy?		
7.4	Is the procurement policy formulated and implemented to prevent corruption?		

7.5	Does the procurement policy have built-in mechanism to curb or prevent corruption?		
7.6	The Preferential Procurement Policy Act is used to address social outcomes of previously disadvantaged individuals?		
7.7	Is there a relationship between public procurement policy/processes/procedures/practices and corruption if yes, indicates reasons. 		

SECTION B- QUESTIONNAIRE

LEGEND:

Please rate/indicate/tick (v) appropriately your response with respect to the importance of the statements below:

1	2	3	4	5
Strongly disagree	Disagree	Neutral	Agree	Strongly agree

9. DEVELOPMENT OF PUBLIC PROCUREMENT POLICY		Strongly disagree	Disagree	Neutral	Agree	Strongly agree
		1	2	3	4	5
1.	I am aware how public policy has been developed					
2.	I am aware that the public policy was consulted with various role players internally and externally.					

3.	Public Procurement Policy is approved by the Executive (Head of Department/ Director General/Municipality Manager/Mayor)					
4.	Public Procurement Policy can prevent corruption.					

10. IMPLEMENTATION PUBLIC PROCUREMENT POLICY		Strongly disagree	Disagree	Neutral	Agree	Strongly agree
		1	2	3	4	5
1.	I am aware of all the public procurement policies and procedures to all areas of my responsibility.					
2.	I am aware of that all various committees are appointed in writing (Specification, Evaluation and Adjudication) in the procurement process.					
3.	I am aware of the content of the Preferential Procurement Policy Act and my departmental policy/guidelines w.r.t the procurement or SCM.					
4.	The stage of procurement of goods and service are strictly followed as stipulated in the Department's procurement policy					

11. KNOWLEDGE		Strongly disagree	Disagree	Neutral	Agree	Strongly agree
		1	2	3	4	5
1.	All SCM officers in public procurement must have knowledge of the procurement rules and regulations, ethics and risks to its integrity.					
2.	Head of Departments/ Municipal Managers and officials should have knowledge of procedures for evaluation and adjudication of bids and the procurement cycle.					

	12. RULES AND REGULATIONS	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
		1	2	3	4	5
1.	It should be a requirement for employment for all SCM officials to declare their assets/interest in private companies/wealth.					
2.	Regulations should be enacted to provide for the head of departments/Municipal Manager to identify and weight supplier evaluation and selection criteria					
3.	Provisions should be made for the debriefing of supplier whose bids fail at the pre-qualification stage/phase					
4.	The vast majority of team members in public procurement behave ethically in dealing with suppliers.					

	13. COMPLIANCE	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
		1	2	3	4	5
1.	Compliance to procurement (SCM) practices, rules and regulations are essential to curb corruption					
2.	Public procurement policy can be successfully preventing or curbing corruption.					
3.	Systems are in place at my Department/ Municipality to detect elements of non-compliance to your public procurement policy.					
4.	Non-compliance to Public Procurement Policy/SCM policy can lead to corrupt practices.					

	14. TRANSPARENCY	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
		1	2	3	4	5
1.	Debriefing to unsuccessful bidders should be undertaken by the appointed bid committee giving objective reasons for their failure.					
2.	The results of all bids received for each bid/tender should be made public (rather than the winning bid only).					
3.	Commercially sensitive information e.g. technical content of a bid should not be made public					
4.	Lack of transparency creates an opportunity for corrupt practices.					

	15. ACCOUNTABILITY	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
		1	2	3	4	5
1.	The appointed Specification, Evaluation and Adjudication Committees must declare any interest in bid processes.					
2.	Government take corruption in public procurement seriously and address the non-compliance from the highest level.					
3.	The Declaration of Interest and Secrecy is a deterrent to combat corruption.					
4.	Collusion with suppliers by offering favourable terms is corrupt practices.					
5.	Value for money is the core principle underpinning public procurement, incorporating ethical behavior and the ethical use of resources.					
6.	Lack of accountability creates opportunities for corruption.					

	16. TRAINING AND CAPACITY BUILDING	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
		1	2	3	4	5
1.	There should be mandatory induction training on procurement for all public officials prior to joining the Department/Municipality.					
2.	Procurement officers should have certified professional training in public procurement.					
3	Municipality councillors/ department officials should have awareness sessions/workshops on strategic procurement, ethics, rules and regulations.					
4	Members of the Evaluation Committee must be trained on linear weighting factor scoring (awarding scores) and other compensatory methods.					
5	Members of the Contract Management unit must be trained in conducting of a procurement audit and risk analysis.					

	17. SANCTIONS	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
		1	2	3	4	5
1.	The Head of Department/Municipal Manager should enforce proportional and timely administrative functions e.g, warnings, suspensions, dismissals, disqualifications (black- listing) on errant procurement officials.					
2.	Applicable sanctions must be enforced once staff members and politicians found guilty of corruption.					

	18. OUTCOMES	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
		1	2	3	4	5
1.	Rank the implementation of all the above measures suggested above in curbing corruption in public procurement.					
2.	Public procurement policy must include elements of value for money, equity, transparency and competitiveness.					
3.	The outcomes of Public procurement policy/Supply Chain Management policy are to prevent or curb corruption.					

	19. MEASURES TO ADDRESS CORRUPTION IN PUBLIC PROCUREMENT	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
	Question/Statement	1	2	3	4	5
1.	Conflict of interest.					
2.	Adherence to regulations, rules and procedures.					
3.	Internal control measures.					
4.	Ethical behaviour.					
5.	Disqualification of contracts.					
6.	Social pressures.					
7.	Role of the media.					
8.	Blacklisting database of suppliers.					

	20. CORRUPTION AND PUBLIC PROCUREMENT	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
		1	2	3	4	5
1.	Procurement decisions must be fair, equitable, transparent, competitive					

	and value of money in accordance with the Public Preferential Procurement Act.					
2.	Regular reviews or audits of procurement processes to be conducted to ensure probity is achieved.					
3.	Bid Committees to display professional and ethical conduct avoiding conflict of interest and not making improper use of individual positions.					

Please rate the following statement base on the given scale.

	21. SOLUTIONS FOR CORRUPTION IN PUBLIC PROCUREMENT	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
	Question/Statement	1	2	3	4	5
1.	To curb corruption throughout the procurement process, there should be more regulations.					
2.	To help ethic conduct throughout the procurement process, the top management should take a leadership role with regard to enforcement of the code of conduct.					
3.	To minimize and help curb corruption throughout the procurement process there should be more training on public procurement processes and ethics.					
4.	Ensure staff are competent, accountable and professional to handling and report corrupt practice					
5.	To help with the curb or prevention of corruption internal control measures and auditing is essential to detect corrupt practices.					

6.	Enabling free press reporting is a key strategy to address procurement corruption.					
7.	The strengthened judiciary can be a solution to procurement corruption					
8.	Increasing public participation in decision making of a bid award is a solution to corruption					
9.	Effective complaints-handling mechanisms can be a solution to procurement corruption					
10.	The international community has a central role in addressing procurement corruption					

22. Feel free to provide any thoughts, ideas, suggestions, information and comments in the space below:

.....
.....

... Thank you for your cooperation. All answers will be treated as confidential. Your contribution is extremely valuable to the research.

Would you like to receive a copy of some of the major findings from this study?

Yes No

Thank you.

ANNEXURE D: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM APPROVAL



Director General
Department of Rural Development and Land Reform
Pretoria

Dear Mr Shabane

REQUEST FOR PERMISSION/APPROVAL TO CONDUCT RESEARCH WITH SUPPLY CHAIN MANAGEMENT/PROCUREMENT OFFICIALS

I am Jack Magakwe, and current registered Doctorate student in Public Administration at the University of South Africa. Permission is humbly requested to distribute questionnaires, conduct interviews and focus group discussions with the Supply Chain Management /Procurement officials at your organisation. The purpose of this request is to collect primary data for a Doctoral qualification in Public Administration and Management field of study at the University of South Africa. The title of this study is "***Curbing Corruption Through Effective Public Procurement Policy in the Public Sector: A Case Study of the Western Cape***". The interest is to examine the theoretical and empirical terrain of public procurement public to determine whether public procurement policy has built-in mechanism to combat corruption.

Confidentiality and anonymity of responses will be ensured and maintained. The collected data will only be used for the scholarly purposes.

If you have any queries, feel free to contact me.

Contact details: Mr Jack Magakwe 021- 483 3165 (office); 073 2181 823 (cell).

A handwritten signature in black ink, appearing to read 'Jack Magakwe', is written over a light blue circular stamp.

Jack Magakwe- PhD Candidate- UNISA

Email Address: Jack.Magakwe@westerncape.gov.za or jmagakwe@gmail.com

Research Project Supervisor:

Prof S. Naidoo- Contact 012 429 6746; email, naidog@unisa.ac.za

ANNEXURE E: EXAMPLE OF APPROVAL LETTER

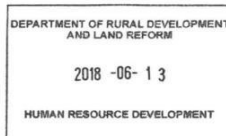


rural development & land reform

Department:
Rural Development and Land Reform
REPUBLIC OF SOUTH AFRICA

OFFICE OF THE DIRECTOR-GENERAL
Private Bag X833, Pretoria, 0001; 184 Jeff Masemola Street, Pretoria
Tel: 012 312 8911; Fax: 012 323 6072; Email: DGOffice@drdlr.gov.za

Mr J Magakwe
P. O. Box 3801
CAPE TOWN
8000



Dear Mr Magakwe

APPROVAL TO CONDUCT ACADEMIC RESEARCH IN THE DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

Thank you for your application providing details of your research in relation to your dissertation.

The Department has no objection to your request to conduct research; however, the following must be adhered to:

- The final copy of your research report must be submitted to the Department prior to your final submission to the Institution of study.
- Files and records may not be removed from the Department's archives.
- Photocopies of official records may not be made for public purposes.
- Names of individuals from official records may not be published.
- Access to the records must be arranged in collaboration with the Head of Office, or in the case of National Office, with the Directorate: Information and Innovation Management Services.
- The Department reserves the right to restrict access to files of a sensitive nature.
- Access to classified information will not be granted if you have not been security cleared.
- Supply annual proof of registration from your University to the Department.

The Department will not be responsible for your travelling and accommodation expenses during this time of conducting the research.

Departement van Landelike Ontwikkeling en Grondwettigheid - Ukhayagisi Wokuqhubuka kwintsimonweni - Zazemkhaya Ndinguzulu Kwacintshala - Muhaziro wa Mabalaho ya Mahayiro na Mibuyadizo ya Mavuso - Ndzawulo ya Nibhaziko wa Mabalaho na Antwazo wa Mavuso - Lelapha la Thabakiso ya Magae le Nibhaziko ya Mafabho - Lelapha la Thabakiso ya Okhaya na Mabalaho - Igono ya Thabakiso ya Dindimangiso na Phelelelelelele ya Ngingo - Odolo liphaphiso kwanphaphiso nobuyeziso leemkhala - Ukhayagisi wokuqhubuka kwintsimonweni - Leliso Lelakufutshisa Kwintsimonweni Ndinguzulu Kuzantshala

ANNEXURE F: RESEARCH ETHICS CERTIFICATE



DEPARTMENT: PUBLIC ADMINISTRATION AND MANAGEMENT RESEARCH ETHICS REVIEW COMMITTEE

Date: 10 December 2015

Ref #: PAM/2015/019 (Magakwe)

Name of applicant: Mr J Magakwe

Student #: 36585319

Dear Mr Magakwe

Decision: Ethics Clearance Approval

Name: Mr Jack Magakwe, jack.magakwe@westerncape.gov.za, tel: 021 4833165

[Supervisor: Prof G Naidoo, 012 429 6746, naidog@unisa.ac.za]

Research project: Public Procurement Policy Development and Implementation to Combat Corruption in the South African Public Service: A Policy Analysis: **Qualification:** DLitt et Phil

Thank you for the application for **research ethics clearance** by the Department: Public Administration and Management: Research Ethics Review Committee for the above mentioned research. Final approval is granted for the duration of the project **on condition** that the written approval to conduct the research be obtained from the various departments on national, provincial and local government spheres, as well as the other institutions to be involved. A copy of each letter, with a list of all institutions involved, must be submitted to this Ethics Committee within 21 days of the date of this certificate.

The decision will be tabled at the next College RERC meeting for notification/ratification.

For full approval: The application was reviewed in compliance with the Unisa Policy on Research Ethics by the RERC on 10 December 2015. The proposed research may now commence with the proviso that:

- 1) The researcher will ensure that the research project adheres to the values and principles expressed in the Unisa Policy on Research Ethics.
- 2) Any adverse circumstance arising in the undertaking of the research project that is relevant to the ethicality of the study, as well as changes in the methodology, should be communicated in writing to this Ethics Review Committee. An amended application could be requested if there are substantial changes from the existing proposal, especially if those changes affect any of the study-related risks for the research participants.
- 3) The researcher will ensure that the research project adheres to any applicable national legislation, professional codes of conduct, institutional guidelines and scientific standards relevant to the specific field of study.

Kind regards

Prof Mike van Heerden

Chairperson:
Research Ethics Review Committee
vheerm@unisa.ac.za

Prof MT Mogale
Executive Dean: CEMS

University of South Africa
Preller Street, Muckleneuk Ridge, City of Tshwane
PO Box 392 UNISA 0003 South Africa
Telephone: +27 12 429 3111 Facsimile: +27 12 429 4150
www.unisa.ac.za

ANNEXURE G: LANGUAGE EDITING CERTIFICATE

EDITING AND PROOFREADING CERTIFICATE

7542 Galangal Street

Lotus Gardens

Pretoria

0008

26 August 2022

TO WHOM IT MAY CONCERN

This certificate serves to confirm that I have language edited J Magakwe's thesis entitled, **"Curbing Corruption in Public Procurement Through Effective Public Procurement Policy in the Public Sector: A Case Study of the Western Cape Province."**

I found the work easy and intriguing to read. Much of my editing basically dealt with obstructionist technical aspects of language, which could have otherwise compromised smooth reading as well as the sense of the information being conveyed. I hope that the work will be found to be of an acceptable standard. I am a member of Professional Editors' Guild.

Hereunder are my contact details:



Dr Jack Chokwe (PhD)

Contact numbers: 072 214 5489

jackchokwe@gmail.com

Professional
EDITORS
Guild

Jack Chokwe
Associate Member

Membership number: CH0001
Membership year: March 2022 to February 2023

076 471 6881 / 072 214 5489
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jackchokwe@gmail.com
www.academicproeditor.co.za

www.editors.org.za

