

**ETHICAL DILEMMAS AND BID EVALUATION PROCESS IN THE MINISTRY OF
EDUCATION AND SPORTS**

BY

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DECLARATION

I, Nabuwufu Catherine, hereby declare that, this Dissertation entitled “*Ethical dilemmas and bid evaluation process*” with a case of *Ministry of Education and Sports* is my own work towards the award of a Master of Business Administration, and that to the best of my knowledge, it contains no material previously published by another person nor material which has been accepted for award of any other degree of any University, except where due acknowledgments have been made in the text.

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APPROVAL

This is to certify that the dissertation by Nabuwufu Catherine, titled “*Ethical dilemmas and bid evaluation process in Ministry of Education and Sports*” has been developed under our supervision and is now ready for submission for academic examination.

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Signed:..... Date:.....

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SECOND SUPERVISOR

DEDICATION

This dissertation is dedicated to my lovely daughter Christabel Dariela Zaabu; YOU mean the entire world to me. Special gratitude to my parents, Mr. and Mrs. Patrick Mwesigwa whose words of encouragement and push for tenacity ring in my ears and the key role they played in my education career.

May the Almighty God bless you all abundantly!

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LIST OF ABBREVIATIONS

ACCU :	Anti- corruption Coalition Uganda
ADB :	Asian Development Bank
CIPS :	Chartered Institute of Purchasing and Supply
PDE :	Procuring and Disposal Entity
PDU :	Procuring and Disposal Unit
PP :	Public Procurement
PPA :	Public Procurement Authority
PPDA :	Public Procurement and Disposal of Public Assets Authority
SPSS :	Statistical Package for Social Scientists
USD :	United States Dollar

ABSTRACT

The study investigated the effect of ethical dilemmas on the bid evaluation process in the Ministry of Education and Sports. Specifically, the study objectives related to investigating the effect of conflict of interest, standards of the specified goods, works, services, sharing of confidential information on bid evaluation process at the Ministry of Education and Sports. The study used a mixed methods design using both quantitative and qualitative approaches. The study population comprised of Procurement, Administration, User 0Department, Contracts committee, Finance and accounts department, Accounting officer and Audit. Data was collected using a questionnaire survey and interviewing methods and was analyzed using measures of central tendency and regression analyses. The study found that Conflict of interest in the application of the bid evaluation regulations has no significant effect on the bid evaluation process and it was not a significant predictor of bid evaluation process in the ministry ($\beta = -0.137$, $t = -0.924$, $\text{Sig} = 0.358$). The multiple linear regression results revealed that Standards of the specified works, services and supplies had no significant effect on the bid evaluation process in the ministry ($\beta = -0.089$, $t = -0.490$, $\text{sig} = 0.625$). Sharing of confidential information was the strongest predictor of bid evaluation process in the ministry ($\beta = 1.196$, $t = 10.733$, $\text{sig} = 0.000$). The linear multiple regression results indicated that sharing of confidential information has a significant effect on the bid evaluation process in the Ministry of Education and Sports. The study concluded that the Ministry cannot limit an evaluation committee member to participate in the evaluation process much as they may have an interest in the bidder evaluated, suppliers can be evaluated much as they may not have quoted for all the list of supplies and services and the evaluation team is not supposed to share the information concerning the bidder's quotation to the other bidder competitors.

CHAPTER ONE

INTRODUCTION

1.0 Introduction

The study examined the effect of ethical dilemmas on the bid evaluation process in the Ministry of Education and Sports. Ethical dilemmas were conceived as the independent variable while bid evaluation process was the dependent variable. Ethical dilemmas were measured in form of conflict of interest, set standard of specified goods, works and services and sharing confidential information while bid evaluation process was measured in form of nomination and approval of the evaluation team, signing of the ethical code of conduct (PP Form 13) and stages of the bid evaluation process that include: preliminary evaluation, Detailed Commercial and Technical Evaluation and financial comparison of bids as explained in the conceptual framework (figure 1). This chapter consist of the background of the study, statement of the problem, conceptual framework, purpose of the study, objectives of the study, research hypothesis and questions, scope of the study, significance of the study and definition of terms.

1.1 Background to the study

This involved aspects on the historical, conceptual, theoretical and contextual background that includes information on the history of the study, definition of key terms used under the study, relevant theories that guided the study and relevant information on the case study, respectively.

1.1.1 Historical background

Historically, the need to acquire goods and materials through a formal transaction process is well documented in Charles Babbage's book on the economy of machinery and manufacturers, published in 1832 (Monczka et al., 2009). Babbage (as cited in Monczka et al., 2009, pg 22) continued to emphasize that the relevance of procurement in this process can be traced back to the early 1800's when "Materials Men" were used to handle acquisitions. The relevance of

procurement began to grow incrementally in the late 1800's with the advent of various procurement concepts among which include bid evaluation (Monczka et al., 2009). Accordingly, (Monczka et al., 2009) go on to indicate that the publication of procurement principles in the early 1900's combined with material and product shortages after the Second World War accelerated the relevance of procurement further. However, the perception of procurement as a relevant and strategic function was not universal, and by the 1950's and 60's, procurement was still perceived as a cost cutting function. This view towards procurement changed in the 1970's, the oil crisis of this decade led to widespread economic and industrial challenges. Businesses found it difficult to obtain raw materials, satisfy customer requirements and manage escalating input costs. These difficulties led to the emergence of procurement as a stand-alone function with the core aim of securing materials through the use of tactical approaches like bid evaluation which enabled businesses to secure goods and materials with the best quality and favorable prices (Monczka et al., 2009).

Similar to all other countries in the world, public procurement is a major function of government in the United States of America. It has a long and rich history in practices. Indeed, it became the focus of important attention during the progressive era, end of 1800s and early 1900s. Reforming public procurement was believed to be an essential aspect in the struggle against the political machines of the time and against the perceived corruption, and inefficiencies of government (Alexandru & Thai, 2013).

From early on, the federal system developed a means of addressing contractor qualification where by only "men of substance and talents" were allowed to win government contracts. Much as the federal procurement system relied on "responsible" contractors, so too did it depend on professional and highly engaged contracting officers, who (like "responsible" contractors) sharply reduced the risks of corruption and performance failure through proper evaluation of

the contractors. By the beginning of the nineteenth century, the system of structured solicitations and competitive awards, based on low price, was well-established (Yukins, 2017). The adoption of the bid evaluation process was because of the success stories from most parts of the world concerning the efficiency they had attained and value for money achieved in the procurement (OECD, 2011).

In Africa, the practice of procurement- related tasks dates back as early as 3,000 BC. In Egypt, scribes responsible for pyramid design also functioned as clerks, using papyrus to record the amount of labor and materials needed for construction (Whitmore, 2015).

Ghana through the Public Procurement Authority (PPA) in 1996 embarked on an exercise to reform the public procurement system and came up with the procedures and guidelines that were to be used in the bid evaluation process and all the necessary requirements that were needed to meet the bid evaluation needs (PPA, 2003).

In Uganda the procurement bid evaluation process started in 2003 after the enactment of the Public Procurement and Disposal of Public Assets Act in 2003. The PPDA authority set up the procedures that were to be followed in the bid evaluation process, the composition of the evaluation committee that handles the bid evaluation process. It was stated that procuring and disposal entities were to follow the evaluation guidelines stated in the Public Procurement and Disposal of Public Assets Act and Regulations and any entity that carried out the evaluation exercise outside the PPDA guidelines was to be penalized and all suppliers were to comply with in the bid evaluation process criteria stated in the PPDA Act, 2003.

In line with the PPDA Act and regulation 2003 as amended in 2014, it was stated that the bid evaluation process was to be conducted following four stages that is to say Preliminary Examination of Bids – Eligibility and Administrative Compliance, Detailed Commercial and Technical Evaluation and finally the Financial Comparison of Bids. The act also provides

enforcement of the ethical practices in public procurement according to section 49 which states that all procurement and disposal shall be carried out in accordance with the codes of ethics specified in the 5th schedule that may be specified from time to time by the PPDA Authority.

1.1.2 Conceptual background

Ethics are the moral principles or values that guide officials in all aspects of their work. Ethical behavior encompasses the concepts of honesty, integrity, probity, diligence, fairness, trust and respect. Ethical behavior includes avoiding conflicts of interest, and not making improper use of an individual's position (Cheporiot et al., 2018).

Ethics is the basis on which most of the procurement related principles, such as fairness, integrity, and transparency, are based. Professional standards of ethical conduct, no matter what the organization, contain typical characteristics, including commitments to: Behave honorably in all aspects of work and professional activity, conduct oneself in such a manner as to maintain trust and confidence in the integrity of the acquisition process. Avoid "clever" practices intended to take undue advantage of others or the system. Uphold the organization's standards and policies and all relevant legislation. Avoid conflicts of interest (UN Procurement Practitioner's Handbook, 2012).

Procurement is the process of finding and agreeing to terms, and acquiring goods, services, or works from an external source, often via a tendering or competitive bidding process. Procurement generally involves making buying decisions under conditions of scarcity. If sound data is available, it is good practice to make use of economic analysis methods such as cost-benefit analysis or cost-utility analysis. Procurement is used to ensure the buyer receives goods, services, or works at the best possible price when aspects such as quality, quantity, time, and location are compared. Corporations and public bodies often define processes intended to

promote fair and open competition for their business while minimizing risks such as exposure to fraud and collusion (Weele, 2010) .

Evaluation process involves the procedures that are followed in assessing the different options to come up with the best offer. These procedures in public procurement include the preliminary evaluation which looks at the administrative compliance and eligibility, technical evaluation which looks at specification, terms of references and scope of work and the financial comparison which compares prices of the different suppliers (ADB, 2010).

Ethical dilemmas in the bid evaluation process occurs when there is a difference in opinion as to whether the evaluation criteria stipulated will be able to provide the anticipated results or otherwise. Therefore, it's upon the evaluation team to decide as to whether to follow the evaluation criteria stipulated in the solicitation document or to have a waiver for other options that will yield results, since at the end of the day, meeting end user needs is largely expected (ADB, 2017).

1.1.3 Theoretical Background

The effect of ethical dilemmas on the bid evaluation process has been well documented in the China management handbook of (Engelbert et al., 2002). Various theories linking Ethical dilemmas to bid evaluation processes have been formulated by several authors like C. D. Broad (2014) in his book, Five Types of Ethical Theory stated that ethics are important in human nature, ethical principles are supposed to be adhered to whether right or wrong. In line with this research, C. D. Broad calls for adherence to the ethical requirements of the evaluation process whether right or wrong.

On the other hand, Ayala, (2010) stated that people have a judgment on what's wrong and right, therefore people have a right to follow what they think might be the right choice to what is required. He goes on to argue that actions should be judged right or wrong to the extent they

increase or decrease human well-being or utility. For purposes of this research, Ayala encourages the evaluation team to make evaluation decisions based on their judgment. For instance, if the evaluation team is faced with a dilemma in regards to the evaluation criteria, the teams' judgment should supersede the evaluation criteria and procurement law.

There are many theories that explain the ethical dilemmas in the procurement process especially in the bid evaluation stage like deontological ethical theory of Immanuel Kant (1724 - 1804), teleological theory, resource-based view theory among others. However, for this research, the researcher will use the deontological theory (kantian approach) and teleological theory also known as consequentialism because these two theories explain the dilemmas that exist between alternatives. These theories will therefore, help to show exactly how the evaluation team members are challenged with alternatives while making evaluation decisions in regards to whether to follow the evaluation regulations much as it might not yield expected results or use the alternative that might be against the set evaluation regulations and procedures but in turn yield expected results. Below is the application of the deontological and teleological ethical theory in line with the problem of the study;

Deontology theory of ethics focuses purely on the intrinsic rightness of an action, without regard for its consequences. Derived from two Greek words: deion, from dei, meaning 'must'; and logos, meaning 'the word' deontology is in essence the account of the musts. Deontologists therefore believe in the absolute necessity of duty, irrespective of the rewards or punishments that may follow. So, for example, the deontologist would not tell a lie, even if by so doing he might save the lives of many people.

Immanuel Kant (1724 - 1804) insisted that human reasoning and good will are necessary for consistent moral behavior and he defined the good will as “the will that obeys the universal moral law”. He believed that some duties are absolute, for example the duty to tell the truth,

but others do not, the duty to exercise and he therefore distinguished two forms of imperatives; the categorical imperative which is an instruction to act that is not dependent on anything and the hypothetical imperative which is a conditional instruction to act. Kant's categorical imperative requires people to always act in a way that they wish others to act. Thus, the act of telling a lie would be wrong, irrespective of the motive for or consequence of the act, therefore the evaluation team should comply and work in line with the evaluation procedures. This is in contrast to the hypothetical imperative that is conditional thus, the evaluation team should exercise their duty in line with the criteria stipulated in the solicitation document.

Deontology is not unlike virtue ethics, in the sense that as a moral theory its goal is for everyone to act virtuously at all times. The difference is that it seeks to prescribe moral duties by promoting an imperative to act morally, assuming that people will not, of themselves, always act in virtuous ways. It conforms to most of the minimum conditions for morality, in particular responsibility, concern for others, consistency, universality, and reason.

Consequentialism on the other hand is an ethical theory whereby the ethics of actions are judged based on their consequences (Jeremy Bentham, 1748-1832). Consequentialist theory is sometimes referred to as teleological theory. The term teleology is derived from the greek word "telos", which means "end", "purpose" or "goal".

Consequentialist are concerned not with the ethics of an action itself but rather with the ends of the action and whether it causes better than bad. The theory emphasizes that the most ethical action one can take is that which creates the greatest surplus of good over bad, hence the theory focuses on the ends or consequence of an action. In line with the bid evaluation process, an evaluation decision that would totally satisfy end user needs would be the best alternative decision to take much as it might contradict with the procurement law and evaluation procedures.

In the case of the study under investigation that is, ethical dilemmas and bid evaluation process, the deontology theory assumes that the evaluation team should act as they are required to act that is to say they should follow the procurement law and the evaluation criteria while evaluating bids much as this may not yield good results. However, Consequentialism or teleology theory urge that the evaluation team should conduct the evaluation exercise basing on their judgment much as the decision might be outside the procurement law since at the end it's the results that justifies the process.

Therefore, using these two theories, the researcher will be able to clearly understand that adhering to the laws, procedures and practices of evaluation affects the evaluation process and also non-adherence to the laws, procedures and practices of evaluation affect the evaluation processes. This is because in most cases the evaluation committee adheres to the evaluation regulations and best results that meet end user needs are not achieved and many a times the evaluation committee fails to comply with the evaluation regulations and in turn yields best results that meets the end user needs.

1.1.4 Contextual background

The Ministry of Education and Sports (MoES), is a cabinet-level Ministry in Uganda. It is mandated "to provide technical support, guide, coordinate, regulate and promote quality education, training and sports to all persons in Uganda for national integration, development and individual advancement".

Ministry of Education and Sports has experienced many ethical dilemmas in the evaluation of bids. Many suppliers have been eliminated for failure to evident the eligibility and administrative compliance documents much as these suppliers could be the best evaluated bidder. Some suppliers failed to attach copies of certificate of incorporation, evidence of having

executed similar work, copies of a trading license, failure to present a bid submission sheet, among others.

The evaluation team eliminated these suppliers from proceeding to the next stage of commercial evaluation much as these supplies had fair prices and could have been technically compliant. Basing on the above incidences in the Ministry, the researcher is more interested in investigating to assess how ethical dilemmas affect the bid evaluation process by asking herself whether its right to follow the bid evaluation regulations, procedures and process much as it may not produce the best results or to go for an alternative much as it is against the law, procedures and practices but might yield the best results that meets the end user needs.

The Ministry of Education and Sports being one of the entities that has been faced with the ethical dilemma evidences, it was the best case study to help the researcher make a proper investigation that would provide the best research findings.

1.2 Statement of the problem

Public procurement especially at the evaluation process stage has been affected with ethical dilemmas and these include evaluation committees following the evaluation process, procedure and practices that are supposed to be adhered to and required results not obtained as per the end user needs (UN Procurement Practitioner's Handbook, 2012). This is evidenced in the (PPDA Annual Performance Report, 2019-2020), that indicates the irregularities in evaluation of bids in 341 procurements worth UGX 450,098,789,139.6. The Authority noted that during evaluation of bids, bidders did not meet the set criteria and the evaluation committees introduced new criteria to favor specific bidders. This led to the award of contracts to non-compliant bidders.

As per the case study reference in the Audit Generals' Letter DCG.ML/79/340/01/20 dated 30th September, 2020 on the Audit exercise carried out in the Ministry of Education and Sports for the Financial Year 2019-2020, audit raised various issues among which included procurement irregularities during the evaluation process that was identified in a number of procurements where results were obtained much as the criteria was not followed.

As a result of the dilemmas in the evaluation process, the researcher assumes that if the procuring entities do not come out to clarify on when to follow the criteria and when not to follow, the evaluation process will not yield expected results. It is upon this basis that the researcher came up to make an investigation on the effect of ethical dilemmas on the bid evaluation process and what could be done to ensure that the evaluation processes is improved.

1.3 Purpose of the study

The purpose of the study was to investigate on the effect of ethical dilemmas on the bid evaluation process in the Ministry of Education and Sports.

1.4 Objectives of the study

The study was guided by the following specific objectives

To assess the effect of conflict of interest (in the application of procurement law) on bid evaluation process.

To assess the effect of set standards of the specified goods, works, services on the bid evaluation process.

To analyze the effect of sharing of confidential information on the bid evaluation process.

1.5 Research Hypothesis

The study was guided by the following hypothesis

H01: Conflict of interest in the application of the bid evaluation regulations has no significant effect on the bid evaluation process

H02: Set standards of the specified works, services and supplies have no significant effect on the bid evaluation process.

H03: Sharing of confidential information has no significant effect on the bid evaluation process.

1.6 Scope of the study

1.6.1 Content scope

The study looked at the effect of ethical dilemmas on the bid evaluation process. Ethical dilemmas were measured in form of conflict of interest, set standards and sharing confidential information while bid evaluation process was measured in form of nomination and approval of the evaluation team, signing of the ethical code of conduct (PP Form 13) and stages of the bid evaluation process that include: preliminary evaluation, detailed commercial and technical evaluation and financial comparison of bids.

1.6.2 Geographical scope

The study was carried out from Ministry of Education and Sports located at Embassy House, on King George VI Way, at the corner with Parliament Avenue, in the Central Division of Kampala P. O. BOX 7063 Kampala.

1.6.3 Time scope

The study covered the period between 2016 and 2019 as this was the period when inefficiencies in bid evaluation process were in high gear in Ministry of Education and Sports as a result of ethical dilemmas.

1.7 Significance of the study

The findings of the study may help the procuring entities to know the major ethical dilemmas that affect bid evaluation process.

The results of the study may be used by the future researcher who would wish to conduct research in the same or related area of study. They may use the results of this study by way of references.

The study may help the public procurement and disposal of public assets authority as the policy maker on how to improve on the bid evaluation process so as to meet end user needs.

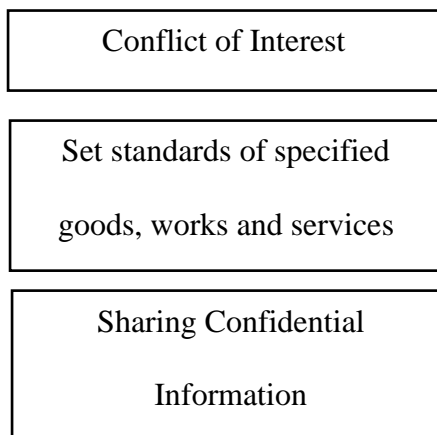
1.8 Conceptual framework

The conceptual framework illustrates the relevant variables that guided the study and how they relate to each other.

INDEPENDENT VARIABLE (IV)

DEPENDENT VARIABLE (DV)

Ethical Dilemmas



Bid Evaluation Process

- Nomination and Approval of the Evaluation Team
- Signing the Ethical Code of Conduct (PP Form 13)
- Stages of the Evaluation Process

Figure 1: Conceptual framework

Source: Adopted from Nikos (2017), conflict of interest policy & guidance A4.7, Nov, 2014, PPDA Act, 2003

The framework presupposes that the independent variable “Ethical dilemmas”, which includes Conflict of interest (failure to declare personal interest, personal relationships with bidders and officers with contractual relationships with the entity), set standard (compliance with statement of requirements, lead time and adherence to the list of supplies and related services) and sharing confidential information (information on required documentation to be enclosed, improper sharing of award information, sharing competitor information and allowing re quoting) has a relationship on the bid evaluation process which include nomination and approval of the evaluation team, signing of the ethical code of conduct (PP Form 13) and the stages of the evaluation process that include: preliminary evaluation, technical evaluation and financial comparison of bids.

CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction

This chapter presented the literature review. It is divided into segments which includes the Empirical review and the research gaps.

2.1 Ethics and Ethical behaviors

Ethics are the moral principles or values that guide officials in all aspects of their work. Ethical behavior encompasses the concepts of honesty, integrity, probity, diligence, fairness, trust and respect. Ethical behavior includes avoiding conflicts of interest, and not making improper use of an individual's position (Cheporiot et al., 2018). Ethical behavior supports openness and accountability in procurement with the result that suppliers have confidence in participating in the Government marketplace. It also reduces the cost of managing risks and enhances trust in public administration (Wambuli, 2015).

Ethical behavior is important in public procurement as it involves the expenditure of public money, and is subject to public scrutiny (Basweti, 2013). Public officials should always behave ethically and fairly in their business undertakings. Ethical behavior supports openness and accountability in a procurement process and gives suppliers confidence to participate in the Government marketplace (Haruna & Changuvu, 2018). Ethical behavior can also reduce the cost of managing risks associated with fraud, theft, corruption, and other improper behavior; and enhance confidence in public administration (Chilion & Moronge, 2017).

2.2 Ethical dilemma theory

Deontology theory of ethics focuses purely on the intrinsic rightness of an action, without regard for its consequences. Derived from two Greek words: deion, from dei, meaning 'must';

and logos, meaning 'the word' deontology is in essence the account of the musts. Deontologists therefore believe in the absolute necessity of duty, irrespective of the rewards or punishments that may follow. So, for example, the deontologist would not tell a lie, even if by so doing he might save the lives of many people.

Immanuel Kant (1724 - 1804) insisted that human reasoning and good will are necessary for consistent moral behavior and he defined the good will as “the will that obeys the universal moral law”. He believed that some duties are absolute, for example the duty to tell the truth, but others not, the duty to exercise and he therefore distinguished two forms of imperative the categorical which is an instruction to act that is not dependent on anything - and the hypothetical which is a conditional instruction to act. Kant’s Categorical Imperative requires people to always act in such a way that they can, at the same time, wish that everyone would act in that way. Thus, the act of telling a lie would be wrong, irrespective of the motive for or consequence of the act. This is in contrast to a hypothetical imperative that depends on some other condition, say a desire – for example one should go to church only if you want to.

In procurement Kant’s idea shows that evaluation teams should never be used as a means to an end, and consequently he developed his Principle of Ends, for this principle in procurement states that the evaluation team should act in such a way that they do the right thing much as it is not in line with the evaluation regulations or procedures. For deontologists, moral actions are always rational actions, so the primary value of these imperatives is to provide a way to reason with the question of, “What is right?” In practice, this can be achieved by applying the maxim: “If everyone did this, would it still be okay?”

Deontology is not unlike virtue ethics, in the sense that as a moral theory its goal is for everyone to act virtuously at all times. The difference is that it seeks to prescribe moral duties by promoting an imperative to act morally, assuming that people will not, of themselves,

always act in virtuous ways. It conforms to most of the minimum conditions for morality, in particular responsibility, concern for others, consistency, universality, and reason.

In the case of the study under investigation that is ethical dilemmas and bid evaluation process, the deontology theory assumes that the evaluation team should act as they are required to act that is to say they should follow the procurement law and the evaluation criteria while evaluation bids much as the law does not yield good results. However, Immanuel Kant would urge that the evaluation team should act by doing the right thing much as they might be outside the procurement law because at the end it's the results that justifies the process.

Therefore, using these theories, the researcher will be able to clearly understand how following and adhering to the laws, procedures and practices of evaluation affects the evaluation process and also how the non-adherence to the laws, procedures and practices of evaluation affect the evaluation processes. This is because in most cases the evaluation committee adheres to the evaluation regulations and fails to yield the best results to meet the end user needs and also sometimes the evaluation committee fails to comply with the evaluation regulations and in turn yield best results that meets the end user needs.

2.3 Ethical Issues/ Dilemma contained in bid evaluation process

2.3.1 Conflict of interest

Conflict of interest (COI) occurs when the evaluation team has conflicting interests in the evaluation process. The evaluation team will be conflicted on either to follow the evaluation criteria set and law to be applied or to evaluate in favor of getting best results much as the law is not followed (Komesaroff et al., 2019).

2.3.2 Standards

According to CIPs Standards are core components underpinning corporate and operational strategies. The procurement policy statement is a public document. It can be quoted in annual reports, operating and financial reviews, shareholder/stakeholder information and is freely available to potential suppliers. The policy statement communicates the principles on which the organization procures and contracts to management, staff, actual and potential suppliers and contractors, customers, governmental and other regulators and stakeholders (CIPS: Purchasing policy and procedures).

2.3.3 Sharing confidential information

Evaluation information is supposed to be confidential until when it is supposed to be disclosed. However, in most cases it is vital to share that information to the supplier before time such that the supplier can effectively plan and meet the needs of the end user (Department of Treasury and Finance, 2018)

2.4 Ethical Dilemmas in the procurement process

According to PPDA act 2003 procurement” means acquisition by purchase, rental, lease, hire purchase, license, tenancy, franchise, or any other contractual means, of any type of works, services or supplies or any combination.

Equally a major source of ethical dilemmas is the procurement process. Ethical dilemmas can take place at all points in the procurement process therefore to properly deal with ethical dilemmas in the evaluation process, one needs to focus on the entire procurement process and develop a necessary understanding and critical analysis of those spot areas of the procurement process that are prone to ethical dilemmas. Lysons & Farrington, (2016) provides a list of

ethical dilemmas that may be committed at the various stages of the procurement process as including but not limited to the following:

2.4.1 Procurement planning and budgeting phase

Cheporiot et al, (2018) assert that the government entity needs to determine what good or service it would like to buy (the requirement) and how much it would like to spend (the budget). In both of these cases, there are opportunities for ethical dilemmas. In determining the requirement, reports could be prepared that falsely justify current or future departmental needs, falsely inflate actual needs or falsely report damaged equipment in order to create an excess supply that could be used for corrupt purposes. The procurement requirements could also be written to favor or disfavor particular suppliers. Budgets could be set artificially high so that excess allocations can be stolen or diverted. In addition, programmatic budgets could be devised in such a way that there are overlapping budgetary allocations among separate organizations or departments that could likewise be applied in a corrupt manner.

2.4.2 Procurement solicitation phase

Appolloni & Nshombo, (2014) state that the main tasks are compiling the request for proposals or tender documents and conducting the evaluation. The evaluation criteria in the request for proposals or tender documents could be drafted to favor a particular supplier or service provider or likewise could be drafted to emphasize weaknesses of a particular competitor.

2.4.3 Specifications development stage

Hommen & Rolfstam, (2009) asserts that at this stage, ethical dilemmas are seen through defining specifications to fit capabilities of a single contractor, defining specifications to fit a single product, advanced release of information to favored contractors, selective release of

information to favored contractors, breaking up of requirements to allow rotation of bids, vague specifications that make comparisons of estimates complicated among others.

2.4.4 Invitation of tenders

Appolloni & Nshombo, (2014) observe that this process can be used to give an illusion of competition where it does not really exist by inviting tenders from companies who are known to the unsatisfactory or by not sending out complete specifications to all tenders at the same time among others.

2.4.5 Bid receipt stage

This is through Improper acceptance of a late bid, falsification of documents or receipts to get a late bid accepted, change in the bid after other bidder prices are known, falsification in supplier's qualifications, financial capability, successful competition of previous job and so on, Submission of the bids by one bidder in a different party's name, False certificates, such as insurance, rejection of bids without any valid reason, deliberate loss of bids, exercising favoritism towards a particular supplier during the evaluation process, using biased individuals on the evaluation panel, failing to forfeit bid bonds when a supplier withdraws improperly (Appolloni & Nshombo, 2014).

2.4.6 Evaluation of bids (proposals/ tenders)

Weele, (2010) asserts that during the evaluation of the proposals or tenders, the evaluation criteria could be misapplied or otherwise further defined or amended after proposal or tender receipt. During this phase it is also possible that advance information could be provided to a particular favored supplier. Other techniques such as failing to solicit proposals or tenders from the competitors of a favored supplier, wrongfully restricting the tender pool, soliciting offers known to be inferior to a favored supplier, simply mis-addressing tender documents, accepting

late proposals or rejecting legitimate proposals are techniques that can be utilized to corrupt the procurement process.

2.4.7 Contract award and performance phase of the procurement process

Sahin & Robinson, (2002) state that ethical dilemmas opportunities also abound at the contract award and performance phase of the procurement process. For example, offerers could propose an unrealistically low offer in the hope that after the contract is awarded procurement officials will allow amendments to increase costs. Likewise, a firm could offer exceptionally high caliber products or less qualified personnel to meet a particular requirement and then upon contract award substitute inferior products or personnel. It is also possible to corruptly require sub contractual relationships with favored suppliers. Furthermore, after the evaluation is complete, it is possible to award a contract that materially differs from the terms of the solicitation in terms of specifications, quantity, or delivery schedule. Oversight and reporting requirements may also be minimized and in some cases cost overruns can be corruptly explained away or falsely justified. Finally, supporting documentation could be intentionally lost or destroyed making detection and prosecution of corruption offenses difficult.

2.4.8 Post Contract award stage

Raymond, (2008) states that ethical dilemmas at this occurs through Certifying goods without carrying out inspections, action not taken for the non-compliance with terms and conditions, double payments for the same items/services, contract files are incomplete, substitution of specified goods with used or inferior goods, time sheets signed for hours not expended, expenses paid when not incurred, essential spared not delivered but invoiced, invoices settled earlier than contract requires, payment for non-delivered goods/services, unsubstantiated cost growth, charges for skills levels below those contractually agreed among others.

2.5 Detailed bid evaluation process stages

Below is the detailed evaluation process stages and composition as per the PPDA act and regulations 2003;

2.5.1 Composition of the evaluation committee

All evaluations shall be conducted by an Evaluation Committee, which shall report to the Procurement and Disposal Unit.

The membership of the Evaluation Committee shall be recommended by Procurement and Disposal Unit, in accordance with Regulations made under this Act, and approved by the Contracts Committee.

The number of the members of the Evaluation Committee shall depend on the value and complexity of the procurement requirement, but shall in all cases be a minimum of three members.

The members shall be of an appropriate level of seniority and experience, depending on the value and complexity of the procurement requirement.

Members of the Evaluation Committee may be external to the Procuring and Disposing Entity, where the required skills or experience are not available within the Procuring and Disposing Entity or where members are indisposed or have a conflict of interest.

All members of the Evaluation Committee shall sign the Code of Ethics provided under the regulation made under this Act, declaring that they do not have a conflict of interest in the procurement requirement.

The meetings of the Evaluation Committee, the conduct of the evaluation and the evaluation methodologies shall be executed in accordance with the regulation made under this Act.

Much as they are many stages in the procurement process that are affected by ethical dilemmas, the evaluation stage is the most affected stage and it is the most important or vital stage in the procurement process.

Below is the evaluation process and what is considered at each stage as per the PPDA act and regulations 2003 as amended in 2014.

2.5.2 Preliminary Examination of Bids – Eligibility and Administrative Compliance

The Procuring and Disposing Entity examine the legal documentation and other information submitted by Bidders to verify the eligibility of Bidders and Supplies and related services

If after the examination of eligibility, the Procuring and Disposing Entity determines that the Bidder, the Supplies and/or the related Services are not eligible, it shall reject the bid. The Procuring and Disposing Entity shall examine the bids to confirm that all documents and technical documentation requested have been provided, and to determine the completeness of each document submitted.

The Procuring and Disposing Entity shall confirm that the following documents and information have been provided in the bid. If any of these documents or information is missing, the offer shall be rejected. Below is what is considered in the preliminary evaluation;

(a) Eligibility

- i** Trading licence
- ii** VAT certificate
- iii** Certificate of Incorporation
- iv** Memorandum and articles of association
- v** Powers of attorney

(b) the Bid Submission Sheet, including:

- (i) a brief description of the Supplies and Related Services offered;
 - (ii) the price of the bid; and
 - (iii) the period of validity of the bid;
- (c) the Price Schedule;
- (d) Written confirmation of authorisation to commit the Bidder; and
- (e) a Bid Security, if applicable.

2.5.3 Detailed Commercial and Technical Evaluation

The Procuring and Disposing Entity shall examine the bid to confirm that all terms and conditions specified in the general conditions of the contract and the specific conditions of the contract have been accepted by the Bidder without any material deviation or reservation.

If, after the examination of the terms and conditions, the Procuring and Disposing Entity determines that the bid is not substantially responsive, it shall reject the bid.

The Procuring and Disposing Entity shall evaluate the technical aspects of the bid submitted to confirm that all requirements in the Statement of Requirements of the Bidding Document have been met without any material deviation or reservation.

If, after the technical evaluation, the Procuring and Disposing Entity determines that the bid is not substantially compliant it shall reject the bid.

At this stage the evaluation team will look at different aspects like

- i. Specification of the goods, the quality of the goods
- ii. Terms of reference for the services among others.
- iii. Scope of work
- iv. Quality standards

2.5.4 Financial Comparison of Bids

The Procuring and Disposing Entity shall financially evaluate each bid that has been determined, up to this stage of the evaluation, to be substantially compliant and responsive.

To financially evaluate a bid, the Procuring and Disposing Entity shall only use the criteria and methodologies defined in the bid document. No other criteria or methodology shall be permitted.

The Procuring and Disposing Entity's financial comparison of bids may require the consideration of factors other than costs, in addition to the bid price quoted. These factors may be related to the characteristics, performance, and terms and conditions of purchase of the Supplies and Related Services. The factors selected, if any, shall be expressed in monetary terms to facilitate comparison of bids.

To financially compare bids, the Procuring and Disposing Entity shall:

- (a) determine the bid price, taking into account the costs
- (b) correct any arithmetic errors
- (c) apply any unconditional discounts offered

2.5.4.1 Determination of Best Evaluated Bid(s)

The Procuring and Disposing Entity shall compare all substantially compliant and responsive bids to determine the best evaluated bid or bids.

In this incidence ethical dilemmas can be also manifested when a bidder fails to comply the preliminary stage but when is technically good and has the lowest price possible. The law states that that supplier cannot be awarded the contract but in actual for the person evaluation the bid may find that supplier being the best for the contract.

2.6 Discussion on the major ethical dilemmas

Much as they are many ethical dilemmas that affects the bid evaluation process, there are three major dilemmas that have affected the ethical code of conduct in the procurement professionals and these are discussed below;

2.6.1 Conflict of interest and bid evaluation process

According to Cheporiot et al., (2018) conflict of interest may arise at the procurement bid evaluation process where the evaluation committee decision can be influenced by the perception of the evaluation team without following the evaluation criteria or it can be influenced by the law governing the public procurement management. The evaluation and award of bids is often assessed as one of the most vulnerable phases, due to the high level of technical expertise required and the specific features of evaluation committees. Therefore, most of the evaluation committee members make their decisions basing on what they think or assume is right to yield the required outcomes that meets the end user needs and while others just follow the procurement law much as it won't yield the expected results. Conflict of interests among the evaluation team has therefore affected much of the bid evaluation decisions.

In addition, access to information, stakeholder participation in the evaluation and clear review mechanisms are essential for transparency and accountability in public procurement, and therefore, are essential in preventing conflict of interest in making the bid evaluation decision. Moreover, effective implementation and enforcement of the law are key to create a deterrent effect and ensure integrity during the evaluation process (Sahin & Robinson, 2002). However, most of the procurement laws are drafted in a manner that does not yield the expected results and this makes the evaluation team resort to their own determinants in making the evaluation.

Evaluation teams have the responsibility to manage decisions in the public procurement bid evaluation process within the procurement legal framework and principles. The personal

preferences, and those of their perceptions should not interfere with or influence the decisions made in the execution of our official duties. However, to another extent some of their perceptions might be of greater value and importance in meeting the entity and user needs than the legal framework and therefore the evaluation team will end up following their perception in case they see it as right (Weele, 2010).

Weele, (2010) asserted that the evaluation committee have a responsibility to always serve the public interest in the performance of their duties. It is also the responsibility to identify any actual, potential or perceived instances of conflict of interest. It is particularly important to preclude conflict of interest of anyone involved in the evaluation, selection and contract monitoring processes. So, whenever the evaluation team find themselves in a situation of potential, perceived or actual conflict of interest, they must take the necessary action to disclose it by formally declaring themselves disqualified from participation in a particular procurement process due to possible bias given our personal and/or financial interest. However, some of the conflicts of interest may not be personal but public where they will be of value to the entity and the end user that is to say helping the end user meet the procurement needs in the procurement in question.

2.6.2 Standards and bid evaluation process

According to CIPs Standards are core components underpinning corporate and operational strategies. The procurement policy statement is a public document. It can be quoted in annual reports, operating and financial reviews, shareholder/stakeholder information and is freely available to potential suppliers. The policy statement communicates the principles on which the organization procures and contracts to management, staff, actual and potential suppliers and contractors, customers, governmental and other regulators and stakeholders (CIPS: Purchasing policy and procedures).

Mahmood, (2011) asserts that during the evaluation of the proposals or tenders, the statement of requirement could be misapplied or otherwise further defined or amended after proposal or tender receipt. This is because in most cases the statement of requirements that are specified by the technical person and the end-user might not be able to meet the best needs for the end user and might be unable to yield the expected value. In this instance the evaluation committee resorts to considering the specifications, terms of reference and scope of work or standards that they think are of bigger value that can help to meet the needs of the entity. However, it is also important to follow the set standards in the solicitation documents while making the evaluation because by the time these standards were agreed on, they were fit to yield the best results.

In some instances the set standards lead to procurement of poor quality services, supplies and works and this is because the contract is awarded to incompetent suppliers just because they were in compliance with the set standards (Raymond, 2008). These suppliers will end up delivering services, works and supplies which are in line with the evaluated standards but in actual sense they don't yield value for money. Hommen & Rolfstam, (2009) observed that the evaluation team should not only look at the set standards and considers them but also should have the responsibility of following the standards that they think and believe that they will yield the best results to the entity and the end user.

Appolloni & Nshombo, (2014) stated that value for money means attaining a product at the lowest price possible and at the same time not limiting its quality. Failure of the evaluation team to comply with the set standards in the solicitation document and the evaluation criteria limits value for money in that the contract will be awarded to those suppliers who do not have quality procurements. This is because the standards are set to ensure that the procurements are in line with the end user needs. CIPS urged that the setting standards doesn't not mean that the best procurements will be made because they are suppliers who have the best procurements

are far beyond the set standards. Therefore, the evaluation team has the responsibility to ensure that they follow and allow the supplier who has the best standards.

Appolloni & Nshombo, (2014) affirms that failure of the evaluation team to follow the set standards of the procurement can lead to unmatched services in that the suppliers to whom the contract is awarded may not be fit to supply the required services, supplies or works and ends up delivering poor services that do not match the buyers needs and this will affect the evaluation process. Mahmood, (2011) urged that there are some contracts that have been awarded without following the set standards of the procurement but after a clear negotiation with the supplier on the standards and these procurements have been able to perform better and meet the needs of the end users. He added that it is not mandatory to follow the set standards of the evaluation criteria when there are alternative standards that can yield better results.

Weele, (2010) asserts that according to the public procurement and disposal of public assets, most of the procurement contracts that are canceled are those that were awarded through without following the set standards. These contracts do not last for so long because the supplier cannot manage the terms that were set in the contract and when they are canceled, they affect the users and the performance of the contract. However, Raymond, (2008) emphasized that much as these contracts are not in compliance with the standards of the end user but they are of set standards that can yield far better results to the end user and their entire entity than the set standards.

2.6.3 Sharing confidential information and bid evaluation process.

When evaluating submissions, it is open to the entity to assess the potential supplier's ability to meet the confidentiality obligations of the procuring entity and the procurement law in accordance with stated evaluation criteria. It is also open to the entity to evaluate submissions having regard to potential suppliers' claims for confidentiality where this is consistent with the

stated evaluation criteria. Sahin & Robinson, (2002) stated that the evaluation team is not supposed to disclose any of the information to the supplier before the end of the evaluation processes for purposes of effective competition. However Appolloni & Nshombo, (2014) urged that disclosure of information to the supplier in the process of reevaluation can help to get the best supplier because the supplier will be able to also provide enough and clear information that might have been left out in the bid and this can help to make the best evaluation decision.

Sahin & Robinson, (2002) stated that the evaluation information is commercially 'sensitive'. The information should not generally be known or ascertainable to the supplier. The specific information must be commercially 'sensitive' and it must not already be in the public domain for the suppliers to access. A request by a potential supplier to maintain the confidentiality of commercial information would need to show that there is an objective basis for the request and demonstrate that the information is sensitive. However, Hommen & Rolfstam, (2009) suggested that it is important to put the evaluation information on the public domain for the suppliers to access as this can help the supplier to know what exactly the entity needs such that they can prepare the best in time to be able to meet the meet the evaluation and delivery needs of the procuring entity.

Sahin & Robinson, (2002) stated that disclosure of evaluation information would cause unreasonable detriment to the owner of the information or another party. A potential supplier seeking to maintain confidentiality would normally need to identify a real risk of damage to commercial interests flowing from disclosure which would cause unreasonable detriment. For example, disclosure of internet price lists would not harm the owner, but disclosure of pricing information that reveals a potential supplier's profit margins may be detrimental. Weele, (2010) urged that since the closure does not harm the procuring entity, it will give chance for the entity

to get the best from the supplier or providers because they will be fighting hard and competing favorably to ensure that they meet the evaluation needs of the entity.

When awarding a contract, if the entity decides that information should be kept confidential, appropriate confidentiality clauses should be included in the contract. The contract should also contain appropriate clauses to ensure information can be disclosed to Parliament, its committees or the Auditor-General to comply with accountability obligations (Baily et al., 2005).

If an entity decides that the claimed material does not meet the requirements for confidentiality, the potential supplier must be advised of this and offered the opportunity to withdraw or provide further information in support of the claim for confidentiality. If agreement cannot be reached and a contract cannot be awarded, the entity may need to approach the next preferred potential supplier. Where appropriate, the entity should ensure that contract confidentiality provisions do not preclude the provision of contract information to other entities for comparative value for money analysis purposes (Hommen & Rolfstam, 2009).

Confidentiality is a highly pertinent issue in bid evaluation decision. Bid evaluation decision makers often seek disclosure of the winning bidder's tender, together with all of the contracting authority's associated evaluation and scoring materials. This documentation inevitably contains commercially sensitive information that the winning bidder wishes to keep confidential and out of sight of its competitors (Raymond, 2008).

Evaluation documents can be redacted in order to protect confidential information. However, the redacted parts of the winning party's tender document, and the associated evaluation and scoring materials, are often precisely the parts that the management decision makers wishes to see (Sahin & Robinson, 2002). Consequently, redaction may mean that relevant documents are not made available, which could tip the balancing act between open justice and

confidentiality too far in favor of the latter. In these circumstances, the primary mechanism that the courts deploy is the use of confidentiality rings (Baily et al., 2005).

Entities and the evaluation committee should consider whether the nature of the procurement may raise confidentiality issues for potential suppliers. Such issues can arise in a number of ways including where: potential suppliers include commercially sensitive information as part of a submission; the preferred supplier seeks to protect commercially sensitive information contained in the contract; or the preferred supplier seeks to protect commercially sensitive information during and after the performance of the contract (Hommen & Rolfstam, 2009).

2.7 Literature Gaps

The deontology theory and consequentialist theory have not been tested on their applicability in guiding evaluation committees on ethical dilemmas of conflict of interest, set standards, sharing of confidential information on bid evaluation process in the context of Ministry of Education and Sports. The empirical literature on the effect of conflict of interest (in the application of procurement law) on bid evaluation process does not offer a conclusive position, with some studies pointing to a significant effect on the variable, while other studies found to the contrary. The empirical literature equally points to an increasing debate on the effect of set standards of the specified goods, works, and services on the bid evaluation process, with some studies questioning if the set standards of the specified goods, works, and services offered can be accounted for in terms of bid evaluation process. The existing body of knowledge seems to point to a direct significant effect of sharing of confidential information on the bid evaluation process, but as it has been seen from practice; even ethical professionals share confidential information. In the face of the literature void, this study sought to fill the knowledge and practice gap by testing the Deontology theory and consequentialist theory in the context of effect of ethical dilemmas on bid evaluation process in Ministry of Education and Sports. The

study will fill knowledge gaps on the significant effect of conflict of interest, set standards, sharing of confidential information on bid evaluation process in Ministry of Education and Sports.

CHAPTER THREE

METHODOLOGY

3.1 Introduction

The chapter presented the methods that were used to carry out the study. It presented the research design, study population, sample size, sampling methods, data collection methods and instruments, pretesting of instruments, procedure for data collection validity and reliability, data management and analysis, measurement of variables, ethical considerations and limitations of the study.

3.2 Research design

The study utilized the cross-sectional survey design that used both qualitative and quantitative approaches Kothari, (2015). This was used largely because it helps to select a small sample of people from a bigger population to act as an inference and since surveys are designed to provide a snapshot of how things are at a specific time and it allows the use of many variables at ago (Kothari, 2015). In this study, survey methodology helped in measuring variables and examining relationships among variables as recommended by (Kirk, 2018). Kothari, (2015) explains Cross-sectional studies provide a clear - snapshot of the outcome and the characteristics associated with such a study, at a specific point in time when it is carried out. Kirk, (2018), stresses that cross sectional survey design allows quick collection of raw data in addition to enabling the researcher to interact with people that have practical experience with the subject of study and assesses their perceptions, opinions and feelings at a particular time. It is carried out among few people to act as an inference to the majority. As such, the use of this design allowed the researcher to employ a relatively passive approach to making causal inferences based on findings. Using a mixed research method of both qualitative and quantitative approach is capable of giving good understanding of the study (Kirk, 2018).

3.3 Study Population

The study population involved the procurement department, administration, Contracts committee, Finance and accounts department, user departments, accounting officer and the audit department making a total population of 220 people.

3.4 Determination of the Sample Size.

According to Mugenda & Mugenda, (2003), it's impossible to study the whole targeted population and therefore the researcher has to decide on a sampled population. The sample size of the study was 136 as presented in table 1 below and the sample size was selected from the population size using a table by Krejcie & Morgan , (1970) table as follows;

Table 3. 1: Number of participants per category

Category	Population	Sample size	Sampling Strategy
Procurement	10	10	Convenience sampling
Administration	5	5	Convenience sampling
Contracts committee	5	5	Convenience sampling
Finance and accounts department	4	4	Convenience sampling
User Departments (Construction Management Unit, Information, Communication Technology Department, Business Technical and Vocational Education Department, Basic Education)	190	105	Purposive sampling
Accounting officer	1	1	Convenience sampling
Audit	5	5	Convenience sampling
Total respondents	220	136	

3.5 Sampling technique and procedure

The study used purposive sampling and convenience sampling to select respondents.

Purposive sampling is a type of nonprobability sample. The main objective of a purposive sample is to produce a sample that can be logically assumed to be representative of the population and it enables the researcher to use their judgement to select cases that best enable them answer research question(s) and to meet the set objectives. This form of sampling was used on user departments because there were many people in these departments and yet the researcher wanted to capture those that understood the concept of bid evaluation. Therefore, this form of sampling was used because it helped the researcher to obtain the rightful respondents through screening on the basis of knowledge on bid evaluation.

Convenience sampling is a sampling method used by researchers where they collect research data from a conveniently available pool of respondents (Layrakas, 2008). It is the most commonly used sampling technique as it's incredibly prompt, uncomplicated, and economical. In many cases, members are readily approachable to be a part of the sample.

A list of staff from each department was sought from the Human Resource Department of the Ministry to help in determining the respondents. Names of selected respondents of each category was written on pieces of papers and contacted to be involved in the study.

3.6 Data collection instruments

Data collection instruments included questionnaires, interview guide and the documentary review checklist

3.6.1 Questionnaires

The study used a five-point Likert scale questionnaire which were administered to the respondents in the sample size. The study had one set of questionnaires that were constructed strategically to capture all the necessary information from the procurement, administration, user

department and finance and accounts categories of respondents in respect to the themes of the study and each objective had at least 5 questions for purposes of intensive analysis of these objectives. The questionnaire was administered door to door since most of the respondents in this category are known. The Likert scale were used since it is very flexible and can be constructed more easily than most other types of attitude scales (Amin, 2005).

3.6.2 Interview Guide

Face to face interviews with the help of an interview guide was conducted with respondents from categories of audit, contracts committee, and the accounting officer. The head of procurement and disposal unit were also interviewed. The researcher believed that these people could provide rich information in regard to the study. Interviews were used, since they are appropriate in providing in-depth data, data required to meet specific objectives, allows clarity in questioning and quite flexible compared to questionnaires.

3.6.3 Document review checklist

The study carried out reviews of existing documents primarily public procurement reports, Audit report, strategic plans, minutes of contracts committee and data by other scholars in relation to Ethical dilemmas and bid evaluation process. This gave an overview of how much has been addressed in this line.

3.7 Data Collection Methods

Data collection is the process of gathering and measuring information on variables of interest, in an established systematic fashion that enables one to answer stated research questions, test hypotheses, and evaluate outcomes (Mugenda & Mugenda, 2003). A survey was employed using structured questions to generate information on Ethical dilemmas and Bid evaluation process.

3.8 Validity and Reliability

The data collection tools were pretested on a smaller number of respondents from each category of the population to ensure that the questions were accurate and clear in line with each objective of the study thus ensuring validity and reliability.

3.8.1 Validity

Validity is the extent to which the scores actually represent the variable they are intended to (Amin, 2005). Validity of the instruments were established using the both construct and content validity tests as suggested (Amin, 2005). The researcher discussed the instruments with the research supervisors. In order to ensure validity of the research instruments, Content Validity Index (CVI) used by the researcher to get content validity value ratio. Content Validity Index was determined by the formula below;

$$CVI = \frac{\text{Number of items declared valid}}{\text{Total number of items judged}}$$

The results from the rating were used to compute content validity value ratio. The researcher ensured to obtain more than 0.7 value ratio in order to deem the instruments valid as suggested by (Amin, 2005).

3.8.2 Reliability

According to (Mugenda & Mugenda, 2003), reliability refers to the measure of the degree to which research instruments yields consistent results after repeated trials. In testing the reliability of instruments, the study adopted the test-retest method which involved administering the same instruments twice to the same group of subjects and this was done by selecting an appropriate group of respondents, the researcher then administered instruments to respondents and then re administer the same instruments to another group after a week and the results of the two periods

were correlated to obtain the coefficient of reliability. If the coefficient is 0.6 and more as recommended by (Mugenda & Mugenda, 2003), the instrument was considered reliable.

3.9 Procedure for data Collection

The researcher obtained a letter of introduction from the university to help with introductions to various respondents. After the construction of instruments, the researcher took them for approval to the supervisor and there after they were taken for pretesting in selected few respondents. Pretesting was done by picking 30 respondents from the study and giving them the same approved questionnaires. Pretesting helped to know whether respondents interpret phrases and questions as the researcher wants them, it also helped to obtain a general assessment of respondents' ability to perform required tasks (recall relevant information, estimate frequency of specific behaviors) and it also helped to obtain ideas for question wording in case rephrasing of the original statements is needed.

3.10 Data Analysis

In the study, the instruments that were used yielded both qualitative and quantitative data.

After respondents had answered questionnaires and interviews, raw data was cleaned, sorted and condensed into systematically comparable data. Data analysis was done using the Statistical Package for Social Scientists (SPSS) tool using the multiple linear regression model, which helped to summarize the coded data and produce the required statistics in the study

3.10.1 Quantitative Data

In handling all the objectives of the study, the researcher used a computer package SPSS where data was entered, edited, cleaned and sorted. This program was used to do univariate analysis to obtain descriptive statistics results in form of frequencies, percentages, mean and standard deviations since it was a five-point Likert scale type of questionnaire and this helped to give the general response towards each question in the Likert scale through the mean values. In

establishing the effect of the independent variables on the dependent variable, a simple linear regression model per objective was used to answer the study hypotheses and conclusions were drawn basing on the Probability Values (P-Values) at 5% significant level. In regression, the effect was considered significant if the P-Value of the Beta coefficient of the independent variable is below the 0.05 level of significance, otherwise it was insignificant.

3.10.2 Qualitative data

Data analysis of qualitative data in the three objectives of the study used content analysis where each piece of work answered in the interview guide was read through thoroughly to identify themes where it belongs. The number of times each answer appears were counted to obtain the number of responses in each respect.

3.11 Ethical considerations

The principles of research ethics in form of consent, privacy, confidentiality and accuracy were adhered to during this study. Respondents received full disclosure of the nature of the study, the risks, benefits and alternatives with and extended opportunity to ask pertinent questions regarding the research. The researcher assured respondents that the study was for academic purposes. The researcher treated all information provided by participants with maximum confidentiality. This was achieved by assigning respondents codes instead of using the actual names of respondents known to other people.

CHAPTER FOUR

PRESENTATION, ANALYSIS AND INTERPRETATION OF RESULTS

4.1 Introduction

This chapter presents analyses and interprets the study results of Ethical dilemmas on the bid evaluation process at Ministry of Education and Sports. The first section presents the response rate. This is followed by the profile of respondents, a presentation of empirical findings on the influence and effect of conflict of interest, standards of the specified goods, works, services, sharing of confidential information and bid evaluation process. The last section presents the multiple regression results and the position on the study hypothesis.

4.2 Response Rate

A total of 124 questionnaires were distributed, but 95 useable questionnaires were returned as tabulated in Table 4.1 below.

Table 4. 1: Response rate

Sample category	Target sample	Number of questionnaires returned	Response rate
Procurement	10	8	80%
Administration	5	4	80%
User Department	105	81	77%
Accounts Department	4	2	50%
Total	124	95	77%

Source: Primary data

Table 4.1 above shows an average response rate of 77%, which according to (Amin, 2005), is high, suggesting that the results obtained were a good representation of the survey population

since about eight in every 10 respondents targeted from the study sample responded to the study. The rest of the questionnaires were not returned in time for consideration in the study.

4.3 Profile of the Respondents used in the Study

This section presents the background information of the respondents in relation to age, level of education, job title and period worked with Ministry of Education and Sports as tabulated in Table 4.2 below.

Table 4. 2: Gender of the respondents

Position	Frequency	Percent
Male	50	52.6
Female	45	47.4
Total	95	100.0

Source: Primary data

As indicated in Table 4.2 above, 52.6% of the respondents were male, while females represent 47.4%. The implication was that the views presented in the report are representative of all gender categories.

Table 4. 3: Age group of the respondents

Age group	Frequency	Percent
25-30 Years	52	54.7
31-35 Years	37	38.9
36-40 Years	4	4.2
41+ Years	2	2.1
Total	95	100.0

Source: Primary data

Table 4.3 above shows that majority (54.7%) of the respondents were aged 25-30 years, while the least, 4.2% and 2.1%, were aged 36-40 years and 41+ years, respectively. The findings imply that the responses are representative of more youthful employees and a few older employees in the entity.

Table 4. 4: Level of education of the respondents

Level of education	Frequency	Percent
Certificate	3	3.2
Diploma	15	15.8
Degree	4	4.2
Professional courses	2	2.1
Postgraduate	71	74.7
Total	95	100.0

Source: Primary data

Table 4.4 shows that majority (74.7%) of the respondents had attained postgraduate level of education. The least number of respondents 2.1% and 3.2% had attained professional courses and certificate level of education respectively. The findings imply that the respondents had attained adequate cognitive capabilities to understand the questions asked in the questionnaire about conflict of interest, standards (goods, works, services), sharing of confidential information and bid evaluation process.

Table 4. 5: Time worked in the Ministry

Time worked	Frequency	Percent
< 1 Years	17	17.9
1-4 Years	50	52.6
5+ Years	28	29.5
Total	95	100.0

Source: Primary data

The findings in Table 4.5 show that majority (82.1%) of the respondents had been with the ministry for more than 1 year and above 5 years. The findings imply that the respondents had attained a reasonable experience in the ministry procurement and evaluation procedures.

4.4 Ethical Dilemmas in Ministry of Education and Sports

4.4.1 Conflict of Interest

The first objective of the study was to assess the effect of conflict of interest (in the application of procurement law) on bid evaluation process in Ministry of Education and Sports. Conflict of Interest measured using 5 items scored on a 5-point Likert scale. The response for ‘strongly agree’ and ‘agree’ were added together to denote ‘agree’, while ‘Strongly disagree’ was added to ‘disagree’ to denote ‘disagree’. The findings are presented in Table 4.6 below.

Table 4. 6: Conflict of Interest at Ministry of Education and Sports

	SDA		DA		NS		A		SA		Mean	S.D
	F	%	F	%	F	%	F	%	F	%		
1. Conflict of interest is always declared at the start of the evaluation process	28	29.5	53	54.7	4	4.2	5	5.3	5	5.3	2.02	1.021
2. When engaged in an evaluation process, I do not typically consider how important my personal interests are, as I move to follow the evaluation regulations	10	10.5	8	8.4	5	5.3	32	33.7	40	42.1	3.88	1.328
3. Am swayed from following the evaluation criteria when evaluating bidders with whom I have a personal relationship with	36	37.9	39	41.1	10	10.5	5	5.3	5	5.3	1.99	1.087
4. Officers with contractual relationships with the entity participate in the evaluation of bids	10	10.5	4	4.2	5	5.3	36	37.9	40	42.1	3.97	1.267
5. When evaluating bidders that have a relation to public officers, am inclined to award them more scores than other bidders whose stake is unknown to me	32	33.7	39	41.1	14	14.7	5	5.3	5	5.3	2.07	1.084

Source: Primary data

Declaration of conflict of interest

Table 4.6 above shows that 29.5% of the respondents strongly disagreed, 54.7% disagreed, 4.2% were not sure while 5.3% either agreed or strongly agreed that Conflict of interest is always declared at the start of the evaluation process. The overall mean was 2.02 denoting 'disagreed', suggesting less declaration of conflict of interest at the start of the evaluation process.

Don't consider personal interests, we move to follow the evaluation regulations

On why it's not important to consider personal interests but follow the evaluation regulations table 4.6 above shows that 10.5% the respondents strongly disagreed, 8.4% disagreed, 5.3% were not sure, 33.7% agreed while 42.1% agreed that the when engaged in an evaluation process, they do not typically consider how important their personal interests are, as they move to follow the evaluation regulations. The overall mean was 3.88 suggesting that personal interests are not part of the consideration in evaluation but what the law states and outlines is the consideration.

Swayed from following the evaluation criteria when evaluating bidders with whom we have a personal relationship with

The findings in table 4.6 above shows that 37.9% of the respondents strongly disagreed, 41.1% disagreed, 10.5 were not sure, and 5.3% either agreed or strongly agreed with the ministry evaluation stakeholders swaying from following the evaluation criteria when evaluating bidders with whom I have a personal relationship with. The overall mean was 11.99 which is disagreed, suggesting that there was less swaying from following the evaluation criteria when evaluating bidders with whom they have a personal relationship with.

Officers with contractual relationships with the entity participate in the evaluation of bids

On the issue of officers with contractual relationships with the entity participating in the

evaluation of bids, the results show that 10.5% of the respondents strongly disagreed, 4.2% disagreed, 5.3% were not sure, 37.9% agreed while 42.1% strongly agreed with officers with contractual relationships with the entity participating in the evaluation of bids. The overall mean was 3.97 which is agreed suggesting that the ministry allows officers with contractual relationships with the entity participating in the evaluation of bids.

In an interview, when asked why and how officers with contractual relationships with the entity participate in the evaluation of bids, the key informant interviewed elaborated:

We don't see any a reason why someone who is an officer in the entity and his or her firm is participating in the procurement process can be limited to participate as part of the evaluation team to conduct the evaluation of the bids. Much as the law prohibits a public officer to participate in the procurement and disposal process as per section 78 of the PPDA act, for us we see that if that entity is in compliance with the needs of the procurement in question and the end user needs, nothing can stop them from participating in the procurement and also in the evaluation of the bids even though the officer in charge of the evaluation is part of the suppliers team. However, we ensure that they declare the conflict of interest before the evaluation is conducted.

When evaluating bidders that have a relation to public officers, we are inclined to award them more scores than other bidders whose stake is unknown to me

The findings in table 4.6 reveal that 33.7% of the respondents strongly disagreed, 41.1% disagreed, 14.7% were not sure, while 5.3% either agreed or strongly agreed that when evaluating bidders that have a relation to public officers, they inclined to award them more scores than other bidders whose stake is unknown to them The overall mean is 2.07 which is disagreed, suggesting that the evaluation team do not wards bidders who are relate to public officers more marks than those who are unknown to them..

4.4.2 Standards of the specified goods, works, services

The second objective of the study was to examine the extent to which standards of the specified goods, works, and services are adhered to in the bid evaluation process at Ministry of Education and Sports set standards of the specified goods, works, services were measured using 5 items

scored on a 5 point Likert scale of (1) for strongly disagree, (2) for disagree, (3) for not sure, (4) for agree and (5) for strongly agree. The findings are presented in Table 4.9 below.

Table 4. 7: Descriptive results for Standards of the specified goods, works, services

	SDA		DA		NS		A		SA		Mean	S.D
	F	%	F	%	F	%	F	%	F	%		
1. I am challenged to disqualify a bidder that has not enclosed a historical document (like a trading licence, certificate of incorporation, etc) in their bid even when their financial bid is competitive	33	34.7	42	44.2	5	5.3	10	10.5	5	5.3	2.07	1.142
2. Suppliers offering alternative specifications for the procurement requirement due to their technical expertise are disqualified.	23	24.2	42	44.2	15	15.8	10	10.5	5	5.3	2.02	1.072
3. I have been challenged in disqualifying a competitive bidder offering a realistic lead time as opposed to that indicated the Bidding Document issued.	33	34.7	42	44.2	10	10.5	5	5.3	5	5.3	2.28	1.108

4. Evaluation criteria is waived during the evaluation process in favour of certain suppliers that have proved to have exceptional experience with the Ministry	9	9.5	4	5.3	4	4.2	56	58.9	22	23.1	3.77	1.153
5. Am sometimes forced to evaluate a supplier that has not quoted for some of the list of supplies and related services hoping to have them included during negotiations.	10	10.5	5	5.3	9	10	29	30	42	44.2	4.05	1.161

Source: Primary data

I am challenged to disqualify a bidder that has not enclosed a historical document

Table 4.7 shows that 34.7% of the respondents strongly disagreed, 44.2% disagreed, 5.3% were not sure, 10.5% agreed, while 5.3% strongly agreed that they are challenged to disqualify a bidder that has not enclosed a historical document. The overall mean result is 2.07, which is disagree, suggesting that most respondents do not disqualify a bidder that has not enclosed a historical document (like a trading licence, certificate of incorporation, etc)

Disqualification of Suppliers offering alternative specifications for the procurement requirement due to their technical expertise

The findings in table 4.7 above show that 24.2% of the respondents strongly disagreed, 44.2% disagreed, 15.8% were not sure, 10.5% agreed and 5.3% strongly agreed with Disqualification of Suppliers offering alternative specifications for the procurement requirement due to their technical expertise. The resultant mean is 2.02, which is disagree, implying that Suppliers offering alternative specifications for the procurement requirement due to their technical expertise are not disqualified.

Disqualification of a competitive bidder offering a realistic lead time as opposed to that indicated in the Bidding Document issued.

A total of 34.7% of the respondents strongly disagreed, 44.2% disagreed, and 10.5% were not sure, while 5.3% either agreed or strongly agreed with Disqualification of a competitive bidder offering a realistic lead time as opposed to that indicated in the Bidding Document issued. The overall mean was 2.28 that disagreed, implying that the team carrying out the evaluation process in the ministry has been challenged not to disqualify a competitive bidder offering a realistic lead time as opposed to that indicated the Bidding Document issued.

Evaluation criteria is waived during the evaluation process in favour of certain suppliers that have proved to have exceptional experience with the Ministry

The findings in table 4.7 above shows that 9.5% of the respondents strongly disagreed, 5.3% disagreed, 4.2% were not sure, 58.9% agreed and 22.1% strongly agreed that evaluation criteria is waived during the evaluation process in favor of certain suppliers that have proved to have exceptional experience with the Ministry. The overall mean is 3.77 that is agreed, implying that certain suppliers that have proved to have exceptional experience with the Ministry are given a priority during evaluation.

Am sometimes forced to evaluate a supplier that has not quoted for some of the list of supplies and related services hoping to have them included during negotiations.

Asked if they were forced to evaluate a supplier that has not quoted for some of the list of supplies and related services hoping to have them included during negotiations, 10.5% of the respondents strongly disagreed, 5.3% disagreed, 10% were not sure, 30% agreed while 44.2% strongly agreed. The overall mean was 4.05 that is agreed, suggesting that the team that participate in the evaluation is forced to evaluate a supplier that has not quoted for some of the list of supplies and related services hoping to have them included during negotiations.

The study inferred that the emphasis of forcing the evaluation team to evaluate suppliers that has not quoted for some of the list of supplies and related services hoping to have them included during negotiations at the compromise of those that have quoted all the lists reveals a haphazard evaluation process in the ministry which leads to poor bid evaluation and awarding the contract to incompetent suppliers.

Asked to describe why some suppliers are evaluated yet have not quoted some of the list of supplies, the key informant interviewed had this to say:

It is not mandatory that to evaluate supplier, he or she has to quote for all the list of supplies or services. In most cases the supplier quotes for those supplies or services which he or she can do better, such suppliers are even better than those who quote for the services or supplies that they cannot fulfil but for the sake of making sure that all the list is quoted. In fact, this supplier who has quoted for part of the supplies or services which he believes they can offer or supply should be given a big priority because it means that he or she is telling the truth about his or her capability in the procurement. Therefore, we do not see any reason why that supplier should be left out and not evaluated.

4.4.3 Sharing of confidential information

The third objective of the study was to effect of sharing of confidential information on the bid evaluation process at Ministry of Education and Sports. Sharing of confidential information was measured using 5 items scored on a 5-point Likert scale of (1) for strongly disagree (2) for disagree, (3) for not sure (4) for agree (5) for strongly agree and the findings are presented below.

Table 4. 8: Sharing of confidential information at Ministry of Education and Sports

	SDA		DA		NS		A		SA		Mean	S.D
	F	%	F	%	F	%	F	%	F	%		
1. I have experienced an uncomfortable situation where I have been forced to relay award information to a bidder before the conclusion of the evaluation so that completion timelines are met	29	30.5	33	34.7	13	13.7	15	15.8	5	5.3	2.31	1.212
2. Information is only shared with suppliers upon conclusion of the evaluation exercise	24	25.3	33	34.7	18	18.9	15	15.8	5	5.3	2.19	1.214
3. I have experienced a challenge of including administrative documents to an incomplete bid submitted by a bidder such that they are evaluated since they were technically compliant	1	1	5	5.3	9	9.5	24	25.3	56	58.9	4.25	1.185
4. Suppliers are given information on their competitors quotations and allowed to requote	29	30.5	41	43.2	5	5.3	15	15.8	5	5.3	2.22	1.196
5. Information of award is only communicated to the best evaluated bidder	18	18.9	53	55.8	9	9.5	10	10.5	5	5.3	2.27	1.056

Source: Primary data

I have been forced to relay award information to a bidder before the conclusion of the evaluation so that completion timelines are met.

Table 4.8 shows that 30.5% of the respondents strongly disagreed, 34.7% disagreed, 13.7% were not sure, 15.8% agreed, while 5.3% strongly agreed that they have been forced to relay award information to a bidder before the conclusion of the evaluation so that completion timelines are met. The overall mean results of 2.31 show disagree, suggesting they haven't experienced an uncomfortable situation where they have been forced to relay award information to a bidder before the conclusion of the evaluation so that completion timelines are met.

Information is only shared with suppliers upon conclusion of the evaluation exercise

Table 4.8 shows that 23.5% of the respondents strongly disagreed, 34.7% disagreed, 18.5% were not sure, 15.8% agreed, while 5.3% strongly agreed that Information is only shared with suppliers upon conclusion of the evaluation exercise. The overall mean results of 2.19 show disagree, suggesting that Information is not only shared with suppliers upon conclusion of the evaluation exercise.

I have experienced a challenge of including administrative documents to an incomplete bid submitted by a bidder such that they are evaluated since they were technically compliant

Table 4.8 shows that only 1% strongly disagreed, 5.3% of the respondents disagreed, 9.5% were not sure, 25.3% agreed, while 58.9% strongly agreed with experiencing a challenge of including administrative documents to an incomplete bid submitted by a bidder such that they are evaluated since they were technically compliant. The overall mean results of 4.25 shows agree, suggesting that they have experienced the system of including administrative documents to an incomplete bid submitted by a bidder such that they are evaluated since they were technically compliant.

Suppliers are given information on their competitors' quotations and allowed to requote

Asked on if suppliers are given information on their competitors' quotations and allowed to requote, 30.5% of the respondent strongly disagreed, 43.2% disagreed, 5.3% were not sure, 15.8% agreed, while 5.3% strongly agreed. The overall mean results of 2.22 shows disagree, suggesting that Suppliers are not given information on their competitors' quotations and allowed to requote.

The study notes that the findings suggest that suppliers do not get the information concerning their competitor's bids and this leaves the information confidential.

Asked on why the information is not leaked to the supplier, the interviewee had this to say:

“Sharing information with the suppliers concerning the quotations of the other competitors is not ethical at all, first of all it limits the confidentiality of the competitor's information given, and it also limits effective competition among the suppliers yet the procurement process should be competitive in order to get the best bid evaluation results. Therefore, as an entity we cannot share or leak the information of a supplier to another supplier because we consider suppliers' information to be confidential and therefore we respect the principle of confidentiality and this has helped as to ensure that we obtain the best evaluated bid that conforms to the needs of the end user because no supplier is given information of his or her counterpart but are left with the task of ensuring that they compete effectively and efficiently”.

4.5 Bid Evaluation Process

Bid Evaluation Process was the dependent variable of this study and was measured using 5 items scored on 5-point Likert scale and the findings are presented in Table 4.9 below.

Table 4. 9: Bid Evaluation Process at Ministry of Education and Sports.

	SDA		DA		NS		A		SA		Mea n	S.D
	F	%	F	%	F	%	F	%	F	%		
1. Evaluation committee is nominated and appointed by the responsible parties	38	40	42	44.2	5	5.3	5	5.3	5	5.3	1.92	1.069
2. The Ethical Code of Conduct in relation to PPDA Form 13 is signed by all members of the evaluation committee before the start of the evaluation exercise	28	30	38	40	8	8.9	15	15.8	6	6.3	2.34	1.137
3. All the stages of the bid evaluation processes are systematically followed	23	24.2	44	46.3	13	13.7	10	10.5	5	5.3	2.26	1.103
4. The evaluation committee familiarize themselves with the evaluation criteria stated in the Standard Bidding Document during the evaluation exercise	33	34.7	42	44.2	5	5.3	10	10.5	5	5.3	2.07	1.142
5. A signed evaluation report by all members recommending award of the best evaluated bidder is submitted to contracts committee for consideration	27	28.4	38	40	5	5.3	20	21.1	5	5.3	2.35	1.244

Source: Primary data

Table 4.9 above shows that majority (44.2%) of the respondents disagree (mean = 1.92) that Evaluation committee is nominated and appointed by the responsible parties. Similarly, that majority of 40% of the respondents disagreed (mean = 2.34) that the Ethical Code of Conduct in relation to PPDA Form 13 is signed by all members of the evaluation committee before the start of the evaluation exercise, while only 21.1% agreed. Furthermore, a total of 46.3% of the respondents disagreed (mean = 2.26) that all the stages of the bid evaluation processes are systematically followed. The findings generally reveal a low level of compliance with the bid evaluation process and the entity could be losing 70% of its procurement budget because on the noncompliance with the evaluation procedure and processes.

Similarly, the findings in Table 4.9 above show that majority (44.2%) disagreed (mean = 2.07) that the evaluation committee familiarize themselves with the evaluation criteria stated in the Standard Bidding Document during the evaluation exercise.

10.5% agreed and 5.3% were not sure. Table 4.9 shows that 40% of the respondents disagreed (mean = 2.35) that a signed evaluation report by all members recommending award of the best evaluated bidder is submitted to contracts committee for consideration.

4.6 Multiple regression results

Multiple regression analysis was carried out to establish the predictive strength of the effect of Ethical dilemmas on the bid evaluation process at Ministry of Education and Sports. The multiple regression was also used to establish which among the dimensions of conflict of interest, standards of the specified goods, works, services and sharing of confidential information was a more significant predictor of the variance in Bid Evaluation Process in the Ministry. The findings are presented in Table 4.10 below.

Table 4. 10: Multiple Regression Model

Model Summary ^b								
Model	R	R Square	Adjusted R Square	Std. Error of the Estimate			Durbin-Watson	
1	.978 ^a	.956	.954	1.201			.342	
Model		Unstandardized Coefficients		Standardized Coefficients		95% Confidence Interval for B		
		B	Std. Error	Beta	T	Sig.	Lower Bound	Upper Bound
1	(Constant)	-3.173	.358		-8.850	.000	-3.885	-2.461
	Conflict of interest	-.148	.160	-.137	-.924	.358	-.466	.170
	Standards of the specified goods, works, services	-.096	.196	-.089	-.490	.625	-.485	.293
	Sharing of confidential information	1.288	.120	.043	.585	.000	-.100	.184
<p>a. Predictors: (Constant), Sharing of confidential information, Conflict of interest, Standards of the specified goods, works, services</p> <p>b. Dependent Variable: Bid Evaluation Process</p>								

P ≤ 0.05

Source: Primary data

Table 4.10 above shows adjusted R^2 of 0.956 or 95.6% was the variance in bid evaluation process explained by Conflict of interest, Set standards of the specified goods, works, services, Sharing of confidential information, taking into consideration all the variables and the sample size of the study. The remaining variance of 4.4% was explained by other factors other than Ethical dilemmas.

The standardized coefficient statistics revealed that Sharing of confidential information was the most significant predictor of the variance in bid evaluation process ($\beta=0.43$, $t = 0.585$, $p =0.000$) Conflict of interest ($\beta= -0.137$, $t = -0.924$, $p=0.358$) and Standards of the specified goods, works, services were not significant predictors of the variance in bid evaluation process ($\beta= -0.089$, $t = -0.490$, $p=0.625$). The implication was that priority should be given to protection of confidential information for enhanced bid evaluation process.

4.7 Summary

This chapter has presented the study findings in relation to the background information of the respondent and the empirical findings in relation to the study objectives. Only Sharing of confidential information was the most significant predictor of the bid evaluation process in Ministry of Education and Sports. The next chapter present the discussion, conclusion and recommendations of the study.

CHAPTER FIVE

SUMMARY, DISCUSSION, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This chapter presents a summary of the study finding, discussion, conclusions, and recommendation on the effect of Ethical dilemmas on the bid evaluation process in the Ministry of Education and Sports. It also presents the limitations and contributions of the study and areas for further research.

5.2 Summary of the Study Findings

5.2.1 Effect of conflict of interest (in the application of procurement law) on bid evaluation process.

The first objective aimed at assessing the effect of conflict of interest (in the application of procurement law) on bid evaluation process. The study found that conflict of interest was not a significant predictor of bid evaluation process in the ministry ($\beta = -0.137$, $t = -0.924$, $\text{Sig} = 0.358$). The study confirmed the hypothesis that conflict of interest in the application of the bid evaluation regulations has no significant effect on the bid evaluation process. The interview findings point out that the Officers with contractual relationships with the entity participate in the evaluation of bids in the ministry. There was no limitation of public officers to participate in the evaluation of the bids much as the bidder being evaluated has a relationship with the officers, as long as they declared the conflict of interest.

5.2.2 The extent to which standards of the specified goods, works, services are adhered to in the bid evaluation process

The second objective of the study was to examine the extent to which standards of the specified goods, works, and services are adhered to in the bid evaluation process. The multiple regression results revealed that Standards of the specified works, services and supplies had no significant

effect on the bid evaluation process ($\beta = -0.089$, $t = -0.490$, $\text{sig} = 0.625$). The study therefore accepted the hypothesis that set standards of the specified works, services and supplies have no significant effect on the bid evaluation process in the Ministry of Education and Sports. The qualitative findings reveal that it is not mandatory not to evaluate a supplier that has not quoted for all the list of supplies or services provided in the bidding document. In most cases suppliers quote for those supplies or services which they can do better, such suppliers are even better than those who quotes for the services or supplies that they cannot fulfil but only provide quotations for the sake of making sure that all the list of items is quoted for. In fact, the supplier who has quoted for part of the supplies or services which they believe can be ably offered or supplied should be given the biggest priority because it means that they are honest about their capability in the procurement needs. Therefore, there is no reason as to why such a supplier should be left out and not evaluated.

5.2.3 The effect of sharing of confidential information on the bid evaluation process

The third objective of the study was to analyze the effect of sharing of confidential information on the bid evaluation process. Sharing of confidential information was the strongest predictor of bid evaluation process in the ministry ($\beta = 0.43$, $t = 0.585$, $\text{sig} = 0.000$). The study rejected the hypothesis that sharing of confidential information has no significant effect on the bid evaluation process in the Ministry of Education and Sports.

The qualitative findings equally reveal that sharing information with the suppliers concerning the quotations of the other competitors is not ethical at all, first of all it limits the confidentiality of the competitor's information given, and it also limits effective competition among the suppliers yet the procurement process should be competitive in order to get the best bid evaluation results. Therefore, the evaluation team cannot share or leak the information of a supplier to another supplier because it is considered that suppliers' information is confidential

and therefore there is need to respect the principle of confidentiality and this has helped the entity to ensure that they get the best evaluated bidder that conforms to the needs of the end user because no supplier is given information of his or her counterpart but are left with the task of ensuring that they compete effectively and efficiently.

5.3 Discussions of the Study Findings

5.3.1 Effect of conflict of interest (in the application of procurement law) on bid evaluation process.

The regression results reveal that Conflict of interest in the application of the bid evaluation regulations has no significant effect on the bid evaluation process ($\beta = -0.137$, $t = -0.924$, $p = 0.358$), suggesting that conflict of interest is normal and having a conflict of interest cannot stop someone from participating in a certain process. Therefore, much as the evaluation officer has a contractual interest in the procurement in question, it cannot stop him from conducting the evaluation as long as the conflict of interest is declared and also the evaluation is conducted as per the set standards. This study findings and observations are supported by Komesaroff, Lipworth, & Kerridge, (2019) who asserted that the evaluation committee have a responsibility to always serve the public interest in the performance of their duties. It is also the responsibility to identify any actual, potential or perceived instances of conflict of interest. It is particularly important to preclude conflict of interest of anyone involved in the evaluation, selection and contract monitoring processes. So, whenever the evaluation team find themselves in a situation of potential, perceived or actual conflict of interest, they must take the necessary action to disclose it by formally declaring themselves disqualified from participation in a particular procurement process due to possible bias given our personal and/or financial interest. However some of the conflicts of interest may not be personal but public where they will be of value to

the entity and the end user that is to say helping the end user meet the procurement needs in the procurement in question.

In addition, access to information, stakeholder participation in the evaluation and clear review mechanisms are essential for transparency and accountability in public procurement, and therefore, are essential in preventing conflict of interest in making the bid evaluation decision. Moreover, effective implementation and enforcement of the law are key to create a deterrent effect and ensure integrity during the evaluation process (Komesaroff, Lipworth, & Kerridge, 2019). However, most of the procurement law are drafted in that manner that does not yield the expected results and this makes the evaluation team resort to their own determinants in making the evaluation.

5.3.2 The extent to which standards of the specified goods, works, services are adhered to in the bid evaluation process

As analyzed and interpreted in chapter four, the study found out that the evaluation team evaluates a supplier that has not quoted for some of the list of supplies and related services hoping to have them included during negotiations. The regression results however, reveal no attribution of standards of the specified goods, works, and services are adhered to in the bid evaluation process at Ministry of Education and Sports. ($\beta=-0.089$, $t = -0.490$, $sig = 0.625$). The qualitative findings reveal that it is not mandatory not to evaluate a supplier that has not quoted for all the list of supplies or services provided in the bidding document. In most cases suppliers quote for those supplies or services which they can do better, such suppliers are even better than those who quotes for the services or supplies that they cannot fulfil but only provide quotations for the sake of making sure that all the list of items is quoted for. In fact the supplier who has quoted for part of the supplies or services which they believe can be ably offered or supplied should be given the biggest priority because it means that they are honest about their

capability in the procurement needs. Therefore, there is no reason as to why such a supplier should be left out and not evaluated.

This study finding was insignificant between standards of the specified goods, works, services and bid evaluation process, are supported by supported by Ntayi, Ngoboka, & Kakooza, (2013) who asserts that during the evaluation of the proposals or tenders, the statement of requirement could be misapplied or otherwise further defined or amended after proposal or tender receipt. This is because in most cases the statement of requirements that are specified by the technical person and the end-user might not be able to meet the best needs for the end user and might be unable to yield the expected value. In this instance the evaluation committee resorts to considering the specifications, terms of reference and scope of work or standards that they think are of bigger value that can help to meet the needs of the entity. However, it is also important to follow the set standards in the solicitation documents while making the evaluation because by the time these standards were agreed on they were fit to yield the best results.

This finding on Standards of the specified works, services and supplies have no significant effect on the bid evaluation process is in line with Immanuel Kant (1724 - 1804) who insisted that human reasoning and good will are necessary for consistent moral behavior and he defined the good will as “the will that obeys the universal moral law”. He believed that some duties are absolute, for example the duty to tell the truth, but others not, the duty to exercise and he therefore distinguished two forms of imperative the categorical which is an instruction to act that is not dependent on anything - and the hypothetical which is a conditional instruction to act.

5.3.3 The effect of sharing of confidential information on the bid evaluation process

The study found that sharing of confidential information was the most significant predictor of bid evaluation process ($\beta= 0.43$, $t = 0.585$, $p=0.000$). This study inferred that suppliers are not

given information on their competitor's quotations and allowed to requote. The qualitative findings equally reveal sharing information with the suppliers concerning the quotations of the other competitors is not ethical at all, first of all it limits the confidentiality of the competitor's information given, and it also limits effective competition among the suppliers yet the procurement process should be competitive in order to get the best bid evaluation results.

The study finding is also supported by the work of various scholars, notably Andersen & Rajesh, (2006) stated that the evaluation team is not supposed to disclose any of the information to the supplier before the end of the evaluation processes for purposes of effective competition. However, Komesaroff Lipworth, & Kerridge (2019) urged that disclosure of information to the supplier in the process of revaluation can help to get the best supplier because the supplier will be able to also provide enough and clear information that might have been left out in the bid and this can help to make the best evaluation decision.

5.4 Conclusions of the Study

5.4.1 Effect of conflict of interest (in the application of procurement law) on bid evaluation process.

On the basis of the findings that Conflict of interest in the application of the bid evaluation regulations has no significant effect on the bid evaluation process, the study concluded that Ministry cannot limit an evaluation committee member to participate in the evaluation process much as he has interest in the bidder evaluated. The ministry will need to ensure that this person declares the conflict of interest and also ensure that he or she executes the evaluation process in line with the evaluation procedures and the end user needs.

5.4.2 The extent to which standards of the specified goods, works, services are adhered to in the bid evaluation process

It was concluded that a supplier can be evaluated much as he or she has not quoted all the list of supplies and services. This is because this supplier is trustworthy to quote only those items, he or she can comply or confirm with the delivery terms other than those who quotes even those that they cannot deliver or confirm with the delivery terms.

5.4.3 The effect of sharing of confidential information on the bid evaluation process

On the basis of the study findings of the significant effect of sharing of confidential information on the bid evaluation process, it was logical to conclude that the evaluation team is not supposed to share out the information concerning the bidder's quotation to the other bidder competitors. This is because it is against the bidder's confidentiality rights and also it is the major hindrance of competition.

5.5 Recommendations of the Study

This sub section represents the recommendations of the study in relation to the findings.

To ensure an effective and efficient bid evaluation process, the evaluation team should ensure that the information concerning the quotations of a bidder is not shared with other bidders before and in the process of evaluation as this will help to acknowledge the principle of respecting information for the bidders.

The management of the ministry and the PPDA authority should also consider the sharing of some information among the suppliers as this can help the supplier to know what the other supplier is offering and this will force that supplier to make a better and a more competitive supplies or service that will meet the needs of the end user.

5.6 Limitations of the Study

A key limitation of the study was the use of single case that limits the generalization of the study results (Amin, 2005) to other ministries. Use of a survey of selected ministries would enable the generalization of the study results in the industry.

5.7 Contributions of the Study

The study has helped develop managerial recommendations for ethical dilemmas for enhanced bid evaluation process. The study has also helped cover literature gaps on the effect of conflict of interest, standards of the specified goods, works, services, sharing of confidential information on bid evaluation process in the central government.

5.8 Areas for further Study

The study found that conflict of interest, standards of the specified goods, works, services, sharing of confidential information predicted 80% of the variance in bid evaluation process, while other variables predicted the remaining 20% of the variance in bid evaluation process in the ministry. In recognition that there is a multiplicity of Ethical Dilemmas that cannot be examined in one single study, and in this study scope, only three dilemma areas were considered. Other studies need to examine the impact of supplier ethics and competition on bid evaluation process using selected ministries to enable generalization of the study results.

REFERENCES

- ADB. (2010). *Guide on Bid Evaluation*. 6 ADB Avenue, Mandaluyong City, 1550 Metro Manila, Philippines, Manila, Philippines: Asian Development Bank.
- ADB. (2017). *Procurement Regulations for ADB Borrowers, Goods, Works, Nonconsulting and Consulting Services*. 6 ADB Avenue, Mandaluyong City, 1550 Metro Manila, Philippines: Asian Development Bank.
- Alexandru, R., & Thai, K. V. (2013). Public procurement in United States. In *Ansatzpunkte für einen wirtschaftlichen und transparenten öffentlichen Einkauf (Public Procurement Excellence: Starting Points for an Economic and Transparent Public* (pp. 245-258). Springer Fachmedien Wiesbaden. doi: 10.1007/978-3-658-00567-2_14
- Amin, M. E. (2005). *Social Science Research: Conception, Methodology and Analysis*. Kampala: Makerere University Press.
- Andersen , H. P., & Rajesh, K. (2006). Industrial Marketing Management : Emotions, trust and relationship development in business relationships. *A conceptual Model for Buyer-seller dyads*, 35(4), 522-535.
- Appolloni, A., & Nshombo, J. M. (2014). Public Procurement and corruption in Africa: A literature Review. In F. Decarolis, & M. Frey (Eds.), *Public Procurement's Place in the World* (pp. 185-208). London: Palgrave Macmillan. doi:https://doi.org/10.1057/9781137430649_8
- Ayala, F. J. (2010). The Difference of Being Human: Morality. *Proceedings of the National Academy of Sciences of the United States of America*, 107 suppl 2, 9015-22.

- Baily, P., Farmer, D., & Jessop, D. (2005). *Purchasing Principles and Management* (9th ed.). Pearson.
- Banaitiene, N., & Banaitis, A. (2006). Analysis of criteria for contractors' qualification evaluation. *Ukio Technologinis ir Ekonominis Vystymas*, 12(4), 276-282.
- Basweti, D. N. (2013). An empirical Analysis of the obstacles derailing procurement process in public institutions in Kenya. (I. E. Letters, Ed.) *Industrial Engineering Letters*, 3(12).
- Cheporiot, M. P., Makokha, E. N., & Namusonge, G. (2018, July- September). Determinants of Effective Procurement Ethical Practices in Kenya, a Survey of West Pokot County. *Internal Journal of Recent Research in social Sciences and Humanities (IJRSSH)*, 5(3), 78- 88.
- Chilion, O. O., & Moronge, M. (2017). Effects of Ethical Issues on Procurement Performance in Public Hospitals in Kenya: A Case of Kenyatta National Referral Hospital.
- Engelbert, B., Christine, B., & Sieren, F. (2002). *The China Management Handbook: A Comprehensive Question and Answer Guide to the World's Most Important Emerging Market*. London: Palgrave Macmillan. doi:<https://doi.org/10.1057/9780230599727>
- Haruna, A. I., & Changuvu, J. G. (2018). Factors influencing tendering process in public sector: a case of Medical store department, Dar es salaam zone. *European Journal of Logistics, Purchasing and Supply Chain Management*, 6(1), 26-40.
- Hommen, L., & Rolfstam, M. (2009). Public Procurement and Innovation: Towards Taxonomy. *Journal of Public Procurement*, 9(1).
- Kirk, C. (2018). *Operations Research in a Company*.

- Komesaroff, P. A., Lipworth, W., & Kerridge, I. (2019). Conflicts of Interest: New thinking, new processes. *Internal Medicine Journal*. doi:<https://doi.org/10.1111/imj.14233>
- Kothari, C. R. (2015). *Research Methodology: Methods and Techniques* (2nd Revised ed.). New Delhi: New Age International (P) Limited Publishers.
- Krejcie , R. V., & Morgan , D. W. (1970). Determining Sample Size for Resaerch Activities. *Educational and Psychological Measurement* , 607-610.
- Layrakas, J. P. (2008). Encyclopedia of survey research methods. *Thousand Oaks CA, 1*. doi:10.4135/9781412963947
- Lysons, K., & Farrington, B. (2016). *Purchasing and Supply Chain Management* (7th ed.). Canada: Pearson Education.
- Mahmood, S. (2011, January). Public Procurement and Corruption in Bangladesh Confronting the Challenges and Opportunities. *Jornal of Public Administration and Policy Research*, 2, 103-111.
- Monczka, R. M., Handfield, R. B., Giunipero, L. C., & Patterson, J. L. (2009). *Purchasing and Supply Chain Management* (Fourth Edition ed.). Mason, OH 45040, USA: South-Western Cengage Learning.
- Mugenda, O. M., & Mugenda, A. G. (2003). *Research Methods – Quantitative & Qualitative Approaches*. Nairobi: ACT.
- Nations, U. (2012). *UN Procurement Practitioner's Handbook*. (IAPWG), Interagency Procurement Working Group.

- Ntayi, J. M., Ngoboka, P., & Kakooza, C. S. (2013). Moral Schemas and Corruption in Ugandan Public Procurement. *Journal of Business Ethics*, 112(3). doi:<https://doi.org/10.1007/s10551-012-1269-7>
- OECD. (2011). *Competition and Procurement*. Organisation for Economic Co-operation and Development.
- PPA. (2003, February 19). *History of PPA-Ghana*. Retrieved from Public Procurement Authority, Ghana: GL-126-5328
- PPDA. (JULY 2019 – JUNE 2020). *PPDA Annual Performance Report, 2019-2020*. Kampala: Public Procurement and Disposal of Public Assets Authority.
- Raymond, J. (2008). Benchmarking in Public Procurement. *Benchmarking: An International Journal*, 15(6), 782-793. doi: <https://doi.org/10.1108/14635770810915940>
- Sahin, F., & Robbinson, P. E. (2002). Flow Coordination and Information sharing in Supply chains: Review, Implications and Directions for future Research. *Decision Sciences*, 33(4).
- Usifoh, D. (2018, September 5th). *The Evolution of Procurement- An overview of the history of procurement* . Retrieved from Gateway Procurement.
- Victoria, S. o. (2018, May 16). *Department of Treasury and Finance*. Retrieved from Department of Treasury and Finance: <https://www.dtf.vic.gov.au>
- Wambuli, K. C. (2015). *Factors affecting effective procurement auditing of projects in Kenya: A case of Kiharu consitiency, Kenya*. (unpublished thesis).

Weele, V. ., (2010). *Purchasing and Supply Chain Management : Analysis, Strategy, Planning and Practice* (5th ed.). Cengage Learning.

Whitmore, B. (2015, November 19). *A Brief History of Procurement: Key Points from Past and Present*. Retrieved from Blog.

Yukins, C. R. (2017, November 1). The U.S. Federal Procurement System: An Introduction (November 1, 2017. *The U.S. Federal Procurement System: An Introduction (November 1, 2017*. Retrieved from <https://ssrn.com/abstract=3063559>

**APPENDIX I: QUESTIONNAIRES FOR PROCUREMENT, USER DEPARTMENT,
ADMINISTRATION AND FINANCE AND ACCOUNTS DEPARTMENT**

NAME : NABUWUFU CATHERINE

REG.NO : 18/U/GMBA/19378/PD

FACULTY : SCHOOL OF MANAGEMENT AND ENTREPRENEURSHIP

Dear respondent

I am requesting you to fill this questionnaire, which is aimed at collecting data on Ethical dilemmas and bid evaluation process with particular reference to your entity. You have been selected to be one of the respondents in this study. The information provided will be treated with strict confidentiality and shall not be used for any other purpose except for academic purposes. Thank you very much for your cooperation.

Respondents' background information (*please tick your most right choice*).

1. Gender of respondent
 1. Male
 2. Female
2. Education level
 1. Diploma
 2. Degree
 3. Master's degree
 4. Others specify.....
3. Age of respondents
 1. 25-30
 2. 31-35
 3. 36-40

- 4. 41-above
- 4. Working period in this entity
 - 1. Less than 1 year
 - 2. 1-4 years
 - 3. 5years and above

SECTION A: Conflict of Interest and Bid Evaluation Process

Key

1. Strongly disagree (SD) 2. Disagree (D) 3. Not sure (NS) 4. Agree (A) 5. Strongly Agree (SA)

SECTION A: Conflict of Interest and Bid Evaluation Process		Rating				
		SD	D	NS	A	SA
1.	Conflict of interest is always declared at the start of the evaluation process					
2.	When engaged in an evaluation process, I do not typically consider how important my personal interests are, as I move to follow the evaluation regulations					
3.	Am swayed from following the evaluation criteria when evaluating bidders with whom I have a personal relationship with					
4.	Officers with contractual relationships with the entity participate in the evaluation of bids					
5.	When evaluating bidders that have a relation to public officers, am inclined to award them more scores than other bidders whose stake is unknown to me					

SECTION B: Standard and Bid Evaluation Process

KEY

- 1. Strongly disagree (SD) 2. Disagree (D) 3. Not sure (NS) 4. Agree (A) 5. Strongly Agree (SA)**

SECTION B: Standard and Bid Evaluation Process		Rating				
Statement		SD	D	NS	A	SA
1.	I am challenged to disqualify a bidder that has not enclosed a historical document (like a trading licence, certificate of incorporation, etc) in their bid even when their financial bid is competitive					
2.	Suppliers offering alternative specifications for the procurement requirement due to their technical expertise are disqualified					
3.	I have been challenged in disqualifying a competitive bidder offering a realistic lead time as opposed to that indicated the Bidding Document issued.					
4.	Evaluation criteria is waived during the evaluation process in favour of certain suppliers that have proved to have exceptional experience with the Ministry					
5.	Am sometimes forced to evaluate a supplier that has not quoted for some of the list of supplies and related services hoping to have them included during negotiations					

SECTION C: Sharing confidential information and Bid Evaluation Process

1. Strongly disagree (SD) 2. Disagree (D) 3. Not sure (NS) 4. Agree (A) 5. Strongly Agree (SA)

	SECTION C: Sharing confidential information and Bid Evaluation Process	SA	A	NS	D	SD
1.	I have experienced an uncomfortable situation where I have been forced to relay award information to a bidder before the conclusion of the evaluation so that completion timelines are met					
2.	Information is only shared with suppliers upon conclusion of the evaluation exercise					
3.	I have experienced a challenge of including administrative documents to an incomplete bid submitted by a bidder such that they are evaluated since they were technically compliant					
4.	Suppliers are given information on their competitors quotations and allowed to requote					
5.	Information of award is only communicated to the best evaluated bidder					

SECTION E: Bid Evaluation Process

KEY

1. Strongly disagree (SD) 2. Disagree (D) 3. Not sure (NS) 4. Agree (A) 5. Strongly Agree (SA)

SECTION E: Bid Evaluation Process		Rating				
Statement		SD	D	NS	A	SA
1.	Evaluation committee is nominated and appointed by the responsible parties					
2.	The Ethical Code of Conduct in relation to PPDA Form 13 is signed by all members of the evaluation committee before the start of the evaluation exercise					
3.	All the stages of the bid evaluation processes are systematically followed					
4.	The evaluation committee familiarize themselves with the evaluation criteria stated in the Standard Bidding Document during the evaluation exercise					
5.	A signed evaluation report by all members recommending award of the best evaluated bidder is submitted to contracts committee for consideration					

Thank you for your response

**APPENDIX II: INTERVIEW GUIDE FOR ACCOUNTING OFFICER, HEAD/PDU,
AUDIT AND CONTRACTS COMMITTEE**

Dear respondent

I am requesting you to participate in this interview, which is aimed at collecting data on how ethical dilemmas affect bid evaluation process with particular reference to your entity. The information provided will be treated with strict confidentiality and shall not be used for any other purpose except for academic purposes. Thank you very much for your cooperation.

In your own view how does conflict of interest affect the bid evaluation process?

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.....
.....
.....

In your own opinion how do standards affect bid evaluation process of your entity.

.....
...
.....
.....

In your own opinion how does sharing of confidential information affect bid evaluation process of this entity?

.....
.....
.....

End