

COMPLIANCE TO PROCUREMENT PROCESSES, DEVIANT BEHAVIOUR AND EFFECTS ON SERVICE DELIVERY IN THE PUBLIC SECTOR

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ABSTRACT

This article investigates compliance to procurement processes and its effect on service delivery in the public sector. Public procurement non-compliance has triggered a lot of debate in recent years. Due to colossal amount of money involved in government procurement and the fact that such money comes from the public, there is a need for accountability and transparency. In order for government to realise the provisions of section 195 of the Constitution of the Republic of South Africa, 1996 government departments are required to comply with the rules, regulations and prescripts governing procurement of goods and services. For instance, in 2011, five Provincial Departments in Limpopo Province were put under administration in terms of Section 100 (1) (b) of the Constitution of the Republic of South Africa (1996). Procurement was mentioned as one of the weaknesses that contributed to the impasse. According to Smart Procurement (2011), despite the reform processes in public procurement and employment as strategic tool, there are predicaments in South African public procurement practices. This article is conceptual in nature and it explores the deviant human behaviour in relation to procurement compliance. There are various theories that did an exploration on the deviant behaviour of human beings which is the centre focus of the study. However the article will focus on social bond theory given the relevancy of their exposition to the study. The article concludes that only compliance to procurement guidelines will ensure service delivery, in South Africa public services.

1. INTRODUCTION

In terms of section 217(1) of the Constitution of the Republic of South Africa (1996) when an organ of state in the national, provincial or local sphere of government, or any other institution identified in national legislation, procure contracts for goods or services, it must do so in

accordance with a system which is fair, equitable, transparent, competitive and cost-effective. Despite the reform processes in public procurement and the introduction of Supply Chain Management (SCM) as a strategic tool for addressing socio-economic imbalances of the apartheid regime, there are predicaments in South African public procurement practices, for example non-compliance with procurement and SCM related legislation and policies as well as tender irregularities (Smart Procurement, 2011). It is against this background that the aim of this conceptual article is to investigate compliance with procurement processes and its effect on service delivery in the public sector. This article will keep the relevance of its discussion to the following, the social bond theory, legislative frameworks governing procurement, pillars of procurement, challenges of compliance to procurement, complex legislative requirements an impact of compliance to procurement.

2. THE SOCIAL BOND THEORY

As cited by Defee, Williams, Randall and Thomas (2010), good research should be grounded in theory. There are various theories that did an exploration on the deviant behaviour of human beings. But for the purposes of this conceptual article focus based on social control theory given the relevancy of its exposition to the study. Social control theory was developed by Travis Hirschi in 1969, and it is also known as the

social bond theory. According to Hirschi (1969), social control theory proposes that people's relationships, commitments, values, norms and beliefs encourage them not to break the law. He posits that individuals break the law due to a breakdown within their societal bond and maintain that weak containing social systems results in deviant behaviour. This theory is in line with the exposition of the conceptual article on the value of exemplification of ethical behaviour as one of the key enhancement strategies to compliance (Dintwa, 2012). Contrary to the social control theory, Tittle (1995) posits that control theories generally focus on the factors that restrain or control the behaviour of individuals such as societal norms, values and customs, however it does not consider the control exercised by these individuals over their social environment. Reckless (1961) echoes the same sentiments by indicating that the individual is so isolated in contemporary society – so free to move from one context of external control to the other or even to escape from most of it – that internal control is the more basic factor in conformity. Thus advocating for the notion of internalisation which he refers to it as the process by which social norms are taken so deeply into the self as to become a fundamental part of the personality structure (Reckless 1961). Tittle (1995) made an innovative insight that people are not only objects of control but also agents of control. In his social control theory, he postulates that each person has

a certain amount of control that he or she is under and a certain amount of control that he or she exerts.

This article argues that the establishment of different law enforcement agencies, chapter nine institutions, and development of policies and strategies aimed at dealing with corruption alone cannot suffice, there is a great need for officials to regard compliance as necessary. There is a need for individuals to reawaken the internal eye which will make them shying away from deviant behaviour. The theory postulates that if moral codes are internalised and individuals are tied into, and have a stake in their wider community, they will voluntarily limit their propensity to commit deviant acts. This implies that the power of internal means of control, such as one's own conscious, ego, and sensibilities about right and wrong are powerful in mitigating the likelihood that one will deviate from social norms. According to Hirschi (1969) social bond is much like a dam holding back floodwaters; social bonds keep individuals safe from crime. He argues that if the dam cracks or breaks, then criminal motivations can flood these individuals and no barrier exists to prevent them from offending. The next presents the legislative frameworks governing procurement system and service delivery in South Africa.

3. LEGISLATIVE FRAMEWORKS GOVERNING PROCUREMENT SYSTEM IN SOUTH AFRICA

As advocated by Hanks, Davis and Perera (2008) public procurement operates within a highly legislated environment set by national government and extended to provinces and local government bodies by specific policies, legislation and regulations. This section is limited to acts, legislative and policy frameworks which give guidelines on the compliance to procurement processes and the enhancement of service delivery in South Africa.

3.1. The Constitution of the Republic of South Africa (1996)

Under the constitutional supremacy, the Constitution of the Republic of South Africa, (1996) is the bedrock for compliance with regard procurement of goods and services and a yardstick through which service delivery can be measured. Section 195 (1) of the Constitution of the Republic of South Africa (1996) spells out democratic values and principles governing public administration. The public service as an instrument of governance as contemplated in section 217(1) of the Constitution of the Republic of South Africa, 1996 provides for the basis of procurement and determines that "when an organ of state in the national, provincial or local sphere of government, or any other institution identified in national legislation, procure contracts for goods or services, it must do so in ac-

cordance with a system which is fair, equitable, transparent, competitive and cost-effective" (Van Gruenen and Van Niekert, 2010). Therefore any procurement action in public sector will be measured against this constitutional imperative, failure to satisfy the requirement will constitute non-compliance to procurement processes, policies and procedures, thus undermining the constitution itself.

3.2. Public Finance Management Act No 1 of (1999)

The Public Finance Management Act, No 1 of (1999) governs financial management practices in South Africa and establishes a regulatory framework for Supply Chain Management within national, provincial and state owned enterprises. According to Purera and Turley (2014), this act makes provision for the use of procurement as a policy tool, and following the aforementioned five pillars contemplated in section 217 of the Constitution of the Republic of South Africa, 1996. According to Zitha and Mathebula (2015) adherence to this Act by procurement officials will see government procuring goods and services at market related prices, thus optimising the quality of public service delivery.

3.3. Preferential Procurement Policy Framework Act, No 5 of (2000)

Parliament approved the Preferential Procurement Policy Framework Act No.5 of 2000 and its revised regulations to adhere to the

requirements of the Constitution of the Republic of South Africa, 1996. This act gives effect to the government priority of empowering designated categories of persons through preferential treatment in procurement activities.

3.4. Preferential Procurement Regulations (2011)

Part 2 (3) (a-b) of the Preferential Regulations, 2011 states that "an organ of state must, prior making an invitation of tenders, properly plan for, and as far as possible, accurately estimate the costs of the provision of services, works or goods for which an invitation of tenders is to be made and; determine and stipulate the appropriate preference point system to be utilised in the evaluation and adjudication of tenders". In putting these regulations into effect, departments are required to have procurement plan which must be approved by the accounting officer. The procurement plan if used appropriately can be the masterpiece for planning within the procurement environment.

3.5. Construction Industry Development Board (2003)

The Construction Industry Development Board Act (CIDB) (Act 38 of 2003) provide for the establishment of the Construction Industry Development Board; to implement an integrated strategy for the reconstruction, growth and development of the construction industry. Compliance to this Act will see government contracting

companies that have requisite skills and capability to execute construction projects thus enhancing the delivery of sustainable quality services.

3.6. Private Security Industry Regulation Act (2000)

Bidders in the security industry have to comply with Private Security Industry Regulation Act (PSIRA) (Act No.56 of 2001). The Act regulates the Private Security Industry and to exercise effective control over the practice of the occupation of security service providers in the public and national interest and that of the Private Security Industry itself. This minimises the undesirable consequences of appointing security companies without minimum requirements prescribed by PSIRA Act resulting in security companies failing to protect government property.

3.7. Promotion of Administrative Justice Act, 2000

The Promotion of Administrative Justice Act (PAJA) (Act 3 of 2000) gives effect to the right to administrative action that is lawful, reasonable and procedurally fair and to the right to written reasons for administrative action as contemplated in section 33 of the Constitution of the Republic of South Africa, 1996. Through this Act, the disqualification of bidders and the passing over of bids (not awarding the bid to the bidder who scored the highest bidder) can only be done if such decision is fair, reasonable, justifiable and can stand

the test of time if tested before the courts of law. Although it has often prolongs the timelines for finalising bids, however it does protect the state against possible litigations which might arise out of error in judgement as well focus much on administrative compliance and compromise substance. Failure to comply with this act results in litigations that often comes at a hefty cost at the expense of service delivery.

4. POLICY FRAMEWORK FOR ENHANCING SERVICE DELIVERY

As echoed by Nzimakwe and Mpehle (2012), the South African government has committed itself to service delivery through the enactment of various legislative frameworks and the creation of an enabling environment for service delivery. According to Maluka, Diale and Moeti (2014) the most significant policies in this regard are the White Paper on the Transformation of the Public Service (1995), the Public Service Regulations (2001) and the White Paper on Transforming Public Service Delivery (1997).

4.1 The White Paper on the Transformation of the Public Service (1995)

The White Paper on the Transformation of the Public Service enacted in 1995, had as purpose the establishment of a policy framework to guide the introduction and implementation of new policies and legislation aimed at transforming the South African

public service (Nzimakwe and Mpehle, 2012).

4.2 The White Paper on Transforming Public Service Delivery, 1997

The White Paper on Transforming Public Service Delivery, 1997 was introduced with the aim of transforming the overall public service institution and service delivery (Maluka, Diale and Moeti, 2014). On the other hand, Nzimakwe and Mpehle (2012) regard the White Paper on Transforming Public Service Delivery, 1997 (*Batho Pele*) as a policy framework that would revolutionise public service delivery in South Africa was seen as an instrument that will bring about efficiency and effectiveness in the provisioning of services. According to Nengwekhulu (2009) the introduction of public service delivery policy was a response to high expectations which accompanied the emergence of a democratic South Africa. According to the Department of Public Service and Administration (1997), the White Paper on Transforming Public Service Delivery, 1997 introduced eight principles which became the compass in terms of which success or failure of public service delivery is assessed. The eight Batho Pele principles to be complied with aimed at promoting people first, set the framework for the type of service quality that citizens can expect. These principles include consultation, value for money, redress, the development of service standards, access to information, openness and transparency, as well as courtesy.

4.3 The Public Service Regulations (2001)

Furthermore, section two of the Public Service Regulations (2001) includes the code of conduct, which issues guidelines for the conduct of public officials' relationship with the legislature and the executive, the public and other employees, as well as performance of their official duties and the conduct of their private interests. The code of conduct prohibits an employee from using his or her official position to obtain gifts and benefits for herself or himself during the performance of his/her official duties. Section three of the Public Service Regulations (2001) requires senior managers (equivalent of a director) in the public service to declare their personal financial interests in private or public companies, directorships and partnerships, ownership in land and property, gifts and hospitality received (Public Service Commission, 2013). Without compliance to this act, officials will see their private interests overtaking their interest to serve the public which puts service delivery in jeopardy.

5. PILLARS OF PUBLIC SECTOR PROCUREMENT

According to Ambe and Badenhorst-Weiss (2012), the pillars of public sector procurement forms the base for compliance to procurement processes by procurement officials. According to the General Procurement Guidelines issued by National Treasury public sector procurement thrives on five

pillars, namely; value for money, openness and transparency, ethics and fair dealings, accountability and reporting, and equity (National Treasury, 2005). It is important to highlight that they are viewed as pillars because collapsing one of them means that the procurement system will fail which introduces range of procurement ills with multiplier effect on service delivery.

5.1.Value for money

Procuring without ensuring that government receives good quality services for the amount spent cripples service delivery. Forsaking this principle will result in government procuring services at exorbitant prices which such funds could have been used enhance service delivery in other needy areas. In this regard best value for money is the best available outcome when all relevant costs and benefits over procurement cycle are considered.

5.2.Open and effective competition

Asner (2006:7) advances that fair and open competition is the cornerstone of government procurement process since it gives each bidder an equal chance of obtaining government business. Therefore this principle must be incorporated into the procurement process of government departments since procurement thrives on real competition. Therefore, compromising this pillar compromises the quality of services that

must be rendered to the citizenry of South Africa.

5.3.Ethics and fair dealings

Procurement officials are required to recognise and deal with conflicts of interest or potential thereof, ensure that they do not compromise the standing of the state through acceptance of gifts of hospitality. According to Munzhedzi (2016), acceptance of gifts and hospitality compromises the good standing of the state, thus suffocating the ethical cord and throws fair dealings off the window. Ignoring the value of this principle will see bids awarded to cronies, families and friends which compromise the quality of services.

5.4.Accountability and reporting

According to the General Procurement Guidelines issued by National Treasury (2005) accountability and reporting involves ensuring that individuals and organisations are answerable for their plans, actions and outcomes. It provides accountability chain in terms of reporting, thus stipulating that openness and transparency in administration, by external scrutiny through public reporting is an essential element of accountability. Accounting Officers takes overall accountability for procurement decisions and should ensure that decisions made are justifiable and in the best interests of the organisation (Muchainyerwa, 2013).

5.5. Equity

The word equity within the context of public sector procurement guidelines means the application and observance of government policies which are designed to advance persons or categories of persons disadvantaged by unfair discrimination. The Preferential Procurement Policy Framework Act, (Act 5 of 2000) has been enacted to legitimise giving preference to designated groups of people in an intention to address equity in the country. According to Muchainyerwa (2013), as far as possible procurement decisions should be based on an objective evaluation of all bids in terms of the set criteria. Failing to adhere to the principle of equity disables government from achieving its objective of distributing the wealth of the country equitably which impacts on service delivery.

6. COMMON CHALLENGES ON COMPLIANCE TO PROCUREMENT PROCESSES BY PROCUREMENT OFFICIALS

According to Langseth (2000) common challenges on compliance to procurement processes by procurement officials manifest itself in various forms, however this article will unpack the hub of compliance challenges that procurement officials are experiencing whilst executing their daily responsibilities which have an impact or effect on service delivery.

6.1. Conflict of interest

Conflict of interest is at the centre of non-compliance to procurement processes which has an adverse effect on service delivery. According to Grundstein-Amndo (2001) and Kanyane (2005) conflict of interest occurs when personal interest comes into conflict with an obligation to serve the interest of the public. According to Reed (2008) conflict of interest must be properly understood as a situation and not an action, and he argues that a public official may find him or herself in a conflict of interest situation without behaving corruptly. However, such conduct constitutes an abuse of public office for private advantage and may hold a potential for non-compliance with procurement regulations, which affect the delivery of quality services to the people.

6.2. Lack of procurement officials with requisite skills

Van Zyl (2006) noted that non-compliance to procurement processes and procedure is attributable to lack of requisite skills, capacity and knowledge of the workforce to be able to fully implement procurement function across various spheres of government. Compliance with procurement processes requires a degree of knowledge base with regard to procurement processes. This can be linked to the accretion by Eyaa and Oluka (2011) that non-compliance with procurement processes is attributable to

three variables which are professionalism, familiarity with procurement regulations and institutional factors. They argue that in the absence of the procurement professional having a sound knowledge of procurement indicators, there is likelihood of non-compliance with procurement regulations and rules of any organisation.

6.3. Lack of proper procurement planning

The outcomes of the evaluation by the Public Service Commission (2009) reveals that there is lack of proper planning by programme managers and procurement officials whereby they neglect demand management roles and responsibilities. The above give rise to range of shortcomings with negative impact on service delivery. Procurement plans remains a critical tool to enhance planning, however it is quite often used for malicious compliance (compliance for the sake meeting the set timelines) by departments.

6.4. Cancellation of bids

According to Limpopo Provincial Treasury, Practice Note No. SCM 8 of 2006, the trend of cancelling bids prior to the award, due to poor planning defeats government's objective of ensuring that the procurement process is done in a cost-effective manner. Cancelling and re-advertising of bids comes at a cost of which such funds were supposed to have been used to fastrack service delivery.

6.5. Not having a credible supplier database

National Treasury Practice Note No 08 of 2007/2008 issued in terms of section 76 (4) (c) of the Public Finance Management Act, 1999 prescribes that Accounting Officers/Authorities should compile a list of prospective suppliers to be used for the procurement of goods, works and services in line with the procurement thresholds. It further prescribes that once such a list has been compiled, price quotations should only be invited there from. The absence of an electronic database gives officials an opportunity to rotate their preferred service providers without the necessary capacity to execute for personal gains which has the potential to affect the quality of services. It is the view of the researcher that the introduction of Central Supplier Database (CSD) by National Treasury will go a long way in addressing the above anomalies.

6.6. Complex legislative requirements

Furthermore, complex legislative requirements that public procurement process is subjected to also contribute to non-compliance. According to Gelderman, Ghijzen and Brugman (2006) public purchasers will comply with rules they perceive as clear. The contradictory nature of frameworks governing procurement processes contributes to the impasse. This implies that tenderers must comply with all the conditions, failure

which results in the invalidation of their offers. On the other hand section 33 of the Constitution of the Republic of South Africa, 1996 i.e. the Promotion of Administrative Justice Act (PAJA) holds that the solicitation, evaluation of public tenders amount to administrative action. The act introduces a concept of form and substance in the evaluation and adjudication of public tenders. Making such a judgement call requires massive interpretation which could be subjective in nature. To date, this has been at a centre stage of inconsistency with the procurement processes resulting in litigations which cost government millions.

6.7. Deviating from procurement process without valid reasons

Amongst other compliance challenges within the procurement environment includes not inviting three quotations, deviations from competitive bidding without valid reasons, not requiring of tax clearance certificate, preference points system not applied, awarding contracts to suppliers who did not score the highest points and non-existence of a prospective suppliers' lists (Auditor-General, 2011). Matthee (2006) re-affirms the report by the Auditor General by indicating that in some cases the validity periods of bids are unduly extended, there are inadequate controls and procedures in the handling of bids, drafting of ambiguous specifications. This becomes a fertile ground for corruption and has adverse effect of service delivery.

6.8. Failure to verify recommended bidders before award

It is a requirement that before any final award is made, departments must subject the recommendable bidder(s) to a verification process with the South African Revenue Services, Company Intellectual Property Commission, PERSAL, National Treasury register for non-performing service providers and the National Treasury register for restricted service providers (Kwazulu-Natal Provincial Treasury: 2010). National Treasury Instruction No.3 of 2014/15 with regard to tax compliance for persons conducting business with the state indicates that fighting with supply chain management related corruption and ensure that persons who conduct business with the state are afforded no scope of abusing the supply chain management process. However compliance with the above requirements remains a critical challenge with adverse effects on service delivery.

6.9. Lack of institutional support

Obanda (2010) indicates that low levels of institutional support have a detrimental effect on compliance with procurement processes. Strong support institutional support is needed by procurement personnel in order to promote integrity, monitor the public procurement process and apply law appropriately towards the compliance of public procurement (Migosi, Ombuki, Ombuki and Evisa, 2012).

7. IMPACT OF COMPLIANCE TO PROCUREMENT PROCESSES ON SERVICE DELIVERY

Given the above discussion, this conceptual article deduces that the impact of compliance to procurement has multiplier effect on service delivery and it manifests itself in various shapes and forms. The impact of non-compliance to procurement processes is discussed below:

7.1. Undermining constitutional democracy and the rule of law

As advocated by Pillay (2004) on the impact of corruption on service delivery, failure to comply with procurement processes erode accountability, undermines the rule of law and constitutional democracy, degrade governance, dent public trust in the state's credibility and threatens ethics of government.

7.2. Violent service delivery protests

According to Deloitte Tohmatsu (2003) non-compliance to procurement processes contains an element of inefficiency as that it has direct financial loss and the lost time spent to rectify such inefficiencies. Moreover, the resources that the organisation could be using for achieving its objectives are diverted to the areas they were not initially intended for.

7.3. Poor quality service delivery

According to Ambe and Baden-

horst-Weiss (2012) non-compliance to procurement processes have a bearing on poor quality service delivery in that they will be focussing on how much goes into their pockets rather than the quality of service that must be rendered to the community.

7.4. Waste tax payers' money

As indicated by Mahlaba (2004) and Munzhedzi (2013) with regard to the impact that corruption has on service delivery, it is the researcher's view that non-compliance to procurement processes cost South Africans tax payers hundreds of millions of rands each year. The assertion by Smart Procurement (2011) that in 2010 South African government spent R26.4 billion in ways contravening laws and regulation, and the fact that a large sum of government money ends up in corrupt activities often the procurement process becomes a clear evidence that non-compliance thrives, tax payers money is at jeopardy.

7.5. Contribute to the growing scourge of unemployment and poverty

Purera and Turley (2014) opine that with government procurement representing 19 per cent of the Gross Domestic Product (GDP), it has a significant potential to be leveraged to address South Africa's social, economic and environmental challenges. It is in the same assertion whereby the researcher deduces that non-compliance with procurement pro-

cesses contribute in the growing disparities between the rich and the growing scourge of poverty and unemployment in South Africa.

7.6. Destroys state's machinery for service delivery

Munzhedzi (2015) argues that if the link between public sector procurement and corruption is not adequately addressed, then the challenge will destroy the state's service delivery ability because it makes a huge dent in the public purse. As advocated by Munzhedzi (2015), the researcher is of the view that non-compliance to procurement processes paralyses the state's machinery for delivering services to the people.

8. STRATEGIES FOR ENHANCING COMPLIANCE TO PROCUREMENT PROCESSES

The discussion hereunder focuses on strategies to be employed by government departments in order to enhance compliance to procurement processes. It is the writers's view that if the strategies can be implemented it can contribute greatly in enhancing compliance to procurement processes thus impacting positively on service delivery.

8.1. Institutional mechanisms for enhancing compliance to procurement processes

There are various mechanisms introduced by government to enhance compliance to procure-

ment processes. These include the Public Protector, the Auditor-General, Public Service Commission. These institutions are established in terms of chapter nine of the Constitution of the Republic of South Africa, 1996. They are regarded as watchdogs which keep government in checks and transform the society, thus safe guarding our constitutional democracy. According to Naidoo (2012:667) these institutions are charged with ensuring that not only procurement officials, but public service in its entirety should conduct itself in line with the values and principles enshrined in the Constitution of the Republic of South Africa, 1996 and thus geared to promoting good governance.

8.2. Criminalising political interference

As advocated by Schapper, Malta and Gilbert (2006) public procurement is considered an inherently a political sensitive activity. The research does not ignore the relationship that exists between politics and administration, however exposes the impact that such relationship poses to the attainment of the objectives of hard fought democracy. The usage of political power and public office by both ministers and political parties to receive clandestine payments in government procurement ultimately interferes with the procurement process and thus constraint compliance thereof. The introduction of the concept

“political mandate” in the public procurement circles has not gone unnoticed. Political mandate is concept used when procurement officials are given a list of companies that they must “take care of” during the evaluation and award of tenders. It is against this background that this article proposes that government must criminalise political interference. Therefore, without criminalising this menace, the attainment of quality service delivery will yet be another boardroom phenomenon that will not be achievable.

8.3. Training and capacity building

According to Munzhedzi (2013) public sector procurement is associated with lack of proper knowledge, skills and capacity. The training and capacity building programmes must address the core issues in procurement environment that has a negative impact on non-compliance such as planning, legislative framework, conflict of interest, as well as the impact of procurement decisions (taken during evaluation and adjudication of bids) on service delivery. Such programmes must also include political office bearers so that they are able have a clear understanding on the impact of their political pronouncements.

8.4. Enforcement and visible sanctions

Enforcement and visible sanctions calls for a decisive action that requires regulators to put in place measures to ensure compli-

ance with procurement processes. Such measures will ensure that the wound of non-compliance to procurement process does not become cancerous and pollute the whole public service delivery machinery. Zubic and Sims argue that enforcement action and increased penalties lead to greater levels of compliance. It is the researcher's view that officials who are not complying with procurement processes must be named, shamed and punished.

8.5. Exemplary leadership

According to Mafunisa (2008), one of the powerful tools for enhancing compliance is the exemplification of ethical behaviour by senior public employees. He further asserts that if unethical practices exist at the top of the hierarchy, they are likely to penetrate the entire public service. Therefore, expecting compliance from procurement officials will remain a dream.

8.6. Integration of risk management into procurement processes

Risk management is another area that has a bearing on non-compliance with regard to procurement process. The findings by Ambe and Badenhorst-Weiss (2012) reveal that there is a lack of internal control environment and the implementation of risk mitigation procedures in procurement. According to Smart Procurement (2011) the lack of internal control environment builds a fertile ground for

corruption to thrive within government departments which impeded effective implementation of procurement function thus impacting on service delivery.

8.7. Remuneration of procurement officials

Mafunisa (2002) and Klitgard (1997) are of the opinion that economic factors can prompt non-compliance to procurement, whilst Klitgard (1997) and Clapper, De Jager and Fourie (2002:30) further postulate that the less a public official is paid, the more likely such an official is susceptible to deviant behaviour in an attempt to supplement his/her salary, thus constituting non-compliance with procurement processes. The aforesaid suggest that fair remuneration and recognition of the responsibilities assigned to procurement officials plays an important role in enhancing compliance to procurement processes.

8.8 Customised Code of conduct and policy guidelines

Mafunisa (2008) advocate for the importance of code of conduct, therefore it is important for government departments to have clear procurement policy, guidelines and code of conduct. Policies are important in any organisation as they provide principles and procedures or guidelines that should be followed when carrying out assigned responsibilities. Therefore, the writers is of the view that the process of developing procurement policies, procedures and

code of conduct should not supposed to be a top-down process but rather engage all officials who will be key in the implementation thereof. This approach will instil an element of ownership of the documents developed to enhance compliance to procurement processes.

9. CONCLUSION

Compliance with procurement processes remains a critical achievement through which government can achieve quality sustainable service delivery to its citizenry. Literature revealed that although government made strides in terms of introducing legislative frameworks for enhancing compliance to procurement processes and also enhancing service delivery, it is however important to indicate that there is still a lot that needs to be done to translate what is on the article into actions.

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