



INTRODUCING PROCUREMENT ADJUDICATION IN THE
PUBLIC PROCUREMENT PROCESS IN LESOTHO

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Approval of the Thesis

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PROCESS IN LESOTHO

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Abstract

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PROCESS IN LESOTHO

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The problem facing the public procurement in Lesotho today is ineffective and inefficient procurement system that lacks transparency. The lack of transparency becomes a habitat for acts of corruption. The wider community of people living in Lesotho are negatively impacted by this phenomenon because of poor quality of goods and services. This study proposes to introduce an independent all-time procurement adjudication system that will monitor all the procurement processes to improve transparency, efficiency and deter acts of corruption. The study was founded on the three theoretical frameworks of principal-agent theory, system-based theory and stakeholder theory. A qualitative inductive phenomenological design method using semi-structured interviews and focus groups was used in seven government entities, seven state-owned entities and five private contracting and consulting entities in the city of Maseru. Thematic data analysis method was used following the data coding, categorisation and theming process. The findings of the results showed that the Lesotho's procurement system is unfair, ineffective, inefficient and lacks transparency. The results further suggested that correcting the procurement process by improving the system's independence and oversight will deter corruption and improve value for money. It is recommended that future research be made to evaluate the impact of delays and cost of the adjudication system introduced by the government.

Key words: Independent, all-time, oversight, system, efficiency, fairness, full-cycle, corruption

Declaration

I declare that this thesis has been composed solely by myself and that it has not been submitted, in whole or in part, in any previous application for a degree. Except where it states otherwise by reference or acknowledgment, the work presented herein is entirely my own.

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Table of Contents

List of Abbreviations	xi
List of Tables	xiii
List of Figures	xiii
CHAPTER 1: INTRODUCTION	1
1.1. General Overview	1
1.2. Statement of the Problem	7
1.3. Study Purpose, Aims and Objectives	13
1.4. Nature and Significance of the Study	16
1.5. Research Questions and Assumptions	25
1.5.1.1. Research Question 1	26
1.5.1.2. Research Question 2	27
1.5.1.3. Research Question 3	28
1.6. Chapter summary	28
CHAPTER 2 – LITERATURE REVIEW	30
2.1. Theoretical Framework	30
2.2. Major Propositions	39
2.3. Alternative Approaches	43
2.4. Corruption in Public Procurement	44
2.4.1. Corruption in Lesotho	48
2.4.2. Major Efforts of Anticorruption	51
2.5. Procurement Cycle Management	54

2.6.	Corruption in Various Stages of Procurement.....	56
2.6.1.	Corruption at Planning Stage	57
2.6.2.	Corruption at Acquisition Stage.....	58
2.6.3.	Corruption at Evaluation and Award Stage.....	58
2.6.4.	Corruption at Implementation Stage	58
2.6.5.	Corruption at the Close-Out Stage	59
2.7.	Efficiency in Public Procurement.....	62
2.8.	Fairness of Public Procurement.....	79
2.9.	Independence of the Procurement Process	79
2.10.	Transparency of Public Procurement	80
2.11.	Public Procurements and Value for Money.....	81
2.12.	Tender Adjudication.....	82
2.12.1.	Where Does it Fit Within the Procurement Cycle?.....	83
2.12.2.	Anti-Corruption Efforts at the Tender Adjudication Stage.....	86
2.13.	Procurement audit.....	89
2.13.1.	Benefits of Procurement Audit	91
2.13.2.	Weaknesses of Procurement Audit	94
2.14.	eProcurement.....	98
2.14.1.	Benefits of eProcurement.....	100
2.14.2.	Challenges Facing Eprocurement to Date.....	103
2.15.	Chapter Summary	107
CHAPTER 3 - RESEARCH METHODS AND DATA COLLECTION		109

3.1.	Research Approach and Design.....	109
3.2.	Population and Sample of the Research Study	122
3.3.	Instrumentation of Research Tools.....	128
3.4.	Study Procedures and Ethical Considerations	134
3.5.	Data Collection and Analysis	142
3.8	Chapter summary.....	149
CHAPTER 4 – DISCUSSION OF RESEARCH FINDINGS		151
4.1	Findings of the Study Including Graphical Illustrations.....	151
4.2	Evaluation of the Findings.....	255
4.3	Summary.....	261
CHAPTER 5 – IMPLICATIONS, RECOMMENDATIONS AND CONCLUSIONS		263
5.1	Implications of the Study Findings.....	263
5.2	Recommendations	276
5.3	Recommendations for Future Research.....	281
5.4	Conclusions	284
6	REFERENCES	288
7.	APPENDICES	310
7.1.	Appendix 1 – UREC Approvals	310
5.2.	Appendix 2 - Consent Forms.....	311
5.3.	Appendix 3 - Developed Tools.....	313
5.4.	Appendix 4 Coded Raw Data Semi-Structured Interviews (Initial Coding, Categories, Themes)	317

5.5.	Appendix 5 – Coded Raw Data Focus Group (Initial Coding, Categories, Themes, Themes’ Key)	324
5.6.	Appendix 6 – Study Framework.....	336
5.7.	Appendix 7 – Participants Biographies	337
5.8.	Appendix 8 – Introduction of Independent Procurement Adjudication System.....	338

List of Abbreviations

ADB	African Development Bank
AU	African Union
BPR	Business Process Review
CIPS	Chartered Institute for Procurement and Supply
CPI	Cost Performance Index
GDP	Gross Domestic Product
PPAD	Public Procurement Advisory Division
ICT	Information and Communications Technology
IPA	Independent Procurement Adjudication
OECD	Organisation for Economic Co-operation and Development
RQ	Research Question
SMME	Small, Micro and Medium Enterprise
UREC	University Research and Ethics Committee
UNICEF	United Nations
UNODC	United Nations Office on Drugs and Crime
VFM	Value for Money
WB	World Bank

List of Tables

Table 1 Coding Framework	147
Table 2 Independent Procurement Adjudication Framework	269

List of Figures

Figure 1 Cost Performance Index (CPI) for Lesotho.....	11
Figure 2 Ease of Doing Business in Lesotho	13
Figure 3 Lesotho's Ranking on Corruption.....	36
Figure 4 Cost Performance Index for Lesotho	49
Figure 5 Stages of Procurement Procurement Cycle	83
Figure 6 Inductive Data Coding.....	145
Figure 7 Data Categories	148
Figure 8 Data Themes	149

CHAPTER 1: INTRODUCTION

1.1.General Overview

1.1.1. Country context

Lesotho is a small and mountainous country located in the southern region of Africa, and landlocked by its neighbouring South Africa. It has a population of approximately 2.2 million, and gross domestic product (GDP) per capita of \$1,4 as at 2021. World Bank classifies Lesotho as a lower-middle-income country (Saminathem, 2020). Administration of the country is organised in ten districts with every district having its district administration centre. Most government services are decentralised to the district centres to bring them closer to the public. However, the country's top administration from members of parliament, government ministers, principal secretaries and directors are based in the country's administrative headquarters, Maseru. Every district is manned by a district administrator who reports directly to the Prime Minister's office and not necessarily to the ministry headquarters in Maseru.

The highest-ranking officer in the district office is a position equal or lower than a director in the ministry, which is not a decision-making position. Every government ministry in the district remains independent of other ministries in implementing its mandate. It is to be noted that this administrative arrangement identifies the district officers as implementers more than decision makers while major decisions come from Maseru where chief accounting officers, which are principal secretaries reside. Reporting by district officers to the District Administrators is of liaison nature rather than compulsory. Other important institutions like high courts are located in Maseru only, while one to the northern regional office was only manned in 2022.

1.1.2. Government institutional arrangement

All institutions of government in Lesotho such as parliament, courts (including commercial, high and appeal courts), government ministries, police and other security institutions, anticorruption institutions, offices of auditor general, accountant general and attorney general, and government parastatal agencies are governed by the government of the day. The government is empowered by the law to employ persons of their choice to lead every institution during their tenure. In the past ten years, Lesotho as a country experienced high turnover in government from 2012 to 2022 with four different governments in 10 years. Under normal circumstances in a five-year term, Lesotho would have two governments. The past fifteen years was typified by ballooning government wage bill and rising complaints by the public about government patronage. Mu (2022) confirms that Lesotho's "wage bill as a percent of GDP has increased from around 11.7 percent in FY05/06 to 18.4 percent in FY20/21, increasing from around 60 percent to 70 percent as a share of domestic revenue." Koatsa, Paramaiah and Manaka (2021) claim that this wage bill level is considered the highest in the SACU countries. On the other hand, Lebakeng (2021) and Rakolobe (2019) are among those that assert that public institutions such as courts, anticorruption bodies and Principal Secretariat are infested with corruption, awarding procurements to those affiliated to them.

1.1.3. Industry context

While the leadership of government administration and its decision is centralised in Maseru, it is clear that implementation of the public development projects take place in the country. Large and small infrastructure projects such as dams, hydroelectricity, irrigation and buildings happen in the districts. From 1966 when Lesotho gained its independence from England to date, apart from the textile garment industry, government has been the main employer through public procurement system (Kali, 2020). Koatsa et al. (2021) argue that this

phenomenon implies private sector's dependence to the government budget as well as quality of its administration.

For a long time now, the Government of Lesotho has appreciated the important function played by the procurement function in the economic development of the country. From independence up to 2006, the Lesotho government used a central institution for public procurements. This centralised function was led by an institution called Central Tender Board, managed by Central Stores under the Ministry of Finance. The Ministry of Finance through the Central Tender Board used to adjudicate all procurements for the entire Government ministries and parastatals in the capital city, Maseru and in the regions applying the Government Financial Regulations of 1973. The said regulations were applied in conjunction with the Stores Regulation of 1967. In 2007, a decentralised system was established by the Government as a way of reforming the existing public procurement system from the centralised one. The new Public Procurement Regulations of 2007 came as a result of the reforms in which the old Financial Regulations of 1973, chapter 21 was repealed. Further, the new Procurement Regulations brought about establishment of a government-controlled institution called Public Procurement Advisory Division (PPAD) housed by the Ministry of Finance. The new Regulations further required all government ministries and agencies at headquarters and districts to establish Procurement Units and tender panels.

In reforming the old procurement system, the Lesotho Government said this was as a result of inefficiency of the Central Tender Board and the fact that procurements of the ministries and agencies in the whole country had to line-up and go through adjudication of a single tender board. In the new reform, all the government ministries and agencies were allowed to each have its ministry tender board to adjudicate its procurements and PPAD to advise on procurement issues. The ministry tender boards were however, situated in Maseru only. This meant district procurements would line up for adjudication in their ministry

headquarters in Maseru. This decision was also made to align with the Government's Vision 2020 on the Public Sector Improvement and Reform Programme. The main focus of Vision 2020 was to improve the Government's financial management and accountability, decentralise public service delivery and improve public service management.

In his budget speech of 2016-2017, the Minister of Finance stated that upon further review of the procurement system reforms of 2007, the Government concluded that the Public Procurement System had not met expectations of making the public procurement more efficient and transparent in alignment with the best procurement practice internationally. He stated that the said system lacked uniformity of the procurement standards and processes. He further said the decentralised procurement system did not dictate a clear direction on how the procurement process should run. The Government observed that the decentralisation of public procurements in the government ministries, districts and agencies still depended on the ministry's headquarters and or the Ministry of Finance to a great extent. The Government of Lesotho further expressed its view that the public procurement function has to rightfully be profiled as one of the strategic functions in the public sector. Further, the Government was concerned that as part of public financial management, the system was weak in the areas of strengthening institutions involved with public procurement technically, as well as on capacity of its human resources. The Government then decided that the first step is to adopt a procedure in which formulation of the public procurement legal framework is informed by the principle of action in public procurement. (Kali, 2020).

In an endeavour to further reforming the Lesotho's procurement sector, the Government of Lesotho obtained funding from the African Development Bank (DAB) to review the Lesotho public procurement system. In 2017, the review of the government procurement system by the DAB consultant revealed that the current legislative framework supporting public procurement in Lesotho is the Finance Order of 1973, which makes it old far behind the latest developments

in the sector. The Review further recommended that the starting point for the reforms would be to develop a procurement policy. In 2018, the Lesotho's Government Public Procurement Policy was established. In late 2018 the Ministry of Finance drafted a procurement bill to the office of Parliamentary Council. The Bill was intended to enact the Lesotho's Procurement Law which would establish applicable standards and processes to be followed (Rakolobe, 2019).

1.1.4. Budgetary context

The Government of Lesotho budgets approximately M24 billion (USD1.4 billion) per year. Within the Government annual budget, there is a complementary contribution of approximately M3 billion from development partners such as World Bank EU, US Government Agencies and ADB. Rakolobe (2019) observes that within the government budget, 80% of the budget goes towards procurement activities ranging from small purchases to high value works and services procurements. Mu (2022) and Koatsa et al. (2021) also agree that the Lesotho Government budget is the main player in the country's economic activities annually. Subsistence farming, animal husbandry and small-scale industries including clothing, footwear, textiles, food processing and construction, form the base of Lesotho's economy (Koatsa et al., 2021). The other observation that has been drawn from the government budget speeches over the past five years is that government budget has been declining (Government Budget Speeches 2017 to 2023). Further and in the same period, it has been observed that donor contributions on capital projects has also declined in the past period of ten years (UNICEF, 2017). Lebakeng (2021) and Rakolobe (2019) both make an observation that the contracting industry has been complaining about lack of jobs from the government. Lastly, there have been many complaints about award of government contracts for works and services (Maphiri, Matasane, & Mudimu, 2021). Lastly, it is glaringly visible from the media in Lesotho about the complaints regarding corruption in public procurement.

1.1.5. Topical context

To date Lesotho Government has not developed, enacted and implemented a procurement law. Public procurement in Lesotho is still being implemented under the Finance law of 1973 and Procurement Regulations of 2007. Further, procurements have been conducted following different standards and regulations practiced by different development partners who donate funds to Lesotho. This accords with the Finance Minister's speech when he said the decentralised procurement system did not dictate how the public procurement would be conducted and lacked standards and uniformity of the processes of procurement. The procurement process would generally follow some procedure. The decentralised general public procurement process in any ministry in Lesotho would start with a procurement plan. The implementing department of the ministry proposes a procurement and send it for approval by the ministry's Principal Secretary. The procurement is then placed in the procurement plan by the procurement manager. The procurement manager will then acquire the works or services through placing advertisements in the media. Upon receipt of bids from prospective contractors, the ministry tender boards would evaluate and award the contract. Once the contractor for works or services is acquired, the implementing department manager then takes over to implement the contract. The media in Lesotho is generally vocal and concerned about award of most of the contracts for public works or services. The public tends to blame the procurement process, political interference by senior officers and bias and delays by the courts of law (Malephane & Isbell, 2019).

The overview of the state of government procurement institutional arrangement as well as legislative framework in Lesotho paints a picture of decline in effectiveness, transparency and trust. It has, therefore, become of great concern to the public about effectiveness of the procurement process and the intervening government agencies such as the judiciary, police and anticorruption department.

1.2. Statement of the Problem

The primary problem identified by this study is system-oriented to the Lesotho's public procurement process. The following is the presentation of the government public procurement system as practiced by the Lesotho government ministries and parastatal agencies: prior to appropriation of the government annual budget, all government ministries and agencies were required to develop and present to the government budget controller which is in the ministry of Finance, procurement plans and their proposed budget for the upcoming financial year. Following the Budget Controller's advice, Cabinet then decides on the budget allocation and presents it to parliament. Often there is a significant reduction and deviation from what ministries propose. Following the budget approval by the parliament, ministries and agencies replan the procurements. The replanned procurements are then advertised through the acquisition process and evaluated accordingly. Resulting from the evaluation process, contracts are awarded for implementation of goods or services. Closure of the contract will follow depending on the time allocated for implementation of the works or services ranging from a few weeks to five years or so. The procurement activities of the public ministries and agencies are audited by the office of Auditor General only annually or after some years in some cases.

The primary problem with the Lesotho's public procurement system is lack of transparency of the process and lack of oversight on the whole public procurement cycle stages from planning to closure. With the Lesotho's public procurement presented above, it is observed in the media and by the number of decided cases against government department on public procurement that existing processes of the public procurement system are weak (Lebakeng, 2021). Processes are prone to arbitrary decisions by procurement managers. Toebea (2018) concurs that the public procurement processes in Lesotho are easily interfered by political officers or politicians themselves who influence decisions to favour their interests. Toebea further states that the system also lacks a whistleblowing component. In support of this

view but taking a global perspective, Transparency International (2021) maintains that most of the developing countries lack transparency in public procurements. Lebakeng (2021) agrees and further emphasises that unethical acts from procurement officers and undue influence by political figures in the Lesotho government significantly deter transparency in the public procurement. The media in Lesotho often states that public bidding documents would neither have selection criteria or the said criteria is flouted during the evaluation process. Toebea (2019) observes that prospective bidders are discouraged from tendering because awards always go to certain individuals affiliated with certain political figures.

The other part of the system problem identified by this study is lack of visibility of procurement oversight on the stages of the procurement cycle. As indicated above, the procurement cycle is primarily broken down into five stages of planning, acquisition, evaluation and award, implementation and close out. The Lesotho's public procurement system is perceived to be applying its procurement attention on the first three stages on the cycle and less on the other two (Owusu, Chan, & Chang, 2017). This is more prevalent on the high value works and services contracts than it is on supply contracts. It is noted that most works procurements such as roads and bridge constructions, dams, electricity and water projects, etc. often attract very high cost. Stevens and Newenham-Kalindi (2021) confirm that incidents of corruption happen in this stage where contractors hide poor quality of works and services provided during the implementation stage. For the same reason of poor quality of services or works by underperforming service providers, end of project warranties are released on bribe or unnoticed because of lack of oversight visibility at the close-out stage of procurement. Owusu et al. (2017) affirm that prevalence of corruption in all the stages of procurement is significant justifying the need for presence of procurement oversight on all of them. This study claims that improved visibility of procurement oversight on all the stages of the procurement cycle is needed to enhance the process transparency.

The last component of the problem regarding the Lesotho's public procurement process is associated with the annual procurement audit by the office of Auditor General. The observation is that though procurement audits are performed annually, they are actually historical and come after misprocurements or acts of procurement malpractice would have taken place. For example, in December 2019, the Cabinet decided to award a M45 million contract to one supplier of agricultural fertiliser without following proper procurement procedure (Kali, 2020). Evaluation of the bids and award was supposed to be done and decided at the ministry level. The office of Auditor General will only pick this issue and make a finding after a year. It is common course that audits are performed at least annually, and that the said audits assess documentation of the processes that have already taken place in contrary to the policy (Ferry & Ahrens, 2022). The type of problem identified in this study is systemic limited to the Lesotho's public procurement process.

The relentless outcry of the public in all the media platforms about corruption associated with public procurements in Lesotho prompted the study. The public complains about unfair award of contracts in public procurements, poor and biased investigation of corruption associated with politically awarded procurements, and delays in prosecution of cases associated with public procurements. Toebea (2018) finds that 95% of cases investigated by the government's Directorate on Crime and Economic Offenses annually is associated with corruption in public procurements. It is considered that there is a direct linkage between the weak procurement processes and corruption in the public procurement system. Further, it is considered that corruption takes place where there is high flow of public funds and where the procurement processes are weak. OECD (2019) states that corruption is a phenomenon of corruption has always existed with people in business and in their daily life. Owusu et al. (2019) argue that, in pursuit of their goals and objectives, people use all means including corruption. In the same way, prevention and corrective measures have been put in place which also evolved

with time and technology (Khemani, 2020). Literature confirms that corruption remains a problem of all countries of the world. In confirmation, Owusu et al. (2020) observed that corruption in the construction processes remains a problem in both developed and developing countries. To be specific, Griffin, Griffin and Mackinnon, (2021, p.1) argue that “corruption in the United States is apparently at its worst in almost a decade, according to a new global report by Transparency International”.

Corruption in public procurement has proven to be an all-time problem eroding taxpayers’ money (Owusu et al., 2017; Toebe, 2018; OECD, 2021). Transparency International (2019), OECD (2019) and others agree that promotion of transparency and accountability by governments and development partners has been worked on for the past decades to discourage malpractice and mismanagements leading to corruption. Contributing to this campaign, the United Nations in 2017 even raised the slogan worded ‘*united against corruption for development peace and security*’. OECD (2017) asserts that corruption ranks the highest in public procurement. In support, Søreide (2002, p.25) states “several studies have concluded that public procurement is most prone to corruption”. Perpetrators of the corrupt acts do this by exploring the weaknesses of the existing procurement process controls.

Extant literature confirms that corruption in public procurement is rife in developing countries though it remains a global problem (World Bank, 2020; Stevens et al., 2021). As a developing country, Lesotho is facing challenges of corruption. Figure 1 below shows the trend of perceptions on corruption for Lesotho estimated by the Transparency International. Four features of perception on corruption of Lesotho’s two government regimes alternating over this period are portrayed - one between 2010 and 2011; another one between 2012 and 2015; the third one between 2015 and 2017; and the last one between 2017 and 2019. In both periods of government for each regime, the observation is that the red government was more susceptible

to corruption than the green government. At this point, Transparency International (2019) ranked Lesotho 85 out of 180 countries of the world on corruption.

Figure 1

Cost Performance Index (CPI) for Lesotho



Source: Transparency International (2019)

In their study, Doh, Rodriguez, Uhlenbruck, Collins, and EdenLorraine (2003) concluded that scandals published around 2003 regarding Lesotho, Costa Rica, Egypt, South Africa, China, Russia and elsewhere in the world depicted a global corruption problem. In making the point as to how deep-rooted the problem of corruption in Lesotho is, Rakolobe (2019) observes that employment of executive officers such as Principal Secretaries who are the chief accounting officers is based on political inclinations. Rakolobe further argues that literature established a strong relationship between corruption and politicisation of public service in Lesotho.

In the study, *combating transactional corporate corruption: Some further lessons from Lesotho*, Hatchard (2010) acknowledges the action taken by the Lesotho government between 2000 and 2003 on investigating and taking to court the European construction companies as a bold move towards anti-corruption and a lesson to be learned. That effort and a few others contributed to an overall 5% improvement in corruption perception index over the 10-year

period from 2010. Nonetheless, Lesotho still scores below world average on Corruption Perception Index to date. In her study on *corruption in public procurement in Lesotho*, Toebe (2018) concludes that more than 95% of cases investigated against the Lesotho's public sector is on procurement.

Transparency International (2021) states that the main contributors towards high levels of corruption in the developing countries is ineffective legal institutions, porous procurement processes and lack of transparency. One of the challenges that faces the judiciary system in Lesotho is backlog of cases that extend for more than ten years for one case to come to finality (Rakolobe, 2019). Lebakeng (2021) and others claim that corrupt advocates or prosecution authorities can manipulate the process of the case causing extended delays. The same perception goes to some judges as well. Khemani (2020) argues that the overall impact of delays in court concerning doing business or a procurement matter means loss in business. The general outcome of the phenomenon is low morale in doing business in such a country. The same is the case in Lesotho as shown by the World Bank (2020) in Figure 2 below. Lesotho reached its best in 2016 when it ranked 100 amongst the 190 countries. Since then, it has been on the decline ranking 122 in 2019. According to World Bank, delays in judicial processes contribute significantly to discourage business in the country. Survivors make it through corrupt means of paying judiciary experts being prosecution, attorneys or judges.

Figure 2*Ease of Doing Business in Lesotho*

Source: World Bank 2020

Like most governments, the government of Lesotho allocates most of its budget to public procurements annually (Toebea, 2018). OECD (2016) states that annual budget allocation for public procurements by governments is the highest ranging between 30% and 40%. It is observed that the same high allocation is one that attracts perpetrators of corruption. Lebakeng (2021), Toebea (2019) and others make the same observation on the Lesotho's public procurements.

In conclusion, the study identifies the problem of weak procurement oversight over the stages of the procurement cycles. This problem was prompted by the public outcry about high levels of corruption in public procurements. Following the said problem statement, the study purpose, aims and objectives are discussed below.

1.3. Study Purpose, Aims and Objectives

1.3.1 The Study Purpose and Aims

The purpose of this study was to introduce an independent all-time procurement adjudication system in the public procurement process of Lesotho to improve water-tightness of the process against acts of corruption. The study engaged senior professionals at manager

level with relevant academic qualification at a minimum of bachelor's degree and at least ten years' experience in public procurement. With this level of experience, Scheelbeek, Hamza, Scellenberg and Hill (2020) affirm that participants have broad knowledge of the environment in which public procurement operates in Lesotho. Participants were also expected to have knowledge of the laws and institutions supporting procurements in the country. The participants were from government ministries, government parastatal agencies and private contractors and consultants who have experience using government funds.

In light of the following reasons, the researcher considered that information coming from this calibre of participants was reliable and authoritative: their academic qualification level put them at the position of high cognitive level; their ten-years or more experience in the procurement sector put them at the level of providing dependable information; having direct knowledge of the procurement process in which they currently work put them at the point of giving accurate information; being at the manager level put them at the level where they understand strategies and laws supporting public procurement; and having worked with the system for so long gave them an opportunity to encounter good and bad experiences as well as areas of improvement in the procurement sector. Fazekas, Sberna and Vannucci (2022) assert that information from professionals who have grown in a system and matured to senior positions such as manager, are at the state of expressing their views with authority and can be trusted.

The proposed procurement adjudication was a review and compliance monitoring system. This system is manned by professionals with relevant qualification and experience in public procurement. It is intended to be applied on all the procurement processes in all the procurement stages from planning to closure. The procurement manager and the adjudication manager are to agree ahead of implementation of any procurement activity, about critical review points within the process, and those that could be considered to be check points or hold

points. The critical review points are to be points just prior to critical decision-making points in the procurement process by management. The new introduction was intended to give comfort to decision-makers that proper procedure was followed and compliance adhered to, and traceability for procurement auditors as to where the problem arose in the process. The agreed template will form part of the procurement regulations to be applied in all procurements. The aim of the review and hold points was for the adjudicator to confirm compliance to the procurement policy or raise a red flag in case of non-compliance or signs of acts of malpractice or corruption. It was expected that the review and hold points by the adjudicator will introduce some delay in the normal procurement process.

Given the scope of the proposed adjudication system and the observation that procurement oversight on stages such as implementation and close-out is minimal to non-existent, the adjudication system is intended to clearly reveal non-compliance by procurement managers in those areas. On the other hand, the system will encourage procurement managers to employ procurement activities expressly in such stages of the procurement cycle as they normally do in planning, acquisition and evaluation. The study investigated what ideas and solutions these participants could suggest to solve the problem of inadequacy in the public procurement system and where they think weaknesses in the process or system are. Flournoy (2018) states that solutions coming from first-hand experience are considered to be more reliable than those coming from elsewhere. Finally, the research aimed to gather participants' views and suggested benefits they think the proposed solution could bring to various stakeholders of Lesotho's public procurements. The participants also expressed their views on the overall economic impact they thought the solution could have if implemented successfully. The participants were purposively identified within the relevant government ministries, parastatals and contractors and consultants. Data collection was made through questionnaires using online zoom video interviews.

1.3.2. Objectives of the Study

The following study objectives were applied by the researcher:

- a) To determine if introduction of the Independent Procurement Adjudication system can improve transparency in the public procurement process in Lesotho.
- b) To assess the participant's views on whether improved transparency can deter acts of corruption in the Lesotho's Procurement sector.
- c) To evaluate participants opinions on the impact of the successful introduction of the Independent Procurement Adjudication system in the public procurement in Lesotho.

1.4. Nature and Significance of the Study

1.4.1. Nature of the Study

This study is based on the qualitative research methodological approach. The researcher decided to use the qualitative research approach because the nature of the study is such that it sought to understand a social science phenomenon. Even though the primary problem is system-related to the procurement process, the main causal problem is the phenomenon of corruption in public procurement in Lesotho. Braun and Clarke (2019) emphasise that a researcher employs the qualitative research methodology when he wants to understand concepts, thoughts or experiences that will enable him or her to gather in-depth insights about the topic that would otherwise not be well understood. In employing qualitative research approach, the researcher wanted to understand a complex phenomenon (Scheelbeek et al., 2020). The researcher decided to employ descriptive phenomenological approach rather than interpretive because participants are expected to describe their experiences. Neubauer, Witkop and Varpio (2019) further argue that descriptive phenomenology is a powerful way to understand subjective experience and to gain insights around views and motivations. Neubauer et al. (2019) agrees that information gathered under these circumstances is subjective and based

on uncontrolled individual experience of the participants. Finally, this study is purposive in nature.

Amongst the qualitative research methods, phenomenology was preferred because the researcher was looking for experiences commonly shared by the participants on the issue of corruption under investigation. Chambers (2013, p.1) argues that “Phenomenology is an approach to qualitative research that focuses on commonality of a lived experience within a particular group” of people. The study engaged procurement and project management professionals who have been involved with the Lesotho’s public procurement in at least ten years of their carriers. The research project employed the following two data collection techniques: semi-structured individual interviews and focus group discussions. The semi-structured interviews were preferred as the primary method under the phenomenological design because it strikes a balance on strengths and weaknesses of the methods and achieves optimum results in collection of data in research. It helps the researcher to visualise important questions to be asked ahead of time, while at the same time allowing the participant a free flow in discussing the topic. The online data collection technique was used because of the limitation of participant’s movement as a result of covid-19 lockdown. A total of 45 participants were interviewed. The researcher selected procurement and project managers from seven government ministries, seven state owned entities and five private consultants and contractors dealing with public procurements in Lesotho. The sample was all from Maseru, the capital city of Lesotho.

The data were validated through another data set from focus group discussions of 6 groups. The researcher arranged 6 different meetings with participants who finished their semi-structured interviews. The participants were arranged in groups of 4 to 6 participants per group. The online data collection technique was also used for the focus group discussions. The participants were at their respective homes during the group meeting. The strength of focus

groups discussions is to validate views and develop consensus on each topic. Scheelberg et al. (2020, p.8) assert that focus groups “prove successful tool in yielding richer and less biased information”. The researcher considered that the semi-structured interview and the focus group technique have similar shortcomings. The open-ended nature of the techniques can make the data inconclusive. Secondly, these techniques produce high volume of data to be analysed by the researcher. Thirdly, in the focus group settings talkative participants may dominate discussions while reserved characters may remain silent with important information.

A thematic data analysis method was used to analyse both data sets from the semi-structured interviews and focus group discussions. Sundler, Lindberg, Nilsson, and Palmer (2019) assert that thematic analysis is a qualitative data analysis method that involves reading through a data set such as transcripts from in-depth interviews or focus groups and identifying patterns in meaning across the data to derive themes. In emphasis, Braun and Clarke (2019) state that thematic analysis involves an active process of reflexivity, where a researcher’s subjective experience plays a central role in making meaning from the data. All the data is studied repeatedly, coded and categorised into themes for further interpretation and reporting.

1.4.2. Significance of the Study

The significance of this study is considered in light of the following five areas of: importance of the study, the study’s contribution to the field of study, the need for the study, benefits of the study, and counter-benefits to the study.

(a) Importance of the study

Procurement as a body of knowledge has thrived on continuous improvement over the decades (Issabayeva, Yesseniyazova, & Grega, 2021). Tukiran, Sari, Tjitribudi and Amalia (2022) agree that the importance of a Business Process Review (BPR) of any organisation is in the company’s interest to improve effectiveness and efficiency of its processes. In the

same way, the importance of this study is to improve effectiveness and efficiency of the processes of the public procurement system in Lesotho. Effectiveness of the procurement process is mainly linked to prevention and or early arrest of procurement malpractices and acts of corruption. On the other hand, efficiency is considered in light of savings in time and costs caused by lack of transparency. The second area of importance of the study is on improving transparency in the procurement process. When emphasising the importance of transparency in public procurement, Hassan, Ismail, Ahmad and Mutalib (2021) affirm that the fundamental value a public procurement process is seen in that procurement's level of transparency. In support of this view, Kirn, Umek and Rakar, (2019, p.223) maintain that "without a transparent public procurement procedure, the remaining principles such as equal treatment, non-discrimination in the contracting authority's requirements and most importantly, economy, cannot be efficiently pursued".

It is important to identify the weaknesses in the procurement system leading to corruption. Once these gaps are identified, they can better be dealt with. Within the Lesotho government annual budget, public procurement budget takes between 50% and 80% Lebakeng (2021). Toebea (2019) states that funds that get lost to corruption annually are estimated between 10% and 30% of the annual budget allocated to public procurements in Lesotho. Globally, forty-seven countries of the world have declined in ranking on the Corruption Perception Index by the Transparency International (2021). The observed decline is recorded both in the developed and developing countries. Countries that remained on their status of the previous year are seventy. Kumagai and Iorio (2020) still consider corruption as one of the world's crises that needs attention by governments. Considering approximately 120 countries with no improvement in corruption perception compared to the previous year by Transparency International (2021), it is considered that corruption remains the world crisis. Kristalina Georgieva, the managing director of International

Monetary Fund - IMF said, “fighting corruption is the key to building trust in government and it is also an essential ingredient for robust and sustainable economic growth” (Georgieva, 2018, p.2).

The successful outcomes of the study will improve trust to the international development partners of the government of Lesotho. Khemani (2020) agrees that the importance of reducing corruption is that international development partners are motivated by governments which improve their governance in reducing corruption. In confirmation, Stevens et al. (2021) state that in reducing corruption, governments improve on the trust by foreign direct investors. It is important for the government of Lesotho at its economic state as one of the least developed countries to gain trust from the international development partners. Kumagai et al. (2020) recommend to governments that motivating international development partners can enhance development aid contributions in the said country. Development aid can come in various forms of grants and soft loans that can have a positive impact on the country’s economy (Khemani, 2020). It is important for the study to contribute in efforts towards reducing corruption in Lesotho.

Owusu et al. (2020) also state that improving government’s efficiency is important, and reducing corruption helps to enhance public trust to the same government. This study aims to introduce an all-time monitoring tool on the public procurement processes at all the procurement cycle stages. It is important to improve the efficiency of the procurement system in Lesotho and win the trust of the public. Kumagai et al. (2020) aver that governments realise better development outcomes by improving programming effectiveness, detecting and reducing corruption, increasing awareness about services, and reducing cost.

(b) Contributions to the procurement sector

The primary contribution that the study makes to the procurement sector is introduction of the proposed procurement adjudication system. This system is intended to ensure compliance of the procurement process to the policy and regulation and raise red flags ahead of critical decisions. The adjudication system will improve effectiveness, efficiency and transparency of the public procurement processes in Lesotho. Improving effectiveness, efficiency and transparency of the Lesotho's public procurement system throughout all the stages of the procurement cycle is expected to contribute significantly locally and internationally. Tukiran et al. (2022) affirm that improving transparency in procurement continues the sector's journey of the fight against the arch enemy called corruption. Similarly, improving the system's efficiency will contribute to savings in funds lost to corruption (Kumagai et al., 2020); and through improved effectiveness, the system will contribute to preventing and catching misprocurements and procurement malpractices. The study findings also recommend enactment of the public procurement law. This will contribute to properly establishing the procurement activities under an appropriate founding law of procurement. The public procurement in Lesotho currently operates without the relevant principal law. The 2007 procurement regulations are annexed to the Finance Order of 1973. One of the participants (30) attested that "founding our procurement regulations under the relevant procurement law will provide clarity to the process and facilitate enforceability"

Another area of contribution the study intends to improve is visibility of procurement activities throughout all the stages of the procurement cycles. Owusu et al. (2017), in agreement with the other literature averred that procurement activities have unequal presence in different stages of the procurement cycle. It is noted from the literature that visible presence of procurement is more in the stages of planning, acquisition and

evaluation and award (OECD, 2019; Transparency International, 2019). Conversely, there is little to no visible presence in the last stages of implementation and close out, especially in works and services projects. Owusu et al. (2020) endorse that risk exposure to the works and services resulting from limited visibility is high. Contributing in this area will further tighten the procurement process against procurement malpractice.

A similar contribution to the broader procurement sector internationally is also expected. The literature confirms that corruption in the developing countries is relatively high compared to their counterpart groups of developed countries (Transparency International, 2021). The shortcomings identified by this study to the procurement system of Lesotho in the areas of visibility on the cycle stages and oversight over the procurement processes are the same for the developing countries (Malephane & Isbell, 2019). As stated above the study outcomes will contribute by encouraging governments to introduce relevant laws supporting the public procurement, introduce the oversight body to the procurement processes, and provision of procurement visibility on all the stages of the procurement cycle.

Finally, it is expected that this study will contribute to supporting the annual audit process and the eProcurement system that is said to be more advanced in the developed countries (Chandra, Narsireddy, Sastry, Sreedhar, & Dasari, 2020). If the findings from this study are successfully implemented, it is expected that the presence of the adjudication team will be the first contact point for the external audit group when auditing procurement. All areas in which the procurement manager complied with the process and where there were findings, the audit team will have interest therein. Secondly, the study can contribute to complement eProcurement in public procurement in developed countries in preventing and reducing corruption.

(c) The need for the study

This section discusses why Lesotho government needs successful outcomes of this study. Transparency International (2019) submits that corruption is the biggest eroder of public funds in Lesotho. Toebea (2018) further finds that most of the budgetary allocation of the annual public funds in Lesotho is in procurements ranging from 50% to 80%. Rakolobe (2019) also estimates the loss made to corruption each year to between 10% and 30%. Given this loss, it is clear that fighting corruption should be one of the priorities by the government of Lesotho. It makes more sense to fight corruption where it makes more damage to public finances (Lebakeng, 2021). The sector needs this efficiency in the system, and the public needs such savings of funds lost to corruption for improving its livelihood and grow the country's economy (World Bank, 2020). Secondly, the public procurement sector needs to improve public trust, bidders' confidence and investors' confidence in its procurement system (OECD, 2019; Kumagai et al., 2020). For the public procurements, trust is improved by enhancing the system's transparency, effectiveness and accountability (Khemani, 2020).

(d) Benefits of the study

Owusu et al. (2020) opines that benefits are results of a successful implementation of the study findings. It is expected that when the study results are implemented successfully there will be value for money in implementing Lesotho's public procurements. When there is effectiveness, efficiency and transparency in procurement, compliance in the processes and quality of the public goods and services will match the value for the tax monies taxpayers paid (Malephane et al., 2019). The second benefit is improved stakeholder confidence in the procurement system. The sector's stakeholders are, and not limited to prospective bidders, foreign direct investors including development aid partners, and the

public at large. For bidders, the benefit is competitive offers of good price at competitive quality (Fazekas et al., 2022). Toebe (2018) argues that for investors and donors, the benefit is increased capital injection to the sector's economic activity. Rakolobe (2019) avers that it is beneficial to the public system such as procurement for the owner who is the taxpayer to have confidence and support to such a system.

It is expected that successful implementation of the results from this study will contribute to prevention of the acts of corruption and result in the reduction of corruption in public procurements in general. This benefit is expected to happen mainly in Lesotho and in its fellow developing countries. The developing countries have similar perception on corruption (Transparency International, 2021; Owusu, Chan, & Chang, 2017). With OECD (2018) registering 20 – 30% of public funding allocations lost to corruption in public procurements, and bribes associated with public procurement amounting to 57% of the public budget, a solution to this problem as proposed by this study will register a significant benefit. These savings will make funds available to implementing development projects. Eventually, this will benefit improvement of the country's economic growth.

(e) Benefits to the Body of Knowledge

The study reveals areas of future studies. With the success factors and lessons learned from the study, the same study presents areas of future research. The lessons from the study and areas of future studies are an opportunity to the body of knowledge to do future studies (Scheelbeek et al., 2020). This has a contributor effect to the literature in the procurement sector. Areas of future research include a case study to assess effectiveness of the procurement adjudication system, affordability of the procurement adjudication system by governments of the developing countries. Lebakeng (2021) maintains that good as it may be, any system must prove that it is profitable to implement. Lastly, the study recommends

future research on the impact of the possible delays in the public procurement processes caused by the new introduction of the procurement adjudication system. This knowledge will be good information to governments to budget for.

1.5. Research Questions and Assumptions

1.5.1. Research Questions

The Centre for Innovation in Research and Training (2019) asserts that if the nature of one's research is more explanatory and investigative requiring data collection and analysis before drawing conclusions, then such research needs development of a research question or questions. The study on Introducing a Procurement Adjudication System in the Public Procurement Process in Lesotho employs the qualitative research methodology and intends to investigate and explore views and opinions of professionals working in public procurements with regards to the adequacy of oversight on the procurement cycle to prevent and arrest acts of malpractice and of corruption. The study sought answers to the following research questions:

RQ1 – How just is public procurement process in Lesotho, and whether procurement adjudication can improve transparency?

RQ2 – How can correcting the public procurement process in Lesotho contribute to prevention of corruption and improvement of value for money in public goods and services?

RQ3 – How would introducing a procurement adjudication system impact the long-term benefits to the sector and the public at large?

A list of open-ended semi-structured interview questions were crafted by the researcher to the envisaged scope of questions under the research questions. The list of questions was sent to the participants prior to the individual interview meeting with the participants. This approach is commonly accepted by the qualitative researchers (Scheelbeek et al., 2020; Braun & Clarke,

2019). Participants were to familiarise with the questions prior to the interview so that they would be relaxed during the interview and so that they could prepare needed information ahead of the discussion (Neubauer et al., 2019). The same approach with the similar set of questions was adopted with the second set of data collection using focus groups. Individual interviews and focus group discussions were held using the zoom online platform.

1.5.1.1. Research Question 1

The participants were asked to state their awareness of public distress about corruption in the Lesotho's public procurement. They were also asked to express their own perceptions about the state of corruption in the public procurement. Further, the participants were asked to express their knowledge of the activities involved in the procurement process from the beginning to the end. The participants' knowledge about the visible presence of the procurement activities in all the stages of procurement was inquired. To further assess the participants' knowledge of the procurement process, the researcher expected to observe the participants' perceptions on the presence and the effectiveness of the activities of the procurement office at various stages. Furthermore, the participants were given an opportunity to state their views on how fair they think the procurement system in Lesotho is to bidders. Regarding the policies, the participants were asked to express their observation on the adequacy of the public procurement policies in Lesotho, and how water-tight they thought the public procurement policies are against acts of corruption. Finally, the participants were to express strengths and weaknesses of the public procurement policy sharing personal and observed experiences in their past time of office.

Following the discussion on the previous interview questions above and in the light of the weaknesses expressed, the participants were asked to give their views as to where and how they could improve the procurement system in Lesotho. In furtherance of the same question on transparency and procurement oversight, the participants were asked to express their opinions on the proposed all-time procurement adjudication system that is managed by independent

personnel which is proposed to be incorporated into the government's procurement process to identify and report on early signs of corruption.

A similar framework of questions was discussed in the focus group sessions. The focus groups discussions were held few days or weeks after the individual interviews were held. During the focus group discussions, four to six professionals formed a discussion group. Neubauer et al. (2019) maintains that the researcher's role at this stage is to ask open-ended questions and let the discussion roll without interference to allow the participant's natural expression of views and attitudes. In both settings, the researcher moderated and maintained the drive of the discussion within the scope of the research. The focus group data was to validate the semi-structured interviews (Scheelbeek et al., 2020).

1.5.1.2. Research Question 2

Following from the research question 1, interview questions asked in research question 2 focused on corrective suggestions as well as solutions to the problems the participants articulated in research question 1. Based on their academic qualification, knowledge and experiences of at least ten years, the participants were asked to suggest solutions and improvements they each think would be appropriate to solve the problems they identified in the current procurement processes and environment. Flournoy (2018) argues that data from qualified and highly experienced senior officers has authority and can be relied on. Participants were asked to suggest improvements functionally and structurally. Functional improvements include processes and systems, procurement personnel capacity and ethical conduct, while structural improvements include legal and regulatory developments. A question of value for money resulting from a transparent procurement process was asked to the participants. Similarly, the focus group discussions were held with the professional groups as a method of data validation following the individual interview sessions.

1.5.1.3. Research Question 3

As part of research question three, the participants were further asked to express their views about possible impacts of a successful introduction of the proposed procurement adjudication to the sector and the public at large. Positive impacts and their benefits were expressed by the participants who thought introduction of the procurement adjudication system would come about as a result. The participants were also asked to state their opinions about negative impacts and the shortfalls of introduction of the procurement adjudication system in Lesotho's procurement process.

1.5.2. Assumptions

The following assumptions were made for the study:

- (a) The public procurement process in Lesotho has blind spots requiring an all-time oversight. The blind spots provide room for habitation for inefficiencies, ineffectiveness and lack of transparency.
- (b) There is a lot of corruption in procurement sector in Lesotho.
- (c) Introduction of the procurement adjudication system will contribute to making the procurement system more effective, more efficient, and more transparent.
- (d) Introducing the procurement adjudication will contribute to saving funds lost to corruption and add value for money.

1.6. Chapter summary

Lack of transparency of the procurement processes, and lack of oversight on the whole public procurement cycles stages constitute the main problem of Lesotho's public procurement system. It is observed from the media and by the number of decided cases against government department on public procurement that the existing processes of the public procurement system are weak (Lebakeng, 2021). Toebea (2018) also concurs that the public procurement processes in Lesotho are easily interfered with by political officers or politicians themselves who

influence decisions to favour their interests. The study purpose is to introduce an independent procurement adjudication system within the procurement processes of Lesotho.

The researcher employed descriptive phenomenological research design because participants are expected to describe their experiences. Neubauer, Witkop and Varpio (2019) argue that descriptive phenomenology is a powerful way to understand subjective experience and to gain insights around views and motivations. The significance of this study considered the following five areas: importance of the study, the study's contribution to the field of study, the need for the study, benefits of the study, and counter-benefits to the study. The researcher sought answers for the following three research questions: RQ 1 – how just is public procurement process in Lesotho, and whether procurement adjudication can improve transparency? RQ 2 – how can correcting the public procurement process in Lesotho contribute to prevention of corruption and improvement of value for money in public goods and services? RQ 3 – how would introducing a procurement adjudication system impact the long-term benefits to the sector and the public at large?

CHAPTER 2 – LITERATURE REVIEW

This study sought to introduce an independent all-time procurement adjudication system within the public procurement process in Lesotho. The introduction of this system is intended to improve effectiveness, efficiency and transparency of the current public procurement system (Toebea, 2018). The study was prompted by continuous complaints raised by the media in Lesotho about corruption in the country. Rakolobe (2019) finds that almost all the media houses complain about obscured procurement process, biased award of public contracts by evaluation panels, courts of law and ineffective anticorruption agencies of government. This literature review considered the processes of public procurement in the light of effectiveness, efficiency and transparency to deliver expected results. The review further investigated the corruption as an opportunistic phenomenon on the system of public procurement.

The key words used in the literature review were procurement, transparency, efficiency/effectiveness, corruption and Lesotho. The literature was reviewed from various databases and libraries renowned for credible information. Most articles used in the literature were sourced from peer-reviewed electronic journals and eBooks from seminal libraries and databases such as Unicaf Online Library, ProQuest and Google Scholar. The primary search engine used in this study was Google. The key search terms used in the literature review were procurement process, procurement audit, eProcurement, procurement cycle, corruption in Lesotho's public procurement, and transparency in public procurement. The literature review comprises mainly of the latest articles within five years from the study report.

2.1.Theoretical Framework

The following three theoretical frameworks were used as the basis of the study: principal-agent theory, system-based theory and stakeholder theory.

2.1.1. Principal-Agent Theory

The Principal-Agent theory came to be known in the 1970's. The theory brings together the two disciplines of institutional theory and economics. Stephen Ross and Barry Mitnick both claim authorship of the theory. As a result, there is a dispute as to who originated the theory. This theory is also known as agency theory. In his paper, *origin of the theory of agency: an account by one of the theory's originators* presented in 2006, Barry Mitnick makes a recorded claim of the theory to him and his economist counterpart, Stephen Ross in 1972. In support of the claim, Valencia and Azcarraga, (2018, p.1) state that "the first scholars to propose, explicitly, that a theory of agency be created, and to actually begin its creation, were Stephen Ross and Barry Mitnick, independently and roughly concurrently". Independently, Ross worked on and originated economic theory of the agency, while Mitnick on the other hand and also independently, worked on and originated institutional theory of the agency. The basic concept of the theory in the economy and social science sectors are considered by researchers as similar. Other authors claim original authorship of the principal-agency theory to Michael Jensen and William Meckling in 1976.

In credit market economics, insurance and firm, the principal-agent theory establishes a contract-based relationship between the principal who is the employer, and the agent who is the manager and an employee of the principal and is contractually expected to act on behalf of the principal. The structure of the theory is such that the principal has the legal or regulatory right to exert formal authority over the agent, while the agent benefits from the advantage of information he has about the agency (Maggetti & Papadopoulos, 2018). The principal-agent theory addresses the differences that arise between the primary objectives of the two parties involved in the employment contractual arrangement and the risk exposure of the principal.

The theory centres around delegated responsibility from the principal to the relevantly qualified agent. The principal being the owner, shareholder, parliament, or an electorate, may

not have relevant qualifications, expertise, time or ability to execute the goals of the agency (Maggetti & Papadopoulos, 2018). The theory is premised on availability of some resources by the principal and adequacy of expertise, qualification and ethics of the agent. On that basis, Kron et al. (2021) affirm that the principal would by mutual agreement with the agent, entrust the latter with a task for remuneration. The agency theory states that *because agents can act in their interest at the principal's expense, the principal-agent problem is an example of a moral hazard* (Valencia & Azcarraga, 2018). Emanating from the pursuit of different objectives by these parties, there is often a likelihood of a conflict at which the agent takes an advantage of asymmetric information in his possession. This scenario may be detrimental to the principal. Maggetti and Papadopoulos (2018, p.1) maintain that “there is a risk that tasks are not delegated to the right people, in that the agent's behaviour does not conform to the principal's expectations because agents have their own preferences and agendas”.

Considering the impacts of the principal-agent theory, the organisation's interests may be affected by the presence of the agency problems, and overlooking this problem may also have negative impacts on the business undertaken. In addition, decisions made by the agent that are not in the best interest of the organisation may eventually jeopardise the wealth of the shareholders. It is in the interest of the organisation and shareholders that necessary steps are taken by the management to ensure minimised agency problems. Finally, it is contractually expected that management is ethically motivated to put the interests of the shareholders and those of the organisation ahead of its own.

Maggetti et al. (2018) concluded that to mitigate the agency problems, the principal must package the agent's contract with appropriate incentives which adequately rewards the management's efforts. Examples of the said strategies by which the agency problems could be mitigated are hiring experienced, qualified and ethical managers, rewarding good performance,

using results-based incentive rather than time-based performance, and allocating stock shares in the organisation will encourage ownership and promote moral decisions by the management.

The theory has been widely applied since its origin in the 1970's to date. Its application has been seen in the economic sectors such as business, insurance and banking; in social science sector such as public administration; in health and construction including procurement (Valencia & Azcarraga, 2018; Maggetti & Papadopoulos, 2018; Kron et al., 2021). Relevant to this study, the theoretical framework identifies the taxpayer or the electorate as the principal, and the operators of public procurements such as procurement officers, principal secretaries and politicians as agents (Valencia et al., 2018). In confirmation, Maggetti et al. (2018, p.2) assert that “parliamentary democracies, for instance, are regarded as chains of delegation from a principal to an agent that is, from citizens to legislators, to the prime minister, to the heads of different executive departments and to civil servants”. It has further been conceptualised in this study's statement of problem that the procurement agents have interests which compromise the interests of the principal in the form of corruption, leading to negative impact to the developmental interests of the public in Lesotho.

Linking the principal-agent theory to corruption, Forgues-Puccio (2013, p.2) opines that “the ‘principal-agent’ theory is perhaps the one that has been more influential. According to this theory, corruption arises in the public sector due to transfer of responsibility and imperfect monitoring”. Secondly, De Jeager (2022) maintains that this theoretical model of principal-agent, has been identified as an appropriate framework of analysis to establish the relationship between corruption and governance. In its study, Peerthum and Luckho (2021) finds that when examining public corruption through the perspective of the principal-agent theory, the theory provides proper theoretical emphasis of the mechanism of corruption and offers plausible outcomes.

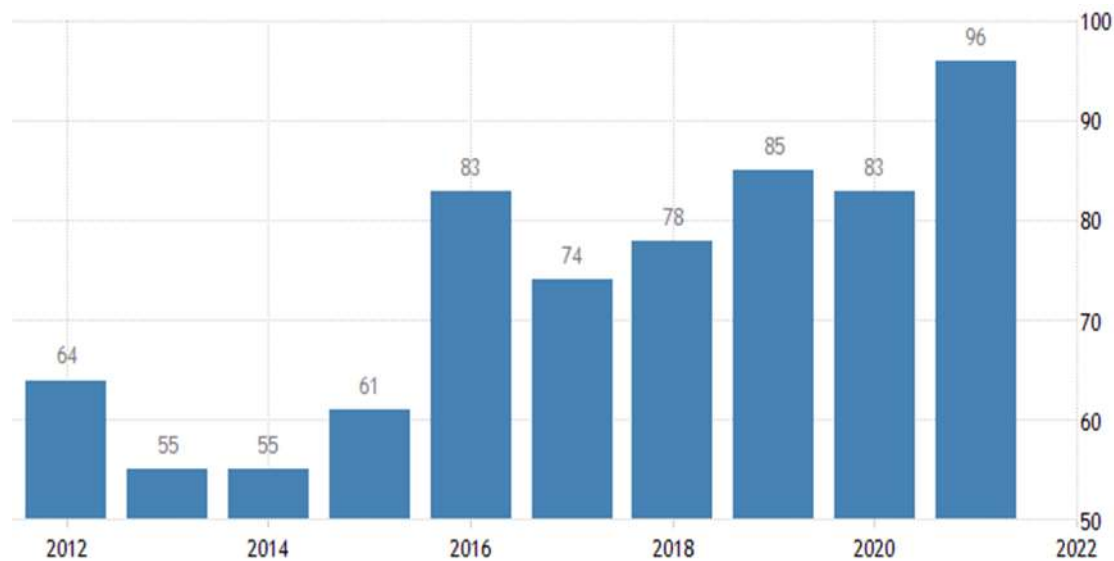
2.1.2. Systems-Based Theory

Procurement cycle management requires that procurement is done from “cradle to grave”; meaning, it must cover the whole cycle from planning to close-out of a procured contract (Perez-Neira, Simón, & Copena, 2021; Bashasha, 2017). That conceptual framework is based on systems theory which states that *the whole is greater than the sum of its parts*. The system-based theory was founded by Ludwig von Bertalanffy in the 1950’s and is currently applied in all sectors. Paynton and Scott (2021) assert that the system-based theory has to primarily be teleological and homeostasis. Being teleological, the system seeks to achieve a certain collective goal; and being homeostasis, at the same time the system aims to achieve the state of balance or equilibrium within the environment in which it exists. Paynton and Scott further argue that to function optimally and achieve the set goal, the system has to have identity, boundaries, a certain level of organisation, specific components and the beginning and the end. Secondly, to establish equilibrium, the system has to give feedback and self-regulate. In the same context, Hiver, Al-Hoorie and Evans (2022) further affirm that the systems theory possesses the following features: order, interaction, interdependence, integration and central objective.

The linkage between the study and the systems theory is that the well-established system of procurement cycle management is dysfunctional in Lesotho, and therefore, does not comply with the protocols of the system-based theory. The procurement cycle management establishes the following five primary functions: planning, acquisition, evaluation and award, implementation and close-out. To comply with the systems theory the Lesotho’s public procurement system must function optimally from the beginning to the end, with all components (cycle stages) operating interactively, integrated and interdependently. The system has to be able to correct and regulate itself from malpractices or dysfunction of any kind. Currently, the procurement cycle management system in Lesotho does not self-regulate. There

is no function within the cycle that helps the very same cycle to purify itself against malpractice by unethical procurement officers or politicians, or to ensure that visibility of procurement activities is done. To bring about stability in the procurement system, Hiver et al. (2022) debate that such kind of a system may not achieve expected result.

The literature and the public in Lesotho continually complain about the public procurement system that does not give intended outcomes. The literature is established in the same chapter below that the presence of procurement oversight is limited to the first three stages of the procurement cycle namely, planning, acquisition and evaluation and award. The literature further shows that tender adjudication focuses only at the evaluation and award stage. The rationale for the proposed theoretical framework emanates from the persisting corruption within the public sector in Lesotho (Lebakeng, 2021). Figure 3 below shows the rank of Corruption Perception Index (CPI) issued by Transparency International over a period of 10 years from 2010. Lesotho's best performance so far was between 2013 and 2014 where it ranked 55 out of 180 countries; and worst in 2021 ranking 96. It can be observed from the history that the country's perception on corruption is worsening. Secondly, further history shows that the country's corruption perception has been volatile and is strongly based on the political authority governing the country per political term (Malephane & Isbell, 2019).

Figure 3*Lesotho's Ranking on Corruption*

Source: Transparency International (2021)

Afrobarometer (2019, p.1), a non-governmental organisation in Lesotho whose conclusions are based on information gathered from both the communities and the public servants concludes that, “in recent years, Lesotho has been shaken by a number of corruption scandals involving high-ranking politicians”. On the side of procurement, it is observed from practice and research that procurement practitioners tend to pay more attention to some of the stages of the procurement cycle rather than all, allowing room for fraud (Perez-Neira, Simón, & Copena, 2021).

2.1.3. Stakeholder Theory

The Stakeholder theory espouses that company leaders must know and understand all stakeholders including the stakeholders’ interests in their constituencies. The theory requires that the company management should account to the said stakeholders that are impacted by the company operations or impact on the company operations. Freedman, Phillips and Sisodia (2020) as part of the advocates for stakeholder theory, asserted that the theory makes a

distinction between stakeholders and shareholders, whereby value-creation should be made for all stakeholders of the company.

Professor Edward Freeman of the University of Virginia is acknowledged widely as the original founder of stakeholder theory after the release of his book, *Strategic Management: A stakeholder approach*. In his book, Freeman argues that shareholders are simply part of the company's many stakeholders who have various interests. As part of the original detail on the stakeholder theory of organisational management and business ethics in 1984, Professor Freeman addressed morals and values in an organisation. Freeman et al. (2021) state that the stakeholder theory accounts for multiple constituencies affected directly or indirectly by business such as local communities, suppliers, employees and creditors. It confronts morals and values such as corporate social responsibility, stakeholder capitalism or market economy, and social contract theory in managing organisations.

Through their books and articles, many authors who investigated this theory acknowledge Freeman as the author of stakeholder theory. Materially, stakeholder theory came as an opponent to shareholders theory also known as Friedman doctrine (Rose, Flak & Saebo, 2018). The Friedman dogma is a prescriptive theory of business ethics advocated by Milton Friedman. The Friedman theory holds that a business has a social responsibility to increase its profits. Rose, Flak, and Saebo argue to the contrary that a modern-day enterprise management can only achieve long-term sustainable growth and wealth when it serves the wider stakeholder interests instead of focusing only on its shareholders' interests.

One of the strengths of the stakeholder theory is ownership by all stakeholders in the system and throughout the value chain (Valentinov et al., 2018). Ownership comes as a result of transparency of the system to all holders and information sharing. One of the critiques of stakeholder theory is a political philosopher called Charles Blattberg (Rose, Flak & Saebo,

2018). Blattberg argues that it is practically unachievable to balance the interests of various stakeholders against each other because not everything will be perfect for everyone. Rose et al. (2018) argue that holders of stakeholder theory affirm that all stakeholders will be bound to compromise at one point. For example, shareholders may have to forego part of their profit in the business.

Freedman et al. (2020) argued that even though there is continued compromise in the stakeholder theory, stakeholders are assured sustainability in business. The stakeholder theory has been widely applied in private and business sectors. Valentinov et al. (2018) maintain that the application of stakeholder theory in fields of law, human resources and management succeeded in challenging the usual analysis framework by insisting incorporation of the needs of stakeholders at the beginning of every activity.

Relating the theory to the study, Toebe (2018) observes that public procurement is an activity of multiple stakeholders. Stakeholders in procurement are the public who are considered as owners or shareholders of the company, politicians who are given immediate delegated authority by the public, civil servants who are employed on qualifications and experience of procurement, financiers, contractors, local communities impacted by the procurements, etc. Lebakeng (2021) argues that effectiveness, efficiency and transparency of public procurements is a concern of the procurement stakeholders in different ways. Many public goods such as rural water supply networks, roads, etc. in Lesotho are often vandalised by local communities because of inadequate stakeholder engagement (Rakolobe, 2019). Improvement of the public procurement process through introduction of the procurement adjudication will improve transparency to stakeholders and lead to general ownership by all.

2.2. Major Propositions

This study recognises that corruption is prevalent in the public procurement sector in Lesotho (Malephane & Isbell, 2019; Rakolobe, 2019). The general literature confirms that this is not unique to Lesotho. Søreide (2002, p.25) observes that “several studies have concluded that public procurement is most prone to corruption”. OECD (2017) also makes a similar observation. This study assumed that some development partners as well as local and international consultants, contractors and suppliers are reluctant to participate in public procurement activities for major projects because of the rampancy of corruption in public procurements in Lesotho.

The study therefore, proposed an independent system that will monitor the process throughout the procurement cycle from planning through acquisition, evaluation, execution, to closure. This system will introduce check points which are strategic in the procurement process where an independent authority assesses compliance of the process to the guidelines; and hold points which are strategic in the process where a procurement process has to stop shortly for an assessment by the independent authority ahead of decision-making by the management. It is anticipated that the outcome of a successfully implemented procurement system will increase general stakeholder confidence in the public procurement system of Lesotho.

It is expected that appropriate institutional framework that will support the proposal will be made and replicated in all the ministries of the public sector dealing with major public procurements. It is further expected that there will be political will by government to spend more money on establishment of appropriate institutional arrangements by introducing the independent procurement adjudication authority with the understanding that the gain will supersede the loss.

The theoretical framework applied in this study has existed before with different approaches. The difference between the proposed approach and previous approaches is the extent of intervention on the procurement cycle. Procurement adjudication, annual procurement audits and eProcurement have been applied previously by various institutions under the same theoretical framework.

Procurement adjudication is a process of evaluating tenders upon submission (Kalyongwe et al., 2018). Corruption at this stage of procurement has, in the past proven to be high and has been a target of perpetrators of corruption both from the public officers and tenderers' sides. After studying challenges facing public procurement in South Africa, Ambe and Badenhorst-Weiss (2012) established that as a way to curb corruption at the adjudication stage, the South African government determined that their procurement system required establishment of three bid committees: one for specifications, the second one for evaluation and the third one for adjudication.

Further, they allowed stakeholders to be involved in the adjudication process. They intensified the stage to minimise unethical behaviour and corrupt practices. Munzhedz (2016) asserts that some governments such as South Africa and Lesotho have legislated Tender Committees/Boards to mitigate public procurement corruption. During the covid-19 era, corruption scandals were reported world-wide with procurement awards made to unqualified suppliers. Gao (2021) avers that to curb the acts of corruption at the tender adjudication stage for covid tender evaluations in Singapore, government established a procurement tribunal whose decision could even be reviewed by the judicial structures. This study notes that these tribunals or tender boards or judicial structures only convene during the evaluation of a certain major public tender. This happens only at the adjudication stage and nowhere else on the procurement cycle.

The above efforts fall well within the similar theoretical framework concerning procurement cycle management. However, the concerning challenge is that corruption in public procurement still persists. No matter how well and legislated governments can do to curb corrupt practices within the adjudication stage, as long as the other parts of the procurement cycle are not watertight to acts of corruption, corruption will still prevail within the procurement cycle.

The second mitigation used over the years is procurement audit. Procurement audit is an annual assessment of compliance to the set policies and standards of procurement by an external body (Drozd, Pysmenna, Pohribna, Zdyrko, & Kulish, 2021). While it cannot be denied that procurement audits add value to future planning and implementation of procurements, it is acknowledged by Arifin and Hartadi (2020) and OECD (2017) that every year audit makes a finding of corruption or procurement malpractice. That finding comes after an act of corruption has already taken place. This feature presents a weakness in the system requiring redress. It is generally accepted that prevention of corruption is better than having to deal with an act of corruption that has already happened. Having to deal with corruption that has already taken place could even be costly and take time.

The third anti-corruption tool now gaining global recognition is eProcurement. eProcurement is a technologically advanced approach to dealing with corruption as well as improving efficiency in procurement management (Aboelazm, 2022). As the name dictates, it employs intensive application of electronic and internet systems. Compared to traditional procurement mechanisms, eProcurement provides easier communication to parties, allows better competition among bidders and improved transparency (Ahmad, Abul Hassan, & Ismail, 2021; OECD, 2017). While acknowledging the same strengths and in agreement with others, Akaba, Norta, Undokwu and Draheim (2020) argue that the Nigerian government like others still experience prevalence of corruption. It states on (p.6) that “approximately 50% of our

respondents mention that corruption currently exists in all phases of the procurement process from project planning via bidding to the project implementation stage”. Transparency International (2021) confirms that even though they still rank high, some advanced economies such as United States, Australia and Canada have declined in corruption perception.

While studying critical success factors and challenges of eProcurement in Nairobi, Mose, Njihia and Magutu (2013) arrived at different conclusions but the same with those who studied the system’s application in the least developed countries. Their conclusion is that reliability of power supply, availability of internet and electronic infrastructure pose a serious challenge which is beyond individual business entities. The system in these parts of the world is unable to cover the whole procurement cycle, particularly in works and services during the implementation stage.

As indicated above, the proposed study is founded on the conceptual and theoretical frameworks that procurement must be effective, efficient and transparent; and that it is a system of all stakeholders; therefore, it has to be monitored throughout all the stages of the procurement cycle. The study proposed to provide an all-time oversight on the entire process of public procurement in Lesotho. Public procurement systems and processes are the means of delivering public good to the public of every government. It is now common course that corruption is a severe eroder of public funds (Fazekas & Kocsis, 2020). This observation has been acknowledged by various entities in research such as academia, governments and development aid organisations especially Transparency International, OECD and World Bank (Lebakeng, 2021; Transparency International, 2019; Global Fund, 2018). In light of the fact that Lesotho and other developing countries are not ready to deploy eProcurement, an alternative solution to improve transparency and fight corruption is still needed.

This study comes at a junction of high flow of public funds, high level of corruption and the weak procurement management system in the Lesotho public procurement (Lebakeng, 2021). The aim of the study was to explore the views and opinions of officers working in government procurement with respect to adequacy of the procurement process, corruption and mismanagements in public procurements in Lesotho. On implementation, the outcomes of the study are expected to positively improve donor and bidder confidence towards public procurements in Lesotho, and more importantly to save public funds that are lost to corruption. The latter is expected to further contribute to improving the country's economic development.

2.3. Alternative Approaches

An alternative approach to introducing the independent procurement adjudication and fighting corruption to avert malpractices and acts of corruption is procurement audit. Procurement audit has been applied for more than four decades; and Arifin and Hartadi (2020) contend that while it discourages acts of corruption to some extent, procurement audit has a weakness of having to work on historical information rather than dealing with corruption as it happens.

Another alternative would be eProcurement. However, DelVechio (2019) states that this system is young and is undergoing testing. More importantly, challenges associated with the system especially in developing countries is ICT infrastructure to adequately handle the demands of eProcurement. Akaba et al. (2020) also cites poor reliability of power supply as another challenge for the developing countries. In the same way, eProcurement does not cover the full cycle of procurement stages especially in construction, building and consultancy services (Ahmad et al., 2021). The independent procurement adjudication in the public procurement process in Lesotho, is preferred because it looks at all stages of the procurement cycle from project identification through to contract closure. Further, transparency in the procurement processes is expected to improve.

2.4. Corruption in Public Procurement

This sub section argues that public procurement is crowded with corruption because it is where public funds flow in relatively high volumes; where transparency and accountability systems are weak; where undue political influence; and malpractice by procurement officers are rife (Rakolobe, 2019). Ferwerda, Deleanu and Unger (2017) conclude that within the procurement cycle, decision-makers are more interested in the early stages of '*contract definition*' and '*decision to engage in a contract*' than other stages. At these stages it is easier for the designers of procurements to determine what procurement method they want, to suit their preferred bidder instead of being competitive and addressing the specific requirement. In confirmation of this view, Matechak (2002) avowed that public procurement has become a candidate for corruption, favouritism, bribery and cronyism because it is one of the key areas of interaction between public sector and private sector financially. Matechak further asserted that public procurement has on the other hand become a prime target by various multilateral, national and international anti-corruption initiatives for reforms.

This study demonstrates abuse of power by politicians and procurement officers especially at these two stages of the procurement cycle. Two decades down the years, Koller, Clarke and Vian (2020) states that the situation is still rife mostly in the developing countries. Furthermore, Lebakeng (2021) agrees that public procurement system gives room for people to return favours; and finally, Owusu, Chan and Ameyaw (2020) conclude that criminals organise themselves strategically to make networks and engage in public procurement because it is attractive as it allows them to make connections with officers in the judicial sector and or tender panels. There is a common observation from the literature above that public procurement is made vulnerable to corruption by virtue of it being a point of interaction between public and private sector actors. Further, it is strategic for networking where decisions by bodies such as

tender panels and or judges, acts of favouritism and undue influence on the procurement procedure are made.

Inefficiency or weakness of public procurement systems and regulations thereof are considered by many authors as the weak link allowing the groups of mafia and acts of corruption to creep in. Schoeberlein (2019) concludes that not only Eastern Europe countries are worst hit by corruption in public procurement but Western Europe as well. Schoeberlein observes that procurement services are on high demand and public procurement regulations have many loopholes. Rakolobe (2019) asserts that one of the factors attracting perpetrators of corruption in the sector in Lesotho is weak and inefficient systems. Komakech (2020) states one of the major reasons for conducting its study focusing on public procurement is the high number of scandals in public procurement in Uganda and globally, as well as inefficiencies in public procurement. Komakech argues that while this challenge confronts the whole world, developing countries are worst hit as a result of compromised competition by bidders and lack of transparency. It is noted that more effort will be required to improve the current public procurement system, not only in Lesotho but also throughout the developing countries.

Another observation is that an attraction for the perpetrators of corruption to choose public procurement sector is the volume of funds that flow therein compared to the other sectors of government annually Koller et al. (2020). In confirmation to this view, Rakolobe (2019) claims that the Lesotho's public procurement realises the biggest annual allocation in procurement compared to all other sectors of the government budget every year. Fazekas et al. (2020) assert that criminals organise themselves strategically to engage in public procurement because it is lucrative and has high funding allocation. In addition, Ferwerda et al. (2017) conclude that officers and politicians choose public procurement because the sector has a significant flow of funds to make impact in their private intentions. Finally, Owusu et al., (2019) confirm that this sector is the largest of most countries' budgetary allocation. One of

the findings by Toebe (2018) is that the Lesotho state-owned Directorate on Corruption and Economic Offenses says 95% of their cases are on public procurement and that the same sector is most vulnerable to corruption.

Besides other reasons, Owusu et al. (2019) assert that the high government expenditure is the major reason why corruption targets public procurement. Owusu et al. also argue that while the challenge of corruption faces the whole world, it is rife in the developing countries. Transparency International (2019) finds that public procurement involves a large share of each government's budget because it is about acquisition of expensive infrastructure components such as buildings and land by national governments and municipalities, roads construction, education and health services, and water infrastructure including dams, delivery mains and networks. Further, Ameyaw, Abaitey, Sarfo and Manue (2021) observe that the Ghanaian public procurement sector takes up to 70% from the national budget annually over the years.

The literature above demonstrates that public procurement commands high volumes of annual public funds which is the main attraction to groups of corruption mongers. The impact of corruption is exemplified by a speech delivered by the United Nations Secretary General, Antonio Guterres that 'the annual costs of global corruption amount to a staggering US\$3.6 trillion in the form of bribes and stolen money' (World Economic Forum, 2018). Further, Transparency International (2019) states that, with the estimated US\$2 trillion disappearing from procurement budgets globally to corruption is good enough to demonstrate the negative impact of corruption and the extent to which the latter is harming the public interests. It is strongly suggested that the public procurement system needs improvement.

It is generally accepted that corruption especially in public procurement leads to a loss of up to 25% of funds allocated to the sector, and therefore has negative impacts economically. The following few paragraphs will assess the impacts corruption imposes to the general

population. Tielt and Tairo (2018) discuss the negative impacts corruption has on society and economy of each country. The phenomenon of corruption creates an environment where the society loses trust on politicians and public officers at the decision-making level and further undermines the economic development as it increases unproductive costs for both private and public sectors. Public procurement is a means to deliver goods and services at the best interest of the same public (Lebakeng, 2021)

Funds diverted away from its purpose is not only stealing but also causing harm to the same interest. Economically, given the high volumes of funds lost to corruption in public procurement (\$2 trillion or 25% of every procurement) given the fact that this happens in an average of 50% of governments' annual budget; this is a lot of money (Colonnelli & Prem, 2022; Lebakeng, 2021; Transparency International, 2019). These funds are supposed to have been injected and invested in economic development of the country. Secondly, Fazekas and Kocsis (2020) argues that this phenomenon has a potential to cause a rise in prices. Thirdly, poor quality that often comes with corruption in the public goods and services would need repairs causing additional resources which could be used elsewhere to improve the economy of the country (Rakolobe, 2019). Ameyaw et al. (2017) assert that developmentally, limiting competition in procurement inhibits and denies the public the benefit of better developments and innovative products and solutions. It discourages investment and access to market by bidders with the right potential (Kalyongwe et al., 2018). Toebe (2018) perceives that poor public investment does not benefit the development of an economy of the country and corruption is corrosive to every country's economic development.

Politically, "governments must urgently address the corrupting role of big money in political party financing and the undue influence it exerts on our political systems" (Transparency International, 2019, p.7): This statement was made by the chairperson of Transparency International, Ms Delia Ferreira Rubio. Ferwerda et al. (2017) found one of the

indicators as political influence on which procurement to do for which constituency with an aim to benefit them politically. The politicians' aim may be to either enrich them or to secure them a position in the next elections. It is appreciated that the negative political influence leads to severe impacts on the quality of the intended public goods. In her study, Toebe (2018) concludes that more than 50% of corruption cases associated with public procurement in Lesotho are linked to political influence.

Socially, Fazekas and Kocsis (2020) observe that substandard works in quality become a health and safety hazard to people using the infrastructure. For example, failure to comply with building codes on bridges and buildings may result in collapse of those structures endangering the lives of people. It can become an environmental hazard too (Ameyaw, et al., 2017). Toebe (2019) avers that governments which are perceived to be highly corrupt often run the risk of erosion of trust from its public, private sector and potential bidders, and donor community.

2.4.1. Corruption in Lesotho

As a developing country, Lesotho is facing challenges of corruption. Figure 4 below shows the trend of perception on corruption for Lesotho estimated by the Transparency International (2019). Four features of perception on corruption of Lesotho's two government regimes alternating over this period are portrayed in Figure 4 below: one between 2010 and 2011; another one between 2012 and 2015; the third one between 2015 and 2017; and the last one between 2017 and 2019 (Transparency International, 2019). In both periods of governments for each regime, perception was that the red government was more susceptible to corruption than the green government because its scores were relatively low. Nonetheless, the situation is worsening because currently the country's perception is at 38, ranking 96 out of 180 countries of the world on corruption (Transparency International, 2021).

Figure 4*Cost Performance Index for Lesotho*

Source: Transparency International (2020)

In their study, Doh, Rodriguez, Uhlenbruck, Collins and EdenLorraine (2003) concluded that scandals published around 2003 regarding Lesotho, Costa Rica, Egypt, South Africa, China, Russia and elsewhere in the world depicted a global corruption problem. In making the point as to how deep-rooted the problem of corruption in Lesotho is, Rakolobe (2019) observes that employment of executive officers such as Principal Secretaries who are the chief accounting officers, is based on political inclinations. On considering the impact thereof, Rakolobe further links the impact of corruption to the loss the economy in Lesotho suffers and asserts that it is significant. Toebea (2019) associates the negative effects of corruption in the Lesotho's public procurement as impoverishing and negatively impacting of the livelihoods of the taxpayer. Toebea argues that the benefits and quality of goods and services are forgone by the taxpayers at the expense of corruption. In the same context to livelihoods of the people of Lesotho, Lebakeng (2021) emphasises that funds directly lost to corruption annually and indirectly to patronage and poor quality of goods and services would have gone to long-term investments and developments for improved livelihoods of the people. Kali (2020) links corruption with levels of poverty in Lesotho. It further asserts that bureaucracy in the government system is created deliberately by politicians to create opaque transparency and habitat for corruption. Thetsane and Mokhethi (2019) avow that corruption and nepotism in

awarding of public tenders has led to major barriers and retardation of growth and in most cases death of MSME's in Lesotho. Thetsane and Mokhethi opine that the level of nepotism in the country exacerbates poverty because it benefits only the few closer to politicians. On its overview of public procurement, corruption and governance in Africa, Dorasamy (2021) concludes that Lesotho has a high level of corruption impacting negatively on the country's economy. Upholding the same perception, Bonga (2021, p.1) concludes that "millions of dollars are lost each day through corrupt activities, yet such amounts if channelled to productive use could yield a lot for the betterment of respective states".

In the study, *combating transactional corporate corruption: Some further lessons from Lesotho*, Hatchard (2010) acknowledges the action taken by the Lesotho government between 2000 and 2003 on investigating and taking to court the European construction companies as a bold move towards anti-corruption and a lesson to be learned. That effort and a few others contributed to an overall 5% increase in corruption perception index over the 10-year period from 2010 (Transparency International, 2019). Nonetheless, Lesotho still scores below world average on corruption perception index (CPI) (Transparency International, 2021). In her study on '*corruption in public procurement in Lesotho*', Toebe (2018) concludes that more than 95% of cases investigated against the Lesotho's public sector is on procurement.

The literature is consistent that anybody can be involved in corruption – government officials, politicians, private sector, and donors; and that corruption is detrimental to economy and development of every country. Corruption takes away a significant amount of money and retards progress developmentally failing to meet the desired interest of taxpayers (Lebakeng, 2021). It deters confidence from taxpayers, donors, international and local investors. The literature is in agreement that the impact of corruption can literally be felt by everybody in that country in the sense that it tends to raise prices. Corruption erodes public trust on the government leadership. Finally, that more than 50% of corruption cases globally are associated

with public procurement. The impact is significant and cannot be left alone with the going pace. The proposed study intends to contribute to more efforts to reduce the severity of the said impacts.

2.4.2. Major Efforts of Anticorruption

From all the studies presented on the subject, it is commonly accepted that corruption is detrimental in many ways. Confidence of the general public, private sector, donor community, local and international investment community, etc. is generally negatively impacted by corruption. Mahmood (2010, p.103) maintains that “public trust in the process is generally absent”. In support, Caillaud and Lambert-Mogiliansky (2019) submit that fraud and corruption in public procurement could threaten legitimacy and undermine public trust. Research and publications on the subject tend to point towards the direction that most countries of the world have a serious challenge to economic development because of the loss of public funds to corruption (Fazekas & Kocsis, 2020; Makarenko, 2019). Transparency International (2019) puts it well together with an overview of the level of confidence by the public, donor community, local and international investment community and private sector in each country from 2012 to 2019. This Corruption Perception Index trending for seven years shows a picture of general decline in confidence from the stakeholders for most countries of the world (Transparency International, 2019). There is a general decline in Europe though most European countries top the list in confidence from stakeholders. A generally small improvement in the African countries though the continent ranks the lowest in comparison with others. A total of 23 countries gained 1% of stakeholders’ confidence from 2018 to 2019 while 22 countries realised about the same percentage decline in the same period (Koller et al., 2020). The scenario presented by the literature is that of a persisting problem of corruption.

For more than 40 years now, the global, continental and regional governance bodies have employed a great effort in fighting the ferocity of corruption in all its forms. The UN

established the United Nations Convention Against Corruption which now stands for 18 years since 2004 (Sekalala, Masud, & Bosco, 2020). The efforts by the UN against corruption is common cause to all countries of the world for almost two decades now. In December 2019, the United Nations Chief of Anti-crime made this statement: *‘as we enter a decade of ambitious action to achieve the Sustainable Development Goals, stepping up efforts to eradicate corruption and promote good governance is essential to deliver on our global pledge to leave no one behind’* (UNODC, 2020).

Similarly, the European Commission directives on public procurement and other anti-corruption laws and initiatives are founded on the Treaty of Rome dating as far back as 1957 (Lindskog, Staffan, & Brehmer, 2010). The emphasis then which remains the same today is, increased transparency in procurement procedures and practices (Owusu et al., 2019). Over the years, EU member states have been compelled to incorporate strategies of anti-corruption in their legislations (Makarenko, 2019). The various EU laws against corruption include the 1997 Convention Against Corruption Involving EU Officials, and the 2003 Framework Decision to Combat Corruption in Private Sector.

Transparency International has established and operates helpdesks which are funded by EU in the Middle East and North Africa in an effort to work against corruption (Schoeberlein, 2019). The effort by Transparency International done annually to investigate and publish Corruption Perception Index for all the 180 countries since 1995 is another measure to discourage corruption (Koller et al., 2020). The efforts of the OECD on anti-corruption can be traced back to 1940. The Organisation has consistently published anti-bribery lobbying regulations every decade since 1940 to 2010 (OECD, 2019). Besides the lobbying efforts, the organisation has also contributed immensely in activities of anticorruption worldwide. It has established regional anticorruption programmes in Eastern Europe, Africa, Central Asia, Asia-Pacific and Latin America (Schoeberlein, 2019).

Koller et al. (2020) suggests that OECD's efforts can be categorised from conventions, anticorruption recommendations, guidelines and tools, declarations and initiatives, and publications and brochures. Examples are the 1998 recommendations on improving ethical conduct in public service, and the 2009 anti-bribery convention (Sekalala et al., 2020). The African Union Convention on Preventing and Combating Corruption was adopted by the African continent in 2003 (Tielt & Tairo, 2018). Since then, the Union has had annual assemblies by heads of member states and governments on anti-corruption. In 2017, AU held a summit on '*winning the fight against corruption – a sustainable path to Africa's transformation*'; while in 2018 they declared that year as the year of African anticorruption year.

The literature shows without contradiction that tremendous efforts have been made and continue to happen to combat corruption and its impact. It is observed and can be concluded that with Europe having started over 40 years ago and continuing to employ strict and robust laws, regulations and campaigns have paid for them to now rank generally high on the corruption perception scoresheet every year (OECD, 2019). Continents such as Africa, South America and Asia do lack behind owing to the time since embarking on the fight against the problem, and elaborateness of their tools and systems in addressing the situation.

It is further noted that the fight between corruption and anti-corruption is rife with the latter not necessarily winning. The 2021 corruption perception index recorded by Transparency International (2021) revealed a decade of stagnation in the level of corruption globally. The main concern to Transparency International is that most of the countries comprising two-thirds scored below 50; and that in the past decade, the global average has been stuck at 43 each year. This record reveals that advanced economies such as United States (67), Australia (73) and Canada (74) form part of the 23 countries which experienced significant decline on CPI since 2012. Noteworthy is also that, for the first time USA dropped out of the top 25 countries on the

Index. Conversely, Transparency International records Armenia (49), Seychelles (70) and Estonia (74) forming part of the 25 countries which significantly improved their scores. Sekalala et al. (2020) assert that this situation calls for more inputs from researchers and governments to fight against corruption. Introduction of an all-time procurement adjudication system in public procurement process in Lesotho is, therefore, proposed to contribute to the fight against corruption in the sector of public procurement.

2.5.Procurement Cycle Management

This chapter presents an argument that procurement cycle has to cover all stages from planning to contract close out. Perez-Neira, Simón and Copena (2021) define a procurement cycle as a cyclic process of acquisition of goods and services from conceptualisation of a need through to market assessment, selecting a qualified bidder, monitoring performance and closing the contract. A procurement process is commonly described as a process of acquiring goods and services; and a complete procurement cycle constitutes the activities of project identification, development of a tender document, invitation to bid, bid evaluation, award and contract implementation, and performance assessment and contract close out (OECD, 2019; Sandiuk, Lushpiienko, Trushkina, Tkacheno, & Kurganskaya, 2019).

Contrary to the view expressed by the literature in the previous paragraph, a different view is held by fewer scholars such as Bashasha (2017) and Lynch (2013). This framework defines procurement cycle only up to contract award stage. For example, Lynch (p.6) states “the procurement cycle begins with the identification of a need and ends with the award of a contract”. Clearly this view cut the procurement cycle short of implementation and close out. In contrast, Kakwezi and Nyeko (2019) argue that the difference is brought about by the complexity of the procurement. This means much less complex procurements may not need other stages of the cycle. Komakesh (2020) raises a highly pertinent argument of the entirety of contracting, which is the immediate result of the procurement evaluation process. Komakesh

emphasises that success of a procuring entity on service delivery depends on that entity's ability to manage the entirety of the contracting process.

Various other international Aid organisations such as OECD, World Bank, Chartered Institute of Procurement and Supply and Transparency International hold the view of a procurement cycle which conforms to the entirety of the contracting process. This view is underlain by the whole purpose of acquisition of goods and services which is to obtain them. Komakesh (2020) asserts that the latter is assured by the close out process where checks and balances between the contractor and the employer are made. At the contract award or issuance of a purchase order stage, goods and or services have not been acquired. In addressing integration of fundamental principles of procurement OECD (2019, p.4) states, "the recommendation of OECD contains the following 12 integrated principles to address the entire procurement cycle: transparency, integrity, access, balance, participation, efficiency, e-procurement, capacity, evaluation, risk management, accountability and integration".

In their study on assessing the spread of corruption through the stages of procurement, Ameyaw et al. (2017) identify all the five stages of procurement cycle through to contract close out stage. This approach confirms their recognition of the entirety of the procurement cycle. The delivery and commissioning stage for supply contracts, investigations for services contracts, and implementation stage for works contractors are identified as legitimate stages of the procurement cycle (Perez-Neira et al., 2021; OECD, 2019; Suero & Ng'eny, 2018). Activities such as acquisition of additional services within the existing contract by means of variation orders or nominated sub-contracting would otherwise not be recognised as part of the procurement process if the procurement cycle stops at the award stage (Perez-Neira et al., 2021; Komakech, 2020; Suero & Ng'eny, 2018). Therefore, leaving these stages outside the procurement cycle would be an omission to the entirety of the process. Finally, contracting parties have roles and responsibilities under a signed contract. Kalyongwe et al. (2018) concurs

that it is considered good practice to close the contract to relinquish such roles and responsibilities from parties formally at the end of the contract.

2.6. Corruption in Various Stages of Procurement

This subsection argues that all stages of the procurement cycle are affected by corruption requiring attention from authorities to defend against erosion of public funds which end up in the hands of perpetrators. David-Barrett, Fazekas, Hellmann, Mark and McCorley (2017) conclude that most donor agencies focus their attention against corruption mainly in the three stages of procurement: tender advertisement, evaluation, and award. In addition, other researchers such as Caillaud and Lambert-Mogiliansky (2019) and Ferwarda et al. (2017) similarly conclude that procurement planning, contract implementation and contract close out to date have received less attention against corruption and yet they are as well infested with the acts of corruption.

Ameyaw et al. (2017) compared participants' perception on the different stages of procurement with regards to corruption wherein 61% of them believe it is in planning, 85% is associated to the tendering stage, 86% is associated to the evaluation stage, 77% is associated with the implementation stage, and 58% is associated with the close-out stage. Participants were further asked to give their views as to which different actors play a role in contributing to corruption in procurement. In this regard, 81% believed it is politicians, 89% thought it is officials, 74% thought it is contractors and 65% believed it is quantity surveyors.

In the same context of high flow of funds of procurements as stated previously, the implementation stage also experiences high flow of funds compared to other stages of the procurement cycle. Fazekas and Kocsis (2020) assert that this situation makes the implementation attractive to perpetrators of corruption. David-Barrett et al., (2017, p.13) conclude that regardless of the stage of development of a country, corruption in procurement

happens at all stages of the cycle: “this is amply evidenced by the fact that, in a range of high state-capacity countries with advanced e-procurement systems like the UK, Sweden, or the Czech Republic, extensive corruption in procurement still occurs”. Various other authors confirm the same (Perez-Neira, Simón, & Copena, 2021; Komakech, 2020; Ferwerda, Deleanu, & Unger, 2017).

2.6.1. Corruption at Planning Stage

There is general concurrence amongst researchers that perception on acts of corruption at the planning stage is low compared to most of the stages of the procurement cycle (Aboelazm, 2022; Kalyongwe et al., 2018; Ameyaw et al., 2017). However, the finding made by David-Barrett et al. (2017) is that influence made by politicians at the planning stage is tantamount to significant amount of corruption. They argue that politicians decide which projects are to be done, which may not necessarily be on the development agenda but pursue their personal interest such as ensuring longevity in their position of power. Politicians go to the extent of establishing laws and state-owned entities which will be regulated and populated by them (Komakesh, 2020).

Lebakeng (2021) observed that these politicians appoint officers who will follow their instructions. On the other hand, Bedasso and Asfaw (2020) confirm that many politicians even sponsor media companies to cover their activities and broadcast falsifying information to the public. The same observation was made by other researchers such as David-Barrette & Fezekas (2019) and Ferwarda et al. (2017). Procurement documentation is a strategic component of the planning stage where the type of contracting and a procurement method is decided (Kakwezi & Nyeko, 2019). Kalyongwe et al. (2018) asserts that opportunistic perpetrators of corruption target this stage to eliminate competition while a procurement is not yet in the public eye. Officers decide on methods such as single sourcing or limited bidding to eliminate competition (Kakwezi & Nyeko, 2019).

2.6.2. Corruption at Acquisition Stage

The literature generally accepts that amongst the stages of procurement cycle, acquisition is the stage which is infested with high levels of corruption because the magnitude and kind of procurement has come to the public. At this point, prospective contractors identify areas where they can benefit (Caillaud & Lambert-Mogiliansky, 2019; David-Barrette & Fezekas, 2019). Contractors make their move for the document modification to suit them; some start to make bribes to the procurement officers at this stage; others establish political areas of influence and explore their opportunities; officers identify which contractors they can ask bribes from; contractors establish how they can collude amongst themselves; etc. (Perez-Neira et al., 2021). In agreement with others, Ameyaw et al. (2017) assert that this stage is the second highest susceptible to corruption.

2.6.3. Corruption at Evaluation and Award Stage

The procurement evaluation stage receives the highest score of perception regarding corruption from researchers (Kalyongwe et al., 2018; Ferwarda et al., 2017). The findings by Ameyaw et al. (2017) ranks this stage at 86% of its participants, followed by acquisition at 85%. With the knowledge of the evaluation criteria and bids publicly opened, competitors know who they compete with and therefore, can either collude, bribe or cause influence from higher authorities (David-Barrette & Fezekas, 2019). The literature agrees that this stage is the most vulnerable to corruption.

2.6.4. Corruption at Implementation Stage

Acts of corruption in this stage as asserted by Kakwezi and Nyeko (2019) include contractors who deliberately tendered low and raise their prices by making variation orders, produce low and unacceptable quality of work, benefit from inflated bills of quantities and invoices, etc. Some of the perpetrators here include politicians influencing deliverable acceptance decisions, quantity surveyors approving sub-standard deliverables deliberately or because they lack skills (David-Barrette & Fezekas, 2019; David-Barrett, Fazekas, Hellmann,

Mark, & McCorley, 2017). Komakech (2020) asserts that managerial and supervisory skills of contract managers and quantity surveyors is key to controlling acts of corruption at this stage. However, the key staff lack the requisite skills (Ameyaw et al., 2017).

While the implementation stage is ranked third by most researchers, the challenge that confronts it is that consequences of the corrupt activities may be hazardous to the environment or dangerous to the health and safety of the public (Owusu et al., 2019). For example, a sub-standard concrete for a dam or a road bridge poses a high risk to the lives of the public. Some limit the scope of services needed by the public to safe costs, restraining development (Tetuko, 2018). In their study, Ferwarda et al. (2017) tested the indicators of procurement process, monitoring and implementation stages. In conclusion they confirmed that the monitoring and implementation stage receives inadequate attention exposing the stage to corruption.

2.6.5. Corruption at the Close-Out Stage

Amongst all the stages of the procurement cycle, the close-out is generally perceived as ranking lowest in corruption. However, the amount of corruption at this stage is considered big enough to render the procurement cycle vulnerable (Ameyaw et al., 2017). Various forms of failure to perform are experienced at this stage which are tantamount to corruption, delays in conducting project audit, lack of or poor level of project information, etc. (Griffin, 2018). Further, this is the stage where warrantees and guarantees have to be released; where sub-standard works may be accepted; and where parties in the contract have to relinquish roles and responsibilities (Owusu et al., 2019; Griffin, 2018). Kalyongwe et al. (2018) argue that contractors will do what it takes at this stage to exit the contract. Ferwarda et al. (2017) aver that in this situation, procurement officers seeing vulnerabilities of the contractors, will seize the opportunity to solicit bribes from the contractors.

2.6.6. All Procurement Stages Need Monitoring

This subsection motivates the point that all stages of the procurement cycle need close and independent monitoring to contribute more to improving transparency and curbing corruption in public procurement. While accepting that effort has been and is being made to fight corruption, Tetuko (2018) argues that not many results are being realised. In confirmation, Mohamed, Kapeli and Utami (2021, p.105) states that:

to date, only a few countries are said to have been successful in preventing corruption, while the rest are still struggling to meet their objectives, This is discouraging because numerous resources have been allocated for such preventive measures, but the results of their implementation have been disappointing.

Kalyongwe et al. (2018) makes a finding in Zambia that organisations dealing with public procurement have inadequate monitoring systems besides the issues of morality and ethics. They also identify loopholes in the system caused by poor supervision and lack of serious corrective actions against perpetrators of corruption. Kalyongwe et al. conclude that corruption in Zambia remains the major challenge despite many anticorruption measures implemented requiring stricter and closer monitoring throughout the entire cycle. While assessing effectiveness and efficiency of a procurement process, Kakwezi and Nyeko (2019) conclude that organisations and companies which do not monitor efficiency and effectiveness of their procurement will fail to realise improvements in quality, cost reduction and profitability. The essence of monitoring and supervision of the implementation stage is vitally important. However, though supervision is made at this stage, it is often not under the context of procurement and therefore, the cycle is broken.

An assessment conducted by the Organisation on the Latin American Countries revealed that on average only 55% of the countries do apply the whole cycle monitoring

(OECD, 2019). David-Barrett et al. (2017) focused on development aid and control of corruption therein. They made a pertinent finding to the argument that most donor agencies concentrate their procurement monitoring tools in acquisition and tendering without much application of the same in the other stages of the cycle. For donors not to have much interest in monitoring implementation of the procurement presents a weakness in the monitoring role because often they have a strong influence on effectiveness of the tools. While investigating patronage in public procurement, David-Barrette and Fezekas (2019) established a finding that because of strong influence of politicians on procurement officials and procurement institutions, monitoring of the cycle stages even if it exists, it is not effective because it will always lack independence. Establishment of independent tools would minimise influence of politicians.

An article by Suero and Ng'eny (2018) focused on monitoring of implementation of procurement contracts done by Kenyan Ports Authority. They established that because of inadequate monitoring, none of the procurements are implemented within their scheduled time; payments made were for poor quality work and unplanned scope change resulted in high budget overrun. No procurement entity has unlimited budgetary allocation and indefinite time to complete a project; therefore, poor schedule and poor budget management contribute to eroding taxpayers' funds even if it is not done corruptly (Sekalala et al., 2020). Further in the implementation stage, the issue of lacking skills to supervise procurements has been established by many researchers as leading to corruption (Komakech, 2020; Kakwezi & Nyeko, 2019; Kalyongwe et al., 2018).

The notion by Lynch (2013), Bashasha (2017) and others that procurement cycle starts at identification and end at contract award would limit monitoring only therein. Conversely, it has been proven earlier that implementation and contract close out stages are equally important stages of the procurement cycle and therefore require monitoring. The need for monitoring of

all the procurement cycle stages has been acknowledged by many. One of the solutions proposed by others is engagement of external monitoring bodies (Caillaud & Lambert-Mogiliansky, 2019). Nevertheless, the challenge has been cost and having to keep them for extended period. In recognition of monitoring the entire procurement cycle in an effort to enhance transparency, fairness and integrity in public procurement, OECD (2009) has developed a monitoring tool in a form of checklist.

2.7. Efficiency in Public Procurement

This section argues that efficiency in public procurements is key first to achieving the objective of a specific procurement, and to meaningfully contribute to the goals of the organisation. Efficiency in public procurement is achieved by a deliberate measure of how well a procurement has achieved the set objectives (Kabanda, Pitso, & Kapepo, 2019). In support of this view, Ali, Audi and Senturk (2021) avow that a private company or a public organisation has to establish linkages between that overall company goals and the specific procurement objectives. Kabanda et al. assert that unless accounting officers of government ministries establish specific procurement objectives, they will not be able to determine efficiency therein. Mihungo and Mwangile (2021) opine that to establish a weighted measure of efficiency in a procurement function, procurement operators must identify activities in their procurement processes. Kabanda et al. (2019) assert that procurement efficiency of public procurements in most developing countries is comparatively low compared to their counterpart developed countries.

Effective procurement managers have adopted innovative and progressive ways to continually improve efficiency in public procurement to meet the constraints of time, budget and quality of these procurements (Ali et al., 2021). According to Ali et al., this approach constitutes establishing and regulating all activities in the procurement process chain, establishing efficiency targets and indicators, establishing efficiency levels of all the

procurement processes against the set process targets, consolidating supplier list, educating procurement workforce, and establishing clear expectations of their supplier base. Mihungo and Mwagile (2021) acknowledged that knowledge of one's market contributes significantly to efficiency of a procurement. Progressive study and knowledge of the procurement market helps the procurement manager to understand the dynamics of the market and understand the needs of the suppliers as well.

Tukiran et al. (2022) opined that regular flow of information between the procurement manager and prospective suppliers of goods and services develops a rapport with the suppliers and may lead to negotiated procurement deals. In understanding the market, the procurement manager is able to choose benchmarks leading to ensuring specific, measurable, achievable, realistic and timely (*smart*) goals (Issabayeva et al., 2021). Issabayeva et al. further confirmed that the following activities contribute to efficiency in public procurement: providing procurement notices to suppliers in good time helps prospective suppliers to decide if they want to engage in such a procurement and therefore line up their resources to tender; inviting expressions of interest helps the procurement manager to know who in the market is interested in the procurement so as to establish if that procurement will be successful or not, and to avoid waste of time and costs for a procurement in which the market is not interested; and clarity and conciseness of specifications. Ali et al. (2021) asserted that efficiency in public procurement is determined by the following factors: use of ICT, staff competencies; staff ethics; commitment of procurement staff; legal and regulatory framework; lack of open competition; and lack of transparency.

2.7.1. Factors Determining Efficiency in Public Procurement

Use of ICT: Ali et al (2021) assert that professionals in the procurement sector are not an exception in the use and application of the latest technology to connect with the world market.

Summarising the benefits of information technology (IT) in procurement, Mihungo and Mwangi (2021) confirmed that it includes but is not limited to improved lowering costs and improved spend visibility, instant accessibility to global markets, improved operational procurement performance, standardised process work flow of procurement activities, coordination of procurement processes, internal integration of procurement processes with simplified oversight management of the processes such as real-time view of activities from the manager's laptop, and improved accuracy of data for decision-making. Ali et al. also affirmed that it is the responsibility of employers and governments to provide environment that will support procurements with ICT.

Governments have the responsibility to engage competent service providers for national information and communications technology infrastructure and network to provide adequate infrastructure including enough internet bandwidth to facilitate speedy flow of information; and employers to provide sufficient equipment to their staff. Ali et al. (2021) raised a warning signal that while information and communication technology makes managing public procurements so efficient, there is a risk of losing information instantly at an incident of click of a button, power failure or cyber-attack if there is no backup. Ali et al. asserted that given the sensitivity of procurement information, procurement managers should have backups at different geographical locations. Shaturaev and Bekimbetova (2021) avow that during covid pandemic era, managers proficient on information technology were still able to link with the global market who provided goods and services using information and communications technology even under the circumstances. Shaturaev et al. emphasised that virtual bid conference meetings, video site inspections, controlled electronic bid submissions, public bid opening meetings, virtual kick-off meetings, etc. were all possible. In support of enhancing information technology in public procurement Aboelazm (2022) concluded that the sole purpose of eprocurement in private and public procurement is to improve efficiency therein.

Ali et al. (2021) concluded that compared to the absence of ICT or ineffective application thereof, proficiency and good use of information technology in public procurement enhances efficiency therein.

Staff competencies: In their case study on *the influence of staff competence on performance of procurement contracts management in public sector in Tanzania*, Mihungo and Mwagile (2021) concluded that staff competence had positive influence on the performance of the said staff as they undertook their procurement duties. It is further asserted by Mihungo and Mwagile that staff competence had significant influence on efficiency as they managed their procurement processes and that competencies are likely to strongly improve performance of the said staff as they undertake their duties. On a similar study by Wanjiru and Chege (2020) in Kenya on the effects of employee skills on public procurement performance at National Youth Service, their findings arrived at the same conclusion that staff competencies are key to achieving procurement efficiencies.

Staff competencies comprise a good combination of relevant academic qualifications, relevant skills set acquired from credible professional and educational institutions; relevant experiential training from reputable procurement industry organisations (Wanjiru & Chege, 2020). Kabanda et al. (2019) asserted that procurement is now a well-established body of knowledge with professional institutions such as Chartered Institute of Procurement and Supplies which train and certify deserving professionals with credible qualifications; and academic institutions of higher learning also train and graduate students who qualify to be certificated as procurement professionals. Ali et al. (2021) argued that academic qualification is a primary foundation to a procurement professional, and sound and relevant experiential training provides relevant skills to a procurement professional. Mihungo and Mwagile (2021) concluded that a good combination of appropriate academic qualifications and relevant procurement experience contribute to efficiency of a procurement manager.

Mihungo and Mwagile (2021) and Wanjiru and Chege (2020) agree with the literature that because efficiency and relevance require continuous improvement, employers should set aside budget for continuous training to their procurement staff annually. Employers who understand strategic human resource management know that annual budget towards talent management is not a loss but an investment (Kabanda et al., 2019). On the other hand, Ali et al. (2021) concluded that competent procurement staff can easily resist unethical influence to deviate from standard procurement procedure. Lebakeng (2021) confirmed that qualified procurement manager who are not appointed through political means care to protect their reputation and base the latter on ethical performance rather than political affiliation and submission to unethical influence.

Ethical conduct: In their study, Wanjiru and Chege (2020) concluded that high level of integrity, observance of confidentiality of classified information in procurement and avoidance of conflict of interest constitute ethical conduct of a procurement professional. Toebe (2018) argued that even if a procurement staff member has adequate qualifications and relevant skills set, if such a professional lacks ethical behaviour, procurements handled thereby will suffer inefficiencies. It is asserted by Issabayeva et al. (2021) that the biggest factor that undermines procurement efficiency is unethical behaviour by staff handling procurements as well as corrupt chief accounting officers. In support of this view, Ali et al. (2021) asserted that unethical behaviour is more prominent in the developing countries. Unethical behaviour of the procurement staff perpetuates if corrective action is not taken by the chief accounting officers or by the institutions of anticorruption. Lebakeng (2021) concluded that because ethical behaviour of the procurement staff is so fundamental to oversight of the taxpayers' monies, staff retraining and refresher courses on ethical conduct should be factored in by the employers every year.

Staff Commitment: Mihungi and Mwangile (2021) concluded that under the circumstances of competing priorities for limited funding, procurement efficiency is realised when staff is committed. Kabanda et al. (2019) argued that staff could be qualified, skilled and be ethical, if they don't have requisite level of commitment to do their procurement job satisfactorily, required efficiencies of their procurements may not be reached limiting achievement of the objectives thereof. Ali et al. (2021) opined that commitment is individual self-propulsion driven internally from one's conscience to do work and do it satisfactorily. Staff commitment is recognised when a procurement professional takes own initiative to research, execute and report on effective procurements without having to be asked to do so or being followed up (Wanjiru & Chege, 2020). A committed professional executes his or her work in compliance with the governing procurement legal and regulatory framework.

Legal and regulatory framework: Ali et al. (2021) asserted that strong and relevant policy, legal and regulatory framework form a solid basis for execution of efficient procurement. On contrary, Mihungo and Mwangile (2021) argued that vague procurement policies lead to weak founding procurement laws and poor regulations eventually to inefficient procurement process. Ali et al. emphasised that most of the waste in time, cost and value of public procurements come as a result of poor policy, legal and regulatory framework. Malephane and Isbell (2019) avowed that unethical politicians in developing countries leave the policy, legal and regulatory framework as they are to suit their own unethical intentions. In agreement with this view, Rakolobe (2019) argued that responsible government officers and ministers are well aware of the difference in efficiencies of cost, time and quality of donor-funded projects they procure all the time compared to the government-funded which are supported by weak policies and legal framework under their watch.

Kabanda et al. (2019) maintained that the existing body of knowledge in public procurement is already an assert to chief accounting officers and procurement managers who

want to craft a sound procurement policy. A procurement policy maps the intent of the strategic approach by which procurement goals may be achieved (Koller et al., 2020). As part of the literature, Tukarin et al. (2021) and Issabayeva et al. (2021) concur that sound procurement policies set a good foundation for enactment of relevant procurement laws. Tukarin et al. further emphasised that good procurement policies help guide decisions by procurement managers and chief accounting officers leading to efficiencies, because they understand the spirit of the letter. Ali et al. (2021) averred that to date, procurement regulations act as a road-map for operational procurement managers in the implementation of activities within the procurement processes. In concurrence to the perception by Ali et al. Ksenofontov, Ksenofontov, Kirpicheva and Trifonov (2019) inveterate that standardisation of procurement processes and procedures contribute to improved procurement efficiencies by reducing delays and errors committed by uncoordinated innovations by procurement operators.

Institutions of law enforcement and training such as police, anticorruption agencies and training institutions contribute significantly to ensuring that procurement policy, legal and regulatory frameworks are adhered to. Ksenofontov et al. (2019) avowed that law enforcement institutions under the leadership of politically appointed or unqualified personnel would not have capacity to, or will turn a blind eye on some acts of corruption in the procurement sector if it affects their alliances. Firm and service-oriented law enforcement institutions contribute significantly to the efficiency in public procurements because enforcing the law without fear or favour sends a message to corruption-mongers and procurement personnel at large that action will be taken against any unethical behaviour. Hassan et al. (2018) confirmed that law enforcement encourages procurement stakeholders and the public at large and builds confidence in the institutions of enforcement. In the same view, Kirn et al. (2018) argued that private and public professional institutions contribute to the efficiency in procurement by providing training and capacity building to the procurement managers on the latest policies,

laws, regulations, and standards adopted in public procurements. Hassan et al. (2018) asserted that training in legal and regulatory framework equips procurement personnel and contributes to efficient procurements.

Lack of open competition: The studies by Mihugno and Mwangile (2021) and Wanjiru and Chege (2020) in Tanzania and Kenya respectively concluded that open competition plays a significant role in the outcomes and efficiency of public procurements. Kabanda et al. (2021) opined that competitive procurement bidding acts as the primary assurance to the procuring entity about quality of goods and services, as well as reasonable prices. Ali et al. (2021) stressed that lack of open competition in public procurements discourages credible and capable providers of goods and services to compete denying the taxpayer an opportunity to quality assets on reasonable prices and time. In support of this view, Tukiran et al. (2022) found that growth of Small, Micro and Medium Enterprises (SMMEs) and the private sector as a whole is restrained because they are denied an opportunity to grow economically and experientially resulting from lack of competition. Malephane and Isbell (2019) argued that involvement of such service providers into the public procurement by corrupt procurement managers benefits the chosen few. Malephane and Isbell emphasised that engagement of a politically appointed contractor who is not qualified and competent results in provision of substandard goods or services at overstated cost to allow involved actors of corruption to have shares in the cost and leave the burden with the taxpayer. Toebe (2018) agrees that inefficiency is bound to happen in this kind of arrangement.

Lack of transparency: Limited transparency in public procurement creates a room for acts of corruption which harm efficiency of the public procurements (Kirn et al., 2018; Ksenofontov et al., 2019; Hassan et al., 2021). Transparency in public procurement is discussed in more detail in 2.10 below.

2.7.2. Optimising Procurement Efficiency in the Procurement Stages

To realise optimum efficiency in public procurement, project managers must implement it in distinct stages of procurement (Kirn et al., 2019). Al et al. (2021) argued that competent procurement managers establish procurement objectives, link them to company goals and further strategize how each activity within the procurement stage process will function and link to the next one to eventually achieve the outcomes of the set procurement. Ksenofontov et al. (2019) confirms that this approach optimises that there is efficiency under that manager's procurements because the said procurement manager works against set targets for every stage of the procurement.

Planning: Public procurements are a key contributor to national economy. Kabanda et al. (2019) argued that public procurement is actually the primary vehicle that helps governments to achieve planned national strategic goals. It is concluded by others such as Akaba et al (2020) that every public good or service is acquired by way of procurement. Tukiran et al. (2022) concluded that it is for the reasons stated above that procurements must be planned strategically in line with the overall strategic goals. Procurement managers should provide confirmatory feedback to their chief accounting officers whether the type of project chosen will indeed provide optimum efficiencies and contribute meaningfully to the overall objective (Ahmed et al., 2021).

To optimise efficiencies of procurements at the planning stage, Issabayeva et al. (2022) stressed that the procurement manager should choose most efficient and effective procurement methods that will optimise time for the technical teams to develop specifications and allow the market to understand the requirements and provide responsive and cost-effective bids. The choice of a procurement method should be informed by the study of the market. Ali et al. (2021) averred that before the manager decides on the procurement method, he or she should

understand if service providers for the procurement he or she is planning are available. The role of the oversight authorities such as the board of directors of each government ministry or agency, at this planning stage is to satisfy itself that there is a clear linkage between the planned procurement and the company goal, and that there are *smart* targets including performance indicators for such a procurement prior to approval and implementation of the said procurement (Hassan et al., 2021). On contrary, Akab et al. (2020) argued that it is regrettable that most developing countries, which Lesotho is part, allow influence of political figures at such sensitive decision-making point which often disregard ethics and regulations, and undermine the procurement efficiencies aimed at achieving the procurement objective at a reasonable cost. Hassan et al. asserted that development of a good procurement document with clarity of specification, conditions and evaluation criteria contributes to procurement efficiency at this stage because prospective bidders understand the requirement and procurement managers stand a chance for responsive bids.

Acquisition: Once a planned procurement has been approved, the procurement manager starts the process of acquisition. It is therefore the responsibility of the procurement manager to ensure maximisation of efficiencies of the activities within the acquisition stage of the procurement (Mihungo and Mwagile, 2021). Lebakeng (2019) asserts that early publication of procurement notices is the initial effort to optimise procurement efficiencies at the acquisition stage because it warns prospective bidders to be aware of the coming procurements and be prepared to bid. In agreement with this approach and to further contribute to minimising waste of costs and time, Akaba et al. (2020) and Mihungo and Mwagile (2021) avowed that procurement managers may also invite expressions of interest from qualified service providers for the planned public goods or services. Kirn et al. (2019) confirmed that procurement managers will know from the submitted expressions of interest whether the he or she has the right calibre of bidders for the quality of goods or services the manager intends to acquire.

Ali et al. (2021) emphasised that the choice of platforms at which the procurement manager decides to advertise the procurements is a strategic decision because it determines who will see the advertisement. Because time is a crucial component for putting up the quality of the bid the bidder intends to submit, Toebe, (2018) argued that procurement managers should be strategic about which market audience he intends to catch. Technology has made advertising in procurement relatively easy on international websites such as DgMarket, national newspapers and Facebook (Hassan et al., 2021). Kirn et al. (2019) asserted that if the procurement manager has chosen national competitive bidding method, the manager may choose local platforms to advertise in. The more relevant and strategic the platform is for placing the procurement adverts, the more efficient the procurement will be in saving time, attracting relevant bidders, getting competitive and reasonable cost, and getting good quality of goods or services (Ali et al. 2021).

To ensure minimum waste of time prior to the evaluation stage, a strategic procurement manager identifies, seeks approvals and line his panels up for the upcoming submissions of the procurement (Tukiran et al., 2022). Tukiran et al. made an emphasis that selecting and vetting qualified panels members and obtaining necessary approvals during the acquisition stage will facilitate instant take-off of evaluation of the procurement after the submission, saving time for the procurement. Stressing the issue of efficiency at the acquisition stage, Mihungo and Mwangile (2021) stated that procurement managers also line up qualified technical project staff to take prospective bidders to site visits if so required and to respond to technical questions and queries raised by the interested bidders. Mihungo and Mwangile further claimed that responding on time with correct and relevant responses eliminates chances of extending time which often come as a result of poor or delayed responses. The manager should also have exclusion tools ready and approved ahead of start of the procurement evaluation process. On the other hand, Ali et al. (2021) emphasised that if this exclusion criterion is to be applied during the

procurement evaluation, it has to first be part of the criteria and be included in the published advertisement. The procurement manager would derive such tools from the company or government policy or if associated with World Bank, apply their pool of blacklisted contractors obtainable from their website. If projects are funded under the US government, antiterrorism pool of blacklisted companies would apply.

Evaluation and Award: Evaluation of public procurements is a confidential process which has to allow consistent application of professional expertise and independence of procurement panel members to all the bids qualified for evaluation. Mihungo and Mwangile (2021) asserted that effective procurement managers ensure that on the date set in the advertised document, public opening of the submissions will be made at the venue compliant to allow the public to have unobstructed view of opening of the bids. Different platforms or a combination of some include, accessible public or hotel halls and conference rooms and accessible internet platforms (Kirn et al., 2019). Kirn et al. further asserted that language used at the public opening should be stated in the bid document, and procurement managers should ensure that there is adequacy of internet to support the opening event with clarity, visibility and without interruptions. Kabanda et al. (2019) confirmed that procurement managers who achieve this level of proficiency at the public opening sub-activity also give an assurance to the bidders and the public of transparent procurement process.

It is important to brief panel members each time they are about to engage in the procurement evaluation process. Ali et al. (2021) argued that it is a good standard practice to brief members of the panel for each evaluation as if they are new even if they had been involved in previous evaluation exercises. Briefing panel members comprises taking them through the evaluation process, the procedures, tools used to evaluate, how to interact amongst themselves during the evaluation process, confidentiality and conflict of interest (Akaba et al., 2020). Akaba et al. conclude that as part of the briefing session, panel members should sign and

comply to confidentiality and conflict of interest. As part of transparency and contributing to the stage efficiency, the procurement manager establishes independent observers for the evaluation process while he or she provides overall oversight on the evaluation process to identify any form of hick-ups that might cause a delay or any other form of inefficiency.

Ksenofontov et al. (2019) argued that one of the critical factors of efficiency at the procurement evaluation stage is release and publication of evaluation results and allowing dissatisfied bidders to challenge the evaluation process. In support of this approach, Shaturaev and Bekimbetova (2021) averred that this approach has many benefits such as transparency of the process, the public and other bidders know who won and for how much, and that there might not be future delays caused by late and valid challenge of the said procurement. Sharuraev and Bekimbetova emphasised that inefficiencies of project delays and cost get minimised by this process. Kabanda et al. (2019) further avowed that it is good practice to allow post award briefing to bidders who are interested in how they performed in the evaluation for future improvement.

Once approval to award a contract to the preferred bidder has been given by the authorities, the manager should return tender guarantees to avoid penalties to the company or responsible government ministry. Ahmed et al. (2021) asserted that the procurement manager is to ensure that necessary insurances and performance guarantees are in place to ensure commitment by the contractor and client risk protection prior to commencement of the supply of goods or services. Ali et al. (2021) concurred and further emphasised that the procurement manager should ensure that the supplier obtained a commencement certificate to start the supply and other associated requirements. Ahmed et al. argued that non-compliance to these requirements may compromise quality of goods or services and even expose the company or public to risks.

Implementation: This subsection presents an argument that procurement management has a role to play at the project implementation stage contributing to procurement efficiency. Kabanda et al. (2019) agree to this view and assert that the procurement manager should get assurances for compliance of supply and installation of goods from the project supervisor. The said assurances come in the form of quality management instruments from responsible project managers. On contrary Ali et al. (2021) argue that most procurement managers have taken award of contract as the end of the procurement function and therefore don't see their role during this implementation stage. Mihungo and Mwagile (2021) confirm that this perception compromises efficiency which could be contributed by the procurement section. In emphasis to this view, Ali et al. opined that procurement managers should regularly visit the project site as part of their quality management oversight and have access to implementation performance reports to satisfy themselves that implementation is still compliant to the specification.

Close-Out: Hassan et al. (2021) and Ahmed et al. (2021) agree with the literature which criticises procurement management in most developing countries for allowing inefficiencies of procurement at the close out stage. It is argued that procurement managers are only just told to close the procurement without being provided with satisfactory performance reports that the goods or services were supplied compliant to specification. Mihungo and Mwagile (2021) argued that governments and chief accounting officers have allowed minimum involvement of the procurement management at this stage to relinquish responsibility from their politically appointed service providers. Ali et al. (2021) concluded that compilation of contractor past performance reports and release of performance and retention guarantees marks a significant milestone which could either expose or protect the company to risk of substandard deliverable.

2.7.3. Efficiency of Public Procurement in Lesotho

Public procurements in Lesotho especially those directly implemented by government ministries face the severest levels of inefficiency in the world even among its peers in the developing countries (Lebakeng, 2021). Toebea 2018 concurs that this situation is exacerbated by a combination of multiplicity of weaknesses in the sector including weak legal and policy framework, weak institutions of oversight against unethical conduct and crime, weak ICT infrastructure and weak staff qualification and commitment.

Legal and policy framework: Kabanda et al. (2019) concluded that the law within and around the procurement sector in Lesotho is not helping proper implementation of best procurement practice. Lebakeng (2021) opined that Lesotho's procurement policy is weak and unstable changing in a short space of time from government to government. It is argued that the current procurement law was enacted in the 1980s and lags far behind a now highly developed procurement body of knowledge and standard practice. Toebea (2018) confirmed that even the current law supporting procurement in Lesotho is a finance law which is not even most relevant to the latest practices of procurement. Lebakeng observed that on contrary, the same government officials implement donor-funded procurements with up-to-date policies and regulations.

Regarding the legal and regulatory environment surrounding the public procurement in Lesotho, Kabanda et al. (2019) observed that there is a tendency that court cases related to procurement in Lesotho take very long impacting interest of credible service providers in the public procurements. Malephane and Isbell (2019) argued that effectiveness of the courts is another environment that contributes to inefficiencies in the procurements. In support of this view, Lebakeng (2021) observed that the Chief Justice of the courts of Lesotho is appointed by the Prime Minister as well.

Weak institutions of oversight: The government of Lesotho like many in the world have institutions of law enforcement and crime prevention which is the police service and Directorate for Crime and Economic Offences. Appointment of heads of these institutions of oversight is made by the Prime Minister and may therefor change as the government changes. Malephane and Isbell (2019) concluded that the public in Lesotho is dissatisfied about the performance of these oversight institutions towards investigating and prosecuting suspects of crime. Where investigations happen, it is either selective targeting those associated with members of opposition or those that are not significant to restoring general order and compliance to the rule of law (Toebe, 2019). Lebakeng (2021) opined that this state of affairs with the institutions of oversight perpetuates loss of public funds and time. Rakolobe (2018) argued that if appointment of the procurement oversight institutions could be made independent from any ruling government, that could contribute to efficiency in public procurement because investigations and prosecutions of acts of corruption in procurement would be done objectively.

Weak ICT infrastructure: Information and communications technology in Lesotho is supported by two companies, Vodacom Lesotho and Econet Lesotho, while electricity is solely supplied by a state-owned company called Lesotho Electricity Company. The latter is unable to meet the electricity demand of the country without drawing additional power from South Africa and Mozambique. Lebakeng (2021) observed that unreliable supply of electricity also affected consistent availability of internet to consumers in the country. Lebakeng stressed that the impact thereof was severest during the era of the covid pandemic when movement was restricted. Kabanda et al. (2019) avowed that Lesotho's communications and web-based network is one of those with the smallest bandwidth therefore restraining ease of communications and transfer to large documents. Toebe (2018) asserted that the weak state of ICT infrastructure in Lesotho restrains procurement efficiency significantly.

Poor staff commitment: Procurement staff in the public sector is generally demotivated and therefore deliver poor procurement results. Rakolobe (2018) cited a variety of challenges this staff face including low remuneration packages compared to their peers in the private sector, non-governmental organisations and the neighbouring South Africa; job satisfaction; political interference to the professional work they do; shortage of resources; and poor enforcement of law on acts of misconduct and corruption. Ksenofontov et al. (2019) assert that is difficult to get efficiencies out of demotivated procurement staff. Toebea (2019) Emphasised that perpetual acts of corruption that are not acted upon contribute significantly to staff who have interest in delivering credible results.

Weak staff qualifications and proficiency: Lebakeng (2021) observed that staff with good qualifications and proficiency stay for a short period of time within the government sector and soon move to parastatals, private sector, non-governmental organisations or to neighbouring countries like South Africa. Malephane and Isbell (2019) made the same observation and concluded that Government of Lesotho has many vacant positions which are not filled for many years. Malephane and Isbell further opined that because of the said migration, staff left to act in the remaining positions lack requisite academic qualifications and skills to implement credible procurements efficiently. Kabanda et al. (2019) added that Lesotho government would help the situation if they filled the long-standing positions, provide necessary resources to do the job and let the professionals make procurement decisions. Eprocurement has long been on the agenda of the government of Lesotho since early 2000s, but implementation has not taken place. Toebea (2019) assert that one of the limiting factors to implement efficient procurement processes is lack of proficiency of the procurement staff on ICT-related procurements. Lebakeng argued that public procurements in this country experienced severe delays during the covid pandemic because of absence of eprocurement and low staff proficiency on ICT.

2.8.Fairness of Public Procurement

This subsection presents an argument that fairness is a key factor where use of the public funds are involved. It is further argued that deployment of fairness in public procurements is synonymous to provision of justice. Akaba et al. (2020) asserted that fairness is one of the primary pillars of public procurement. Concurring to this view Kirn et al. (2019) observed that fairness is recognised by highly reputable and globally recognised institutions of procurement such as Chartered Institute of Procurement and Supply, World Bank, African Development Bank and European Development Fund. Tukiran et al. (2022) avowed that for fairness to prevail in public procurements, decision-makers should not be biased when they adjudicate issues of procurement and that there should not be any preferential treatment. Declaration of conflict of interest is adopted as part of good practice and policy to avoid biased judgements by decision-makers. Procurements financed by the taxpayer's money give rights to the public and empowers them to deserve fair treatment (Lebakeng, 2021). Toebea (2019) assert that the general public in Lesotho is concerned about fairness of public procurements where major procurements are decided by the cabinet and awarded without proper procurement methods and selection. Malephane and Isbell (2019) concurred that even if aggrieved bidders go to the courts of law to seek justice, because the courts are also politicalised, justice is either delayed or denied by awarding to their political appointees.

2.9.Independence of the Procurement Process

Procurement is a sector which is professionally and academically well established to support its trainees with adequate skills to manage the sector. Secondly, the sector has a strong body of knowledge professionally, globally and academically. Mihungo and Mwangile (2021) opined that graduates from academic and professional institutions of procurement have capacity to be independent to make necessary decisions to support goals of economic development in the respective countries where they work. Conversely, Ksenofontov et al.

(2019) observed that in most developing countries, education and experience of procurement professionals is disregarded when it comes to making decisions of procurement. Mihungu and Mwangile (2021) concur and assert that well qualified and credible procurement professionals quickly migrate out of government sectors to employers to look for job satisfaction, professional development and better remuneration.

Knowledge and skills acquired from education and relevant experience respectively equip officers to be professional and independent when they conduct their business. Nonetheless, Toebe (2019) avowed that the government procurement sector in Lesotho lacks independence first because most decision-making positions are filled with inexperienced and lowly qualified personnel, and that even the support legal and regulatory framework is weak. It is argued by Kabanda et al. (2019), Malephane and Isbell (2019), Lebakeng (2021) and others that political interference is the main factor that undermines independence of procurement in the government procurement sector.

2.10. Transparency of Public Procurement

It is argued under this subject that, by virtue of being funded by the public funds, information and communication associated with public procurements is expected to be transparent. Hassan et al. (2021) emphasised that in fact the public derives the right of being informed satisfactorily about the procurement processes because they contributed with their tax monies. It is further argued that there is no way of convincing the public about how deserving the supplier awarded the contract is, if the processes leading to that award were not transparent. Ksenofontev et al. (2019) and Kirn et al. (2019) agree with the rest of the literature that transparency is one of the primary pillars of public procurement, and that without transparency, a public procurement process cannot be considered credible. Ksenofontev et al. emphasised that all stakeholders including suppliers, service providers, financiers and the

public draw their right from credible procurement policy to be adequately informed about public procurement and their processes.

Lebakeng (2021) averred that transparency in the public procurement in Lesotho is weak from planning to close out. Lebakeng argued that the public is not informed why certain procurements were planned and executed, and how some procurements were awarded to certain individuals without following proper procedures. This view is supported by Hassan et al. (2021) who further avowed that transparency is an antidote to acts of corruption in public procurement. Akaba et al. (2020) maintained that to governments who have successfully adopted eprocurement, transparency has improved with ease of communication and placement of procurement information in various media platforms.

2.11. Public Procurements and Value for Money

The argument presented by this subsection is that public procurements are a means to bring about value for money to beneficiaries of goods and services acquired. It is further argued that procurement managers and chief accounting officers have the responsibility to plan, implement procurement activities and be accountable for value for money in the goods and services provided. Ali et al. (2021) argued that most procurement managers fail to attach the relationship between the procurement activities they undertake and the value of the goods and services for the money they approved. If accountability for value for money in public procurements could be a requirement, procurement management could improve in most public sectors of procurement (Akaba et al., 2020). Shaturaev and Bekimbetova (2021) confirmed that value for money in procurement comprises optimisation of variety of variables which in the end bring benefit to the user of the good or service procured.

Responsible procurement managers have the responsibility to justify before the board at the planning stage if the proposed procurement will bring value for money, and at the close out

stage if commissioned goods or services will bring value for money to the beneficiaries (Issabayeva et al., 2021). Concurring to the view by Issabayeva et al., Tukiran et al. (2022) assert that value for money is finally confirmed by impact evaluation assessment conducted by the monitoring and evaluation function few years after the commissioning of the good or service. Conversely, Akaba et al. (2020) opined that it is regrettable that there is no deliberate effort made by respective chief accounting officers to engage independent impact evaluators to assess value for money for government procurements. It has nonetheless been observed that impact evaluation for donor-funded projects such as those by World Bank and Millennium Challenge Corporation to Lesotho were made by independent assessors ten years after close out (World Bank, 2022). In conclusion, Kirn et al. (2019) stressed that action should be taken against procurement managers and chief accounting officer whose procurements resulted in negative value for money.

2.12. Tender Adjudication

This subsection presents an argument that as far as exposure to corruption is concerned, tender adjudication is the same as other stages of the procurement cycle; and to demonstrate that maximising efforts of anti-corruption at the tender adjudication stage without similarly optimising the same efforts in other stages leaves the whole procurement process vulnerable. Tender adjudication is defined by Ndiokubwayo (2018) as a stage of the procurement cycle where bids submitted by tenderers are evaluated for compliance with the invitation to bid. In support of the definition, Van Royen (2020) further endorses that it constitutes a process of assessing adequacy of submitted bids in response to the invitation by the employer. The concept of tender adjudication has been adopted in the procurement management systems and processes (Gao, 2021).

Bashasha (2017) and Lynch (2013) in their different studies perceive tender adjudication as the climax of the procurement process because it is about making an award on a specific

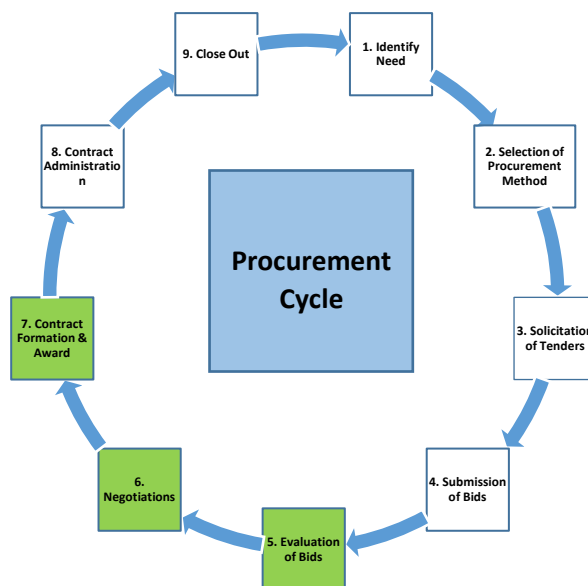
procurement. Further, they see it as the final stage of the procurement process. The literature is in general agreement that adjudicating tenders entails assessment of the submitted bids according to the criteria set before prospective bidders at the advertisement stage only Ndihekubwayo (2018). The literature reviewed on the definition of tender adjudication is consistent that it is the process of assessing submitted tenders by the bidders.

2.12.1. Where Does it Fit Within the Procurement Cycle?

Figure 5 below shows a procurement cycle with 9 milestones. The tender adjudication process starts at milestone 5 through milestone 6 and ends at milestone 7. It comprises opening and recording of tenders, determine whether tender responses are complete, price review, award of points for functionality, awarding of points for price, process review, summation of points, and risk analysis (Van Rooyen, 2020).

Figure 5

Stages of Procurement Cycle



As it is about making a decision as to who among the bidders will be awarded the job, this stage becomes crucially important to bidders (Owusu et al., 2019). The literature commonly

acknowledges that tender adjudication fits in between submission of tenders and start of delivery of services.

The stage of tender adjudication has gained popularity for many reasons. To the public, this stage carries the essence of the process of procurement primarily because it is the stage when a procurement comes to the eyes and the attention of the public (Yukins & Ramish, 2018). Gao (2021) asserts that some of the more important reasons are that procurement adjudication is the stage where an important decision as to which contractor will be given the job is made. For beneficiaries it is important because they will remain with the infrastructure as a public good for as long as it is designed to live (Owusu et al., 2019). For example, a skyscraper lasts for 200 years and a dam for 100 years (Kulkarni, Ramanujapuram, Hejmadi, & Divakarla, 2019; Owusu et al., 2017). The quality of work by the contractor following a bad decision to award the contract by procurement officers has implications on health and safety of the final product (David-Barrette & Fezekas, 2019). Therefore, the taxpayers' desire to benefit from the development is considered legitimate.

The decision is also strategic to prospective bidders because big projects are high value and therefore, secure good business for years depending on the value and the length the contract (Owusu et al., 2020). For instance, construction of a regional dam or building a megawatts hydropower generation plant often attract high cost and take years to complete. Tetuko (2018) argues that for such high return projects, bidders tend to do anything in their power to win it. Further, Gao (2021) concludes that another reason that makes this stage important to bidders is that once a company decides to bid, the process is very costly and in most cases those costs are not refundable. Van Rooyen (2020) asserts that tender documents themselves come at a cost as bidders have to buy them in most countries. The cost of investigations and preparation for submission of a competitive bid for big projects could cost millions of dollars (Kulkarni et al., 2019).

To bidders, that decision is very important because it is the door to various other opportunities to do business. Further, these high costs lead to the bidders' anxiety to win the contract to recover the losses (Kulkarni et al., 2019). Caillaud and Lambert-Mogiliansky (2019) submit that because of the same anxiety, some contractors attempt fraudulent means to get the contract. This is why some of them employ highly qualified contract lawyers, construction engineers and quantity surveyors to assess weaknesses of the bid even before attempting to bid (David-Barrette & Fezekas, 2019). David-Barrette and Fezekas also argue that such companies are notorious of tendering low and claiming high. They do it by themselves or through fraudulent means with politicians and or government project officers (Ameyaw et al., 2017). This behaviour has been studied by many including Verweij, Van Meerkerk and Korthagen (2015, p.9) where they stated that there are tendencies that "contractors bid lower to win the contract, to recover their reduction of the bid profit by claiming additional work after the contract award".

Seeing the bidders' anxiety, corrupt officers and politicians take the opportunity to negotiate bribery and promise to award the contract to those that agree to the deal (Ameyaw et al., 2017). Ameyaw et al. confirm that politicians have significant influence on the allocation of procurements especially for the areas that will support their longevity in power. Procurements are tools that politicians use either to gain favour from their constituencies and funds to run their party errands (Caillaud & Lambert-Mogiliansky, 2019). On the other hand, David-Barrette and Fezekas (2019) and Kulkarni et al. (2019) agree that procurement officers have benefited from procurements through bribery or for being used by the politicians.

Just as it has attracted attention from beneficiaries, bidders, politicians and procurement officers, this stage has also attracted a lot of attention from governments, researchers, academia and development aid agencies for efforts of anticorruption (Transparency International, 2019; Owusu, Chan, & Chang, 2017). The previous section on corruption in public procurement has

demonstrated the efforts made against corruption in public procurement. Generally, all the literature agrees that this stage (tender adjudication) has received most efforts of anticorruption and has spent the highest on efforts to combat fraud and corruption in public procurement (Caillaud & Lambert-Mogiliansky, 2019; Bashasha, 2017).

2.12.2. Anti-Corruption Efforts at the Tender Adjudication Stage

This subsection presents an argument that in response to the more rampant corruption at the tender adjudication stage compared to other procurement stages, efforts of anti-corruption from governments, researchers, academia and development aid agencies have been comparatively high as well. While investigating practices of corruption in the construction industry in Ghana, Ameyaw et al. (2017) identified the following public perception on prevalence of corruption at the evaluation stage otherwise known as the tender adjudication stage is 86%. These numbers are percentages of participants holding a view amongst those who were interviewed. The view that indeed prevalence of corruption in the tender adjudication/evaluation stage, is rife than in all other stages is upheld by other researchers like David-Barrette and Fezekas (2019); (Suero & Ng'eny, 2018) and (Nawi et al., 2017). This has since been the reason why stakeholders in public procurement made efforts to fight corruption at this stage. Ameyaw et al. (2017) opined that European Union registered direct losses estimated between 17 and 20% of procurement costs from corruption in road and rail transport, and urban utility construction in Europe. Ameyaw et al. emphasised the criticality of the bid evaluation phase in construction contracts.

From as far back as the early 90's when Couzens, Skitmore and Thorpe (1993) modelled information requirements for making tender adjudication decisions related to contracting firms, the rife of corruption in this procurement stage already demanded attention. Their system was "intended to provide decision makers responsible for tender adjudication strategy decisions with information and tools to support and enhance, rather than replace, the decision makers'

own judgements and perceptions” (p.3). In the same note but happening about 20 years later, Quinot (2014) continues the emphasis that within the public procurement regulations, more attention is to be paid to the roles of quality management and functionality in the process of adjudication of public procurement. The latest literature is seen to still hold (Komakech, 2020; Caillaud & Lambert-Mogiliansky, 2019; Griffin, 2018).

As part of the efforts made by bidders, Kalyongwe et al. (2018) cite increasing intensity of court cases related to procurements where bidders exercise their rights to challenge fairness, integrity and transparency of the tender adjudication process. This view is also held by Ochola and Nzulwa (2019). Yukins and Ramish (2018) conclude that there are emerging risks in the process of bid challenge. The process as stated by Griffin (2018) is intended to enhance transparency of tender adjudication, however, the growing tendency by bidders to register their challenge tends to delay and frustrate the procurement process. While doing the cost benefit analysis to the bid challenge process, Melese (2018) comes up with mixed conclusions. All the same, the increase in the number of bid challenges and court cases regarding transparency in awarding contracts is a sign of efforts made by bidders against corruption at this stage.

In response to the attention called by various entities as stated in the literature above, individual researchers, governments and development agencies like Transparency International, Global Fund, World Bank, OECD, African and Asian development banks have made continuous efforts to fight corruption in the past 40 years (Sekalala et al., 2020). Broad literature including OECD (2019) and Transparency International (2019) further shows that the main focus of the battle against corruption by many has been in the tender adjudication stage. David-Barrett et al. (2017) even assert that in the past, development aid agencies tended to focus most of their anticorruption efforts on the tendering and evaluation stages. It is therefore, concluded that stakeholders have demonstrated more action against corruption in the adjudication stage compared to the other procurement stages.

It is admissible that identification of the extent to which corruption in the tender adjudication stage is, is the first step towards dealing with corruption because outcomes of the tender adjudication process provide planners and risk managers with information to put up protocols for anticorruption (Transparency International, 2019). Further, Teremetskyi, Duliba, Kroitor, Korchak, and Makarenko (2021) submit that it is undisputable from the literature that there are numerous efforts towards anticorruption. In the past 40 years, the procurement sector has experienced growing anti-fraud and corruption measures in the form of laws, regulations, protocols, etc. (OECD, 2019; The Global Fund, 2018). Most of these efforts seem to be maximised at the tender adjudication stage relative to other stages of the cycle (Ameyaw et al., 2017; Owusu et al., 2017).

The sections above have already demonstrated that all the procurement cycle stages can be affected by corruption. While it is undeniable from the literature that tender adjudication tops the ranks in both corruption and efforts of anticorruption, it is also glaring that perception of corruption in other stages of procurement are neither insignificant nor far below viewers' perceptions relative to procurement adjudication (Owusu et al., 2017; David-Barrett et al., 2017). Even the lowest of all these stages is not insignificant to consider for maximisation of anticorruption efforts therein.

Komakech (2020) concludes that even though the procuring entities only give full attention to the adjudication process and then leave it to the project managers to implement, it is important to note that success or failure of the service delivery depends on the entity's ability to manage the entire procurement process. The literature confirms that even after much attention on the adjudication stage, the subsequent stages of delivery or implementation and close out are still vulnerable if not adequately secured against corruption. Sekalala et al. (2020), Caillaud & Lambert-Mogiliansky (2019) and others agree with this view that good efforts made in the evaluation stage do not protect other stages from corruption.

Thus, the literature shows that maximising efforts of anticorruption at the tender adjudication stage as it has been the case in the past 40 years has had neither the ripple effect through implementation to close out, nor backwards effect from tendering to planning. For instance, after an investigation on the causes of corruption, Owusu et al. (2017) makes a finding that there is significant number of acts of corruption during the execution stage in the construction industry. Perhaps the effect may only even be negative rather than positive. This means an undeserving contractor awarded a contract at the tender adjudication stage is likely going to pose risk of quality at the implementation (Stevens & Newenham-Kahindi, 2021). Such corrupt acts may even follow through to close out. While the anticorruption efforts are evident and appreciated, they do not necessarily seem to discourage corruption in other stages (OECD, 2019). For example, a badly planned procurement cannot be corrected by a good tender adjudication; and a well-done tender adjudication does not necessarily result into good implementation because people may be corrupt along the way; and that things may change along the way; etc. (Teremetskyi et al., 2021; Sekalala et al., 2020).

2.13. Procurement audit

Audit is accepted as a process of assessing compliance of implementation of the books in line with the set guidelines. Application and definition of audit in finance, environmental impact assessments, procurement, etc. remains the same (Maksymenko & Melikhova, 2017). In agreement, Arifin and Hartadi (2020) define procurement audit as a means of ascertaining whether established laws, policies, guidelines and regulations governing procurement in an organisation are being followed during implementation over a set period of time. Therefore, audit in public procurement aims to assess the level of compliance of actual processes to the procurement laws and regulations. Further, it assesses compliance to international standards on good procurement practice, and whether budgetary thresholds set by government have been adhered to (Drozd et al., 2021).

All literature reviewed agree that public procurement audits are done annually by the government's Office of Auditor General or an independent auditor appointed by the former (Drozd et al., 2021). The independent auditor would be engaged for a period of approximately a month to assess the entity's books on procurement for the past financial year. Bedasso and Asfaw (2020) posits that the audit process following appointment of a competent audit firm entails familiarisation of the team with the entity's procurement policies and procedures; identification of possible procurement risks that the implementing entity could be exposed to in the light of standard procurement tools; interviewing of relevant stakeholders in procurement such as procurement officers, suppliers, contractors and beneficiaries; reviewing documents that would be relevant for the audit period; and recording findings and recommendations.

Literature generally agrees that public procurement audit is an activity established by governments to primarily ascertain that government resources have been implemented where they were planned (Bedasso & Asfaw, 2020; Dryden Group, 2019). Procurement audit assesses the adequacy of internal procurement controls, efficiency and effectiveness of the same controls to protect public resources. Muange and Chirchir (2017) confirm that availability of sound procurement legal framework contributes significantly to setting boundaries and benchmarking that could be made by the audit in establishing objectivity of the exercise. Further, it is accepted that even though it does not work full time on procurement, the presence of internal audit contributes to monitoring the process in shorter spans of time between the audits and therefore improves the level of compliance. Bedasso and Asfaw (2020, p.60) aver that "effective public procurement audit can therefore be explained as the process of ascertaining whether established public procurement criteria have been complied with and expected public procurement outcome have been or would be achieved".

Dryden Group (2019) maintains that direct procurements are procurement activities related to goods and services which drive the company's competitive advantage, performance and

profit. While indirect procurement is concerned with spending on goods and services for day-to-day activities which do not directly contribute to the company's goal. In the same way concerning public funds, it goes without saying that to the taxpayer, every cent allocated to public procurement has to be accounted for. Further, every government entity in Lesotho spends the bulk of its budgetary allocation to its capital costs and the rest to operational costs (Rakolobe, 2019). Acquisition of services such as internet still need to be monitored and accounted for, nevertheless. The literature reviewed here therefore, recognises the full scope of procurement audit.

2.13.1. Benefits of Procurement Audit

Bedasso and Asfaw (2020) assert that one of the benefits of procurement audit is that it adds to the quality of procurement by exposing weaknesses on the implementation in the previous year and recommends improvements. Drozd et al. (2021) confirm that quality of procurement will improve if the audit is of high quality and recommendations thereof are implemented. Secondly, procurement audit reduces costs. The Dryden Group (2019) argues that a successful procurement audit done by a competent auditor will remove unnecessary spending. It is generally accepted that any other spending that could be reasonably made for the good or service, would be identified by the audit. Often spending on corruption would be identified when historical procurement operations are contrasted to the sound procurement legal framework (Zamboni & Litsching, 2018). Maksymenko and Melikhova (2017) found that procurement audit caused acquisition of contract to the value of 889.9UAH million (USD33million) to be cancelled in Ukraine. The main reason is that the process did not comply with the set procurement framework.

Further, procurement audit identifies procurement processes which are outdated and redundant. Procurement laws and regulations in some of the developing counties are old and do not align with the latest international standards of good practice (Adjei-Bamfo, Maloreh-

Nyamekye, & Ahenkan, 2019). Arifin and Hartadi (2020) state that outdated procedures can frustrate procurement officers and slow down the efficiency of that government procuring entity. The Dryden Group (2019) further asserts that successful audit improves supply chain operationalisation; and secondly, a meaningful audit will apply procurement objectivity throughout the procurement value chain from the need as required by the beneficiary and the financier, the contracting, vendor management, strategies and risk associated therein. The audit activity will recommend improvement in strategies, minimisation of risk and mitigations thereof, administrative errors or deficiencies and recommend remedial and accountability measures.

Drozd et al. (2021) submits that procurement audit makes decision measurable. Linking value and justification to every decision that management makes adds to the cost-effectiveness. Further, attaching price reasonableness to every cost contributes to accountability. If the activity's value, justification and price reasonableness are crafted in the procurement policy framework and are implemented on structures and templates used on day-to-day operations, decisions made on the organisation's procurement are easily measurable (Bedasso & Asfaw, 2020).

Finally, effective public procurement audit secures public confidence in the procuring entity (Drozd et al., 2021). Taxpayers are interested in value for money and integrity of procedures. The literature review in the sections above has shown that public procurement is one of the key drivers of economic development in every country. This is of interest to the public as a whole (Maksymenko & Melikhova, 2017). Arifin and Hartadi (2020) aver that effective public procurement audit deters corruption in public procurement. For example, Toebe (2019) perceives that failure by the procuring entity in Lesotho to implement recommendations by the Auditor General is tantamount to prosecution of the management of the said entity. The Public Accounts Committee working as a Parliament sub-committee

interrogates acts of corruption or unreasonable public spending by public officers which were found by the Office of the Auditor General.

If recommendations of procurement audit are properly implemented, the procuring entity has a potential to perform better, improve efficiency, motivate procurement personnel in their day-to-day work and meaningfully achieve results for economic development (Bedasso & Asfaw, 2020). Zamboni and Litsching (2018) assert that the strength of public procurement audit is in its ability to employ competent resources for the process of procurement audit. Engagement of qualified audit staff, application of relevant procurement laws and regulations, conversance with applicable standards of good practice, and proper interpretation of procurement procedures of the procuring entity in line with the actual procurement process add to the strengths of the public procurement audit (Bedasso & Asfaw, 2020; Arifin & Hartadi, 2020). The Dryden Group (2019) states that a sound procurement audit will create strategic long-term cost saving to the procuring entity.

Zamboni and Litsching (2018) conclude that stakeholders have elected to engage procurement audit which is also what the stakeholders have confidence in. This view is based on the level of investment by governments in public procurement. Zamboni and Litsching further assert that procurement audit has become an increasingly important factor in the economic and business circles globally commanding more than 50% of most governments' annual budget. The strength of a public procurement audit is in its ability to detect where fraud and corruption in procurement took place (Arifin & Hartadi, 2020). Fraud and corruption are a big issue in public procurement because it has ability to swallow up to 25% of most procurements' annual budgets. Procurement audit contributes meaningfully to the organisations' competitive advantage. Drozd et al. (2021) confirm that improved performance, reduced redundancies, reduced costs, corruption prevention are elements attributable to public

procurement audit. This study aims to maintain the benefits stated above and proposes to contribute in augmenting the gaps stated in the weaknesses below.

2.13.2. Weaknesses of Procurement Audit

Procurement audit like other processes or systems has susceptibilities requiring continuous improvements. As an example, Stevens and Newenham-Kahindi (2021) conclude that governments are still exposed to high-risk contracts despite transparency of the government procurement system where people may still find loopholes from these systems to gain undue benefit. Secondly, many researchers consider public procurement audit as tedious (Bedasso & Asfaw, 2020; Dryden Group, 2019; Zamboni & Litsching, 2018). The volume of work itself is huge given the number of documents to investigate over the past twelve months. Further, Arifin and Hartadi (2020) posit that familiarisation with the procurement processes of the procuring entity adds to the tediousness of the audit work.

The following are weaknesses of public procurement audit identified in literature: management of the auditing companies may collude either with management of the procuring entity to arrive at certain results of the procurement audit (Drozd et al., 2021). An example of the Gupta family businesses and KPMG auditing firm in South Africa was revealed in 2018 that when auditing the Gupta family business, KPMG's work did not meet the required firm's standards even in the midst of the rising public and political outcry (Holtzblatt, Foltin, & Tschakert, 2020). Also, politicians are notorious of influencing audits to skip their bad practice (Bedasso & Asfaw, 2020). Zamboni and Litsching (2018) observe that responsible government officers either at the political position or the procuring entity and sometimes even in the Office of Auditor General, may have personal interest and therefore, unduly influence the audit. Such influence may deliberately cause the audit to omit acts of fraud and corruption in favour of certain individuals. Zamboni and Litsching found that lack of independence of an audit firm is

seen a weakness in many government audits. An independent all-time monitoring office which watches and signs off all stages of procurement will defuse these forms of influence.

Zamboni and Litsching (2018) identify another weakness associated with procurement audit as interruption to procurement operations. Procurement officers are engaged daily on procurement activities which require their dedication throughout the months of the year. However, for a couple of months when the audit is engaged, they are expected to assist with provision of documents that will help in the audit process, and allow time to provide explanation of the processes, incidents and information as required by the auditors (Bedasso & Asfaw, 2020). Drozd et al. (2021) opine that procurement audit may take place during a sensitive period in the programme of procurement where availability of certain procurement officers is critical to the procurement process. On the other hand, Arifin and Hartadi (2020) assert that failure to attend to the auditors may reflect negatively to the auditors. The presence of an independent procurement compliance office will assist in filling this gap providing information, responding to some questions and also speaking the audit language that external procurement officers would understand.

While audit may not be avoided to professional organisations and government entities, Zamboni and Litsching (2018) assert that leakage of the organisation's secrets sometime happens through undisciplined audit officials. These would include things like business strategies and the company competitive advantage. The presence of an internal compliance office will identify such risks and device ways and means to mitigate them such as signing of confidentiality by the audit firm.

Another weakness of a procurement audit is the fact that it happens after a period of a twelve months of procurement activities in that year. Because of this feature, Drozd et al. (2021) argue that auditors may not be able to detect certain frauds committed by the procuring

entity. The reality of audit is that they only go through a sample of transactions in the procurement processes and activities rather than all the transactions (Zamboni & Litsching, 2018). Zamboni and Litsching conclude, therefore that, procurement records may not disclose a full picture even after the audit due to limited exposure to information. Bedasso and Asfaw (2020) make a finding that it is common course that audit results may not be a complete reflection of the procurement status of the organisation under audit. This weakness is a presence gap that can be covered by establishment of an independent procurement compliance office within the procuring entity which will be able to detect, deal with and prevent fraud before it happens because of full-time exposure to the processes of procurement by the procurement office.

Drozd et al. (2021) identify auditors' dependence on explanations by the procurement officers as one of the weaknesses facing the audit cadre. Bedasso and Asfaw (2020) allege that audit report is affected adversely if the explanation and information provided to the audit team is false. Because auditors were not present in the past twelve months when the sampled procurement activities took place, they have to depend on the explanations given to them. Auditors do not know the truthfulness of the explanations except to compare them with the dates and laws as appropriate. Some explanations may not be convincing to the auditors leading to negative findings (Arifin & Hartadi, 2020). Zamboni and Litsching (2018) assert that the opposite is true that there is a possibility that a procurement officer may convince the auditor with false information. This is the weakness of audit which can be solved by engagement of an independent compliance office which will be present fulltime and may not easily be lied to.

Competence of the procurement officers contribute to success, not only of the procurement activities but also in assisting the audit process (Bedasso & Asfaw, 2020). Maksymenko and Melikhova (2017) assert that most government procurement departments in developing countries have poor institutional capacity to carryout procurements efficiently.

They conclude that most procurement personnel lack requisite training, knowledge, and experience. Further, these personnel are mostly demotivated because of low level salaries for the demanding work they do in procurement. Zamboni and Litsching (2018) submit that some of its respondents hold the view that procurement personnel fail to procure efficiently and maintain proper procurement records which come as a result of inadequate skills, experience and knowledge of the discipline. The presence of internal procurement compliance office will help in advising both the management of the organisation and the board about capacity requirements of the organisation ahead of the presence of the auditors. This deficiency is expected to be identified as one of the risks within the system.

On the other hand, Naidoo and Gomez (2020) conducted a study in South Africa on identifying challenges to external audit in the non-governmental organisation sector and found that amongst the seven key challenges facing external procurement audit which also have pervasive effect on the overall outcomes of the audit work is lack of skills of the external auditors. Naidoo and Gomez also found that there is shortage of requisite competence to some auditors to audit public procurements efficiently. They lack knowledge of public procurement Act and other regulations which govern public procurement. Zamboni and Litsching (2018) confirm that this observation is common in the developing countries. Limited resources are another limiting factor found by Drozd et al. (2021) affecting audit outcomes. These are resources such as financial, logistical constraints, shortage of vehicles to speedily move from one place to another as required by the nature of their work, office space and accommodation. Similarly, Bedasso and Asfaw (2020) found that 90% of the responding audit staff refer to inadequate training in relevant laws and standards, in adequate remuneration demotivating factors to them. While investigating 289 municipalities in Sweden, Tagesson, Glinatsi and Pahl (2015) found that 72% of the municipalities chose auditors who offered the lowest price. Arifin and Hartadi (2020) argue that this could result from an acquisition of government which

is not particular about professional experience of the winning audit firm or because the highly qualified firm bids low to win the bid and engage lowly-qualified audit personnel to avoid costs. These shortfalls in the audit firm will directly impact negatively on the outcomes of the audit and even more on the performance of the procurement system. However, the presence of the independent all-time procurement adjudication office will fill the shortfall.

While investigating audit risks in Brazil, Zamboni and Litsching, (2018) found that lack of audit rotation may lead to collusion between the audit firm and the employer which may further lead to poor audit quality. Audit quality is defined as the “the degree of auditor compliance with professional standards in the conduct of a financial statement audit” (Bedasso & Asfaw, 2020, p.74). Risks associated with the failure to rotate the audit firm will be mitigated by the presence of an internal independent procurement compliance office which will assist the procuring entity to follow the procurement laws and procedures despite non-rotation of the audit firm. Bedasso and Asfaw (2020) maintain that failure to overcome these challenges have proven to impact negatively on the economy and intended outcomes to beneficiaries. In confirmation, Maksymenko and Melikhova (2017) and Arifin and Hartadi (2020) assert that elimination of the challenges mentioned above will go a long way to aid proper functioning of the public procurement system. Introduction of the independent all-time procurement adjudication office within the procuring entity will perform the gap-filling function to the identified short falls.

2.14. eProcurement

As the world moves in technology towards electronic systemisation, governments with their public service are not an exception. Aboelazm (2022) claims that most of the developed countries have started employing e-government which includes eProcurement. E-procurement, otherwise known as an electronic form of conducting business between the buyer and the seller using internet-based applications as the medium, is hosted by software developers who sell

eProcurement services to willing business parties (DelVechio, 2019). Wax Digital (2020) submits that e-procurement started during the development of electronic data interchange (EDI) in the 1980's. As the EDI system evolved as businesses moved away from sending documents physically but rather electronically. Conversely, other authors argue that specifically the word 'eProcurement' started in 2000 by IBM through its director of procurement, Mexican engineer, Daniel Delfin when he introduced its '*Replenishment Management System and Method*' (Adebayo, 2016; Zunk, Marchner, Uitz, Lerch, & Schiele, 2014).

DelVechio, (2019) states that the eProcurement system was later adopted by the European Union in 2004 and the rest of the world thereafter. It is commonly admitted by the literature that the system is still young and needs to be explored more (Chandra, Narsireddy, Sastry, Sreedhar, & Dasari, 2020). EProcurement software developers still vary in features while it generally possesses common features such as messaging, registry, repository and collaboration protocol (Michigan State University, 2019). The word 'eProcurement' has been used broadly by various authors to cover all the activities of automated process of requisition, ordering and purchasing of goods and services over the internet. On the other hand, other authors such as Adjei-Bamfo et al. (2019); Ahmad et al. (2021) and Akaba et al. (2020) prefer to make a clear distinction that eProcurement refers to acquisition of goods and services that are of low value but of high volume as opposed to eTendering, which is purchasing of goods and services which are of low volume but of high value. This study employs a full scope of eProcurement and further focuses on public procurement.

It is commonly agreed amongst researchers that eProcurement was created to replace physical paperwork to enhance functionality to both the buyer and the seller in procurement (Aboelazm, 2022; Ahmad, Abul Hassan & Ismail, 2021; Michigan State University, 2019). Further, it is generally accepted by the literature that eProcurement is also adopted as a policy to enhance efficiency and accountability, reduce cost and curb corruption (Arifin & Hartadi,

2020). In support, DelVechio (2019) asserts that procurement leaders use the eProcurement system also to ensure automation of adherence to policy by all those involved in the procurement process at any point in time. After studying the Malaysian construction industry, Nawi et al. (2017) concludes that eProcurement has a potential to make significant impact in the public procurement sector.

The literature confirms that eProcurement is applied more in developed countries than in the least developed countries. Further, Akaba et al. (2020) claim that it is more applied in private sector than in public procurement sector; and furthermore, it is more common in procurements with high volume but low value. Lesotho like most of the least developed countries, and perhaps worse than many in that league, does not have any e-government policy, never mind eProcurement (Kabanda, Pitso, & Kapepo, 2019). Mokeke and Thamae (2021) aver that Lesotho as a country does not have reliable power supply and lacks adequate internet infrastructure to handle the demands of eProcurement. Therefore, knowledge, adequate skill and expertise of eProcurement is likely non-existent (Arifin & Hartadi, 2020). The subsection below reviews the literature regarding benefits of eProcurement in public procurements.

2.14.1. Benefits of eProcurement

Young as it is, the electronic procurement system has acquired recognition from researchers for various strengths. Arifin and Hartadi (2020) assert that cost-reduction is commonly accepted by the users to be a prominent benefit of eProcurement. Nawi et al. (2017) emphasise that the benefit of the system is realised in its ability to save costs associated with operations of the procurement process including transaction costs. The processing of paperwork through the lengthy process stages of procurement is cut short by the automated procurement system. Secondly, savings on the order costs is another benefit that is mostly enjoyed by the buyers (Ahmad et al., 2021). In association to cost, Chandra et al. (2020) argue that eProcurement helps companies and public entities to rationalise organisational spending

because everything on which to incur costs is visible. Costs associated with inventory and order lead-time are also realised by users of the eProcurement (Nawi et al., 2017).

While the benefit is generally accepted by the literature, the same acknowledges that it is the benefit first to the developed countries and a few others, and that it is as little as 20% in large scale public procurement (Chandra, Narsireddy, Sastry, Sreedhar, & Dasari, 2020; Bobowski & Gola, 2019). For the purpose of this study, the purported benefit may be far from reach given the state at which Lesotho is in adopting the system. Therefore, an independent procurement compliance system is expected to facilitate improved quality of procurement.

The second highly acknowledged benefit of the eProcurement system enjoyed by sellers and buyers is improved efficiency to the whole procurement processes. Nawi et al. (2017, p.209) asserts that ‘eProcurement has been noted for its potential to stimulate efficiency in procurement operations’. In confirmation, Akaba et al. (2020) make an emphasis that eProcurement improves internal procurement workflow processes. Further, eProcurement is acknowledged for shortening purchasing processes and improving supply chain mechanisms (DeIVecchio, 2019). Improved efficiency in public procurement is identified as one of the benefits of the proposed study; therefore, in the absence of eProcurement in Lesotho, there is a gap to fill by the proposed study.

After studying the Australian construction industry, Zunk et al. (2014) conclude that eProcurement improves visibility where one can easily view one’s spending and purchasing patterns. Ahmad et al. (2021) arrived at the same conclusion when studying the Malaysian market. Further, the system can provide real-time information sharing (Wax Digital, 2020). This feature facilitates high level of collaboration between suppliers and buyers, helping to build long-term relationships (DeIVecchio, 2019). While it may not be intended for purposes of showing the spending pattern of the procuring agency, the proposed system aims to control

irregular spending behaviours and ensure near real-time information to decision-makers before major procurement milestones.

Aboelazm (2022) argues that a combined feature of standardisation, legalisation and automation of the procurement processes into eProcurement makes the process to be clean and cutting short the bureaucratic red tape especially in public procurements. Aboelazm further argues that adopting eProcurement as a policy legitimises the process and improves contracting compliance with lower error rate. Finally, the literature accords that eProcurement enhances transparency in procurement (Adjei-Bamfo et al., 2019). Kabanda et al. (2019) claim that with the eProcurement system, information is made available to interested parties all at the same time. EProcurement has a potential to attain optimum competitiveness from bidders because it reaches the broader base of buyers in contrast with the paper-based system. Akaba et al. (2020) argue that the seller-buyer link is made known and is directly enhancing turnaround time. Transparency is central to the proposed study under this review. Identification of key milestones in the procurement process and exposure of status to decision-making authorities ahead of such contributes to transparency and accountability.

Aboelazm (2022) and Ahmad, Abul Hassan and Ismail (2021) are in agreement to the general view by the literature that all the characteristics of eProcurement act to neutralise and curb the works of corruption in procurement. What comes out more in their emphasis is the system's ability to protect the process against interruption by the procurement officers and interference by political influences. This attribute is the same as the one for the proposed study for the public procurement sector in Lesotho. It is noted however, that all the benefits of eProcurement stated above are not reachable by the public procurement sector in Lesotho because of the technological limitations stated above. For that reason, the proposed study is intended to bridge the shortfall.

2.14.2. Challenges Facing Eprocurement to Date

While the said strengths of eProcurement stated above stand, Akaba et al. (2020) makes a strong finding after studying the Nigerian construction industry that application of procurement as a technology is generally still a challenge. Understanding of eProcurement as a technology presents a challenge to the business sector because of lack of skills and knowledge of the system. It is confirmed by other researchers such as Nawi et al. (2017) that lack of technical expertise of the new system is a limitation. Further, commitment to the specialist software especially because of the high start-up fee discourages SMEs to commit to the system.

While conducting a study in Nigeria, Afolabi, Ibem, Aduwo, Tunji-Olayeni and Oluwunmi (2019) concluded that technical factors such as digital signatures, electronic platforms and language dominate barriers for adoption by SMEs. Ahmad et al. (2021) concluded similarly in Malaysia that the challenge for eProcurement developers is to give evidence to non-users that their technologies do not undermine legal or privacy requirements and are not so technically complex that SMEs without sufficient ICT skills cannot use them. Lesotho as a country is not yet at the point of considering eProcurement as a solution. Therefore, embarking on other easy-to-reach solutions such as the one proposed in the current study is reasonable.

The second challenge that faces most of the developing countries regarding eProcurement is relevant infrastructure (Kabanda et al., (2019). Adjei-Bamfo et al. (2019) state that as a web-based system, eProcurement depends on the availability, adequacy and reliability of the supporting infrastructure. Akaba et al. (2020) established that businesses in Nigeria like in many developing countries suffer from adequacy of the ICT infrastructure such as sufficient band-width coverage needed for this system. Ahmad et al. (2021) had similar conclusions from their study in Malaysia that on top of adequacy is reliability of the ICT infrastructure to function fully throughout the time to provide real-time information as needed by the system. The study

by Adebayo (2016) showed up to 75% of respondents pointing to the problem of interoperability and standards with the legacy IT system as an obstacle to users applying the eProcurement system. On the same note, Nawi et al. (2017) mentions high satellite connection costs, slow speeds and low band-width capacity have delayed up-taking of eProcurement in Malaysia. Nawi et al. further argued that even the bigger and financially capable businesses are discouraged from adopting eProcurement system by poor ICT infrastructure and unreliable power supply. Lesotho like other developing countries is yet to overcome the inadequacy and reliability of power supply and ICT infrastructure.

Start-up costs to sustain the software is the third shortfall that is primarily impeding involvement by most SME's (Kabanda et al., 2019). The system requires users to register and obtain a license at a fee to use it. It will be noted that most of the business population in every country accountable for the bulk of every country's economy is SME's (Michigan State University, 2019). To the SME's, this is significant to unlocking the potential of what the system has. Aboelazm (2022) argue that SME's often lack financial capacity and do not want to commit to such a high price system. It is found that most of the acknowledged support of the system is generally from bigger companies which already benefit from large trade and numerous transactions. In general SME's lack financial capacity to commit to eProcurement given the volume of returns they get from their businesses (Ahmad et al., 2021). While this is not an issue for Lesotho's SME right now because of non-existence of eProcurement, it could be expected that it will follow suit that SME's like in other countries especially in developing countries will struggle with the start-up costs.

Non-existence or inadequacy of regulations and policies governing eProcurement is identified as the fourth challenge to engagement into the new system by big and small businesses mostly in the developing countries (Aboelazm, 2022). Arifin and Hartadi (2020) opines that this challenge causes interoperability conflicts between the system license and

governing procurement regulations. Further, it is not supported by the public audit regulations (Adjei-Bamfo et al., 2019). Akaba et al. (2020) and Kabanda et al. (2019) and Nawi et al. (2017) agree that lack of national IT policy on eProcurement and lack of data exchange standards adopted by the sector discourages even the willing and capable buyers and sellers in the sector. EProcurement system is not yet available in Lesotho and therefore there are no laws or regulations supporting it.

Resistance to change is identified fifthly as one of the challenges. It is generally acknowledged world-wide that change to a human being does not come easily. Even to eProcurement with such a high potential of benefits, people are reluctant to leave their known territory to go for it. Adebayo (2016) finds that 79.4% of respondents in his study agreed that fear of change to a new system was a barrier to them changing to eProcurement. Akaba et al. (2020) cited lack of confidence in the new technology as another impediment to the business sector to changing to eProcurement. The challenge of lack of interoperability of the eProcurement software packages weakens the confidence of users to migrate to the new system (Ahmad et al., 2021). Adjei-Bamfo et al. (2019) asserted that one other challenge that potential users especially governments in developing countries which employ many people face, is the fear of loss of jobs particularly in poor countries.

Sixthly, contrary to the well acknowledged benefit of cost reduction associated with the eProcurement system, it is revealed first that there is not as much scholarly research made on the subject in high value industries such as construction and building industries; and secondly that it does not provide the purported reduction in cost to the process of procurement in the construction industry compared to the industries that trade in common or unchanging parts (Adjei-Bamfo et al., 2019). Zunk et al. (2014, p.1p) perceived that “the construction industry is relatively under-represented in these studies. To sum up, eProcurement is not a current issue

and plays a very limited role in the Austrian construction industry yet". The same conclusion is arrived at by Akaba et al. (2020) in Nigeria, and Nawi et al. (2017) in Malaysia.

Seventhly, Nawi et al. (2017) state that one universal challenge that remains with eProcurement irrespective of the development status of a country is the system's inability to cover the whole procurement cycle, particularly in works and services during the implementation stage. DelVechio (2019) further states that the system has not yet developed to show visibility, monitor implementation, and administration of construction or building works. The system also lacks ability to monitor and close out consultancy service contracts Aboelazm (2022). The proposed system under this study aims to cover the whole procurement cycle stages.

Eighthly, the literature across the board agrees that eProcurement system is still young and needs fine-tuning here and there. Issues of lack of standardisation and interoperability of the system between the eProcurement software packages is one example (Ahmad et al., 2021). Many researchers such as Michigan State University (2019) and Kabanda et al. (2019) would often refer to eProcurement as having the '*potential*' rather than proven benefits to buyers and sellers. On the other hand, Aboelazm (2022) asserts that the scholarly evaluation of eProcurement initiatives is very limited. This is possibly caused by implementation of the public sector initiatives which are still in the early stages. In emphasis, Bobowski and Gola (2019) opine that the application of the eProcurement in Europe does not meet expectations because it represents less than 20% of EU's annual procurement spending. Because of the same issue of age, application of the system still lacks benchmarking (Chandra et al., 2020).

Finally, in business, security of a system particularly the one that deals with important matters such as intellectual property, financial transactions, etc., like it is the case with eProcurement, is a sensitive matter. Akaba et al. (2020) argue that lack of security of

transmission of process data to the unintended person is a risk that most businesses in Nigeria are not willing to take. The issue of safety and security of transactions as asserted by Aboelazm (2022) is still a deterrent to most businesses in developing countries where there is vast existence of internet scams. Further, lack of uniform standardisation used in the eProcurement packages by different developers discourages potential users (Nawi et al., 2017). Lastly, Ahmad et al. (2021) assert that Lack of a widely accepted eProcurement software solution is a deterrent.

In consideration of the complexities stated above in association with the eProcurement system and the level of readiness of Lesotho as a country in this regard, it can be concluded that eProcurement as a solution for Lesotho may be of many more years to come. Therefore, the proposed solution is preferred.

2.15. Chapter Summary

The theoretical framework of the study is based on the three theories of principal-agent theory, system-based theory and stakeholder theory. Literature supports this theoretical framework. The literature asserts that the moral hazard situation of the principal-agent theory is brought about by failing procurement system that lacks transparency and accountability in Lesotho. The literature affirms that stakeholder theory is failing in the Lesotho's public procurement because politicians and procurement officers lack ethics and morals to account to multiple constituencies of stakeholders. Finally, the literature supports the view by the study that the current public procurement system in Lesotho does not operate as a cohesive system. This is contrary to the system-based theory which states that *the whole is greater than the sum of its parts*.

The literature specific to the Lesotho's public procurement and those from the developing countries assert that corruption in all the procurement stages is rife because of inadequate

systems and poor transparency. The study's major proposition is introduction of an independent procurement adjudication system that will improve transparency throughout the whole cycle and deter acts of corruption. The literature affirms that the procurement cycle stages have to be managed well and accounted for adequately. It shows that procurement audit, eProcurement and tender adjudication as systems could be used to achieve the same objective have deficiencies. Procurement audit is restricted to once a year and is only historical, tender adjudication is limited to one procurement stage only, and eProcurement is limited by the level of technology and technological infrastructure in the developing countries.

It is of critical importance for procurement managers to plan for, implement and account for efficiency in all the procurements activities. Targets and performance indicators of efficient procurements should be approved by the governing authorities with justification for efficiency. Fairness and transparency in public procurement are the fundamental trait marks of sound public procurement. Procurements that lack fairness deny deserved justice to the stakeholders. By virtue of being sponsored by the public funds, the public and other stakeholders assume the right to be adequately informed and be given deserved justice. It is regrettable that most government from the developing countries don't know the impact contributed by their public procurement to the general economy because value for money for the said procurements are not deliberately designed and independently measured.

CHAPTER 3 - RESEARCH METHODS AND DATA COLLECTION

The purpose of the study was to introduce an independent all-time procurement adjudication system within the procurement system to ensure transparency and improve effectiveness and efficiency to achieve value for money. Chapter 3 discusses the relevant research approach and design, its appropriateness as well as alternative design approaches. The study population and sample, its relevance including the instrumentation of the research tools are also discussed. The chapter also considers the research protocols for ethical assurances. Finally, chapter 3 discusses the relevant data collection and analysis methods applied.

3.1. Research Approach and Design

This study employed a qualitative research approach as it investigated a social issue. Pearce (2019) defines a research approach as a procedure the researcher selects to collect, analyse and interpret the data. In qualitative research, the common approach is inductive (Hall, Savas-Hall, & Shaw, 2022). The qualitative research approach is supported by respective qualitative design methods. Grounded theory, ethnography, phenomenology, case study and historical study are design methods common in qualitative research. Casula, Rangarajan and Shields (2021) assert that research design serves as the blueprint of how a scientific study will be conducted. It comprises methodologies, tools and techniques to be used to conduct the research. Furthermore, it helps to identify and address problems that may rise during the process of research and analysis. This study used the inductive approach and phenomenological design method.

3.1.1. Research Approach

Inductive analysis is an emergent analysis strategy in which the researcher peruses through the data and allows codes to conceptualise as they emerge (Pearce, 2019). This form of qualitative design employs the bottom-up analysis strategy. Hall et al. (2022) assert that the process followed by the researcher in this approach is to move from a specific observation to a

broader and more generalised conclusion. Hall et al. further argue that following an observation, the researcher detects patterns in the data codes, formulate ideas and reach a conclusion or a theory. Pearch (2019) emphasises that the purpose of inductive analysis is to really dig into what is happening in the data, to understand the themes present in the data and to produce findings to answer your research questions. Inductive research is usually used when there is lack of existing literature on a topic or because there is no existing theory that can be tested on the concept (Pearce, 2019). Casula et al. (2021) opine that common forms of inductive analysis are open coding which is also known as initial coding; NVivo coding in which codes are developed based on participants' own words; and constant comparative analysis. Hall et al. (2022) submit that the strengths of the inductive analysis method is because it allows the researcher with exploration of new ideas which can lead to development of a new theory; it is used to study complex social phenomena and can capture the complexity of real-world phenomena; and that it incorporates perceptions of the participants and can discover unexpected findings. Conversely, Pearch (2019) asserts that inductive analysis requires a long time to be done properly.

3.1.1.1.Appropriateness of the Approach

Pearce (2019) and Casula et al. (2021) aver that application of inductive analysis is relevant in qualitative research where there is no existing literature on the topic or where a theory that can be tested on the concept does not exist. Independent procurement adjudication as a framework does not yet exist in the literature. Further, this framework also does not have a theory which can be tested.

3.1.2. Trustworthiness of the Data

Daniel (2019) refers to trustworthiness of research as the *truth value of a research and transparency of the researcher's conduct*. Researchers consider trustworthiness of a qualitative research or its rigour as the level of confidence conceived by the reader on the data collected,

interpretation thereof and the methods used by the researcher. Gigi (2019) defines trustworthiness as “the reader’s degree of confidence in data collected, interpretation of the said data, and methods used by the researcher to ensure quality of the study”. Demonstration of trustworthiness of this study followed the criteria originated by Lincoln and Guba in 1985. According to Lincoln and Guba, the essence of trustworthiness of the data is found in the data’s credibility, dependability, confirmability and transferability. This criterion is still generally accepted by the research community to constitute the rigour of a study today (Moreno, Schmidt, & Joffe, 2018; Caulfield, 2020). Below, the researcher demonstrates how he applied the Lincoln and Guba’s criteria in this research.

3.1.2.1.Credibility

Credibility of a qualitative research seeks to ensure its internal validity, which establishes whether the researcher followed credible standard procedure when he conducted the study, and whether adequate justification for variations was provided (Gigi, 2019). This research followed the standard protocol required by the UNICAF University in Malawi for qualitative research. The following key milestones and approvals were obtained by the researcher before proceeding to the next stage: the theoretical framework of the study, research questions, research methods including data sampling, data collection and analysis, approval of design and employment of the research tools by the University Research Ethics Committee in August 2019.

The researcher kept an electronic record of all the activities under the study for traceability. As recommended by Moreno et al. (2018) and ahead of engaging the participants, the researcher obtained signed consent forms from the participants as an indication of their willingness to participate in the project. This process started in March and with the last signed consent form received in June 2019. Ethical assurances were also given to participants through verbal assertions as part of the signed consent forms. Each interview was transcribed and

analysed through a repeated familiarisation process which included coding and theming of the categories (Caulfield, 2020) as explained in chapter 3 above. The techniques used by the researcher contributing to credibility of the study suggested by Daniel (2019) and Caulfield, (2020) included peer-debriefing, member-checking, iterative questioning of the data, data triangulation, researcher's reflexivity account and neutrality.

(a) Peer-Debriefing - The research findings were discussed with three UNICAF doctoral student colleagues to critically review the work and give the researcher feedback. As a result of the discussions and feedback some implicit aspects of the study were made more explicit (Dodgson, 2019). All comments and constructive criticisms from the peers were considered by the researcher.

(b) Member-Checking - Following the transcription of the online semi-structured interviews and focus groups sessions, the researcher sent back the individual transcripts in a word document format to each respective participant for review and feedback. Upon review, most participants (60%) validated their views on the subject matter while in some cases others (20%) restructured their perceptions and made corrections. The other 9 participants constituting the remaining 20% did not find time to respond to the checking. Gigi (2019) and (Daniel, 2019) submit that this technique contributes to credibility of a qualitative research. Further, Nowell, Norris, White and Moules (2017, p.3) argue that credibility of a qualitative study is addressed when there is "fit between respondents' views and the researcher's representation of them". The researcher, therefore, confirms that the validated responses gave a fair reflection that the participants' views were reasonably presented in the transcripts.

Further, the draft report was shared with the participants. The main objective of sharing the draft report was for the participants to express their views and comment on the interpretation of the study results made by the researcher and to state if they think the

interpretation carries the message they wanted to communicate. Secondly, the researcher did this to demonstrate honesty on his side as required by the study ethical code. Dodgson (2019) posits that the true meaning of pieces of information provided by the participants is reflected in the researcher's interpretation of the said data.

(c) Returning to Examine the Data Several Times – From the start of the first interview session, the researcher employed the approach of iterative questioning of the data where he repeatedly reviewed how he asked questions and reviewed the data as he received it. He then made adjustments where need be to the collection of data and to familiarise with the same data (Moser & Korstjens, 2018). The concept of returning to examine the data was also followed during and after the data transcription stage. Gigi (2019) confirms that data familiarisation is a required stage in the thematic analysis process where the researcher repeatedly reads through the transcripts to be able to absorb the meaning of the data and to be able to break it into distinct themes. Familiarisation with the data enables interpretation of the same data at the later stage of thematic analysis.

The researcher surfed through the data from extracting codes relevant to the research questions and the theoretical framework. More than one thousand codes were extracted from the semi-structured interviews and more than five hundred codes from the focus group sessions. Another return to the data was when the researcher organised all the codes into primary categories. A more in-depth return to the data was made during the further content analysis made by the researcher where he organised the codes first into categories and then grouped them into themes according to the study research questions and theoretical framework. The themes were further arranged into sub-themes. Each time a reorganisation was made, each code was gone through closely. The final return to the data was made during the results' presentation and interpretation. The results had to be presented and interpreted accurately to avoid misrepresentation.

- (d) Data Triangulation** - Ghinoi, Steiner, Makkonen and Hassink (2021) define data triangulation as the process in research where the researcher uses two or more data collection and analysis methods for verification of results and findings. Given the nature of the study methodology and to minimise the risk of criticism based on the method's subjectivity, the researcher decided to employ the data triangulation strategy to improve the study's credibility. Two different data collection and analysis methods were used at two different levels to extract the data from the participants. The semi-structured individual interviews were first conducted with 45 senior procurement professionals dealing with public procurements. Tier two of the data collection was done through six focus group sessions comprising five to seven members each. The purpose was to observe consistencies in the perceptions by the participants in these data collection methods as individuals and as groups. Gigi (2019) maintains that data collection from different sources using different methods in response to the same question constitutes triangulation and adds value to credibility of the process.
- (e) Researcher's Reflexivity Account** – The researcher has decided to reveal his personal inclination on procurement and corruption to enhance the rigour of process in the data collection and analysis. The researcher wanted to make it known that he upholds high ethical conduct and therefore has a strong anti-fraud and anti-corruption attitude and wishes to see his country develop economically (Caulfield, 2020). Secondly, the researcher has over twenty-five years of experience in public procurements and developmental projects working with the governments of Lesotho and South Africa, as well with international aid organisations such as World Bank, European Union, African Development Bank and the USA's Millennium Challenge Corporation. Thirdly, the researcher preferred to reveal that he holds a senior position of CEO in a reputable state-owned entity in Lesotho.

The researcher was therefore cognisant of the stated qualifications to avoid intimidating and or influencing responses from the participants. To achieve independence by the participants, the researcher advised each participant at the beginning of every interview and focus group meetings to be independent and express their own views freely without any fear or intimidation (Dodgson, 2019). Given their level of education, seniority in office and long experience, participants were expected to be independent in providing information for the study.

- (f) **Neutrality** - Daniel (2019) avers that where there is neutrality, participants' views are well reflected in the research findings without personal opinions or influence from the researcher. Daniel further argues that trustworthiness of the study is attained when a fair interpretation of the qualitative study project outcomes by the users, relate to the experiences of the said users.

Prior to, during and after the data collection process, the researcher undertook to refrain from influencing the participants in any way. Part of the researcher's conduct is contained in the recorded online electronic files. The participants were freely given liberty to express their views on the topic. Neutrality, honesty and transparency of the study processes are demonstrated in the sections above under peer-debriefing, member-checking, data triangulation and researcher's reflexivity account. The process followed in this research also demonstrates dependability of the study.

3.1.2.2.Dependability

Nowell et al. (2017) affirm that qualitative research derives its dependability from a detailed logical flow of the process followed. Nowell et al. continue to assert the importance of the process followed by the researcher in conducting the study should be clearly documented and auditable. At the same time Daniel (2019) equates dependability to auditability of a qualitative research, and further argues that the importance of auditability in qualitative

research lies in its ability to reflect the researcher's role in ensuring accountability and demonstration of the research process.

Under this project, the research process comprised theoretical and practical aspects. The former constituted the following key milestones with presentations by the researcher and approval by the UNICAF University in Malawi: the theoretical framework, the research approach and design, research ethics and approval by the University Ethics Committee, identification of the research population and sampling, data collection, data analysis and report writing. The said activities formed a chronological order in which the theoretical components unfolded (Nowell et al., 2017).

Regarding the practical aspects, the researcher conducted the semi-structured interviews first, followed by the focus group sessions with participants who had already gone through the individual interview sessions. Telephone or WhatsApp reminders were made to participants prior to the interview meetings to confirm their availability at the appointed time. The interview dates and respective participants were logged in the interview book. At the end of each interview, the participants were each advised of the upcoming focus group meeting once the scheduled interviews were complete. All the online interview sessions were recorded and saved for transcription and analysis at the later stage.

The transcripts were then sent back to the participants as electronic copies using their email addresses for review and feedback. A folder of returning files from the participants with track changes was kept by the researcher. Nowell et al. (2017, p.3) concur that "a study and its findings are auditable when another researcher can clearly follow the decision trail". The chronological unfolding of the project events together with the record-keeping made under this research demonstrates the study's dependability. As part of the study trustworthiness, confirmability is presented below.

3.1.2.3. Confirmability

Confirmability as a component of trustworthiness of research, is synonymous to neutrality and objectivity of the study (Moreno et al., 2018). It seeks to ascertain that the findings and interpretations thereof are objective, rooted in the data and can be confirmed by others. The decisions that the researcher took in demonstrating objectivity or neutrality in this study are elaborated on under credibility above. The researcher derived the study interpretations and findings directly from the presentations and the wording used by the participants both in semi-structured interviews and when they were together in the focus group sessions.

Such words or phrases are identified in the data, coded and themed in the analysis memo (Nowell et al., 2017). Participants were asked questions, and they expressed their views according to their knowledge and experience without guidance or influence from the researcher. In fact, the researcher deliberately advised participants to be independent in presenting their information. Seniority of the participants' position and experience in the field of procurement and or projects management contributed to reliability of the data they provided. It also minimised the chances of influence from the researcher. The chapter below addresses transferability of the research.

3.1.2.4. Transferability

Transferability of a qualitative research denotes the usefulness of the study results to persons in other settings (Gigi, 2019). In the same way, Nowell et al. (2017) refer to transferability as generalisability of the study. The level of usefulness of this study is considered high given that though it was only conducted in Maseru, it sought to remedy the existing problem of ineffective procurement system leading to infiltration by acts of corruption that faces public procurements in Lesotho today. The sample was considered to be a sound representation of the study population because it was obtained from the headquarters of the

government ministries and state-owned entities which deal with high value procurements. Further, the procurement policies and procedures used in all districts of Lesotho are the same and come from the headquarters.

The examples above show transferability of the research findings to all the existing sectors using public procurement in Lesotho. Secondly, the proposed solution fits within the well-established procurement cycle, making the research findings useful by procurement practitioners around the world. Thirdly, the literature established that corruption rages relatively high in the developing countries emanating mainly from poor procurement monitoring and oversight. For this reason, it is expected that the developing countries will consider the findings of this study useful. Finally, given the consistency in the procurement cycle and in the use of procurement guidelines globally, it is expected that the research findings are transferable (Gigi, 2019).

3.1.3. Research Design

The qualitative research methodology has a wide pool of design methods ranging from grounded theory, historical, case study, ethnography, and phenomenological design. Amongst the different research design methods, this study adopted a phenomenological design. Greening (2019) concurs with the wider literature that phenomenological design is a process of solicitation and analysis of information from participants related to the phenomena they themselves experienced. In phenomenological designs, participants are expected to express their opinions, perspectives, perceptions and attitudes about the phenomenon under consideration. While collecting data, the researcher observes and notes all forms of information from the participants including non-verbal communication (Scheelbeek et al., 2020). Through this methodology, the researcher seeks to understand what the participants felt during the phenomenon. The expressions from the participants would be analysed by the researcher and used to create an understanding. In line with the rest of the literature, Moser and Korstjens

(2018) state that qualitative phenomenological design is broken into descriptive phenomenology and interpretive phenomenology.

This study employed descriptive phenomenological design. Reyes, Puelle and Barria (2020) assert that descriptive phenomenology is one of the most popular qualitative designs used in research because it deliberately focuses on the subjective presentation of the phenomenon by the participants. In descriptive phenomenology, Moser and Korstjens (2018) further explain that participants are given an opportunity to open-endedly express how the lived experience presented itself to the participant – their perception, opinion, emotion and thought. Scheelbeek et al. (2020) conclude that descriptive phenomenology is intended to put aside the researcher's bias because the participants present the meaning of the opinions they experienced. Removal of the researcher's bias from the data is considered one of the strengths of the design. The onus of describing the situation and the meaning thereof lies with the participants (Reyes et al., 2020). Moser and Korstjens (2018) argue on the contrary that some participants may not be able to express themselves enough due to some form of communication barrier. Secondly, an open-ended data produced from this method is huge requiring a lot of time for analysis. Finally, the data produced from the descriptive phenomenological design are not easily generalizable. To avert some of the shortfalls from the design, the researcher developed and used criteria of sampling that would eliminate barriers of clear communication from the participants – the participants' qualifications, experience and level of responsibility were expected to contribute thereto.

3.1.3.1.Appropriateness of the Design

The phenomenological study design was preferred over the alternatives because of the following reasons: the nature of this study is exploratory, open-ended. The study is concerned with a social issue whose solution can be reached by gathering in-depth information from people expressing their views, opinions and attitudes (Moser & Korstjens, 2018). Finally, the

study has engaged in detailed discussions with people who have been involved in public procurements in Lesotho, and therefore have direct experience with the phenomenon. In defining phenomenological design broadly, Aspers and Corte (2019, p.5) enunciate that “we define qualitative research as an iterative process in which improved understanding to the scientific community is achieved by making new significant distinctions resulting from getting closer to the phenomenon studied”. Neubaur et al. (2019) further stress that in phenomenological research, respondents provide their understanding and insights into the study problem. Using the former, the researcher is to gain in-depth understanding of each participant’s experience, attitudes, behaviour and perception. Based on observations, the researcher can then draw conclusions compared to the study theoretical frameworks.

Compared to grounded theory wherein a theory is being developed, ethnographic design wherein characteristics of a culture are being analysed and interpreted, and case study design wherein the researcher makes an observation without disturbance, the proposed phenomenological design is most relevant. To emphasise this point, Chambers (2013, p.1) asserts, “Phenomenology is an approach to qualitative research that focuses on commonality of a lived experience within a particular group” of people. The researcher further employed the descriptive character of phenomenology to avoid bias (Nowell et al., 2017). The proposed design helped the researcher to achieve the goals of the study.

Focusing more on the harmony of shared experience within a group of participants, the research expected the public procurement officers, procurement officers in the state-owned entities and those from the private sector to have views on the common phenomenon of public procurement amongst them. Also, the phenomenon of corruption in public procurement was expected to have affected procurement and project management professionals in the public and private sectors commonly. The researcher considered a professional experience of ten years dealing with procurement directly as reasonable for the professional to understand the required

depth of the sector. Reyes et al, (2020) submit that ten years of experience is considered to be a reasonable life experience for the professionals to articulate what he or she has learned.

3.1.3.2.Design Steps

The following five distinctive steps were followed in the employment of the descriptive phenomenological design: a) identification and detailed description of the phenomenon under research, b) bracketing, c) intuiting, d) analysing, and e) describing (Greening, 2019).

- (a) **Identification and Description of the Phenomenon:** The researcher identified the phenomenon of ineffective and inefficient processes in the Lesotho's public procurement also lacking transparency. The researcher further identified that the phenomenon is underlain by acts of corruption.
- (b) **Bracketing:** Greening (2019) defines bracketing as the process where the researcher identifies and put aside his belief and preconceived ideas about the phenomenon. In conducting the study, the researcher avoided guiding the participants or hinting them to certain views presumed by the researcher. The researcher further advised the participants to freely express their views without intimidation.
- (c) **Intuiting:** This is the step where the researcher accumulated data on perspectives, attitudes, beliefs and opinions from experience of the participants. This step followed the bracketing out discussed in (b) above. In this process participants attributed the meaning of the phenomenon under investigation and the researcher considered the variance of the data until common understanding or saturation was achieved.
- (d) **Analysing:** The step that followed intuiting was analysing. In this step the researcher coded and categorised the data to make sense and significance of the meanings made by the participants on the phenomenon.

- (e) **Describing:** In this last step of the process the researcher described the comprehension and definition of the phenomenon projected from the transcripts of the participants.

3.2. Population and Sample of the Research Study

3.2.1. Research Population

The researcher identified Maseru as the location of the study. Maseru is the capital city of Lesotho and headquarters where all major public procurement decisions are made. Lesotho is a country situated in the Southern African region and it is subdivided into ten districts with the headquarters of them all as Maseru. Malephane and Isbell (2019) estimate the Lesotho's population at 2 200 000, and that of the Maseru city as 350 000. The district administrations are basically a devolution of central government decisions made in Maseru. This means that major procurements are undertaken and decided in the capital city within respective government ministries and implemented in the districts. District offices assist with oversight of projects implementation. In the same way, public procurements carried out under state owned entities take place in Maseru where their head offices are.

The government of Lesotho has 25 ministries and 11 state owned entities, which all use public funds to implement public procurements. Further, major consulting and contracting companies also reside in the city. Each public entity has procurement and project management functions that are manned by an average of 10 senior professionals operating at manager or director level, at which the study intends to investigate. The same government ministries would each have about three times the number of personnel manning different projects within the ministry. Amongst the procurement and project management professionals, a quarter of them would constitute senior officers with experience ranging between ten and twenty years in the field.

As part of the initial data collection plan, the researcher planned to sample 47 participants from government ministries and state-owned entities for the study. However, due to non-responsiveness and non-availability of some prospective participants, the researcher revised the data sample. Some participants could not be reached because of work commitments, some because of covid-19 restrictions and regrettably others because they were directly affected by the pandemic. The data sampling was modified without changing the population parameters. The researcher then finally decided to sample 45 senior professionals dealing with public procurements in Lesotho (Gentles, Charles & Ploeg, 2018). Nonetheless, the sample size depended on data saturation during the study data collection period (Hardesty, Haselschwerly, & Crossman, 2019). Eleven senior officers in the procurement and project management sectors covering seven government ministries were identified and engaged as part of the sample.

The government ministries represented were Ministry of Development Planning, Ministry of Finance, Ministry of Water Affairs, Ministry of Education, Ministry of Energy and Meteorological Services, Ministry of Public Works and Ministry of Gender, Youth, Sports and Recreation. Secondly, twenty-nine senior professionals from seven state owned entities were also identified and participated as part of the population sample. The said state-owned entities are the Lesotho Millennium Development Agency, Lesotho Highlands Development Authority, Lesotho Electricity Company, Water and Sewerage Company, Metolong Authority, Roads Directorate, and ECOL. The criteria used for selecting the stated government ministries and state-owned entities is the value of annual budget allocation to those ministries and state-owned entities compared to others. Compared to other ministries' allocation, the selected ministries take higher budgets and collectively take more than 50% of the annual government budget.

Thirdly, independent private senior professionals in the same sectors of procurement and project management formed part of the study sample. These five professionals now work as independent consultants within the government ministries or state-owned entities. They are specialists in the procurement sector with experience having served in one or multiple international organisations locally and or internationally. These projects and procurement specialists have extensive experience using procurement guidelines from the African Development Bank, the World Bank, European Investment Bank and the Millennium Challenge Corporation of USA.

The demographic requirements for participants from the sampled entities required that they held a managerial position, had an academic qualification of a bachelor's degree or equivalent, acquired a minimum of equal or close to ten years in relevant working experience and knowledge of public procurements and processes involved therein. Participants were to have reached the adult stage and be of any gender and race (Moser & Korstjens, 2018). Further, because of their seniority, academic qualification experience, participants were expected to be independent in providing information regarding the study.

The research study sample was considered to have homogeneous characteristics. Hardesty et al. (2019) opine that this kind of sampling is considered purposive and homogeneous with shared characteristics among the sample participants. The sample comes from the same sector, with specified range of educational background, specified work experience in the sector and similar level of seniority in the public procurement sector. The sample considered was also under the auspices of the public sector in Lesotho. As supported by Hennink and Kaiser (2022) and Lowe, Norris, Farris and Babbage (2018), this sample is small, purposive and homogeneous in nature.

3.2.2. Population Relevance and Sample Appropriateness

The proposed study was about introducing a procurement adjudication component within the Lesotho's public procurement system. The directives that were key in identifying relevant population was *public procurement process in Lesotho* (van Rijnsoever, 2017). It is admissible by Lebakeng (2021), Malephane and Isbell (2019) and others that the general population in Lesotho is concerned about the problem of corruption in public procurement. Further and more importantly, the identified sample commonly use the same government procurement policies and systems when they engage in a specific procurement at a point in time. As asserted by Moser and Korstjens (2018), it is therefore considered appropriate by the researcher to identify government ministries, state owned enterprises and construction consultants and contractors as relevant candidates for the sample in this study.

According to the qualitative phenomenological study design and as articulated by Van Rijnsoever (2017), selection of the said participants in this study as senior officers with extended experience in public procurement was deliberate. The second property that supports the qualitative research design is because it targets and is based on their knowledge of the government procurement systems, process, successes and challenges including corruption that is regarded as a public outcry given the regularity publications on about corruption in the media platforms in Lesotho. Moser and Korstjens (2018) argue that as common practice, purposive researchers make deliberate and sometimes small sample sizes. Ames, Glenton and Lewin (2019) assert that of essence is access to participants who have deep experiences and knowledge and can provide the richest information about a phenomenon under investigation. Moser and Korstjens (p.10) state, "in qualitative research, you sample deliberately, not at random".

The researcher, therefore, considered the proposed sample as reasonable because of the following reasons: The sample fully represents the research population because it targets public procurements. Public procurements are carried out by government ministries and state-owned entities; the sample comes therein. Secondly, based on the qualitative design approach, it is common to be deliberate in targeting specific sample for the study (van Rijnsoever, 2017). Thirdly, a small target sample in qualitative design is acceptable especially with a wide wealth of knowledge and experience (Moser & Korstjens, 2018). Finally, with their qualifications, extensive professional experience in the procurement fields and level of authority as senior officers, they are expected to be an appropriate fit to respond to the study problem statement and purpose. The selected sample has shared characteristics that make it homogeneous (Hennink & Kaizer, 2022; Hardesty et al., 2019).

The researcher concluded that the selected population was the most relevant to dealing with the issue of public procurements in Lesotho. Further, upon the realisation that there was no other population relevant for sampling under the study than the government ministries, the parastatals and the construction industry members, Moser and Korstjens (2018) support the relevance of the selected sample. Finally, no one other than the sample would have deeper information and knowledge about public procurements, associated problem of corruption as well as the solution thereto. The proposed sample constitutes people who directly deal with public procurements on any side – firstly, on the client side as the planner, the evaluator, acquirer and the user of the final procurement product; secondly, on the side of the private sector as the tenderer who is also subjected to evaluation and actually does the implementation; and finally, at a representative of the client or the contractor in the said procurements.

3.2.3. Sampling and Recruitment of Participants

Theodora, Remigius and Lockwood (2021, p.79) uphold that sampling is “selection of specific data sources from which data are collected to address the research objectives”. In support of this definition and quite specific to qualitative phenomenological design approach, Moser and Korstjens (2018) assert that for the phenomenon under investigation, the researcher targets participants who can provide rich information. Further emphasis is made to the fact that for this method of sampling, it is purposeful as opposed to random. The researcher employed the phenomenological sampling method combined with the criterion sampling strategy. Moser and Korstjens (2018) assert that in using the criterion strategy, participants have to meet predetermined criteria which should predominantly be founded on the participants’ extensive experience and knowledge of the phenomenon under investigation. “The phenomenon dictates the method (not vice-versa) including even the type of participants” (Groenewald, 2004, p.44). Though the study participants may differ in their broad-based experiences and individual characteristics, Gentles et al. (2018) stress that they are expected to have common experience on the phenomenon under investigation. The sampled participants were expected to have common experience having worked with the Lesotho’s public procurement system for more than ten years.

Some of the participants within the identified institutions of the sample were already known to the researcher. Following identification of the institutions from which the participants were going to come, the researcher established if there were prospective candidates known to the researcher. A list of contact numbers including emails was established. As guided by Moser and Korstjens (2018), the researcher contacted the known candidates and introduced the subject to them as initial contact points. Ames, Glenton and Lewin (2019) caution that researchers should choose participants carefully at this stage to achieve the objective of engaging participants who have special knowledge about the subject matter and are willing to share

insight information with the researcher. The researcher, therefore, took caution. Following the introduction and willingness by the initial candidates to participate, the researcher inquired if they were willing to give contacts of other prospective candidates in their organisation or in the sector as a whole. The same participants helped the researcher to have access to other prospective candidates. Ames et al. (2019) refer to this strategy as ‘*ongoing*’ and to the initial participants as informer participants.

3.2.4. Data Saturation

In the research process, the researcher reaches a point of saturation when his data analysis discovers no new information. While the collection may have to slow down gradually, Mwita (2022) maintains that this redundancy gives a signal to the researcher that further collection of the data adds no value, and that the data collection process may cease. Data saturation in research has generally been accepted as a methodological principle (Trana, Porcher, Tran, & Ravaud, 2017). Trana et al. (2017) affirm that as a generally accepted and common practice regarding data saturation, further data collection and or analysis is considered unnecessary. For this reason, qualitative design researchers have also accepted that collection of data should continue until the researcher has achieved saturation (Mwita, 2022; Moser & Korstjens, 2018; Trana et al., 2017). This concept was followed in this study.

3.3. Instrumentation of Research Tools

For the data collection, the researcher engaged a two-tiered approach comprising semi-structured interview sessions with individual participants on the first tier and focus group discussions on the second tier. To accord with the nature of the study which explored perceptions and experiences of the participants about processes and corruption in the Lesotho’s public procurement, these open-ended techniques were employed (Flynn, Albrecht, & Scott, 2018). The researcher chose these instruments from a wider pool of research tools applicable

in the qualitative research methodology. These data collection tools include observations, structured interviews, questionnaires, semi-structured interviews and focus groups (Bhat, 2019).

3.3.1. Semi-Structured Interviews (SSI)

Semi-structure interview technique is a data collection tool used in qualitative research, and within a specific thematic framework, where a series of predetermined open-ended questions by the researcher are asked to the participants (Bhat, 2019). Referring to application of the technique, Engward, Goldspink, Iancu, Kersey, and Wood (2022) quote Burgess (1984, p.102) that semi-structured interview is a “conversation with a purpose”. It is so referred because the researcher would employ the technique after establishing research questions and theoretical frameworks for the study. The following are the characteristics of the techniques which are still acknowledged by the researchers to date (Flynn et al., 2018): the researcher develops an interview framework comprising a list of open-ended interview questions around the research subject. This gives the researcher an opportunity to ensure that all the scope of questions needed are covered prior to starting the data collection process, and that the questions on the interview list contribute towards the study objective and research questions.

On the other side it gives the participant an opportunity to prepare for the discussion and be organised ahead of the actual interview session allowing flow and expression of one's views and perceptions. Secondly, a formal interview process is undertaken between the researcher and the participant; the open-ended discussion where most of the talking is made by the participant. The third attribute of the technique is that it allows the participants to confirm that he/she understands the questions, and on the other hand the interviewer to make follow-ups where clarity or probing is to be made. Fourthly, this technique allows the interviewer to guide the interviewee in case where the latter may be straying off the topic. The fifth attribute

of the semi-structured interviews as asserted by Engward et al. (2022) is its ability to produce rich and in-depth data. Bhat (2019) argues that despite the stated strengths of the technique, semi-structured interviews produce a lot of data requiring a lot of labour to transcribe and analyse. Secondly, because of its open-ended nature it can be challenging to researchers to drive to the conclusion of the data.

3.3.1.1.Appropriateness of Semi Structure Interview to This Study

Husband (2020) affirms that semi-structured interviews are appropriate for extracting in-depth information from participants with follow-up questions probing as appropriate where necessary allowing the interviewee to express their views. Prior to embarking on the data collection, the researcher considered different data collection tools relevant to the qualitative methodology. Observations, a method in which data is collected from a distance by observing the events or people in their undisturbed natural state without them knowing; structured interviews or questionnaires – collecting data through structured pre-written list of set questions sent to participants. The researcher found semi-structured interviews as the most fitting technique to extract in-depth information for the project because it allowed flexibility and opportunity to the participants to understand the researcher's questions and express them adequately to provide relevant information. The researcher on the other hand was able to probe and understand even the meaning of information provided by the participants.

3.3.2. Focus Groups

Focus group data collection technique was used as an additional tier of data to the semi-structured individual interviews. The focus group data was intended to improve the rigour of semi-structured interview data and to enhance its validity. A focus group discussion entails small group gatherings of people between 4 and 10 with similar experiences or backgrounds to discuss a specific topic of interest. The duration of each focus group discussion takes

between 60 and 90 minutes (Bhat, 2019). In these groupings, participants are asked about their perceptions, beliefs, attitudes or ideas on a specific issue under investigation (Flynn et al., 2018). “Focus group has benefited social, education and market researchers over time. Through self-direction, participants are offered the opportunity to discuss a topic or a question where the researcher observes and facilitates the discussion” (Parré, 2014, p.14). It is generally agreed that focus groups were originally called group interviews, then groups depth interviews and lately focus groups. Some researchers confirm that the techniques were developed in the 1940’s after World War II to evaluate radio programs. Sorensen, Okan, Kondilis and Levin-Zamir (2021) argue that the tool existed before and that it was developed by Emory Bogardus in 1926 in his social psychological studies to develop social distance scale. Nonetheless, the focus groups technique has been used extensively in research and without changing the purpose in the past decade (Shrestha & Giri, 2021).

Like semi-structured interviews, focus group discussions give the researcher the benefit to observe non-verbal communications, they produce even broader information, and they are good in refining a topical issue as discussion sharpens the argument towards the research question of a theory (Bhat, 2019). Despite the benefits of the tool, researchers commonly admit that the technique still has the drawback of being inconclusive. While the tool’s nature of being open-ended brings the wealth of information, conversely, the same nature of open-endedness makes the tool inconclusive Flynn et al. (2018). Secondly and same as the face-to-face one, the online focus groups are still vulnerable to influence by some participants. Other participants are introverted and may let the discussion go without expressing their views. Bias from researchers may be another shortfall of the technique (Abrams & Gaiser, 2017). Finally, it may be challenging to find a full set of the proposed professionals available to participate in a focus group given people’s commitments.

The researcher then prepared focus group questions as the second phase of the data collection process in the same way as he did the semi-structured interviews and submitted them to the UREC for approval. This process was made ahead of sharing the questionnaires with the participants. Following the UREC's approval, a full set of focus group questionnaire was shared with all the participants who completed their individual interviews. The purpose of sharing the questionnaire ahead of time was to give every participant an opportunity to familiarise with the questions and allow an opportunity to those who prefer to be organised ahead of their participation to do so. The participants were also given a prior warning that in the focus group discussions, they were going to meet with a mix of procurement and or project or contract management professionals to discuss the research questions. Further, they were advised that the group size would be between five and seven (Moser & Korstjens, 2018).

3.3.2.1. Appropriateness of Focus Groups to This Study

Flynn et al. (2018) furthermore opine that the focus groups technique has ability to reveal data with the richness that would otherwise not be reached with other techniques. The tool's popularity is gained from its ability to discuss complex issues allowing flexibility to probe participants to provide clarifications and refine their ideas (Moser & Korstjens, 2018). Focus group discussion were appropriate for this study because issues related to inadequate process and corruption in public procurement in Lesotho needed to be discussed and be tested amongst and by the very professionals working in the system. Bhat (2019) asserts that as participants make their arguments in focus groups, ideas grow from ideas and unfounded perceptions get tried and discarded. The researcher needed focus group technique to gather the right data.

3.3.3. Triangulation

The researcher triangulated semi-structured interviews with focus group discussion in this study. Triangulation in research is a data collection method where researchers use different research tools or data sources for complementarity and validity of the data (Flynn et al., 2018). Noble and Heale (2019) assert that to develop a defensible picture, qualitative research projects employ a variety of ways to collect data and to guard against weaknesses and biases inherent in each method. Research is consistent that triangulation originated in the 1970's by Norman Denzin. Freeman (2020) avows that the author, Norman Denzin established the following four primary types of triangulation: data triangulation, investigator triangulation, theory triangulation and source triangulation. Freedman asserts that data triangulation is a process in which the researcher obtains data from multiple sources applied in a single study; in investigator triangulation, multiple researchers investigate a particular phenomenon and compare results; theory triangulation is the analysis of a range of perspectives by theorists on a specific theory; and source triangulation is when the researcher uses different methods of triangulation to the same data. In support, Noble and Heale (2019) confirm that using triangulation, the researcher can use different methods to collect data from the same or different informants and integrate them using method or between-methods triangulation. Noble and Heale argue that different levels of detail and advocacy can be achieved when the researcher combines semi-structured interviews with focus groups or participants' diaries. Further, Turner (2016) affirms that triangulation in qualitative researchers has been used to improve the study objectivity, validity, and truth which improves dependability and credibility of a social research.

3.3.3.1. Importance of Triangulation in This Study

To mitigate the shortcomings of the semi-structured interview tool and to improve the dependability and validity of the study, the researcher decided to include focus groups. The researcher used different data collection methods to the same data source. Shrestha and Giri (2021, p.27) confirm that triangulation “is the use of multiple methods or data sources to develop a comprehensive understanding of a research problem or to test validity through the convergence of information from different sources”. The researcher then used validating data from multiple methods using the same sources. In support of the approach Noble and Heale (2019) argues that in mixed methods studies, the data triangulation strategy is generally accepted for validating the results with multiple sources. The researcher recognised mixing focus group with the semi-structured interviews to remove bias from the results and enhance validity (Shrestha & Giri, 2021). Secondly, the researcher recognised that triangulation also tests consistency of the findings from the different techniques and facilitates cross-verification and validation of the data from the different data collection methods. Conversely, the researcher had to handle high volume of data from the mixed-methods approach.

3.4. Study Procedures and Ethical Considerations

Approval for the study to proceed was given by the Unicaf University Research Ethics Committee (UREC) ahead of the data collection process. Van Rijnsoever (2017) avers that ethics in data collection can be defined as upholding of values and standards generally accepted in the academia by a professional researcher. It constitutes complying with the laws that govern the industry including upholding human rights and protection of environment. In support of this view, David and Resnik (2015, p.15) claim that it is “norms for conduct that distinguish between acceptable and unacceptable behavior” of or by a researcher. Moser and Korstjens (2018) argue that there are good reasons why ethics in research must be maintained such as to ensure trust amongst the researcher, participants and the responsible institution. It also gives

credibility to the research work done because it can then be relied on as it is expected to have observed the governing laws, recognised animal welfare and environmental regulations as well as protecting elements of the research against harm and risk (Ames et al., 2019).

3.4.1. Confidentiality and Anonymity

This study used human subjects and therefore, considered issues of confidentiality and anonymity. The American Psychological Association (2017) maintains that confidentiality in research means complying with the agreements made with the research participants about what may be done with their data. Toniolo, Masiero, Massaro and Bagnoli (2020) affirm that this definition is still upheld by the research industry today. The researcher planned to manage confidentiality of this research throughout the research process. The plan to maintain confidentiality of information provided by the participants was conceptualised and made at the planning stage and was submitted to the Unicaf University's Ethics Committee. Upon introduction of the study to the participants, the researcher discussed and agreed confidentiality issues with the participants. The researcher then made a plan that during the data collection, he would recognise issues of high sensitivity and mark them for identification during the following stages of the data cleaning and reporting (van Rijnsoever, 2017). All sensitive areas identified during the stages of data collection were captured in the researcher's notebook. At the data cleaning stage, the researcher considered all the flagged data for sensitivity. During the dissemination of the research project results, the researcher continued to ensure that confidentiality is maintained. At the results dissemination, the researcher reaffirmed confidentiality to the participants, and they appreciated.

Ensuring confidentiality was done as part of compliance to the code of ethics required under the study. Moreno et al. (2018) assert that improper divulgence of information obtained from participants in research is violation of the code of ethics regarding confidentiality. It is

expected that the researcher properly shares, controls and keep the research data safely. Moreno et al. further maintain that the researcher understands that this forms part of his responsibility to protect research participants from harm (APA, 2017). Given the possibility that senior government officers and prominent politicians may be involved in public procurements in Lesotho, which is the subject of the study project, some participants may fall prey of harm to such if information is not properly kept. This responsibility was regarded as a moral obligation of the researcher (Baez, 2002; Moreno et al., 2018).

As part of protecting participants from harm, the researcher disguised identity of the participants by giving them pseudonyms (Ames et al., 2019). Each participant was given a different name and a number that were directly linked to the original data and were referred to as such in the transcripts. While the original data was kept safely for references where necessary, the working documents were disguised accordingly in a form of pseudonyms. The participants' pseudonyms ran from number 1 to 45. The researcher however, understands that the law provides that cases of illegality can be reported to legal or anticorruption agencies of government (Caillaud & Lambert-Mogiliansky, 2019). In the same way, the participants were advised that their information would be pseudonymed for purposes of anonymity to avert risk.

3.4.2. Risk Level

The level of risk under this study was considered minimal. Identification of risk and the study procedural justification was approved by the Unicaf Research and Ethics Committee prior to the researcher conducting the study. The definition of risk in research is accepted by The American Psychological Association (2017) and the wider literature as the probability that injury or harm happen to participants or their environment because of their participation in a research study. Probability and severity of the risk may vary from minimal to severe. Types of risks are broadly categorised as physical, psychological, economic, social, medical and legal

(Flynn et al., 2018). In considering these risk categories, the researcher noted that more in his control was the research procedure and made sure that it complied with the standards.

The researcher enquired from the participants about any medical or psychological condition that the process of data collection could harm or discomfort them. At the beginning of the study all the participants confirmed that they had no medical or psychological conditions. Unfortunately, two of the participants reported medical condition at the later stage because of Covid 19. As a result, they were removed from the list of participants. Regarding legal risks, it was considered that all participants were adults and therefore, there was no legal risk. Flynn et al. (2018) add that physical risk may be as a result of a participant being involved in a physical stimuli like electric shock, heat, cold, electric magnetic or noise. It was considered that the study would not induce any of the physical stimuli. Lastly, on the economic risk, the researcher considered that participants would have to pay for the airtime/data for the online zoom call. It was agreed with participants that the researcher would pay approximately M50.00 equivalent to \$3.70 for every respondent to participate. At the later stage, the participants decided not to accept the offer.

Regarding severity of risk to the participants, the researcher considered that the project risk is at minimum because comparing it to risks encountered on daily life during performance of psychological or physical exercise, the anticipated magnitude or probability to cause harm or discomfort in this project was lower (APA, 2017). On the other hand, Glenton and Lewin (2019) aver that a severe risk is one that is greater than minimal risk, and that any risk more than minimal requires a full review by the UREC committee whether the study is eligible for execution or exemption. In addition to the views expressed by the researcher regarding participants' harm and exposure to risk, the researcher discussed possible risks that could occur during the interview. Further, the researcher invited the participants to identify and inform the researcher of any form of harm or risk at the earliest possible time (Moreno et al., 2018). As

part of provision of information to participants, the participants were also made aware that there were minimal to no risks expected to participating in the study (Flynn et al., 2018). This was because the study was categorised as low risk because of the nature of how was conducted. Participants would participate using the online conferencing facility at the comfort of their home environment. Nonetheless, the researcher advised participants to be in a separate room where possible when doing the individual interview or focus group discussions. Participants were further advised that driving or engaging in any other activity during the discussion was strongly discouraged. The researcher however understands that elimination or minimisation of the participants' exposure to risk is his responsibility (Husband, 2020).

3.4.3. Researcher's Role

The researcher wishes to present the following reflexivity account with the intention to eliminate bias in the study process (Dodgson, 2019): he is a senior officer of a parastatal organisation; a project and procurement professional with experience transcending 25 years in public infrastructure development. He has a deep-rooted desire to see development in his country and reduction of corruption. Reams (2019) avers that researchers have to be deliberate in avoiding bias as they conduct data collection. To avoid bias of the study, the researcher was careful to avoid leading question to the participants and let them express their views without persuading them. Participants were always granted independence of opinion. Later, the results of the study were presented to the participants to confirm representativeness of their views and opinions in the document. Every participant was given his or her transcript to confirm correctness of information contained therein prior to analysing the data by the researcher.

3.4.4. Steps Followed in Collecting Data

The researcher followed eight steps for collecting data in this study: setting interview goals and objectives, design of interview questions, identification of relevant government ministries and institutions, assembling the study participants, administering informed consent

forms, deciding on the medium of data collection, setting up schedules for interviews and discussions, administering research interviews and discussions.

(a) Setting Interview Goals and Objectives

As the first step of the data collection process, various data collection techniques applicable to the research questions were considered by the researcher. The researcher decided that semi-structured interviews and focus group discussions were suitable for both the study design and the research questions. Appropriateness of the tools are discussed in detail in 3.4 above.

(b) Design of Interview Questions

The second step was for the researcher to craft appropriate interview questions that built towards the research questions and the theories that the study already established. As the researcher developed open-ended interview questions at this stage, he also anticipated questions to be made as follow up where appropriate in the interview. The interview questions were submitted to and approved by the Unicaf UREC. The interview questions are attached to this report as Appendix 3.

(c) Identification of Relevant Government Institutions

Identification of the location where the data would be obtained was the third step in the data collection process established by the researcher. The researcher identified the government ministries, agencies of government which use public funds to procurements done therein, and contractors and consultants which get involved in public procurements. Following the purposive research method, the researcher contacted ministries and state-owned agencies which take the largest annual budget for public procurements Ames et al. (2019). These were the ministries and agencies that according to Lebakeng (2021), collectively take more than 50% of the government annual budget for public procurement.

Further, another criterion was that annual allocation by these institutions to public procurements is bigger than 50%. These are the government ministries of: public works, education and training, energy and meteorology, finance, development planning, water affairs and health. The state-owned agencies were Lesotho Electricity Company, Lesotho Highlands Development Authority, Water and Sewerage Company, Metolong Authority, Lesotho Millennium Development Agency, Roads Directorate and Examination Council of Lesotho. The private companies were: Pemahn Consulting, Amalgamated Engineering Consultants, MS Fabrication and Engineering, Avalanche and Independent Consultant. All the ministries, agencies and private companies were located in the city of Maseru city.

(d) Assembling the Study Participants

Identification and assembling the study participants was the fourth step following identification of the institutions.

i. Identification of Informer Participants

The researcher identified procurement and project management professionals in the institutions which met the set criteria. These were the initial prospective participants known by the researcher. Glenton and Lewin (2019) call these participants ‘informer participants’. This name follows their role in informing the researcher about other candidates for participation in the study.

ii. Contacting Other Prospective Participants

Following introduction and creating contact with the informer participants, the researcher inquired and obtained contracts of potential participants from the informer participants. A total of 47 participants were contacted and agreed with for participation in the study.

(e) Administering Informed Consent Forms

A formal request to all the participants inviting them to take part in the study was made by the researcher. This step following immediately after the researcher agreed in principle with each participant about participating in the study. The participants were taken through the process of informed consent including signing and returning the form to the researcher. Appendix 2 attached to this report was approved by the Research and Ethics Committee.

(f) Deciding on the Medium of Data Collection

Different forms of collecting data such as face-to-face and online interviews were considered by the researcher at this stage. The researcher decided to employ the online video conferencing with the participants. The main decision factor at the time of the study was the restriction of people's movement imposed by the prevalence of covid 19. The researcher agreed with the participants to use Zoom online video platform.

(g) Setting up the Interview Schedule

An interview schedule was then developed by the researcher where he agreed with and scheduled time for each individual professional's interview. All the communication was done by phone or WhatsApp messaging. When it came to group meetings, the researcher presented time slots where each participant would choose based on their convenience. All the individual and group meetings were set in the researcher's research notebook.

(h) Administering Interviews and Discussions

Further to agreeing with the participants on using the direct online video calls, it was agreed that the interview conversations will be audio recorded.

3.5. Data Collection and Analysis

Following subheading 3.4 above, this study continued to identify new candidates and the data collection until no new information was received. Data collection for this study followed a two-tier structure. The first tier, semi-structured interviews, was taken as primary data collection to the study; and the second tier, focus group discussion was designed to triangulate the first tier as discussed in subheading 3.3.3 above (Fareed, Khan, & Akhtar, 2021). For this type of study, Moser and Korstjens (2018) recommend approximately 10 interviews, and 3 to 4 focus groups to achieve the validation target. This study employed a total of 45 individual semi-structured interviews and 6 focus groups discussions. Processing of the data followed thematic analysis.

3.5.1. Thematic Data Analysis

The thematic analysis method of mapping patterns of meanings across the dataset and identification of themes, all in relation to the objectives and research question of the study was followed. Nowell, Norris, White and Moules (2017, p.2) confirm that “thematic analysis is a useful method for examining the perspectives of different research participants, highlighting similarities and differences, and generating unanticipated insights “. Further, thematic analysis is regarded as a methodology of searching for common themes arising from the data that are relevant to the description of the phenomenon (Reyes et al., 2020; Fereday & Eimear, 2006). Thematic analysis is also renowned for the strength of flexibility which allows the researcher in navigating and interpreting the data. Nonetheless, Caulfield (2020) warns researchers about the risk of missing distinctions in the data because of the same subjectivity relying on the researcher’s judgement. During the interview and focus group sessions, the researcher paid close attention to ensure picking the right message from the participants.

As an overview of the thematic analysis process, patterns, ideas and themes emerging from the data repeatedly with common meaning were examined and grouped accordingly. As generally accepted in the qualitative research methodology, the thematic data analysis technique is comprised of the following six steps: transcription, organising the data, data familiarisation, coding, categorisation of the data, and establishment of themes within the data (Caulfield, 2020; Akinyode & Khan, 2018; Nowell et al., 2017). The analysis process started from transcription of the data.

3.5.2. Transcription

All the 45 online individual interviews and the 6 focus group sessions were recorded electronically and kept safely (Nowell et al., 2017). The researcher and his assistant developed transcriptions of all the records. All the sessions were transcribed verbatim to avoid the risk of summarising the messages or bias (McGinley, Wei, Zhang, & Zheng, 2020). Non-verbal cues such as exclamations, silence, laughter and incomplete words are transcribed directly as originally presented by the participant. While transcribing, the researcher consulted closely with his notebook to identify relevant bodily and non-verbal gestures and expressions made by the participant at the point. While transcribing, the research team listened to the audios and videos repeatedly to ensure that the complete messages were captured in the transcripts.

The research industry as demonstrated by Johnson, Pharm, Adkins, Pharm and Chauvin (2020) who assert that it is a good industry practice to bounce the transcripts with respective participants prior to undertaking the next data analysis steps. The researcher sent each transcript to its respective participant to validate the contents therein. Fareed et al. (2021) state that allowing data to be validated by its original source contributes to the data authenticity and contributes to the data validity. It is also confirmed that data validation reduces researcher's bias on the transcripts and gives an opportunity to participants to add more content to their

contribution. Thirty-one participants validated and sent back their edited scripts. The other participants said they could either not find time to go through the transcripts or did not get it. None of the validated transcripts deviated from the main concepts originally presented by the participants. Some corrected spelling and or the tense while most of them sent them back confirming the original data. The data was then used for further processing after the transcripts' validation.

3.5.3. Organising the Data

As transcription continued, the research team embarked on organising and safe keeping the data files. Data folders were mainly organised into original data folders and pseudonymed data folders. The researcher ensured that the pseudonymed folders possessed a fair resemblance of the original folders and files for traceability back to the source of information (Reams, 2019). The folders with original information were then kept safely away while processing on the active folders and files continued. In disguising the active files and folders, the researcher allocated numbers and names to the participants running from 1 to 45. Secondly, the focus groups were also given numbers ranging from 1 to 6. A secure file holding original data linking the operational ones was kept away to ensure confidentiality (McGinley et al., 2020). Upon receipt of the validated files, they were simply sent to respective folders as 'validated'.

3.5.4. Data Familiarisation

Akinyode and Khan (2018) and Nowell et al. (2017) aver that it is of utmost importance for the researcher to familiarise with the research data in his project. Having transcribed and organised the data, the researcher had actually started the process of familiarising with the data. Caulfield (2020, p.3) states, "It's important to get a thorough overview of all the data we collected before we start analysing individual items". The researcher admitted that his close interaction with the data throughout the processes of data collection and transcription

contributed significantly to him familiarising with the same data. The researcher's experience of data collection where he interacted directly with each participant in the individual interviews and focus group sessions going through each question and answer with the participants contributed in the familiarisation; taking and keeping notes in the researcher's note book; transcription and data organisation contributed to the researcher's familiarisation with the study data. Beyond transcription, the researcher read through the text in the transcripts, familiarising through the data taking notes where need be and linking the data to respective participants and focus groups. These were done in preparation for the next analyses processes such as coding. It is to be noted that even further data familiarisation was made when the researcher read through every coded phrase to categorise it, and then to assign themes to every phrase. The researcher can assert that each data statement was read several times throughout the process.

3.5.5. Coding

Akinyode and Khan (2018) opine that coding is a qualitative study analysis procedure of fragmenting, tagging and assigning labels, and classifying text or meanings of non-verbal notions, into categories and eventually into themes.

Figure 6

Inductive Data Coding

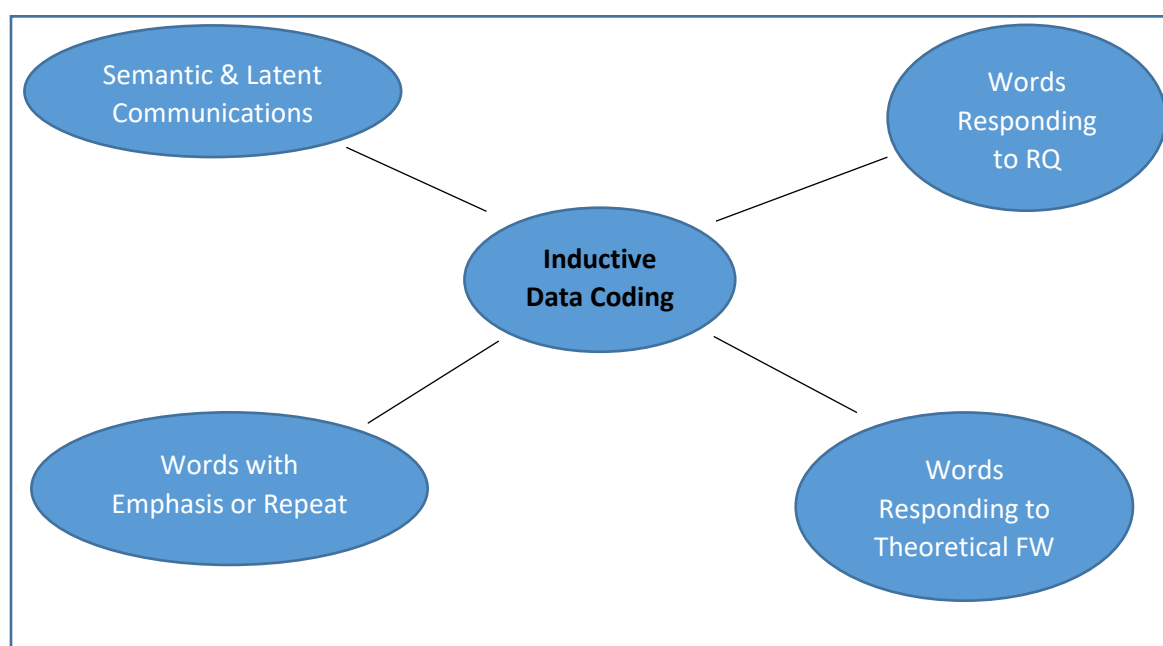


Figure 6 above is a graphical depiction of the approach the researcher followed when coding the data. The approach followed is inductive data coding because it allows the researcher with exploration of new ideas which can lead to development of a new framework; it is used to study complex social phenomena and can capture the complexity of real-world phenomena; and that it incorporates perceptions of the participants and can discover unexpected findings.

Not all the data were coded by the researcher. The data that were coded were those that responded to the study research questions and theoretical framework already established by the researcher. Secondly, the data that came from the participants in emphasis or repeated in some way. Finally, the researcher coded semantic and latent data with significant content to ensure that no information was lost. McGinley et al. (2020) assert that important latent and semantic data could be obtained in the non-verbal communications and expressions that participants make. McGinly et al. argue that researchers just need to be observant while conducting interviews to note such communication.

The total number of codes developed from the semi-structured interviews and the focus group sessions were 1,147 and 516 respectively. The data coding was done in the spreadsheet and the coding framework was designed in a way that would facilitate traceability should a need arise. The framework has the following characteristics: participant pseudonym and number, code number, the actual code 'verbatim', question number asked, page number, and line number in the page. Table 1 below shows the example of the coding framework used in this study.

Table 1*Coding Framework*

Participant		Code	Code 'verbatim'	Reference		
No.	Name	No.		Question	Page	Line
1	Macozonke	12	most times or some decisions went into the grey area and somebody decided to sway the procurement to somebody, to a friend. So, there is a problem.	11	4	15
1	Macozonke	13	the system has to be checked such that the tender board should not be the same people or should not be the same officers,	12	4	1
1	Macozonke	14	the procurement guidelines must be followed and there has to be a way to punish people who do not follow the procurement guidelines which are set	12	4	1

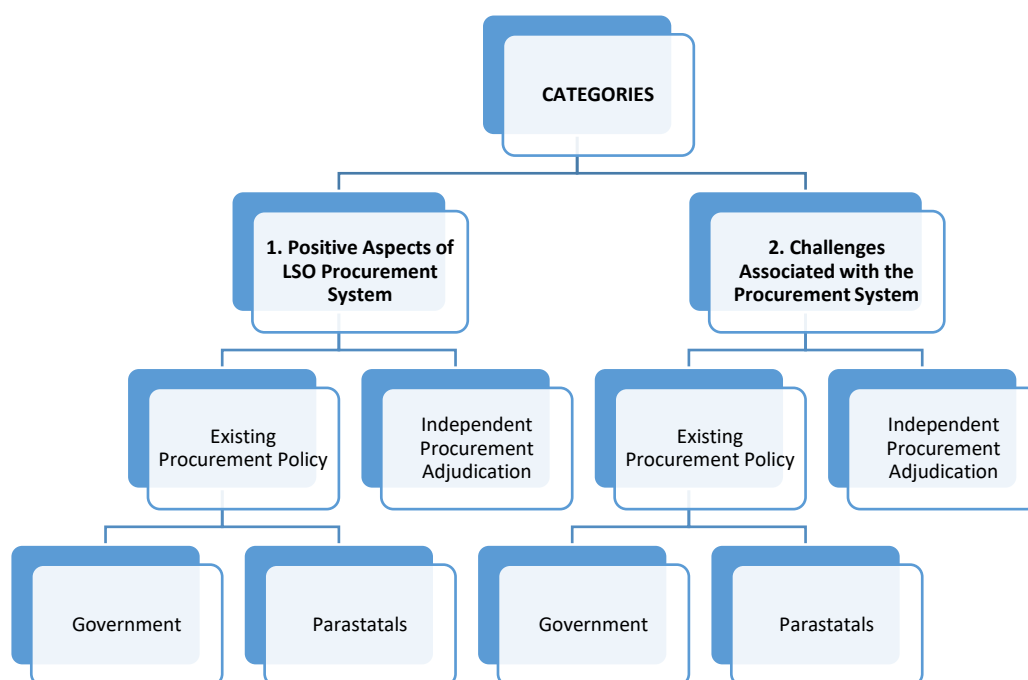
3.5.6. Categorising Data

Following the coding process, the data were then categorised. Caulfield (2020) affirms that the process of data categorisation entails grouping words or phrases that bear the same or similar meaning together. The codes that bore the same or similar meaning were grouped together. There were two main categories that were established namely, positive aspects of the procurement system in Lesotho, and challenges associated with the procurement system. The researcher identified further sub-categories for both categories as shown in Figure 7 below.

The sub-categories are existing procurement policy and independent procurement adjudication. The former was organised into government and parastatal procurement processes.

Figure 7

Data Categories



3.5.7. Data themes, Analysis and Report Writing

Further evaluation of the categories established above was made. In accordance with the objectives of the study and the research questions, the researcher established the data themes (Akinyode & Khan, 2018). The following seven themes were therefore established: independence, adjudication/oversight/monitoring, just/fair/right, transparent, strength of the system, anticorruption and value for money. The themes were applied both positively and negatively according to the category given. For example, the statement resembling a fight against corruption would fit on the positive aspect as anticorruption.

The previous coding and categorisation frameworks were maintained for the same traceability reasons. Every theme was detected from every code made and references per theme were allocated thereto as demonstrated in Figure 8 below.

Figure 8

Data Themes

Participant	Code No.	Code 'verbatim'	Location Reference			+ve	THEMES IDENTIFIED	Independence	adjudication /monitoring /oversight	Just/fair/ right	Transpar ent	Correcting the system	Atni- Corrupti on	Value for money.
Name			Question	Page	Line									
POSITIVE ASPECTS ABOUT THE EXISTING PROCUREMENT SYSTEM AND IPA														
Macozonke	1	the most interesting part of my job is eee... seeing that the beneficiaries of the work that we are doing.....use our systems without interruption	2	1	1	P	independence; transparency; oversight	1	1		1			
		TOTAL REFERENCES						104	125	144	181	243	124	205
Participant	Code No.	Code 'verbatim'	Reference			-ve	THEMES IDENTIFIED	Independence	adjudication /monitoring	Just/fair/ right	Transpar ent	Correcting the system	Corrupti on	Value for money
Name			Question	Page	Line									
CHALLENGES ASSOCIATED WITH THE CURRENT PROCURMEENT SYSTEM														
Moruti	33	In other cases you would find that some people are also working directly with company that, that would be the bidder in the beginning and then continue to be supervised by the same person	5	2	6	N	corruption						1	
		TOTAL REFERENCES						218	285	171	250	335	298	187

3.8 Chapter summary

This study employed inductive and descriptive phenomenological design approach because it is exploratory and open-ended in nature, concerned with a common social phenomenology whose solution can come from rich and in-depth information. The researcher purposively sampled 45 senior procurement professionals in the capital city Maseru. The sample constituted procurement and project management officers at manager level from the government ministries which collectively take up high value procurements to over 50% of the government budget annually. High value parastatal organisations and private contractor and consultants formed part of the sample. The relevance of the sample was in their in-depth knowledge of the sector.

Prior to the data collection, the study protocols for upholding values and standards including ethical assurances were obtained approval from UREC. The said protocols comprised data anonymity and confidentiality, risk assessment and mitigation, and informed consent.

Following recruitment and briefing of the participants, data were collected using the online audio recording. The research tools used in this study for data collection were semi-structured interviews and focus group sessions. These tools were triangulated to confirm validation or otherwise of the data collected. In accordance with the thematic analysis method, all the data were transcribed and analysed. The researcher familiarised with the data through the processes of intensive interaction with the data from transcription, coding, categorisation, forming themes and sub-themes, as well as presenting the findings and evaluating the results.

CHAPTER 4 – DISCUSSION OF RESEARCH FINDINGS

The study purpose was to introduce an independent all-time procurement adjudication system that would monitor the entire processes of public procurement in all the stages of the procurement cycle. Chapter 4 discusses results of the study findings including graphical illustrations, and evaluation of the findings. The trustworthiness of this data was secured by ensuring credibility of the data which comprised data triangulation, peer-debriefing, data validation and data coding; secondly, dependability wherein the findings were presented in a logical flow at which they actually unfolded; thirdly, confirmability in which the researcher ensured that presentation of the results was objective and originated from the data and carried the participants' original meaning; and fourthly, transferability in which the results were written in a plain and clear way that the reader can compare it with their situation.

4.1 Findings of the Study Including Graphical Illustrations

The findings of the study are presented in line with the established problem statement, study purpose, research questions and theoretical framework. The purpose of this study was to introduce an independent procurement adjudication system within the existing procurement process in Lesotho. The following research questions were also established: *RQ1 – How just is public procurement process in Lesotho, and whether procurement adjudication can improve transparency? RQ2 – How can correcting the public procurement process in Lesotho contribute to prevention of corruption and improvement of value for money in public goods and services? RQ3 - How would introducing a procurement adjudication system impact the long-term benefits to the sector and the public at large?* The theoretical framework for this study was based on three theories namely: the Principal-agent theory, System-based theory and the Stakeholder theory.

The presentation of the findings is made according to the themes identified from the data. The following themes representing the data from the participants are discussed:

independence, oversight, fairness, transparency, strength of the existing system, corruption and value for money. This section presents views as presented by the participants. In consideration of the categories of the codes and given that the categories presented positive aspects of the existing procurement system and the independent procurement adjudication as well as the challenges associated with the same, the results are presented accordingly under respective themes. The chapter presents firstly, positive aspects of the existing procurement system, extracted from the semi-structured interviews; followed by the findings of the positive aspects from the focus group discussions. Challenges associated with the IPA and the existing procurement system follows the same approach where the semi-structured interview findings are followed by the focus group findings. Presentation of the findings below are evidenced by relevant codes from individual participants and focus groups presented in italics. Each code bears the name and number of the participants or the focus group respectively.

4.2.1 Aspects of the System with Positive Impacts on the Lesotho's Public Procurement And IPA

Aspects of the system with positive impacts on the Lesotho's public procurement and IPA were organised by the researcher as a category of the codes that support it. The other category is presented in Section 4.3.2. below. This section of the report presents codes that discussed positive impacts and strengths of the public procurement systems organised under the parastatal organisations, government ministries and the proposed independent procurement adjudication system. Analysis and triangulation of the codes from the semi-structured interviews with those from the focus group discussion was made.

4.2.1.1 Positive Findings from the Semi-Structured Interviews

This sub-section categorised the codes which were gotten from the semi-structured interviews that considered positive aspects of the procurement system. Such categories were further organised into themes and sub-themes accordingly. The same categorisation and theming were repeated in the validity focus group presentation of the codes that follow. The

following seven themes were discussed: independence, oversight, fairness, transparency, strengths of the system, anticorruption, and value for money.

I. Independence

The theme, independence, considered how independent the current Lesotho's public procurement system is; and how the procurement process or the procurement professionals as individuals and groups exercise decisions without interference. The aspect of independence was considered within the two public procurement environments which constitute parastatals and government ministries, as well as the proposed independent procurement adjudication (IPA).

(a) Existing Parastatal Procurement System

Under the existing parastatal procurement systems, the participants expressed their views in the following three sub-themes of independence of the parastatal organisations in conducting procurement, independence of prospective service providers, and independence of their procurement evaluation panels.

i. Independent Organisations

Under this sub-theme, the participants expressed how independent their organisations are on issues of procurement management. The participants stated that there still exists some reasonable level of independence and ambition thereof by the organisations on the procurements they undertake. The participants have also expressed that there is no pressure from elsewhere including externally that influences and challenge their independence on the procurements.

I think the organization has independence and has an ambition to have clean procurements and stuff. Kossmach 17, code 498

so that there is no influence from anyone on from how the bid has been developed.

MorenaTaung 3, code 96

ii. Independence of Service Providers and Beneficiaries

This sub-theme discussed codes where the participants showed independence of their prospective bidders and service providers. They expressed that their prospective service providers have capacity to develop bidding documents and knowledge of the system, that they have independence and are not influenced by anybody.

We're emphasizing more on building capacity of the contractors so that they'd be independent when it comes to the compilation of the bid documents so that they know, what exactly is required of them. Jonothane, 7, code 261.

The most interesting part of my job is seeing that the beneficiaries of the work that we are doing use our systems without interruption. Macozonke, 1 code 1.

iii. Independence of the Evaluation Panels

Under this sub-theme, the participants stated that evaluation panels under the parastatal setting are nominated according to their knowledge of the field under the tender. They asserted that evaluation panels are briefed at the beginning by procurement directors, then from there they use the evaluation criteria to do their work and produce an evaluation report. The participants affirmed that decisions of evaluation panels in the parastatals are not influenced.

And then the panel will work on that without interference of any body and then it be submitted for quality checks. Then once it has been approved, it goes for award. Busecs, 6 code 241.

(b) Existing Government Procurement System

There were no codes referring to positive aspects of the government procurement system.

(c) Independent Procurement Adjudication

Under the independent procurement adjudication, the theme was further grouped into the following five sub-themes: calibre of professionals important for their independence, stakeholder confidence, government control, deter corruption and raise alarm, clean and timely.

i. Calibre of Professionals

The codes under this sub-theme considered the type of procurement professionals and their independence in procurement. The participants placed importance of the calibre of professionals working on public procurement. They asserted that qualified procurement professionals with relevant experience in procurement will help them make clear and independent decisions and resist unethical influence. They stated that as part of the qualifications, the IPA should vet the candidates on previous engagement to confirm that they had no prior issues of performance and conduct. The participants also showed that value for money for procurement is derived from how independent that procurement is; they said that is obtained from independent procurement professionals.

The calibre of people who conduct procurement is also very important. The identification should be very meticulous to say 'what kind of procurement background do they have. Kafs, 10, code 360.

The key principle in procurement for the purpose of procuring something is to get value for money, so if procurement is independent that will be achieved. Saluma, 24, code

ii. Stakeholder Confidence

Under this sub-theme, it was noted from the participants' representations that independence of the procurement adjudication would have positive impact on the stakeholders' confidence in the public procurement system in Lesotho. The stakeholder community referred to by the participants included the public which is the taxpayers, donors and other investors, as well as service providers.

a. Public

The participants suggested that independent procurement adjudication would attract confidence of the public at large. They argued that it will present other attributes such as transparency, fairness and accountability. The participants asserted that if the institution has knowledgeable professionals who know and are confident about what they are doing, the public, knowing that such people have requisite skills, would have confidence that work from there is credible.

An independent authority would increase/boost people's confidence in public procurement. It would promote fairness, accountability and transparency. Sasa 42, code 1041.

So, we'll have people with confidence who will even know that whoever wins the tender has got relevant skills that are needed. Maky 9, code 336.

b. Donor

The participants submitted that when the professionals operating in the procurement institution are independent and not influenced from externally, that characteristic will contribute to improving confidence from the donor and investor community. The participants argued that the investors will have confidence that the funds they would have provided for the public good

would be implemented as agreed and go where it was intended to be unlike in the past where funds were looted.

Now if they are even independent obviously there will be adequate confidence in as far as the donors are concerned. Saluma 24, code 629.

That means the donors would have confidence in the country...you know of a lot schools that were built on the air. Kumza 13, code 425.

c. Supplier

The participants stated that an independent procurement adjudication will build confidence in the private sector because processes followed would have integrity. They further stressed that this would be more relevant to the local market – that local business sector will grow confidence in doing business with the Lesotho government and that they stand a chance to be awarded the project if proper processes are followed. The participants stated that independence of the procurement adjudication will promote other qualities of good procurement such as transparency have a positive impact to the public at large.

So that when somebody is participating in the activity, they will have that confidence that everything that is done there is done in the right manner. Saluma 24, code 612.

It would instil confidence in the market which means there'll be more confident sort of domestic confidence into the local businesses who will then, Basotho who will then be confident to go into these businesses. Framde 21, code 585.

iii. Government Control

Under the sub-theme of government control, the participants asserted that the adjudication system should not be controlled or fall under the supervision of government as it is the case

now. The participants further stated that that structure should not be linked to the government at all.

That body has to be autonomous, as opposed to the current situation. It has to be independent. It doesn't have to be controlled by the government. Eputsoa 37, code 924. But really it would need to be out of the structures of the government because you know the... the government personnel will always be the government personnel. Haeno 34, code 838.

It would go a long way in assisting because to me I believe we can put a structure in place that is not linked to government. Kana 20, code 563.

iv. Deter and Detect Corruption and Raise Alarm.

The participants expressed views that the independent procurement adjudication will be able to detect acts of malpractice or misprocurements and report them quickly. It was stated that with appropriate independence, questions can be raised even up to the minister level without fear. The participants indicated that the public procurement officers, knowing that someone is watching over their shoulders would improve their work.

So, if we do have the autonomous body, it would be able to detect what has gone wrong; be able to ask even up to the minister. Mohaisani 43, code 1075.

Companies would get paid quicker... if not then that independent body will raise the alarm to say hei! this ministry or this procurement office is not doing the right job. Sebata 45, code 1138.

I think third party oversight by procurement during implementation can deter some corrupt practices. Our experience has shown us that project managers do sometime collude with contractors. Lae 15, code 448

v. Clean and Timely

Under this sub-theme, the participants averred that when the public procurement is overseen by an independent procurement adjudication, the public procurement will go through much quicker than it is currently. They further asserted that with the independent oversight, the government procurement system will be clean and even have clean database of contractors capable of doing specific work, and also of those who are blacklisted.

So, once we have that body and the political people know that they have no influence, I think we can be able to procure in time. Matjato 41, code 1030.

So, if we have the independent body that will be a watchdog of the systems and it takes those reports, the system will be clean. Sebata 45, code 1144.

Immediately when we do that, we get a benefit in that we start cleaning our database, immediately we start cleaning our database it means we remain with clean contractors. Kana 20, code 565.

II. Oversight

Following the theme of ‘independent’, the researcher considered positive aspects of the public procurement in Lesotho regarding oversight, as well as on the proposed independent procurement adjudication system. All synonymous words and implications for oversight such as monitoring and adjudication were considered under the theme of oversight.

(a) Existing Parastatal Procurement System

The participants indicated that the parastatals have developed their internal mechanisms to provide oversight on the internal procurement processes. These mechanisms are controlled by the senior authorities of the same parastatals. It was stated that oversight of the parastatal process runs from procurement planning through to award of the contract. The awarded contract is handed over to the project management team to implement. The procurement team will come back when it is time to close the contract.

And after sharing the contract with the contractor, we have the signed contract then we have the contract implementation. And after the contract implementation, which would be supervised by the section, then we have our contract close out. Mohaisane 43, code 1066.

(b) Existing Government Procurement System

There was no strength mentioned about the existing government procurement system by the participants.

(c) Independent Procurement Adjudication System

The researcher observed many codes which relate to the strength of the proposed independent procurement adjudication system. The sub-themes identified under this theme of oversight are: oversight on the whole procurement cycle, political influence, improved procurement process efficiency, stakeholder confidence, reduced corruption, grow private sector and other emphasis statements.

i. Oversight on the Whole Procurement Cycle

Under this sub-theme, the participants discussed the importance of oversight and its application on the entirety of the stages of the procurement processes. They stated that it does not help to have activities such as those procurement audit which only come at the end of the processes.

They argued that it would add value to the system if all the processes made within the procurement processes are overseen by an independent professional body that does not report to government.

to avoid such things, we need...I don't want to call it auditing because auditing is done at the end. We need a body that works within the environment, that is not answerable to government. Ntheka 18, code 526.

It's a perfect arrangement. I believe we do need a private entity, I mean overseeing the whole procurement process in the government organization, to ensure clean procurements. Kossmac, 17, code 500.

ii. No Political Influence

The participants stated that procurement oversight that does not experience political interference is highly needed in the Lesotho's public procurement system. They further emphasised that such system manned by qualified professionals will improve the overall process efficiency, add reliability of the process and value for money at the end of the day. The participants showed that where there is oversight and people are not self-regulated, procurement and legal compliance will improve.

An oversight body that is separate from the government would work perfectly with no political influences. Sasa 42, code 1045.

I think it can help improve the procurement efficiencies and effectiveness and to prevent the malpractices and fraud. Maky 9, code 331.

iii. Stakeholder confidence

The codes under this sub-theme discussed stakeholder confidence that is associated with oversight of the independent procurement adjudication. They covered a variety of stakeholders

whose confidence would be improved when the independent procurement adjudication provides oversight on the Lesotho's public procurement processes. The codes comprised trust that the system would have to the wider public in the country, the private sector which are prospective to provision of goods and services to the taxpayers. The other part of stakeholders that the participants believed would have their confidence improved is the investor group including donors. It is believed that stakeholders would trust that proper procurement processes are followed, and that the process stands a good chance to be competitive, bidders stand a good chance to have the best bidder win, and the taxpayer to obtain the good quality good or service and the investor to have return on investment. The participants state that an independent oversight eye on the process is bound to earn trust from the stakeholders.

That type of an oversight body would then instil more confidence... in the market... because they know that processes will be followed, and they stand a good chance. Framde 21, 585.

In itself, it can actually improve confidence, public confidence in the procurement processes of government. Jonothane 7, code 280

iv. Reduce Corruption.

The sub-theme of reducing corruption considered the participants' codes which asserted which the independent adjudication system would deter acts of corruption. It considered that the system would discourage, deter and detect manipulative acts the government officers have on the processes – that in the presence of the oversight, such culprits would be caught. The participants further indicated that upon realisation of suspicion of corruption, the oversight body would raise a red flag and even facilitate whistleblowing to responsible authorities about an act of corruption.

Normally it raises the red flag for that particular watchdog or whistle blower, they will always intervene unlike in the current situation. Haeno 34, code 836.

It will help to catch the culprits who are trying to bend regulations. Mzee, xx, code 227

v. Grow Private Sector.

This sub-theme comprised codes that considered accelerated growth of the service providers for goods and services. The participants stated that the said growth would be brought about by fair opportunities to compete, afforded to them by a procurement that is overseen by an independent adjudicator. The participants further stated that exposure of local businesses, would improve their wealth and allow them to compete and practise internationally. It was stated that growth would also lead to competition in delivering good quality of goods and services to the benefit of the public.

One of the benefits of the oversight body would be an opportunity for our businesses to accelerate in growth and even compete internationally. Mokoari 44, code 1098

if that thing can improve, then the companies can grow bigger because they can take multiple projects without limitations of cash flow...That's how it can improve companies and it will encourage them to do more work. Sebata 45, code 1047

vi. Emphasis

This sub-theme comprised of emphatic statements made by the participants under this theme of oversight. Such codes include statements like: it brings sanity, it'll work, it will benefit everyone, it is very very beneficial, it's a good practice, it can assist a lot, etc.

it is important to have external adjudicator who keeps an eye on the process, whose presence brings not only sanity, but also authoritative guidance. Kafs 10, code 361

an overseer benefiting everyone in that people would know that none of the awards that will be made are being through collusion. Duke 19, code 541

yeah, that (IPA) will help the government a lot. That will be very very beneficial. I support it. Eputsoa 37, code 923

III. Fairness

The third theme after oversight was fairness. All the codes referring to or implying correctness, fairness, justice of the systems as well as how compliant the procurement is, were considered under the theme of fairness. The following sub-themes were developed: legal compliance of the system, reliability of the procurement process, the calibre of staff handling the processes, stakeholder confidence and other benefits. These sub-themes were considered under the three subsectors of parastatal organisations, government ministries and the proposed independent procurement adjudication system.

(a) Existing Parastatal Procurement System

i. Legal Compliance and Reliability of the Process

The codes under this sub-theme considered statements regarding legal compliance as a strength of procurements in the parastatal organisations. The participants considered that their procurements follow established policies and regulations. They further stated that different stakeholders are involved to witness the fairness of the process and to consider its compliance to the policy. The codes showed that the parastatals follow due and reliable process showing fairness to all participants.

Even before evaluation we get involved to ensure that the whole process of tendering is legally complaint. MorenaTaung 3, code 81.

When things are being done, they can follow through and see that, things done in a proper manner and following our procurement guidelines. Moruti 2, code 42.

(b) Existing Government Procurement System

The researcher observed no codes from the participants under the government ministries which referred to strength of the current procurement system on fairness.

(c) Independent Procurement Adjudication System

Under this setting, the theme of fairness was sub-divided into legal compliance, reliability of the process and other benefits as sub-themes.

i. Legal Compliance

The codes referring to legal compliance considered that because the system will be independent and ethical, it is expected that all parties will respect the law and conduct the procurement business with integrity. The participants stated that it is also expected that all the processes and decisions will be made within the framework of the law. The participants' codes under this sub-theme also referred to reduced litigations resulting from the legal compliance of the system.

You create a nation of people that respect the laws, who are confident and who enjoy or love their country. Maky 9, code 335.

So, in that way I think the processes will run within the confines of the law. Emoholo 33, 813.

ii. Reliability of the Process

The participants considered that reliability of the process is one of the strengths of the IPA system. The participants' codes here referred to fairness of the process allowing bidders to compete on the same platform and awarding fairly to deserving bidders. The participants considered that competition will improve giving fair opportunities to prospective service providers. It is further considered that the good calibre of the IPA professionals, reliability of the procurement processes is expected to be high to serve the desired fairness.

It will make the procurement process reliable and people or government departments benefiting from it. MorenaTaung 3, code 123.

One won't get the job because of connections with politicians – because of their skill. So that means it will be cheaper because they will be doing a job they know. Keletso 29, code 719.

iii. Other Benefits

This sub-theme considered other benefits adding to the strengths of the IPA as a result of the fairness attribute. The participants considered benefits such as stakeholder confidence.

The international donors like the World Bank, Europeans Union, ADB and others will actually have a lot of interest to realize that the procurement system is really fair and very economical. Stebo 36, 907.

IV. Transparent

The theme of transparent comprised all the participants' codes that discussed issues of transparency as a strength of the existing procurement system within the government, parastatal organisations and the proposed independent procurement adjudication. The participants' codes under this theme considered statements and words that referred to or implied transparency of

the public procurement. The following sub-themes were developed: expose acts of corruption, openness of the process, boost confidence, job transparency and other benefits.

(a) Existing Parastatal Procurement System

The codes referring to the parastatal organisations were grouped into stakeholder involvement, and it is adequate.

i. Involving Stakeholders in Every Step

Under this sub-theme, the participants showed that government parastatals share procurement information with stakeholders throughout the processes of procurement. They indicated that bidders and members of the public including the media are given information at the right time as part of the entities' accountability and transparency responsibilities. Information is shared from the beginning to alert stakeholders about planned procurement, publication of procurement adverts, evaluation results and awards. The participants also stated that transparency in the parastatals has contributed to reducing audit queries associated with their procurement processes.

When the bids are opened, they are opened in public to ensure also transparency... so it's a transparent process, it involves each and every member of the public who would be qualified... we also account to the bidders on each and every step that is taken. MorenaTaung 3, codes 97-99.

It has helped us a lot because we don't even have audit queries as a result. Maky 9, code 330.

As possible we try to be transparent, publishing all the information that we may have as long as the information is not private. Kumza 13, code 406

ii. Adequate

There was a significant number of codes with the emphasis that the parastatal procurement system is adequate because of its transparency. Transparency is considered as the most important strength of good procurement. The following are some of the codes.

It's adequate... it's a good framework with checks and balances so that we all ensure that the process was transparent and fair. So, it's good enough. Madala 12, code 394

according to me the most important thing is being transparent and making sure that whatever the process that is being followed is fool-proof. Kumza 13, code 412.

(b) Existing Government Procurement System

The researcher identified no sub-themes under this theme relevant to the government public procurement system.

(c) Independent Procurement Adjudication System

There were five sub-themes identified under the proposed procurement adjudication system as follows: expose acts of corruption, openness of the process, boost confidence, job transparency and it can work.

i. Expose Procurement Malpractices.

This sub-theme comprised codes which affirmed that the presence of the adjudication system will bring about needed transparency in the procurement process to minimise acts of corruption, expose mistakes made, pick up procurement malpractices as early as possible to avoid losses of public funds to corruption, declaration of misprocurement and raise red flags where necessary in the system.

The watchtower is to see that the process from the end to the beginning is done right... picking up the mistakes early and then stop it. Chak 14, code 435.

Transparency... people would know that none of the awards that will be made are being through collusion. Duke, 19, 451.

ii. Transparent to Inform the Public/Openness of the Process.

This sub-theme covered codes that discussed openness of the adjudication system to serve the people of Lesotho well – that all processes will be open and informative to the public to reveal good and bad procurements alike in the process. That misprocurement that are often hidden are to be on the open. The public would have to be given a 360-degree viewers’ opportunity to limitlessly access information about the public procurement process. It was stressed that it would do the public good to know that the procurement process is open and being followed. It was stated that with open processes, queries, disputes and litigations which often delay implementation of the procurements will be mitigated.

Another thing could be 360 degrees performance assessment of the organizations. The public can also be allowed to have a view on the whole process how it has gone or have feedback from the public. Hlony 16, code 480.

Generally, that would bring transparency to the nation in a manner that everyone would know that procurement processes are being followed. Duke 19, 540.

So, such an organisation could help with the openness of the process. E.g public notices of awarding of contracts. Makhaba 35, 875.

iii. Boost Confidence

This sub-theme considered the participants' codes that discussed stakeholder confidence that will be boosted because of improved transparency of the independent procurement adjudication system. The participants covered a wide range of stakeholders to which the system will gain trust including the public, investors and donor communities as well as the taxpayers.

An independent authority would increase/boost people's confidence in public procurement. It would promote fairness, accountability and transparency. Sasa 42, code 1046.

And even to the taxpayers... it's also important because obviously we are talking about transparency here. We have to report to taxpayers so that they have confidence in the systems. Makhaba 35, code 884

it will add to the confidence of the donors... transparency, equality, efficiency. Saluma, code 626.

iv. Job Transparency

This sub-theme comprised the participants' codes that considered the outcomes of transparency such as the quality of job that would come as a result of the professionals which would have been engaged in the adjudication following a transparent appointment process. The participants argued that good quality of work would come as a result of contractors which would have been appointed following a competitive and transparent process.

When qualified bidders are given jobs transparently then quality of goods and services will follow. Maseterata 26, code 658.

It is like when they appoint especially the Chief Executive of that or the head of that body, he shouldn't be appointed politically. Stebo, xx, code 904.

v. It can Work.

This sub-theme was comprised of the participants' codes that expressed the emphasis that if the system has transparency, then the procurement system can work well.

I believe an independent body would be very strict; they would be very honest; would carry everything out in honesty and transparency. Sasa 42, code 1054.

I think it would be a good practice. Thabo 38, code 939.

That will be very very beneficial. I support it. Eputsoa 37, 923.

V. Strengths of the System

The theme 'strengths of the system' considered all codes which referred to positive aspects and strengths of existing procurement systems in the government ministries, parastatal agencies of government and the proposed independent procurement adjudication. The codes were then further grouped into sub-themes within the same public procurement settings. Considerations made under this theme included the procurement process itself, the procurement staff and staff training.

(a) Existing Parastatal Procurement System

There were two sub-themes established under the parastatal organisations; these are the system is adequate, and it covers the full procurement cycle.

i. System is Adequate.

The codes under this sub-theme showed that the government parastatals have strong procurement systems as well as trained personnel managing the procurement systems. The participants asserted that the processes are fair, transparent and accountable meeting international standards. They further stated that the systems and personnel in the parastatals are often legally compliant and have checks and balances. Regarding personnel training, the codes showed that professionals working in the parastatals are often well qualified and get refresher trainings on procurement best practices. Finally, it was noted that the parastatals also use systems from donors and development partners such as World Bank and Millennium Challenge Corporation of US.

The processes as they stand are some of the best that I have seen in terms of the commitment to fairness and transparency. Framde 21, 572.

the person who is the procurement specialist is also a contracts management specialist.

The procurement specialist would now assist that person to manage the contract in line with the provisions of the contract. Kumza 13, 407.

it's adequate and it's a good framework with checks and balances so that we all ensure that the process was transparent and fair. So, I think it's good enough. Madala 12, 394.

ii. Full Cycle

This sub-theme grouped participants' codes that form the strengths of the procurement system covering the full procurement cycle. They stated that the parastatal systems start with procurement planning, notifications, advertising, evaluation, awarding of contracts, implementation and closure. The participants also stated that procurement the implementation stage of procurement done by the project management sections and not the procurement sections. It was noted that at the direct procurement involvement comes back at the

procurement closure stage. The systems in the parastatal organisations covers most of the stages of procurement as required by the best practice.

Our procurement cycle has to start from need identification. In the 2nd phase we have contract award, and the 3rd point is this one of post- award stage... This is what we do until the closure of that contract. Rama 8, 289.

We develop a case for a project, the request for proposal, advertise, have evaluation procedure, it is approved then after that it will be awarded to the successful bidder.

From there the contract management will start. Chak 14, 428.

(b) Existing Government Procurement System

Under the government ministries, the following two sub-themes were identified: government procurement policy exists and there is Public Procurement Advisory Division (PPAD).

i. Procurement Policy Exists.

Under this sub-theme, the participants showed that the public procurement system in Lesotho exists and has policy. They confirmed that the current procurement system has regulations of 2007 which were reviewed in 2018. The participants asserted that the existing procurement policy is adequate and can meet international standard because the policy was reviewed by World Bank in 2018. They stated that while the policy exists to a good standard, efficiency or quality of the procurement product depends on the overall system and individuals.

Currently the Government of Lesotho is using the Public Procurement Regulations 2007 as amended in 2018. Sasa 42, 1041.

The guidelines are there and the way they are yes, they've been set in such a way that the corruption can be avoided, but that one also depends on the individual dealing with procurement. Laka 32, 777.

I think it's (government procurement policy) ok. I think it's ok. Matjato 41, 1027.

ii. There is Public Procurement Advisory Division (PPAD)

The codes under this sub-theme made a recognition that under the public procurement system, there exists a frame called Public Procurement Advisory Division (PPAD), which is supposed to advise government ministries about procurement compliance in the government ministries. The participants further recommend that PPAD could function better if it is made independent. They noted that PPAD comes at the end of the process and that does not actually do the advisory function.

While recognising that PPAD exists, I would prefer it more to be independent not to be under the ministry of Finance so as to provide guidance. Maseterata 26, 649.

My government they have a so called PPAD which will just come at the end, they don't know what goes in the Ministries. They are not involved. Malebo 11, 383.

(c) Independent Procurement Adjudication System

The sub-themes considering strengths of the independent procurement adjudication were grouped as anticorruption, improved efficiency, train procurement professionals and bring confidence.

i. Anticorruption

This sub-theme comprised the codes wherein the participants emphasised that one of the good attributes of the adjudication office will be its independence leading to ability to prevent corruption. The codes considered many aspects such proper functionality of the process, its independence and transparency. These attributes contribute to the system's ability to expel corruption. Expulsion of corruption would further lead to the benefits of public satisfaction and gains lost funds to be used as intended. The participants considered the IPA's ability to deter, detect and fight corruption as the system's strength.

So, I see it as a system that would help in reducing that corruption that the money would do what is meant to be done. Epho28, code 702.

Proper procurement process is where you get required services in a transparent way is value for money at the end the public gets satisfied with the process because it lacks suspicions of corruption. MorenaTaung 3, code 129.

ii. Improve Efficiency.

The codes grouped under this sub-theme discussed how effective and efficient the independent adjudication system would be. It was considered that the IPA would be in a good position to close the legal gap that exists between the current procurement policy and best procurement practice. They argued that this framework gives the Lesotho's public procurement an opportunity to develop a proper legal framework for procurement as well as oversight systems in Lesotho. They said IPA will improve efficiencies and effectiveness within the procurement processes because there will be segregation of duties. With its oversight over the public procurements all along the stage of its cycle and the expected level of transparency, the participants said it will clean up many redundancies that currently happen within the system.

There has to be a segregation of duties, so they are not done by one person. Maky 9, code 329.

This body is going to make sure that we buy goods, works and services that are right prices right quality which is going to save a lot of resources. We are talking efficiency here and value for money. Eputsoa 37, code 929

iii. Train HR/Professionals

The participants' codes under this sub-theme considered strengths of the independent procurement adjudication related to qualifications of the professionals to be engaged therein, refresher training that they need to regularly get and that which they will have to give to the

public and other government ministries and agencies. The codes showed that appointment of the professionals for the independent procurement adjudication, has to be accurate with strict vetting of the same before engagement. The said professionals are expected to be dedicated to their work. The skills aspect was considered to be more important to the positions in their function. The participants considered that the trained professionals from the independent adjudicator will conduct their business professionally also with acceptable ethical conduct. They emphasised that when other implementers of the public procurement are properly and regularly trained by the same adjudicators, then the procurement system will meet expectations and yield expected results.

Identification should be very meticulous to say what kind of procurement background do they have, the vetting and background checks of such people. Kafs 10, code 360.

It could also ensure that there are skilled procurement personnel to undertake procurement that are envisaged to be undertaken. Makhaba 35, 881.

I think it can help if there are some people who are well trained and they even give the people trainings and they observe every movement, they detect corruption from early stage. I think the government or even Lesotho will be safe. Laka, 32, code 783.

iv. Bring Confidence

This sub-theme considered aspects that will bring confidence to the stakeholders because of the strength of the independent adjudication system. Participants emphasised that one of the strengths that this independent procurement adjudication would be to bring integrity to the public procurement process adding to the confidence of stakeholders such as donors. The other strength that is said to be associated with the IPA is separation of responsibilities where one procurement officer would not be involved in activities all the procurement stages. The participants stated that the attribute of separation of responsibilities will add to the trust that

the public would have on the system. It is emphasised that the system would add confidence also to the business sector and the public at large.

I believe it can bring integrity to the government procurement processes and such integrity is critical to attract donors. Lae 15, 454.

I think that it's a very good policy because in procurements we need to have separation of responsibilities. Maky 9, 328.

That type of an oversight body would then instil more confidence in the procurement system ... in local businesses. Framde 21, code 585.

VI. Anti-Corruption

The theme, anticorruption considered the participants' codes within all the three sectors of government, parastatal organisations and independent procurement adjudication that ascribed the attribute of anticorruption to them.

(a) Existing Parastatal Procurement System

The anticorruption codes referring to the existing parastatal systems were organised into the following two sub-theme: internal system is corruption-proof and stakeholder's platform.

i. Internal System is Corruption Proof.

The participants showed that the parastatal procurement systems are set and implemented in a way to reduce areas of corruption. Approvals are made for planned procurement by their respective boards, and necessary notifications including public advertisements are made. Public bid opening sessions and uninterrupted evaluations and independent awards are made. Others have whistleblowing policies where acts of corruption are reported. The participants affirmed that parastatals practice segregations of roles. The participants stated that they keep reminding their staff and contractors about issues of corruption. It was stated that parastatals

practice punitive measure to acts of corruption such as blacklisting of contractors and professionals who engage in corrupt practices.

working with the controls that we use to try to minimise the risk of exposure of some of these practices, we improved a lot on internal controls. Lebone 39, code 953.

So if these roles are demarcated such that a different sector is the one that works on the schedule of rates. In that way there'll be demarcation of roles. Emotso 4, 141.

ii. Stakeholder's Platform

The participants showed that the parastatals' platforms for fighting corruption include partnerships with the media to publicly announce acts of corruption, allowing anonymous whistle-blowing arrangements with institutions of anticorruption and crime units. Some signed memoranda of understanding with government institutions of fight against corruption to avert acts of corruption on their procurements. Another stakeholder platform shown was the media where it makes information known to the public to expose acts of corruption within the agencies.

to have some regulated platform where various stakeholder can be able to give crucial information relating to corruption to the organizations. Lae 15, code 422.

media actually provides what one would call 'whistle blowing' and that partnership between media and us benefits us. Jonothane 7, code 263.

(b) Existing Government Procurement System

The researcher found no code on positive aspects associated with anticorruption in the government system.

(c) Independent Procurement Adjudication System

The codes under this theme were associated with the positive aspects associated with the independent procurement adjudication system that could act as features of anticorruption within the public procurement sector. The following sub-themes were organised: employ qualified people without record of corruption, reduce corruption, attract investors and other benefits.

i. Employ Qualified People Without Corruption Record.

The participants' codes under this sub-theme considered that well qualified personnel with good track record of procurement practice will add value and reduce corruption because by virtue of being independent and qualified, they would not be coerced for corruption. They would value their qualifications against being influenced to make unfounded decisions. The participants stated that people who were previously involved in the acts of malpractice or corruption should be barred from occupying the position of the independent procurement adjudication. It was emphasised that well qualified personnel will fight corruption and enhance efficiency of the procurement process. The participants concluded asserted that well qualified independent professionals will also uphold ethical values of honesty and transparency and the effect thereof is reduction in corruption.

I'm thinking that fraud and corruption in the public sector could be eliminated if individuals that are involved in corrupt practices are debarred or blacklisted. Hlony 16, 474.

the main benefit will reduce the rate of corruption, it will also help in improving the economy of the country in the sense that now people who are qualified are suitable do the job. Chak 14, 437.

I believe an independent body would be very strict; they would be very honest; they would carry everything out in honesty and transparency. So, I think at least fraud and corruption levels would go down. Sasa 42, 1054.

ii. Reduce Corruption

The codes under this sub-theme showed that one of the prominent features of the independent procurement adjudication is to prevent, detect, reveal and minimise procurement malpractices and acts of corruption. The participants stated that all the IPA's features of independence, providing oversight, being transparent and employing qualified professionals with good practice record in procurement add to the strength of anticorruption to the system. The participants also showed the feature of reduction of corruption as a national goal. The codes showed that the anticorruption features of the system will also go on to save funds lost to corruption.

reduction in fraud and corruption itself is the most benefit that we want to achieve as the country so that we realize some developments in the country. Epho 28, code 701.

this system definitely has its benefits in that it ensures or minimizes corruption because it acts like a watchdog what is needed to make this office as much as possible independent. Emotso 4, code 163.

It'll also minimize if not eradicate malpractices in procurement, which characterizes government processes today. Kafs 10, 368.

iii. Attract Investors

The participants under this sub-theme discussed issues regarding attraction of donors and the wider investor community because of the feature of anticorruption of the independent procurement adjudication system. The participants' codes showed that corruption has been one

of the major factors which kept the donors and investors away from the Lesotho's public procurements. It is stated that donors will love this independent procurement adjudication system for the knowledge that their investments will be deployed as intended. It was emphasised that investors also prefer to go where there is accountability of every cent they contribute.

I think this has been a problem for countries because corruption has been the biggest problem, but I think that whatever is contributed for the benefit of the country, is used for the benefit of the country. Mzee 5, 232.

I'm saying each and every donor doesn't like corruption when they give out their own money. They want their money to be used effectively and efficiently. So, donors are going to like that. Malebo 11, 386.

iv. Other Benefits

The codes under this sub-theme referred to other benefits associated with the attribute of anticorruption that is within the independent procurement adjudication system. They believed that anticorruption will help to increase levels of effectiveness and efficiency of the procurement process. The knowledge by the procurement professionals that there is someone overlooking one's job before it is approved will help avert audit queries that have become a normal characteristic of the current procurement system. The other benefit with the qualified independent procurement adjudication, was the public will be educated about the consequences of corruption and therefore develop a good culture of anticorruption by also identifying and publicizing acts of corruption.

Educating the nation about the consequences of corruption. Showing them how it makes them suffer. Hlony 16, code 476.

I think it can help improve the procurement efficiencies and effectiveness and to stop the malpractices and fraud. Maky 9, code 331.

Corruption free practices - work will be given to everybody who deserved it not to only certain people who get contracts like all the time. Really the community is going to benefits a lot. Malebo 11, code 385.

VII. Value for Money

The theme, value for money comprised codes that refer to the value that is derived from a properly done procurement such as economy, quality of goods and services, earned trust to the procurement stakeholders, improved lives and livelihoods of the beneficiaries of the public procurements. The said codes were organised in the three groups of parastatal organisations, government ministries and those that are associated with the proposed independent procurement adjudication system.

(a) Existing Parastatal Procurement System

The sub-theme associated with the parastatal organisations was stakeholder satisfaction.

i. Stakeholder Satisfaction

The participants considered it value for money when the goods and services they provided produced satisfaction to beneficiaries and stakeholders. The codes showed that procurements from the parastatal agencies provide goods and services that impact positively on the lives and livelihoods of the communities around. The participants showed that it is value for money to have effective system minimising re-launches of procurement, minimising litigations associated with one's procurements and minimising reputational risks associated with their procurements.

when communities that we are serving those facilities that I'm also satisfied that we provided services. Mzee 5, code 170.

working in that area where your activities are impacting lives of communities out there by making sure that we are actually saving lives. Jonothane 7, code 255.

(b) Existing Government Procurement System

There were no participants' codes associated with value for money under procurement within the government sector.

(c) Independent Procurement Adjudication System

The codes under the IPA system were organised according to sub-themes which discussed economic growth, growth of private business sector that provides goods and services to the public improved trust to the stakeholders.

i. Economic Growth

The codes under this sub-theme considered that the independent procurement adjudication manned by ethical and qualified professionals will result in a system that saves costs which are always lost to corruption annually. This sub-theme also considered codes that reflected results of economic growth. Under economic growth, the participants stated that effectiveness and efficiency of the system will direct funds where they are intended, awarding them to deserving and competent bidders who will in turn bring about improved quality of goods and services. They said the overall result of this will be more development to the economy of the country and to the lives and livelihoods of the public at large. The participants considered that there will be distribution of wealth to the wider community as a result.

distribution of wealth; it will be very easy. That is one of the benefits. Now as we can see, only a certain percentage of the total nation is the one that is able to benefit from the procurements. Mohaisane 43, code 1074.

it will create competition amongst bidders and eventually price reasonableness and there's value for money when eventually. Economically, the population at large will definitely benefit. MorenaTaung 3, code 12 &, 125.

a bidder who ends up escalating the price... it costs the taxpayers an extra 2 million rand... that 2 million rand is enjoyed by those two parties while actually the taxpayer is the one who actually pays. Kafs 10, code 365.

ii. Grow Private Sector

The participants under this sub-theme considered that because works will be awarded ethically, the business sector will be encouraged to improve their competencies. Upon winning awards for the public procurements, the private sector will get exposure to do even more challenging works and get exposed to provide services internationally. All these will add to the growth on the private sector companies who provide goods and services to the public as well as the wider business industry as a whole.

There will be growth. We will get small jobs right, be exposed and grow to the extent of doing woks internationally. Mokoari 44, code 1106.

companies can grow bigger because they can take multiple projects without limitations of cash flow. That's how it can improve companies and it will encourage them to do more work and they will grow. Sebata 45, code 1147.

iii. Improved Trust

The participants under this sub-theme considered value for money associated with the stakeholder trust because of integrity and credibility of the independent procurement adjudication system. It will attract donors and other investors and give public satisfaction.

It is critical for taxpayers in that the tax money is not eroded into the individuals' pockets but rather it goes towards the ultimate good of the nation. Lae 15, code 455.

it will also give credibility, trustworthiness to the investors to come to our country and invest. Lebone 39, code 980.

4.2.1.2 Positive Findings from the Focus Group Discussions

This sub-section categorised the participants codes that were extracted from the focus group discussions that considered positive aspects of the procurement systems. In the same way as in the semi-structured interviews above, such categories were further divided into themes and sub-themes accordingly. The findings of this focus group presentation were triangulated with the those from the semi-structured interviews above. The following seven themes were discussed: independence, oversight, fairness, transparency, strength of the system, anticorruption and value for money.

I. Independence

Under this theme, the participants discussed issues associated with independence of the procurement systems. The researcher further organised the theme into the sub-themes of calibre of the procurement professionals and government control. The subject theme was discussed under the three procurement settings of the existing parastatal organisations, government ministries and independent procurement adjudication.

(a) Existing Parastatal Organisations

The participants stated that in their organisations, there is reasonable level of independence of the procurement processes. Procurements are planned based on the approved organisational goals which are approved by the board. Evaluation panels are approved according to their respective qualifications, and the evaluations go through the stages without interference by external influence to the evaluation panel.

I haven't heard whereby CEO comes to me and tells me who he wants the contract to be awarded. He comes to see the evaluation report at the end after all the other sections have conclude it. G1C17.

(b) Existing Government Procurement System

There were no participants' codes under the theme of independence referring to government procurement system.

(c) Independent Procurement Adjudication

There were two sub-themes identified under the independent procurement adjudication setting. Herein, the participants considered the calibre of the procurement adjudication professionals and the controls of public procurements under the independent procurement adjudication.

i. Calibre of Professionals

The participants' codes under this sub-theme asserted that professionals working for the independent procurement adjudication should be well qualified with high experience in the field of procurement as well and relevant qualifications. The participants argued that government tends to take anyone from other fields into the sector and that this often causes problems. The participants stressed that proven record of excellence and ethical conduct in previous procurement engagements should be a requirement. It was avowed that mature and

well qualified procurement professionals are not threatened, they stand their ground on decisions they made, and don't easily succumb to undue political influence. The codes showed that these professionals should be given authority of independence to do their job. It was emphasised that once that is the case, they will be able to raise red flags where necessary. Below are some of the codes expressed by the participants.

they must have a vast experience...in the procurement processes and their track record must talk for itself. Also, once they are independent it will be very difficult for them to be influenced by any government officials. G5C405.

It is our prayer that it be built by independent people who will not submit to external influence. They should be there to serve the public. G6C490.

ii. Government Control

The participants' codes under this sub-theme discussed the nature of the government procurement controls in the era of independent and functioning procurement adjudication. The participants stated that if the system is independent, it will sanitise all the government procurement controls and immunise them from political influence and unethical behaviour of the procurement officers. It was asserted that IPA will ensure correct application of the policy and other related regulations. The participants stated that currently every ministry of government applies the procurement processes differently, and that the Auditor General always finds something wrong each year. They asserted that once the independent adjudication is in place, standardisation of the documents, guidelines and procurement controls will be in place. The participants further affirmed that the independent adjudicators will facilitate linkages of the oversight agencies of government such as the DCEO and police to improve independent oversight over the government procurement processes. It was highlighted that the presence of

an independent adjudicator will improve efficiency of the government controls and promote compliance.

having an autonomous body...that can help in ensuring that procurements are clean and if procurements are clean then it means all the problems that we mentioned here are going to be reduced. G1C72.

The independent adjudicator would actually stop this habit of government whereby you'll find 10 districts will conduct procurements in 10 different ways. So, I believe that the independent adjudicator would also be able to correct implementation of government procurement guideline. G2C134.

II. Oversight

The oversight theme considered codes that referred to monitoring of the procurement systems. Similar terms and implications to oversight such as adjudication and monitoring were considered when organising the codes under the theme of oversight.

(a) Existing Parastatal Organisations

Regarding the parastatals, the participants stated that the systems are set up in such a way that there are oversight structures which ensure that there are no acts of malpractice and corruption. The codes emphasise that the existing parastatal oversight systems make it difficult for the acts of corruption to take place. They asserted that the policies in these organisations facilitate checks and balances on all the processes from planning to closure of the procurements.

There are bodies that are set up as watchdogs to ensure that no corruption or any kind of malpractice is made. G3C186.

(b) Existing Government Procurement System

There were no participants' codes referring to oversight under the government procurement system.

(c) Independent Procurement Adjudication

Under the independent procurement adjudication, relevant participants' codes were organised into the sub-themes of oversight on whole cycle of procurement, no political influence, stakeholder confidence and reduce corruption.

i. Oversee Whole Cycle

The participants stated that the independent adjudicator should oversee the whole cycle of procurement from identification of the need till closure without leaving out any procurement stage unattended. They further stated that in the era of the independent procurement adjudication system, there will be clear and assertive monitoring of the processes of procurement which will help to identify whatever misprocurements and malpractices and raise flags as early as possible. It is asserted that the presence of independent oversight will ensure compliance with the processes. They stated that it will go a long way to ensure that the procurement policy is being followed closely. It was stressed that the monitoring that will be made by qualified and independent people will be credible.

The mandate of this oversight body is to monitor all stages of the procurement cycle from identification of the need to closure after delivery of the product. G6C488.

monitor the procurement procedures and be able to ensure that the procurement plans are being implemented...to monitor projects implementation, not just be involved in contract amendments and close out. This is important to deter collusion between contractors and project managers. G1C 47.

Those monitoring or having an independent oversight that will actually ensure that there's compliance with the rules. G1C73.

ii. No political Influence

The participants stated that the presence of procurement oversight will deter and shame the prevailing political influence of redirecting procurements away from competitive process. It was stated that the people of Lesotho will then benefit from free and fair procurement processes and eliminate political appointees that are often unprofessional and unproductive.

will remove the political influence - I think we can go a long way. I think we should eliminate appointing political personnel to do some of these things. G3C199.

iii. Stakeholder Confidence

This sub-theme considered that the presence of a firm practical oversight policy on the public procurements will attract confidence from all the stakeholders. They stated that there will be positive attitude from the public and the development partners such as donors and other investors. They asserted that as a result, more funding from donors and investors will come and more support and ownership will improve on the side of the public. It was further emphasised that more competition will come from the side of the service providers. It was stated that having this kind of independent oversight of public procurements, it will be useful to inform the stakeholders about the status of procurements at a point in time.

So having that kind of a monitoring system I think to me will be useful in the sense that then it will make people aware ahead of time. G2C300.

such a policy, when the nation see it works well, donors see its working well, it will have positives attitude for our donors and other stakeholders, they will be confident in giving out money. G2C151.

iv. Reduce Corruption

Under this sub-theme, the participants stated that the oversight system will raise a red flag where there is a suspicion that something is going wrong. They said that IPA should be equipped to warn the public and process operators if there are signs of fraud anywhere in the processes and pick the suspects. It was stated that the oversight system will prevent families and friends of the procurement officers and politicians to benefit from doing business with government for which they did not compete. They argued that when politicians and officers know that someone independent is overlooking the processes, it instils fear of corruption or undue influence on the processes.

I also believe that would be to some extent a deterrent to those who are active in corrupt practices in that when they know there's a standing system which monitors... it will deter them. G2130.

I think such a system would prevent public servant families, their families and relatives, conducting business with the government which is very rife now and which is fuelling this scourge of corruption that we have. G2C153.

v. Emphasis

There were emphasis statements made when the participants discussed this topic which showed appreciation and welcoming of the oversight component of the adjudication system. Under this sub-theme, the participants stated that they would highly welcome that system and that it would

help the country. Below are some of the emphasis statements made with regard to the theme of oversight.

Like the team I wholeheartedly agree with the benefits of the initiative. G4C305.

We are really delighted about that oversight body. We would be very happy about its presence in our public procurement. G6C486.

III. Fairness

The theme of fairness considered issues of fairness of the procurement system and processes including treatment to the procurement stakeholders, compliance to policies and procurement requirements, competitiveness of the process of procurement, legal compliance including disputes about the processes, and justice served to the bidders in the ministries or in the courts of law.

(a) Existing Parastatal Organisations

i. Legal Compliance

The codes under parastatal were organised under legal compliance. The participants stated that the parastatal procurement systems are fair to the bidders and that trust has been built.

the system is okay because it brings credence to the process. G3C211.

(b) Existing Procurement System

There were no fairness codes under the government procurement system.

(c) Independent Procurement Adjudication

(i) Legal Compliance

Regarding the sub-theme of legal compliance, the participants emphasised that fairness of the IPA system will reduce number of litigations raised per year on public procurements. It was

stated that fairness of the procurement system will lead to distribution of wealth because deserving and competent service providers will be awarded contracts. The participants also stated that disputes will be resolved quickly before they go far and become costly. It was affirmed that if the public procurement processes are run fairly, the public will get goods and service of high quality that are fit for intended purposes. It was stated that everyone will feel that justice is served because the benefits will reach everyone including the poor. The participants stated that the IPA will teach the procurement stakeholders about the seriousness of compliance in procurement. Lastly, the participants stated that the IPA should be given the authority of enforcement of law and justice including to prosecute suspects in the courts of law.

So really, I'm sharing the sentiments with my colleagues that should we run the fair procurement system we will be able to get the facilities that are very high standard... and also fit for the purpose. G5C411.

IPA should be given authority to prosecute suspects into the courts of law. G6C489.

i. Reliability of the Process

The participants stated that when the system is administered fairly by the IPA, it will serve justice to stakeholders and achieve the value it was intended for. They asserted that from governance of procurement, the system will earn reliability where everyone finds that justice is served in the public procurement activities. It was stated that action should be taken immediately for any wrongdoing. The participants stated that the system should have compliance check points that will need to be authorised to proceed to the next stage, to ensure that proper processes are followed for each step. Further, the participants stated that as part of reliability and fairness of the process, the IPA system will ensure competition of bidders leading to reasonable prices and even good quality of goods and services.

In that way we will realise value for money to the public and justice served to stakeholders. G2C130.

everyone will find justice served in all public activates like procurement like my colleagues said, I mean it will just follow. G2C156.

I'm also sharing the same sentiments with my colleagues that we should be able to have a fair and efficient procurement system. G5C408.

ii. Public Confidence/Donor Confidence

The participants' codes under this sub-theme stated that when the IPA conducts its business in a fair manner, trust within the public and stakeholders at large will be raised including the donors' willingness to provide funding. Further than trust, the participants stated that reputation of the system amongst the service providers will increase, and positively impact on their confidence to freely participate in the processes because they know that the system is fair. It was agreed that international players and foreign investor will get involved in the economic activities of the country because the system would be fair and just to all stakeholders. It was further stated that because of the system's fairness, it will now no longer take bidders a year to get back their bid security for other business or investment activities.

We will build the trust of our nation into our processes and support to government initiatives will be increased. G1C76.

reputation, confidence in the market and in the global forces because when the external market realizes that the procurement in this environment is presented to be fair, open, transparent, it stimulates participation of international. G4C311.

IV. Transparency

The theme of transparency considered codes which discussed issues of openness of the procurement system managed under the settings of government parastatal agencies, government procurement systems and independent procurement adjudication system. The codes were further organised into the sub-themes of promoting transparency, transparency exposing procurement malpractice, informing the public and boosting public confidence.

(a) Existing Parastatal Organisations

i. Promote Transparency

The participants showed that procurements in the parastatal organisation involve various stakeholders and that that improves transparency in their procurement. Examples such as public opening of bid documents were made. The second example was on the review of evaluation reports which are made by a couple of stages. They stated that their policies, documents and processes are shared with the public including placing them on their public websites; policies such as whistle-blower policies and toll-free numbers, bid challenge and blacklisting procedures. It was stated that parastatals have their programmes of community sensitisation as a way of disseminating information to the public. They affirmed that all stages of their procurements are publicised to the public such as procurement notice at the beginning, advertising for tenders for goods and services, bid conferences, bid opening, bid challenge and post evaluation debriefing. They averred that transparency in the parastatals make it difficult for the rampant corruption to thrive in the organisations. They also stated that transparency in their organisations is supported by the updated procurement policies which align with the latest standard international practice.

We have a clear fraud and corruption policy which is shared to the community or to the public. We have whistle-blower policy which actually even allow people to report in another organizations. G1C19.

But indeed, we have policies that state that we should as much as possible maintain highest degrees of transparency integrity and the likes so that is loud and clear. G5C370.

(b) Existing Procurement System

There was no positive code from the participants referring to transparency under the government procurement system.

(c) Independent Procurement Adjudication

Under the independent procurement adjudication, the codes from the participants were grouped into three sub-themes. These sub-themes considered what the IPA transparency should do – to expose procurement malpractices, to be open enough to adequately inform the public and to boost stakeholders' confidence.

i. Expose Malpractices and Inform the Public

The codes under this sub-theme considered that the IPA will expose the practices of conflict of interest by the procurement officers where they award contracts to their relatives or for bribes. The participants stated that transparency of the IPA will assist in revealing early signs of procurement malpractice in the process. It was indicated that IPA will make information accessible to the public and reduce the risk of corruption. For example, in cases where bidders compete on quality, prices are to be published as part of the advert. When the public has information and is aware about issues related to a procurement, oversight of the public procurements including at the implementation stage will extend to the public itself. The public

can then use avenues such as whistleblowing should they see or suspect any act of corruption. The participants asserted that transparency will contribute to encouraging service providers to provide good quality. Lastly, the participants averred that transparency will improve oversight of the whole procurement cycle. It is emphasised that stakeholders need accountability in public procurements.

provide access of information and public awareness in order to minimize risks of corruption. G3C220.

Transparency will improve procurement covering the full cycle. G5C410.

making information accessible for example, if it's a procurement of a certain type of good, publish the rate or the prices of the good... and let service providers bid in terms of quality. G3C208.

ii. Boost Confidence

The participants stated that when stakeholders observe that the government policy of transparency is upheld, their attitude will turn positive, and they will become supportive to the procurement processes. They further stated that transparency in procurement brings credence to the processes. Donors and investors become willing to give funds or support economic investments made by government in the country. They asserted that transparency in procurement will attract competent bidders because they know what the specifications are, what the evaluation criteria are and that they are assured of debriefing for future improvement if they did not get the award and therefore, they know what to expect out of a public procurement. It was maintained that reputation of the public procurement systems as a result will in return earn the public and wider stakeholder trust to the public procurement.

So, I think if we get to a stage where there's an improvement in terms of transparency in carrying out procurements, we can actually attract service providers who can give the best quality of work. G3C229.

that says we know we can trust the transparency of government and how it does things in that country and bring foreign direct investment. G4C312.

V. Strengths of the Existing System

This theme considered strengths of the existing systems that deal with public procurements. The participants' codes were accordingly organised into sub-themes under respective organisation of parastatal, government ministries and independent procurement adjudication.

(a) Existing Parastatal Organisations

Under the parastatal setting, the researcher identified only one sub-theme. In this sub-theme, the participants discussed strengths of the existing system summarised as being adequate.

i. It's Adequate

The participants stated that the procurement systems of the parastatal organisations function quite well. They argued that the systems use policies that are up to date, which also comply with international standards and best practice. The systems were said to make it fairly difficult for fraud and corruption to take place in the organisations. They stated that the systems are generally monitored and have a good level of transparency. The participants further indicated that the parastatal systems have the presence of procurement oversight from planning up to award of a contract, then hand over the implementation phase to the project managers. After implementation, the procurement officers close the contracts. It was stated that the procurement systems in the parastatal are generally adequate with legal compliance mechanism and checks and balances.

I would say procurement processes that are in place make it a bit difficult for procurement fraud, let me put it like that. G2C99.

(b) Existing Government Procurement System

Under this theme, the codes were organised into the two sub-themes of strengths that the government system itself has and strengths of the Public Procurement Advisory Division.

i. Government System Exists

The participants indicated that the government procurement system has the latest policy of 2018. This policy was developed under the funding by the African Development Bank where that of 2007 was reviewed. They asserted that the policies and regulations are good and have functioning procurement methods. The participants argued that with the existing procurement policy and system, credible procurements have been and can still be made, however, the government systems need oversight.

My view is we have policies, we have working documents in place, but what is lacking is our oversight, oversight which is attached to standardization and consistency. G5C368

ii. There's Public Procurement Advisory Division

The participants acknowledged that the government of Lesotho established the Public Procurement Advisory Division (PPAD) to be supervised by the ministry of finance. The PPAD as planned in 2007, would have adequate staffing levels and relevant staff qualifications. It was stated that the government had planned to replicate PPAD to all government ministries with procurement oversight and advisory mandate. The participants stated that the existing Division has few staff members with low qualifications who reside only at the ministry of finance.

Right now, PPAD, it falls under the Ministry of Finance and obviously it falls under P.S Finance and Minister of Finance. G6C483.

(c) Independent Procurement Adjudication

Under the independent procurement adjudication system, the codes were organised into four sub-themes. Discussion of the said sub-themes covered the system's ability to fight corruption and efficiency of the system. Further groupings were made on training of the IPA professionals and stakeholders' confidence to the IPA system.

i. Anticorruption

The participants mentioned that one of the strengths of the independent procurement adjudication system is ability to fight corruption. They asserted that because of its attributes of independence, oversight and being transparent, the IPA system will prevent, detect and fight the rampant state of corruption in Lesotho. They argued that it has the strength to expose and remove unethical acts of corrupt procurement officers, politicians and businesspeople. It was stated that the adjudication system has the strength to check every step of the procurement process and have it as a clean system.

I think that would be magnificent because the benefits that can result from that is that some procurements if they are riddled with corruption in the early stages, it can be detected and it can be stopped. G4C296.

Surely that system will ensure that procurement processes within government are clean. G1C71.

ii. Will Improve Procurement Efficiency

The codes under this sub-theme considered that the IPA system will improve efficiency in the public procurement. The participants agreed that the independent adjudication system will have

good controls, improve procurement effectiveness and efficiency, and increase productivity. They stated that the IPA will standardise application of procurement regulations in all government ministries and parastatal agencies. It was considered that standardisation of the regulations will assist in improving the systems efficiency because government officers at all levels even when rotated will know how to hand public procurements. They also emphasised that the vagueness of the current public procurement policy will be regularised to enable consistent application by users. It was stated that the adjudication system will reform the entire public procurement processes and make them more accountable and efficient. Finally, the participants agreed that on the balance of costs and benefits, the IPA will make good cost saving to benefit the people of Lesotho in the long run.

this would also enable, just like it was just mentioned, standardising public procurements. G2C133.

I'm also sharing the same sentiments with my colleagues, that will be able to have a fair and efficient procurement system. G5C408.

I'm also sharing the same sentiments with my colleagues that we should be able to have a fair and efficient procurement system. G3C219.

iii. Train HR/Professionals

The participants considered that the calibre of the professionals handling public procurements on a day-to-day basis form part of the procurement system. They asserted that the strength of the system will be contributed to if the IPA can engage professionals with adequate procurement academic qualification as well as relevant experience in public procurements. They stated that good ethical conduct of the professionals will add to the strength of the system. The participants showed that the said qualities of the procurement professionals will help them

resist corrupt influence from politicians and other temptations along the way. It was indicated that they will further train the wider procurement ministries of government and other stakeholders such as prospective bidders and the public at large.

it will improve quality because we get the right qualified people who will do the right job or who bring the right good. G1C88.

It will teach everyone that is involve in public procurement about the importance of compliance in procurement. G6C497.

iv. Bring Confidence

The participants asserted that the other strength of the IPA system is its ability to earn the stakeholder trust and pull them over to willingly get involved in the public procurement. Competent prospective bidders will get involved, investor and donor with funding will participate and the public and media will get involved with oversight. It was affirmed by the participants that stakeholders will have confidence in the independent procurement adjudication that is fair and transparent.

and if the international donors believe on your own country`s procurement system, they will generally bring in a lot of funding to the country. G5C412.

when donors see it's working well, it will have positives attitude for our donors and other stakeholders, then I think they will be confident. G2151.

VI. Anticorruption

Under the theme of anticorruption, the participants discussed positive aspects of the Lesotho's public procurement which have attributes of, or that contribute to the efforts of anticorruption

within the existing establishments of public procurements. The same consideration was made on the proposed independent procurement adjudication system.

(a) Existing Parastatal Organisation

Under the parastatal system, the participants' codes were organised into one sub-theme. They referred to various strengths of the system that can fight corruption in procurement.

i. Able to Fight Corruption

The participants stated that the parastatal systems try as much as possible to lower corruption. They said that they can only try to limit it rather than avoiding. They mentioned that one way to have the system expose corruption is to run the evaluation report through many hands for review. One of the ways in which they discourage corruption is by taking firm disciplinary action against unethical procurement staff and by blacklisting bidders or contractors who are found in corruption. The participants further stated that bidders and the public are informed and trained about the procurement processes. The participants also stated that management of the parastatal organisations have the willingness to fight corruption in public procurements.

There's a deep political will within the institution to uproot corruption. G2C101.

The way one evaluation report would go from different hands would somehow limit the corruption or collusion because different section head - they become involved. It is somehow limiting it not completely. G1C16.

(b) Existing Government Procurement System

There were not codes referring to anticorruption under the government procurement system.

(c) Independent Procurement Adjudication

Under the independent procurement adjudication system, the participants considered various ways in which the system would contribute to anticorruption against public procurements. The researcher further organised the codes into the sub-themes of reduction in corruption and attracting investors.

i. Reduce Corruption/Reveal Corruption

The codes under this sub-theme considered characteristics that are attributable to the anticorruption component of the IPA system. The participants stated that the independent procurement adjudication system will deter corruption between contractors and project managers especially during implementation where under the current systems of government and parastatals, it does not exist. They asserted that the system will reduce corruption and improve productivity. They agreed that when a procurement officer or a politician knows that someone else independent is overlooking the processes, there will be fear of shame. It was stated that in that way the system will have checks and balances that will uproot the prevailing scourge of corruption. The participants stated that making regular public awareness campaigns and updating the website with true and updated information, disciplining offenders and blacklisting corrupt bidders and contractors will add to discouraging acts of corruption. The participants recommended that the system should also link up with other anticorruption agencies of government with protected whistle-blowing facilities.

this will go a long way in actually defeating what we are seeing as corruption in procurements. G2C132.

Also, improve public awareness on corruption so that whistle blowers are given an opportunity to come forth when there's information. G3C210.

ii. Attract Investors

Under this sub-theme, the participants considered that the independent procurement adjudication system will fight corruption. They stated that one of the key measure of investors' involvement in a certain procurement or country is how well public procurements are guarded against acts of corruption. They unanimously agreed that fighting corruption will restore credibility and reputation of public procurement in Lesotho. The participants articulated that investment is not only in terms of direct funds, but also considered in long term investment of growing competent private sector that will give competitive prices and quality goods and services that will be fit for purpose and benefit the lives and livelihoods of the public.

international investors are encouraged to bring their foreign investment into the country because one of the key measures of confidence for any investor... is the level of corruption there is in that country. G4C311.

if we have the good systems and we no longer have corruption, then we will be identified as the dignified country, and the investors will love to co-operate with us. G5C407.

VII. Value for Money.

The participants asserted that value for money is a key deliverable of a health procurement process. It was stated that the sole purpose of a fair procurement is to provide goods and services that are fit for purpose to improve the lives and livelihoods of the public. The codes that were categorised under the theme of value for money considered issues of economic growth, investment, quality of goods and services, quality of lives of the beneficiaries, and any other thing that the participants thought would add value to the procurement in the short or long term. The said value for money was then considered within the parastatal organisations, government ministries and the proposed independent procurement adjudication system.

(a) Existing Parastatal Organisation

The participants did not discuss issues of value for money under the parastatal organisations.

(b) Existing Government Procurement System

There were no codes that referred to value for money under the government procurement system.

(c) Independent Procurement Adjudication

The thematic codes under the independent procurement adjudication were grouped into the following sub-themes in which the participants considered that there will be value for money: fit for purpose goods and service, economic growth and improved livelihoods, grow private sector, improved trust and attract investors, and other forms of value for money. The participants considered that value for money in procurement is the achieved when a procurement has yielded desired results. Associated benefits were also considered as value for money by the participants. The participants further considered different forms of cost saving under value for money.

i. Fit for Purpose Goods and Services

The participants considered that under the IPA, goods and services rendered will be fit for the intended purpose. The participants maintained that good quality of goods and services will reduce cost of maintenance and increase sustainability of goods and services. It was considered that reworks will be eliminated saving costs to the taxpayer. The participants affirmed that beneficiaries of the procurement will get the longest possible benefit out of it, which is value for money. Below are examples of the codes from the groups.

We will have well quality infrastructures; we will have the structures that fit the purpose
G5C410.

They will be eliminating reworks that have otherwise been paid because of low quality of work. G3216.

ii. Economic Growth and Improve Livelihoods

Under the sub-theme of economic growth, the participants considered that when the independent procurement adjudication is in place there will be value for money because every cent will benefit the economy and that economy of the country will grow. The participants considered that good procurements significantly contribute to economic development of every country. It was affirmed that infrastructure such as city buildings, electricity, roads, irrigation and technological infrastructure are direct implements of economic development, and to be in place, they are procured. In the same sub-theme, the participants considered that IPA will reduce redundant costs that are often lost to corruption and inefficiencies and reinvest that value into the profitable economy of the country. Another value that the participants agreed about is that improving the economy will also positively impact on the lives and livelihoods of the public. They asserted that a fair IPA will be an instrument to a fair distribution of wealth because public procurement funds will not only be concentrated to the corrupt few but to the deserving many as well as benefiting the deserving public. It was concluded that with the IPA the economy of the country will boom.

I think if that system can be implemented, then we'll have value for money. Every cent spent will benefit the economy and in a nutshell our economy can grow. G1C75.

The livelihood of Mosotho in general will improve because funds lost to inefficient and corrupt procurement will be saved and applied as intended. G5C505.

iii. Grow Private Sector

Under this sub-theme, the researcher considered the participants' codes that referred to value that will result from competitive bidding. The participants argued that because of competitiveness of the system, the system will attract a bigger pool of capable private businesses and service providers. They asserted that because of the same competitiveness, the private sector will grow in number and in knowledge and add value to the procurements. They added that as a result, prices for goods and services will be reduce and become reasonable, while conversely, the level of quality of goods and services will improve. Finally, such goods and services will realise longevity.

the bigger the competition, the more likely you are to get a competitive price as well which means that the taxpayer does not pay too much. G4C315.

it will improve quality because we get the right qualified people who will do the right job or who bring the right good. G1C88.

iv. Improved Trust and Attract Investors

Under this sub-theme, the participants argued that value will be derived from improved trust of the independent procurement adjudication system by the public and investors in particular. The participants agreed that the IPA system will earn the nation's trust and will therefore get support therefrom. They further asserted that it would earn confidence of the donor community when they see that clean, fair and transparent procurements are being run. The participants agreed that the earned trust and donor funds attracted as a result is one form of value to the Lesotho public procurement.

I think in as far as public trust, also the donor trust, every donor would want to be associated with a country which has such systems. G3C227.

if the international donors believe on your own country's procurement system, they will generally bring in a lot of funding to the country. G5C412.

v. Other Forms of Value for Money

Other forms of value resulting from the independent procurement adjudication were grouped under this sub-theme. The participants stated that some value will be regained from improving the effectiveness and efficiency of the current government procurement system. They averred that the more efficient the procurement, the more the economy will boom. They agreed that the IPA will add that value and restore those lost funds. The participants stated that costs associated with the sitting of bodies such as the Public Accounts Committee that normally try to resolve such problems at cost will be save because there will be no need to sit. Savings will be made from overcharging of the goods and services because of corruption. The participants agreed that in the era of the IPA, justice will be served in procurement because every stakeholder will have clear and applied policy direction and implementation rules.

The more efficient the procurement, surely the economy will boom from all angles.

Everyone will benefit when we have law enforcement. G5C501.

It would help a lot because the extra costs compared to what is lost into corruption.

G3C217.

4.2.2 Challenges Associated with The Existing Lesotho's Public Procurement System

Challenges associated with the existing Lesotho's public procurement system and the independent procurement adjudication system was organised by the researcher as a category of the codes that supported it. This section of the report presents codes that discussed shortfalls and weaknesses of the public procurement systems organised under the parastatal organisations, government ministries and the proposed independent procurement adjudication

system. Consideration of the codes was made under the semi-structured interviews and their counterpart validity focus group discussions.

Negative Findings from The Semi-Structured Interviews

This sub-section categorised the codes that were obtained from the semi-structured interviews that considered challenging aspects of the procurement systems. Such codes were further grouped into categories, themes and sub-themes accordingly. The same categorisation and theming were made in the validity focus group presentation of the codes that followed. The following seven themes were discussed considering the negative aspects in the themes of: independence, oversight, fairness, transparency, procurement system, corruption and value for money.

I. Lack of Independence

Under this theme, the participants discussed issues associated with lack of independence within the three public procurement settings of the parastatal organisations, government ministries and independent procurement adjudication system. The researcher further organised the codes into the sub-themes of political interference, unqualified procurement personnel and PPAD lacks independence.

(a) Existing Parastatal Organisations

The codes showed that the government parastatals have their semi-independent sub-entities within the same organisations which report to the CEO or the Board or the Commission as the case may be. The participants showed that there are some loopholes where officers get involved in many steps of the process and compromise independence of the system. The same officers who developed specifications of a certain procurement sometimes are found to be involved in many activities downstream such as evaluation and negotiation of the contract. All these were considered to compromise the quality of independence of procurement. The participants stated

that the CEO or the board or the commission of the organisation has interests of the same organisation and can at times influence procurements directly or subtly if the oversight entities are under the same organisation.

I don't think it is adequate... people who are doing the specifications, preparing the terms of reference are the ones looking at the budgets, doing the evaluation and they are the ones who are negotiating the contract. Mzee 5, code 188.

seniors have a way of influencing their juniors, but if it was a different section altogether where that person is answerable to a different head and not to this particular head... then it would solve that problem. Emotso 4, 143.

(b) Existing Government Procurement System

Under this theme, the following sub-themes were identified under lack of independence of the government procurement system: political interference, lacks qualified personnel and public procurement advisory division.

i. Political Interference

The participants' codes grouped under this sub-theme discussed various issues related to lacking independence by the public procurement system managed by the government ministries in Lesotho. The participants stated that the public procurements are characterised by political interference either by politicians directly or by senior officials of government to the benefit of undeserving contractors and or beneficiaries. It was noted that procurement officers, directors or panels working on the procurements are often dictated to as to who should win the tender. Procurements are said to be manipulated. Many known high value projects were mentioned such as the government fleet tender, the road linking Botha-Bothe district to the boarder with South Africa in the North, and the Mpilo highway tender. The codes showed that the

government procurements lack objectivity and independence. The following are some of the codes relevant to the theme.

Last year there were ministers who fought over at tender. I remember one was the minister of small business. I'm talking about it because it's there on record. Emoholo 33, code 795.

There was a time when someone who has authority was instructing us in how to carry the procurement. Laka 32 code 772.

It is very volatile, and decision are more made by politicians at the cabinet level than at implementation level that has been a biggest challenge. That has been the most challenging issue. Sam 22, code 587.

ii. Unqualified Personnel

The codes considered under this sub-theme showed that the current staff of the government procurement lacks qualifications both academically and experientially. They stated that positions are filled by people from what used to be called stores and that these people don't have requisite qualification to properly man the procurements. The participants stated that because of the officers' lacking qualifications, they lack requisite independence to reason against any unprocedural or unethical instruction.

Amongst others are those who were employees of the government in the times of central stores. So, their qualifications are so low that to some extent some have JC, some COSC. So, they don't actually comprehend how complex procurement can be. That's why they are in for the high jump. Haeno 34, 844.

To me I'm sorry to say that they are not effective now. I think that department can only be effective if it's autonomous. Rama 8, 296.

iii. Public Procurement Advisory Division Lacks Independence

Under this sub-theme the participants discussed challenges associated with the department of government that was established to advise the government on procurement processes. The department is named Public Procurement Advisory Division (PPAD). The participants stated that the department itself is weak because it was designed to report to the principal secretary of the ministry of finance who is a political appointee. They asserted that this arrangement itself weakens the department. The participants affirmed that PPAD is manned by underqualified and inexperienced officers who are not even adequate in number themselves. They said that the body is simply advisory and has no legal authority to enforce procurement compliance amongst the government ministries. The codes showed that the staff lack adequate understanding of procurement monitoring and oversight.

the weakness of the PPAD is that it's not independent, so it can easily be influenced by the politicians. I mean the Ministers, all those people the P.S. they can be easily influenced to do procurement in a certain way. If you get what I'm saying. Epho 28, code 698.

first of all, PPAD should be manned by people who really understand procurement, people who are qualified in different areas of procurement, people who have experience in dealing with procurement. Saluma 24, code 621.

They are not independent because they report to the Ministry of Finance, and they are also supposed to monitor the same Ministry of Finance. Maky 9, code 325.

(c) Independent Procurement Adjudication

There were no participants' codes under the IPA which refer to the challenges associated with the sub-theme of lack of independence.

II. Lack of Oversight

This theme comprised codes that considered challenges associated with oversight in the Lesotho's public procurement. The said oversight challenges were considered over the whole procurement cycle stages with respect to processes and personnel providing oversight, as well as conduct that impedes oversight.

(a) Existing Parastatal Organisational Procurement System

The codes under this sub-theme are organised into the following two groups: lacking full cycle oversight and consequences of poor oversight.

i. Lacking Full Cycle Procurement Oversight

The participants under this sub-theme considered that the parastatal organisations lack a complete oversight on all the stages of procurement. The participants showed that most of the procurement oversight within the organisations is made from planning to acquisition, evaluation and award. The participants further showed that oversight of the procurement process ends at the award stage and that there is no procurement oversight at the implementation stage. They stated that after contract award, the implementation phase is handed over to the project managers to oversee. At the end of implementation, project managers give performance reports to the procurement managers to do the procurement closure process. The participants affirmed that this is the weakness because best practice in public procurement requires that oversight be made on all the procurement stages. The participants presented that the procurement officers need to make regular visits to project implementation

sites. The participants asserted that the parastatal oversight systems need to do more than just contract amendments during implementation but more on oversight.

The next thing that lacks is strict oversight of the implementation stage of the procurement. Procurement as a function still needs to be active even after award of the contract up to closure of the same contract. Moruti 2, code 47.

it is partly adequate accordingly to me. I think that we can achieve better than this. I think the procurement team should be more involved in the post award stage to oversee the contracts performance. Rama 8, code 290.

ii. Consequences of Poor Oversight

The second sub-theme covers consequences of lack of oversight of procurement. That included considerations that the absence of adequate oversight sometimes leads to corruption in the same procurements. The participants showed that some project managers collude with contractors or even own companies that do the same procurements. They further stated that sometimes prices are manipulated, or budget rates are given to bidders by project managers in the same organisations. It was noted therefore that quality cannot be guaranteed without procurement representatives in their projects because of lacking oversight. Other codes in this sub-theme showed that lacking oversight also leads to poor quality of goods or services because of lacking procurement oversight during the implementation phase of procurement.

I think we should actually extend oversight to the implementation stage. Oversight to ensure quality is still being implemented according to specification rather than to wait till closure. Sometimes site agents collude with contractors. Jonothane 7, code 269.

so that people knowing that there's no one who will play an oversight role to monitor such acts of corruption, people definitely take advantage. MorenaTaung 3, code 119.

(b) Existing Government Procurement System

The codes in the government setting were organised in the following sub-themes: lacking procurement oversight, consequences of poor procurement oversight and a weak PPAD oversight. It was noted that the entire government procurement setting is generally lacking in oversight. There is no reference to any independent procurement entity. The codes showed that government established Public Procurement Advisory Division as a way to provide oversight.

i. Lacking Procurement Oversight

The participants' codes under this sub-theme showed that public procurement under the government ministries lack oversight enforcement; they lack oversight from planning, advertisement, evaluation, award and implementation stages. The participants stated that there needs to be oversight on all these stages of procurement cycle. They also stressed that where there is government spending there should be monitoring and oversight. The participants further stated that the monitoring policy for the government is weak to non-existent. They averred that people doing government procurement need to be monitored to be encouraged to do standard performance. They stated that procurement officers are concerned that project managers don't give them information on implementation activities and that they need to be given a chance to do oversight. There is a concern that they have to depend on third party information to make final payment. Some codes emphasised that the government oversight is lacking throughout the cycle and that it is a mess.

The second challenge is when it comes to involving procurement during implementation of the project. This is the phase where project managers don't give us a chance or enough information as the procurement people. Eputsoa 37, code 917.

I think policy of monitoring of the procurements has to be tightened across the country.

Maky 9, code 337.

Leaving procurements simply in the Ministry as it is without a private entity just become a mess. Kossmach 17, code 499.

ii. Consequences of Poor Procurement Oversight

The codes under this sub-theme discussed issues that come because of lacking oversight in the public procurement oversight. The codes considered poor level of integrity of the professionals; manipulation of procurement awards and bid or budget prices because of poor oversight. The participants indicated that substandard quality of goods and services characterise the outcomes of government procurement. It was noted that lacking oversight also results in loss of money to poor quality and corruption. Procurement officers showed concern that project managers sometimes collude with contractors. Strong statements such as ‘rotten eggs’ need to be overseen and made.

People knowing that there's no one who will play an oversight role to monitor such acts of corruption, people definitely take advantage. MorenaTaung 3, 119.

You may find some corrupt acts agreed between the contractor and the project manager. Therefore, procurement as third party should monitor this phase of procurement. Makhaba 35, code 864.

iii. A Weak Public Procurement Advisory Division Oversight

The codes from the participants under this sub-theme recognised that PPAD was established but is not functioning at its required minimum level. The participants considered PPAD to be toothless for what it was created to be, which is to monitor government procurements and

advise government. It was stressed that because PPAD reports to the ministry authorities, it has no ability to stand undue influence from authorities. The participants said that the Division is highly influenced by politicians and can therefore not be able to provide oversight. They stated that because PPAD lacks oversight resources in many ways – staff are inadequate in number and are not even able to monitor their parent ministry, never mind other government ministries. The Division's staff lack required experience and qualification to provide valuable procurement advice to the Ministry. The participants showed that PPAD is not able to provide objective oversight.

The PPAD is the toothless dog because the PPAF supposed to enforce the procurement procedure within the government Ministries and they must act accordingly, but the implementation is weak. Maseterata 26, code 647.

(c) Independent Procurement Adjudication

The researcher identified affordability as the only sub-theme under the IPA setting.

i. Affordability

Under affordability the codes considered that the proposed independent adjudication system might be costly for government to afford.

Although I think it might be costly, that's what I think, I cannot even prove it. Chak 14, code 436.

I think that (IPA) would be okay if the government could afford it. Hlony 16 code 466.

III. Lack of Fairness

The theme of lack of fairness comprised codes that refer to the systems' lack of competition, unlawfulness of the systems or officers, lack of compliance to the procurement policies and unfair treatment of the processes or participants being bidder or procurement officers. The

codes were applied in the three settings of government, parastatal and IPA procurement systems accordingly.

(a) Existing Parastatal Procurement Systems

The codes under this setting were organised into the following two sub-themes: conflict of interest and procurement disputes.

i. Conflict of Interest

The participant' codes organised under this sub-theme considered the state of objectiveness and fairness that is brought about by interest of either the procurement officer working on the procurement system or the bid, or one that is brought about by imposed instruction to the process by higher authorities. The participants considered that some bidders are given unfair advantage by some officers by giving their preferred companies budget rates prior to submission of the bids. The participants said this compromises competition and certain companies benefit more than others.

the very officers that get engaged to supervise procurement processes you find that they compromise the information that is contained there, some of them are conflicted they have their own companies, and some engage their relatives or friends. Jonothane 7, code 272.

you'd find that there are some areas where budgets or prices are shared with the contractor or with the bidders so much that competition was compromised. Moruti 2, code 30.

that there's infiltration that ends up ensuring that certain companies or individuals to get contracts even though they are not deserving. Emotso 4, code 139.

ii. Procurement Disputes

The participants codes relevant to this sub-theme considered that unfair decisions that are made in the current process of procurement cause disruption in the process, delays of both the process and the delivery of goods and services. The participants also stated that aggrieved bidders opt to take actions such as bid challenge within the system if it allows, and they take it to the courts of law and others take it to the media platforms. It was stated that the delays and the challenges damage the credibility of public procurement and the entity itself.

there was this one bidder whereby we experienced a bid challenge in regard to his award. Therefore, they went to the media to complain that LMDA was not handling the procurement processes fairly. Maky 9, code 307.

the problems we encounter is the issues of misrepresentation of our bidders. They don't give true information most of the time. That leads to litigations and blacklisting of bidders. Rama 8, code 285.

(b) Existing Government Procurement System

The participants' codes under the government setting were organised into three sub-themes as follows: conflict of interest, procurement disputes and weak legal and regulatory framework.

i. Conflict of Interest

The codes from the participants under this sub-theme, considered that interest by the procurement officers or political officers close to the procurements lead to lack of objectivity and unfairness. The participants discussed that officers are dictated to by their supervisors or political figures interested in the procurement to award to certain companies. Ethical conduct of either the procurement officers or their authorities lead to unfair decisions out of a procurement process. It was noted that government procurements are characterised by

manipulation of the processes, officers making a living out of the public procurements and contractors bloating the rates to accommodate the officers and their supervisors.

If you remember Marakabei-Monontša, the project was awarded to one of the Chinese contractors. The tender was just awarded without any procurement process taking into consideration, it was just a direct appointment awarded through the cabinet decision. Stebo 36, code 891.

Officers manipulate processes for their own firm's benefits. For example, they obtain quotations from the same company with different names. Noeli 27, code 665.

In this country as long as you know a politician you get a construction contract with no experience. Keletso 29, code 722.

ii. Weak Legal and Regulatory Framework

Considerations under this sub-theme are that government policies should significantly improve to ensure that procurement fairness and integrity is restored. The participants underscored that the Lesotho procurement lacks regulations to sufficiently govern procurement. It was emphasised that proper management of procurements are easily circumvented in the current government situation because of the absence of appropriate regulatory framework. The participants further stated that there is no procurement law to support a fair procurement environment. They asserted that beneficiaries of this unfair system left it like this to make it difficult for the anticorruption agencies to fight the unfairness. They considered the situation as chaotic.

Policies have to evolve and be updated to ensure that they are at levels that still ensure free and fair processes and free and fair contracts awarding and awarding of work. Emotso 4, code 168.

So that's how vulnerable the law is because it is chaos, anyone does as they please.
Emoholo 33, code 805.

iii. Procurement Disputes

The participants' codes relevant to this sub-theme revealed that the government procurements are modelled by disputes and litigations in the courts of law. The participants asserted that there are many pending cases in court which also delay the procurements and delivery of public goods and services. Because of the prevailing unfairness in the current public procurement system, bidders often take it to the courts of law for intervention. The participants also stated that the courts are also inundated with the cases.

the dispute resolution process there is not properly efficient. There are so many disputes that are not resolved and remain unresolved. MorenaTaung 3, code 111.

More often than not people go back to act when there's a problem, when somebody is taking someone to court or something like that. So that in itself says the procedure will not be followed to the last detail. Kafs 10, code 347.

IV. Lack of Transparency

The theme of lack of transparency constitutes codes that considered direct or indirect reference to lack of transparency. The consideration was made under the three public procurement settings of parastatal organisations, government ministries an independent procurement adjudication. Under this theme, the participants discussed issues related to lack of transparency caused by the nature of the existing public procurement and lack of transparency caused by ethical conduct of procurement officers and politicians under currently.

(a) Existing Parastatal Procurement System

The codes under this setting considered lacking procurement system and lacking ethical conduct of the procurement officers.

i. Caused by the Procurement Systems

The participants considered that the procurement stage of implementation is not completely transparent, especially to the procurement professionals. They stated that procurement officers have to depend on third party information either by the project managers or by the contractors themselves about the already hidden or covered quality of goods or services provided. They asserted that procurement officers lack direct and independent access to the implementation stage of procurement. The participants also indicated that in some parastatal procedures, a single officer would be involved in multiple steps of the process. They stated that this compromises the quality of transparency because there are no checks and balances. The participants stressed that there are cases of lacking transparency because of dependency on information placed on one individual which inhibits transparency in procurement.

The people who are involved were involved in preparing those documents, who have also a bit best knowing the budget are also the same people who are involved in evaluations. Mzee 5, code 181.

There can be a challenge when it comes to contract closure because they have to depend on information they are only told. They don't have information of their own. Lebone 39, code 962.

ii. Caused by Ethical Conduct

The codes under this sub-theme considered the unhealthy ethical conduct of procurement officers and politicians. It was considered that politicians inhibit transparency by instructing

the officers to appoint their preferred bidder in violation of the procurement processes. The participants also considered that the ethical conduct of procurement officers themselves hinders transparency of the systems. It was conferred that officers leak information to their preferred candidates to give them unfair advantage.

there's issue of leaking out rates that will be used in terms of paying contractors... then implies that certain service providers are positioned to charge exorbitant prices or are aligned such that they will make it through and be awarded contracts. Emotso 4, code 137.

(b) Existing Government Procurement System

The sub-themes under this setting were organised into lacking procurement systems and lacking ethical conduct.

i. Caused by Procurement Systems

The participants' codes under this sub-theme reflected that transparency in the whole procurement cycle is lacking in the Lesotho's public procurement. The participants indicated that the current government procurement policy is weak on transparency. They conferred that it does not assure transparency in the processes of procurement. The participants further revealed that the vagueness of the procurement policy on transparency is probably deliberate to allow manipulation by the beneficiaries. Other codes in this sub-theme referred to transparency of the implementation stage of procurement including involving the procurement professionals in the activities of the stage. They asserted that there is not enough information for them to help inform them to meaningfully conduct the close out stage.

I don't think the government policies are transparent enough. It is probably deliberate in order for certain procurements to be manipulated. But yes, I think government policies are generally very weak. Framde 21, code 575.

The one challenge is not involving procurement at the contract implementation stage to ensure all cycle transparency. That is the area which I can suggest improvement on before close out. Mohaisane 43, code 1068.

ii. Caused by Unethical Conduct

The participants' codes under this sub-theme showed that the politicians defeat procurement transparency by dictating who to award the contract to. The dictations are made to the panels evaluating the procurement bids or the officers in charge of the procurement. The participants conversed that the public procurement processes also get tempered with by the officers themselves. Sometimes by leaking information to preferred candidates. The codes also revealed manipulation of procurement processes by misrepresenting information and allocating more points to undeserving bidders in the evaluations. It was emphasised that transparency in procurement is important and that grey areas need to be removed. The participants averred that lots of money gets lost because of lacking transparency in procurements. They stated that the media in Lesotho is crying daily about lack of transparency in the public procurements.

according to me the most important thing is being transparent and making sure that whatever the process that is being followed is full-proof if I can put. Kumza 13, code 412.

It's the model. And they influence the process we've seen that many a time. We would remember from a national ID procurement that was conducted by the M.C.A many years ago. Kafs 10, code 351.

(c) Independent Procurement Adjudication

The researcher identified no codes referring to the IPA setting under lack of transparency theme.

V. Weaknesses of the Existing System

The theme of weaknesses of the existing system comprised the participants' codes that considered weaknesses of the existing public procurement system under three settings. This theme was further organised into three sub-themes of inadequate legal and regulatory framework, inadequate system and procedural framework and lacking qualifications of procurement professionals.

(a) Existing Parastatal Procurement System

Under the parastatal setting, the researcher did not identify weaknesses of the systems associated with the stated frameworks.

(b) Existing Government Procurement System

Under the government procurement system, the sub-themes of weaknesses of the legal and regulatory framework, weakness of the procurement system and procedural framework and weak public procurement advisory division were discussed.

i. Weakness of the Legal and Regulatory Framework

This sub-theme considered the participants' codes that discussed the absence of the founding procurement law. It was noted that the existing procurement is supported by the Finance Order of 1973 amended in 1988, and regulations of 2007 reviewed in 2018. The participants conferred that procurement cannot function properly if it does not have its relevant founding legislation. They further stated that current procurement regulations are inadequate, and they have to be properly founded on the founding legislation. They asserted that the regulations are too brief leaving a lot to the discretion of the procurement officers, often to the extent of abuse. It was emphasised that this situation is problematic. The participants further showed that thresholds in the regulations are outdated and do not consider the well-advanced environment of

procurements. They deliberated that the policy is not relevant to the emergency situations and pandemics such as covid 19. They also conferred that the policy talks about the procurement advisory unit (PPAD) that reports to the Ministry of Finance. They considered this arrangement as ineffective requiring to be made independent.

the problem is that we don't have a procurement law. Where do we derive these procurement regulations in the first place? Emoholo 33, code 790.

Again, the regulations are very brief and straight to the point and leaves out a lot of details. For instance, the retrospective authority and waivers in the regulations has opened them up to abuse and misuse. Sasa 42, code 1043.

our government has the procurement guidelines of 2007 whereby they explain the threshold of the procurement methods. The government policy on such thresholds needs to be revised. Maky 9, code 315.

ii. Weakness of the Procurement Systems and Procedural Framework

This sub-theme considered the participants' codes which discussed challenges associated with the inadequacy of the procurement system and processes contained therein. The participants stated that the government procurement system does not detect malpractices, and that it is reactive rather than preventive. It was conferred that issues are raised from the media, that's when the management or the anticorruption agencies would attend to the matter. They also indicated that the government procedures have grey areas without clarity of responsibility. The participants stated that every ministry has a different system and procedure when conducting its procurement. It was noted that the government procedures lack requisite confidentiality to the process.

there is no clear cut in the guarding of the privacy or confidentiality of the procurement process as we go along. Mzee 5, code 181.

As for the government, I think they are weak because there are always issues with regard to them. I think they are weak. Busecs 6, code 245.

the government processes are not properly coordinated. Each government department do their own procurements and there's no coordination from a system that oversees that the procurement processes are properly undertaken. MorenaTaung 3, code 110.

iii. Weak Public Procurement Advisory Division

The codes under this sub-theme stated that PPAD is weak in many ways including shortage of staff, existing staff lacking in requisite experience and qualification. The codes also showed that PPAD is only advisory and has no authority of any kind. It was conversed that the Division is under the supervision of the ministry of finance. Lastly, the codes stated that PPAD lacks resources to provide advisory to the government-wide ministries and agencies.

PPAD could be equipped with correct skills, the correct personnel and then the making of the law. I think procurement processes could be improved. Makhaba 35, code 867.

I don't even know when last was the officers from PPAD to come and check whether I'm doing things correct or wrong. Haeno 34, code 840

(c) Independent Procurement Adjudication

The researcher did not identify codes that considered the weaknesses of the system in this regard.

VI. Corruption

The participants' codes under this theme considered challenges of corruption associated with the current public procurement in the said procurement settings. Considerations were made with regard to the people involved in the said procurement processes and the vulnerabilities of the procurement process itself.

(a) Existing Parastatal Procurement System

The codes referring to corruption under the parastatal setting were associated with corrupt practices made by the organisations' staff. They were therefore grouped under the sub-theme of corruption in the procurement staff.

i. Corruption by the Procurement Staff

The participants' codes under this sub-theme considered that some staff within the parastatal organisations engage in corruption activities. It was noted that some collude with contractors both prior and after award of contracts. There are codes which showed that staff who are within the procurement departments share budget and price quotations with bidders interested to the procurement. It was further noted that even project managers engage in corruption practices with contractors during implementation.

we have a collusive situation whereby the organizations' employees work with some contractors. They collude to put prices that are not even market prices. Moruti 2, code 60.

So those are generally acts of corruption that we've experienced in evaluation or procurement processes. MorenaTaung 3, code 86.

(b) Existing Government Procurement System

The participants' codes under the government procurement setting considered the following three sub-themes of challenges of corruption in the procurement system, corruption of officers close to the procurements and effects of corruption.

i. Corruption in the Procurement System

Under this sub-theme the participants considered that the government procurement system in Lesotho is weak and not strong enough to deal with the raging level of corruption. They conversed that the system is purposely made weak to benefit the corrupt people or left so wear deliberately for them to benefit from it. It was stated emphatically by the participants that the greatest enemy of the public procurement in Lesotho is corruption. The codes showed that the government system is weak on prevention, on planning and on execution. The participants asserted that it is not difficult for corrupt people to bypass the system.

systems are also aligned to corruption. I would say these people who are thieves, they are always ahead of systems that are in place in governments and so they are able to bypass the systems to bypass policies. Emotso 4, code 165.

Yes, government policies they are... their biggest enemy is fraud and corruption. They are vulnerable to fraud and corruption. Jonothane 7, code 270.

ii. Corruption of People Close to the Procurements

This sub-theme considered the codes that discussed corruption of people in government. These people are close to the procurements from a junior procurement officer to the highest politician. The participants stated that the officers skew procurements and decision towards their interest or towards their own companies or the companies of their friends from which they know they

would benefit. The participants showed that some officers leak budgets and rates to bidders. Some send quotations to one company disguised under three names. There were other codes which referred to interference of the public procurements which were either decided by cabinet which were not tendered for or those that were decided from political figures. The participants referred to the likes of Lebelonyane fleet management tender in which the minister of finance was said to make unilateral decision, the M1 billion Marakabei-Monotsa road that was given to a Chinese company without tendering, and the Mpilo high value project which was fought over by cabinet ministers, and the National ID project which was politically removed from the MCA project.

we saw the Mpilo Boulevard Highway that was proposed... it was reported that First Lady was instructing people, Ministers who to give the contract to. There was also the then Minister of Small Businesses. Kafs 10, code 355.

If you remember Marakabei-Monontša. The project was awarded to one Chinese contractor. The tender was just awarded without any procurement... it was just a direct appointment through the cabinet decision. Stebo 36, code 981.

Yes, government procurements are subjects of corruption. I think government procurement processes are subjected to corruption and malpractices. Busecs 6, code 248.

iii. Effects of Corruption

The participants' codes under this sub-theme considered that the effects of corruption stand on the way of development of the people of Lesotho. The participants stated that taxpayers are not able to have deserved infrastructure as well as the right quality thereof because of corruption that stands on the way. This is so because of pending court cases that stalled the delivery of

goods and services or because the actual delivery was made to poor quality or was made with a very high cost to also benefit the culprits of corruption. The participants also stressed that corruption deters investment and donor funding.

we are unable to have infrastructure because most of procurements would have been stopped because of perceived corruption. MorenaTaung 3, code 126.

That means the donors would have confidence in the country... you know of a lot schools that were built on the air. Kumza 13, code 425.

(c) Independent Procurement Adjudication

There were no corruption-related codes identified in relation to IPA under this theme.

VII. Lack of Value for Money.

This theme comprised participants' codes that negatively affect the attribute of value for money in the public procurements. These included policy and legal frameworks, forfeited value because of ineffectiveness of the systems, and reputational risk or stigmatisation that goes along with the ineffective systems and practices.

(a) Existing Parastatal Procurement System

Under the theme of lack of value for money within the parastatal setting, there were deliberations on procurements in which competition was compromised, where incompetent contractors were awarded contracts. It was noted that such contractors delivered sub-standard quality of work. The participants further discussed that lack of oversight on the implementation phase compromised quality of goods and services and therefore lack of value for money.

there are challenges sometimes of getting the best service providers... those are the areas that we engage people who end up not becoming very competent therefore there are shortfalls in what we expect to achieve in the long run. Mzee 5, code 174.

I think we should actually extend oversight to the implementation stage. Oversight to ensure quality is still being implemented according to specification rather than to wait till closure. Jonothane 7, code 269.

(b) Existing Government Procurement System

Under the government setting, the codes were organised in three sub-themes of forfeiture of value for money, ineffective policy arrangements and reputational risks.

i. Forfeiture of Value for Money

The participants' codes organised under this sub-theme considered that the value for money attribute of the public procurements is forfeited through poor quality of goods and services that are rendered by incompetent contractors and service providers who got awarded the jobs by corrupt means and without competition. The participants stated that such goods and services are a risk to the lives of the public who use them daily. The codes considered that lots of funds are lost to corruption because of shortened lifespan of the public goods, because of high costs of services to cater for payment to all participants of the corrupt chain. Lastly, the participants argued that because of the nature of the public procurement in Lesotho, the country forfeits donor investments. It was also emphasised that such loss of public finances leads to forfeiture in the growth of the country's economy.

We would not get funding for infrastructure development procurements; the system of procurement would not be reliable, and funders will not be willing to invest money in those. MorenaTaung 3, code 127.

People already know the value of the contract that is why I think a government official will be saying no if you can add a few million over and above the bid price then I will get my cut. Kumza 13, code 413.

government overpays for the work that is being done and that is being lost to corruption. So, we could as a country actually have an improvement in our economy... money paid for work not done is money lost. Kossmach 17, code 504 & 505.

ii. Ineffective Policy Framework

The codes under the sub-theme of ineffective policy framework considered that the environment of the Lesotho procurement is so weak that it causes the process to lose credibility and therefore value. The participants considered that the legal, policy and regulatory frameworks for the procurement is weak. It was noted that the processes are very porous to acts of corruption to the extent that lots of funds are lost to corruption. The participants discussed that because of weak system of all cycle oversight, value of goods and services are easily lost. A direct weakness is the absence of the procurement oversight on the implementation phase. It is considered that the regulations do not cater for emergency situations such as climate change or pandemics. Investments and assets or lives sometimes get lost because the current procurement systems do not cater for appropriate response facility in it. It was also considered that procurement officers with little qualification and little requisite experience often lead to loss of value for money because of poor decisions or susceptibility to undue influence by unethical politicians. The participants also considered politicised institutions of oversight against acts of corruption. These are institutions such as the Directorate on Crime and Economic Offenses. The participants averred that a lot of value is lost through these inefficiencies.

it really needs to be revisited to ensure that the work, the procurement policies and processes ensure that work can be done, or awards can be made in the best and most effective way and in the quickest way possible. Emotso 4, code 156.

it's not effective sir because so many things that are not taken into consideration. I think we need to have the procurement process for emergencies like pandemics... we still have to follow the normal processes even though we have such. Maky 9, code 317.

[sigh!] what they put in place as bodies that check corruption doesn't really have power when it comes to practice. For example, we have DCEO. Ntheka 18, code 524.

iii. Reputational Risk

The sub-theme of reputational risk considered the participants' codes which referred to perceptions by the stakeholders of the public procurement including the media, prospective bidders, and development entities such as investors and donors. It was stated that such risks steal value from the government procurement system. The participants considered that because of the ineffectiveness and corrupt nature of the public procurements, investors desist from investing their moneys in such a country; because of the stigma of corruption that besets the government procurements, the taxpayers lack confidence in the processes; and because of the perception of ineffectiveness and corruption, ethical contractors refrain from participating in the public procurements. The participants strong asserted that the result of these risks deprive Basotho the value that they deserved.

There's always public outcry in terms of the procurements from government... It has even made people lose hope in actually participating in procurements in government it's a mess. Kossmach 17, code 493 & 496.

You'd here on social media most of the time that people already know the outcome of the evaluation even before it is officially announced. Kumza 13, code 416.

(c) Independent Procurement Adjudication

Under this setting, the participants considered that the independent procurement adjudication will be another layer on top of the existing procurement process which could introduce delays to the process. It was further considered the IPA might be expensive for government but if government could afford it, it would be a worthwhile endeavour.

introducing it you've realized that a number of layers, layers for approvals. Madala 12, code 397.

Although I think it might be costly. That's what I think I cannot even prove it. Chak 14, code 436.

4.2.2.2 Negative Findings from the Focus Group Discussion

This sub-section categorised the codes that were obtained from the focus groups discussions that considered challenges of the procurement system. Such codes were further organised into themes and sub-themes accordingly. Citation of the group codes are made by number such as G1C234 where G stands for group; 1 represents the group number; and 234 representing the group code number 234. The following seven themes were discussed, only considering their negative aspects: independence, oversight, fairness, transparency, the procurement system, corruption and value for money.

I. Lack of Independence

The theme of independence was further broken into three sub-themes of political interference, unqualified personnel and PPAD lacks independence. These sub-themes comprised codes that showed lacking independence to the procurement system.

(a) Existing Parastatal Organisations

There were no codes referring to lack of independence under parastatal organisations.

(b) Existing Government Procurement System

Under this theme, the following sub-themes were identified from the focus group discussions: political interference, lack of qualified personnel and PPAD lacks independence. The participants considered that influence by the political or senior officers to the procurement operational level takes away the required objectivity and independence of the system. The participants also noted that lacking staff qualifications weakens their capacity to be independent. Lastly, the existing procurement advisory division is said to be weak.

i. Political Interference

Under this sub-theme, the participants stated that all high value tenders and most of the public procurements experience undue influence from higher authorities in government. The codes revealed that the government procurement is never independent because the procurement officers and the evaluation panels are always given instruction from their political authorities or from cabinet itself as to who the award should be made to. The participants agreed that government should improve the procurement policy to strengthen independence of the procurement process. They stated that the procurement departments of government should have independent controls from political interference. The participants mentioned examples of projects which were decided even before evaluation was complete. Demolition of Queen II hospital and reconstruction of the 100km road in Botha-Bothe are two of such.

And too much power that politicians have in Ministerial positions who actually would give instructions to either the Principal Secretary or even the evaluation panel on whom as to be given the contract. G4C275.

the experience that I have is that procurement was never independent, giving an example of our government, there has been political interference in the procurement. G1C12.

ii. Unqualified Personnel

It was noted that because of their lack of procurement qualifications, staff lack confidence to stand against influence from superiors. The participants conferred that most of the staff that occupy the procurement office don't have required education and experience. They said such officers just pass documentation without understanding the process and implications of decisions made. The participants also stated that even the panels lack confidence to resist influence by the politicians. Codes from groups 1 and 3 are given below. These codes suggested that changing the current structures and giving independence to evaluation panels could add to credibility of public procurements.

They just pass through the stage; they just say compliant and they don't know what they mean by saying something is compliant and they. Like Ms 8 has said they are really influenced by higher authorities. G1C37.

So, I believe changing structure, maybe giving panels more power such that they are not answerable to some structures where they are currently answerable to... may improve eh, how things are done. G3C198.

iii. Public Procurement Advisory Division Lacks Independence

The participants conversed that PPAD has proven to lack the required independence to provide objective oversight of government procurements. They asserted that it lacks capacity to monitor and advise the ministries of government. They also stated that PPAD has no legal authority to enforce procurement compliance on any public ministry or individual. They argued that PPAD

like many instruments of government is a subject of hierarchical interference and therefore lacks independence. Below is one of codes from the sub-theme.

We proposed authority to PPAD for the same reasons the group members have stated of hierarchical interference, of non-compliance and lack of law enforcement. G6C470.

(c) Independent Procurement Adjudication

There were no codes referring to lack of independence under IPA.

II. Lack of Oversight

The group codes herein discussed challenges associated with the public procurement systems within the three public procurement settings of parastatal organisations, government ministries and independent procurement adjudication. The scope of the sub-themes covered synonymous words to oversight and statements that carry the direct and indirect meaning of oversight such as monitoring and adjudication.

(a) Existing Parastatal Organisational Procurement System

Under the parastatal setting, the codes were organised into a single sub-theme of lacking full cycle procurement.

i. Lacking Full Cycle Procurement

The participants considered that within the parastatals, procurement oversight is made on most parts of the procurement cycle and procurements are closed using contractors past performance reporting. It was noted however that the contractors' past performance reports are simply received from the project managers after the implementation stage for closure by the procurement officers. The participants asserted that the current procurement system lacks oversight by the procurement officers on the implementation stage to make verification visits to confirm delivery and quality of the procured goods and services. The participants averred

that presence of continuous oversight will deter and detect procurement acts of corruption, sub-standard quality and non-delivery of goods and services. The following are some of the codes.

I also think our office of procurement adjudication have to monitor contract and also to do site visits during contracts implementation in order that the level of corruption can be minimised. G1C24.

Again, the issue of involvement of procurement teams during implementation of the project, it is a matter of decision by the authorities to allow the procurement team to be involved. G5C367.

(b) Existing Government Procurement System

The sub-themes identified under the government setting considered the shortfall of oversight in the procurement systems as well as the limitations of the same within the government institutions of oversight.

i. Lacking Procurement Oversight

Under this sub-theme, the participants considered that the government needs to improve the policy on independent monitoring and oversight of public procurements. The emphasis made by the participants was on autonomy of oversight of the procurements. The participants averred that the presence of independent oversight will ensure compliance with the requirements of the guidelines and the procurement planning and implementation. The participants stated that this will also assist when external auditors come. They affirmed that the current system lacks adequate oversight which discourages non-compliance and malpractices in the processes of procurement. It was identified that ministers and other senior officers take advantage of the system because it is not overseen by anyone. It was emphasised that the envisaged level of oversight will require intense reforms by the government to be able to deter high political

interference. The participants stressed that the lacking procurement oversight has led to non-competitive awards to under-qualified bidders who in turn provide poor quality. Examples of the National Identity project and the Government Fleet management contract which lacked oversight. The participants argued that the whole value chain of the procurement stages should be closely monitored. It was further emphasised that the monitoring has to be all time, continuous and strict on all the procurement stages.

If we have a continuous monitoring of all our processes, it will help to close the loopholes which also take our money. We have to take strict measurement to avert acts of bribery and corruption. G6C460.

There are many processes through which we have to look throughout the whole value chain not only during the time when submission of contracts or bids is placed, and the contract is awarded. G4C325.

when it comes to the latter high political interference and lack of oversight to inadequate oversight. Those will then require much deeper reforms or to actual rescue the situation. G1C49

ii. Weak Government Institution Oversight

The group codes under this sub-theme discussed issues concerning weaknesses of government institutions of oversight on public procurement. The participants considered the Auditor General, police, anti-corruption agency and the public procurement advisory division. It was stated that when it comes to auditing, the Auditor General comes once in 12 months and focuses mainly on accounts. The participants asserted that this office does not have procurement expertise and therefore does not do a thorough job. They agreed that all these policing bodies need to be restructured because the leading officers are appointed politically and cannot find

fault in malpractices of their masters ongoing or committed in the past. Further, the participants stated that these oversight organs of government all report to the political figures who are notorious of influencing procurements. The participants argued that the watchdog agencies of government also do not share a common vision of oversight and eradication of corruption on the public procurement.

the current structures can completely be restructured to change the way things are being done because as it is you find that even the policing bodies within themselves there is somebody who was appointed politically. G3C198.

we have law enforcing agencies not working together. We have auditor general, we have PPAD we have DCEO we have commissioner of police, they don't share the same vision. G5C372.

Auditor General don't have procurement professional among them to detect fraud or corruption in the organization or in the systems. G2C141.

(c) Independent Procurement Adjudication

There was no code identified under this theme related to the independent procurement adjudication system.

III. Lack of Fairness

This theme considered codes that referred to lack of justice served by the procurement systems of the parastatal agencies, the government ministries and the proposed independent procurement adjudication system. It considered the state of unfairness of the legal, regulatory and procedural framework of the system itself, and the state of unfairness of the people closer to the processes of procurement.

(a) Existing Parastatal Procurement Systems

There were no group codes referring to the parastatal identified under this theme.

(b) Existing Government Procurement System

The codes under the government setting were organised into two sub-themes as follows: conflict of interest and weak legal and regulatory framework.

i. Conflict of Interest

The group codes under this sub-theme considered that fairness is compromised by the interest that people close to the procurement have. These are procurement officers or their superiors including politicians. The participants stated that some officers reach out to their friends or to any bidder who can provide bribes. It was noted that officers would conduct the process just as if everything was fine but knowing well who the award is to be given to, so that they can come clean before the Auditor General and Public Accounts Committee. The state of conflict of interest leading to absence of fairness in the procurement system extends to politicians as well. Because politicians want to win elections in his constituency, he would redirect procurements away from the priority areas to his area of interest.

Loss of money, yes it will actually take money away from priorities to just satisfy the politicians that normally interfere in the procurement processes. G1C57.

So, they reach out to their friends, colleagues, counterparts and friends out there to say, here is an opportunity and they start exchanging money at that time by the time you see an advertisement, its already earmarked. G4C270.

ii. Weak Legal and Regulatory Framework

Under this sub-theme, the participants considered that the governing law being the finance order of 1988, is very old and rather out-dated for the highly evolved procurement discipline

today. The codes also showed that the current policy and regulations are very abstract and vague. The participants showed that the government ministries apply inconsistent judgements because of the out-datedness of the legal framework and the vagueness of the regulations. The other codes showed that the current system lacks fairness because award of procurements are not based on competition but on the basis of relations or bribes made either to the politician or the procurement officer in charge. Because of the unfairness of the system, procurements are infested with disputes and legal challenges. It is also noted that fairness or justice is compromised for the beneficiaries who don't get the deserved goods and services because they are stalling the court.

The current system lacks fairness to the Basotho people at large. G5C341.

Some procurements end up in the courts of law and they get stuck in there. G6C 428.

The existing system of government procurement does not serve justice to those prospective bidders. G2C113.

(c) Independent Procurement Adjudication

There were no group codes identified under this setting.

I. Lack of Transparency

The theme of transparency considered codes that discussed shortfalls of transparency in the systems under government, parastatals and independent procurement adjudication systems. Under this theme, the codes were further organised into two sub-themes of lacking transparency caused by the existing procurement systems and caused by ethical conduct of people involved in the procurement process.

(a) Existing Parastatal Procurement System

The codes under this setting referred to limited transparency associated with the parastatal agencies' procurement systems.

i. Caused by the Existing Procurement System

The participants stated that while transparency is fair in most of the stages of the procurement cycle, the implementation stage has limited transparency because procurement personnel don't have access to monitor this procurement stage. The procurement officers are invited to close contracts only based on the report from quantity surveyors and project managers. The participants avowed that because the current systems don't allow procurement monitoring at the implementation stage issues of poor performance, substandard quality and corruption sometimes surface after the contract is closed.

Another thing is that this system does not involve procurement teams to be part of the implementation, but on theory implementation is still part of procurement because the cycle comes to an end when we close that procurement. G5C359.

(b) Existing Government Procurement System

The sub-themes under this setting were organised into lacking procurement systems and lacking ethical conduct and further discussed in detail below.

i. Caused by the Existing Procurement System

Many group codes under this sub-theme referred to lacking transparency in the existing government procurement system. The participants mentioned that bidders as well as the public are often in the dark about what is happening with public procurements at different stages. They affirmed that there is no disclosure of evaluation criteria in most procurements; meaning the public and the bidders do not know what to expect. The codes showed that the system is

exclusively run by the government officers without involvement of the bidders. Bidders expect to have public opening of the bids as part of transparency. The current government procurement system does not provide for debriefing after evaluations for example. The participants contended that the system does not allow checks and balances to catch crooks and enhance transparency. It was stated that one of the weaknesses that hides transparency is the absence of standard bidding documents. It was said that that this situation allows for the authors of the procurement documents to craft anything to hide transparency. The participants asserted that the government system lacks transparency controls that prevent, detect, and catch procurement malpractice. They gave examples of violations of procurement methods, thresholds and waivers. They argued that continuous whole cycle monitoring will make the process to meet transparency requirements and public expectations. Below are some of the codes.

we don't have the systems which are transparent to allow us to reduce the malpractices.

They should allow procurement to be directly part of the implementation of projects.

That is where some things are done in the dark. G5C332 and 333.

I think the perception is valid. Most often public procurements lack transparency.

People don't know exactly what is happening in the process and the various steps that are undertaken are not revealed to the public. G1C2.

Until we have proper controls in place with close monitoring of our procurement controls and accountability, we will keep losing taxpayers funds. G6C459.

ii. Caused by the Prevailing Ethical Conduct

Under this sub-theme, the participants stated that the implementers of the system which is the procurement officers let the system down by not following the guidelines because of their unprofessional ethos. It was stated that officers manipulate the system knowing that the latter

is not transparent enough to pick their malpractices. The other codes indicated that the officers and politicians have left the system as is without improving it for the benefit of their unethical behaviour. The participants stated that the government procurements are marred with networking between the procurement officers and bidders, and chronic influence from the political figures above. It was mentioned that because of the ethical conduct of people around the public procurement in Lesotho, there is no transparency guaranteed thereto. Below are some of the codes:

people are not guaranteed to have transparency there in the process. G1C31.

Those are some of the things that make it very easy for the manipulation of the system let alone the issues of integrity of practitioners of procurement sometimes. G4C274.

(c) Independent Procurement Adjudication

There were no codes associated with lack of transparency related to the independent procurement adjudication system.

II. Weaknesses of the Existing System

This theme included group codes that considered weaknesses of the existing public procurement systems under the three settings of considerations. The theme was further organised into two sub-themes of weak legal and regulatory framework, and lacking qualifications of procurement professionals. It was considered that the procurement system is comprised of laws and regulations founding it, as well as the personnel managing the same system.

(a) Existing Parastatal Procurement System

Under the parastatal setting, the researcher did not identify weaknesses of the systems associated with the stated frameworks.

(b) Existing Government Procurement System

i. Weak Legal and Regulatory Framework

The participants under this sub-theme affirmed that the current policy of 2018 is not supported by any relevant founding procurement law. It was avowed that the existing procurement policy and regulations are based on the old Finance Order of 1988. The participants argued that regulations without the appropriate law are weak. That the need to have the relevant law cannot be overemphasised. The codes also showed that the policy is too brief and vague leaving grey areas and giving procurement directors a wide range of discretion to decide. The codes further showed that every government ministry has a different regulatory framework of systems and controls. The participants asserted that the procurement systems are outdated and do not cater for emergency procurements such as covid 19 and effects of climate change where there would be incidents of bridge wash away for example. The codes showed that the public procurement system lacks oversight on all the procurements phases as well as linkages to other oversight institutions. The participants also argued that law enforcement of the procurement regulatory tools is ineffective and weak. It was further considered that misuse and abuse of procurement methods to suit desires of officers or politicians such as sole source procurement during the time called ‘march final’ when ministries are eager to finish the remaining budget to appear as though they performed.

different ministries within the public sector - their modus operandi is different in that they take a number of solicitation of bids. If you go to ministry A, they source bids in this fashion, go to ministry C they use a different fashion. G5C369.

So, the other one was about the enforcement. You find that there are other problems associated with the processes. For example, you find that the law enforcement side is poor and by being poor, those processes will be rendered useless also. G4C284.

ii. Weak Public Procurement Advisory Division (PPAD)

It was noted that the PPAD is not functional because it lacks resources of experienced and well qualified personnel. The other weakness stated by the participants is that the Division reports to the principal secretary of the ministry of finance; the very same ministry whose procurements the PPAD monitors. The participants went further to state that the Division needs to be capacitated legally to provide authoritative oversight rather than the current advisory role.

our government has a body which is PPAD which has been monitoring. However, the build-up of personnel there doesn't have experience of procurement. G1C42.

We have proposed that the role of PPAD should change from advisory to being an authority. G6C469.

(c) Independent Procurement Adjudication

The researcher did not identify codes that considered the weaknesses of the system in this regard.

III. Corruption

The theme of corruption was considered under the three settings of parastatal, government and IPA public procurement. The codes under this theme considered challenges of corruption associated with the current public procurement in the said procurement settings. Considerations were made regarding people involved in the procurement process and vulnerabilities of the procurement process itself.

(a) Existing Parastatal Procurement System

The codes referring to corruption under the parastatal setting were associated with corrupt practices made by the organisations' staff. Therefore, there was only one sub-theme identified therein.

i. Corruption in Procurement Staff

The codes under this sub-theme conversed that there are still some corrupt practices in the parastatal setting where officers share rates and budgetary information with bidders from which the former take bribes. It was noted that in some cases, officers own companies and give them work from the public procurements without fair competition. The codes also indicated that bidders also sometimes collude among themselves. Another consideration of corruption was between project managers taking bribes from contractors to approve substandard quality of goods and services during the implementation stage where there is no procurement oversight.

There is also an issue of collusion, sometimes you acquire a service because you had an inside information, or we deal with somebody who is actually inside to give an opportunity to acquire the service and provide the service. G5C328.

(b) Existing Government Procurement System

The focus group codes under the government procurement setting considered the following two sub-themes associated with challenges of corruption in the current procurement system and effects of corruption.

i. Corruption in the Current Procurement System

The group codes under this sub-theme considered that the government system is riddled and infested with acts of corruption. This is due to bribes that happen amongst the stakeholders. The procurement officers collude with bidders and contractors or bidders collude among themselves, or politicians take bribes from the bidders and contractors. Other stakeholders

decide to just keep quiet when they see corruption happen in their sight. The participants affirmed that high value contracts such Mpilo network of roads, a M1 billion Marakabei-Monontša road, government fleet management contract, etc. were in the media and mouths of the public because of corrupt decisions by the politicians made on them.

The more reason why corruption needs serious attention is that it happens at every level. G6C439.

unfortunately, corruption does not come from the procurement office alone. It's corruption in most cases from the stakeholders involved in the procurement process, not from the procurement officers. G2C75.

there is a perception that those public procurements are riddled with corrupt practices. G1C2.

ii. Effects of Corruption

The participants showed that corruption in the government procurements results in loss of value for money as discussed in IV below.

(c) Independent Procurement Adjudication

There were no corruption related codes in the focus groups identified in relation to IPA under this theme.

IV. Lack of Value for Money.

Under this theme, the group codes were further organised into the sub-themes of forfeiture of value for money, ineffective procurement framework and reputations risk. The three sub-themes were considered under the three public settings of parastatal organisations, government procurement and independent procurement adjudication system.

(a) Existing Parastatal Procurement System

The researcher did not identify codes that related to lack of value for money for the parastatals under focus groups.

(b) Existing Government Procurement System

i. Forfeiture of Value for Money

Under this sub-theme, the participants considered that value for money in public procurements is lost in the poor quality of goods and services rendered by monopolistic and uncompetitive award of incompetent contractors. They asserted that white elephants stand all over the country and the same goods and services are repeated all over at additional cost to the taxpayer. The participants stated that this unethical behaviour of public officers and politicians deter economic growth, hampers distribution of wealth and retards creativity and entrepreneurship in the country. It was argued that the benefit is directed to the few that participate in corrupt acts. The corrupt and unethical behaviour discourages entrepreneurship growth, job-creation, competition and improved livelihoods. The codes asserted that the current state of events in the public procurement has negative impact on the country's economy.

it affects our economy in the sense that normally you will find that we compromise quality because of corruption. At the end of the day, we end up having so many white elephants because we have compromised the quality. G5C340.

diseases that are caused because of lack of portable water system affects the economy because it means the medical bill of a country will increase trying to resolve problems of illnesses which could otherwise be solved in building additional infrastructure. G4C246.

The other issue that results from corruption that has a negative impact on our economy is that we find our country to have an imbalanced distribution of wealth in that few will be wealthier, and the poor will get poorer. G3C181 and 19.

ii. Value Lost Through Ineffectiveness of the Procurement System

Under this sub-theme, the participants considered that the government procurement systems are not independent – they are always subjected to undue influence of either their political superiors or conflict of interest of the same procurement officers who aim to get a benefit pay from the bidder or direct the award to his or her company. Because of this nature, the participants considered that the Lesotho's public procurement is not effective. They also considered that the system lacks oversight over the entire phases of procurement. It was noted that procurement oversight lacks more at the implementation stage giving an opportunity for the project managers to collude with the contractors. The codes considered that public procurements are too slow, get redone and often get challenged and stall in the courts of law. The participant showed that the existing procurement controls are weak and that until they are corrected, there will always be loss of value for money. They asserted that one of the important procurement controls to safeguard value for money therein is oversight over all the cycle stages. All these are considered ineffective and taking away value initially intended for the procurement.

Sometime these procurements if there's corruption and somebody raises a query... it has to be redone again and... you find that the country would have lost so much money in the procurement process which didn't yield anything. G4C262.

One of the important controls is to safeguard the procurement cycle and make sure that strict controls are made at every stage of the procurement. We should not wait for an audit that will come after a long time – corruption happens every day. G6C454.

iii. Reputational Risk

The codes under this sub-theme considered that the public perception of the current system is that of lack of respect. The system's reputation is lost to the domineering unethical practice by the political figures and conflicted procurement officers. The participants considered that this phenomenon posts impending risk to donors who often provide capital to public investments in goods and services. It was also considered that it poses a risk of unnecessary overload of loans from investors because of white elephants. This erosion of Lesotho's reputation on procurements takes with the value that Basotho deserve.

Obviously where there is corruption donor funding will be difficult to attract and as a result the economy will not benefit from there. G1C62.

Procurement was never respected as a field in its own. Therefore, for it to improve it has to be taken as a profession and procurement professionals have to be there when strategic plans of organizations roll out. G1C13

(c) Independent Procurement Adjudication

While considering the IPA setting, the researcher identified a code that referred to lack of value for money for the independent procurement adjudication system. The focus group considered that the IPA will add another layer on the financial burden that government already has. The participants presented that the government budget is already under strain of demands such as covid 19. The participants suggested that government should look at service delivery instead.

but my worry is that it is a layer, an additional financial burden on the already depleted financial burdens that we have. G3C121.

An overview of the findings is presented in appendices 4 and 5.

4.2 Evaluation of the Findings

Following the results analysis process, the researcher undertook evaluation of the findings by comparing this study findings with the existing empirical literature (Peel, 2020). The evaluation was done in light of the following three study objectives: a) to determine if introduction of the Independent Procurement Adjudication system can improve transparency in the public procurement process in Lesotho; b) to assess the participants' views on whether improved transparency can deter acts of corruption in the Lesotho's Procurement sector; and c) to evaluate participants opinions on the impact of a successful introduction of the Independent Procurement Adjudication system in the public procurement in Lesotho. The findings were organised in the following thematic arrangements: independence, oversight, fairness, transparency, strength of procurement systems, corruption and value for money. Upon evaluation of each theme, the researcher considered both positive aspects of the theme as well as the challenges associated with the procurement system under that theme. The researcher also triangulated the themes under the semi-structured interviews and focus group discussions.

Upon evaluation of the findings, it was observed that the first four themes are inputs to the last three themes. Secondly, that the data formed interrelationships amongst the input themes to the output themes. For example, the findings showed that independence of the public procurement will improve fairness and transparency and vice-versa. That means when procurement is independent, monitored, fair and transparent, the procurement system will have the strength to deter corruption and achieve value for money for which it was intended. The findings revealed that the opposite is true. This outlook is reflected in appendices 4 and 5. On the same review, the findings indicated that the parastatal organisations have procurement policies and regulations that are quasi-independent with reasonable oversight, fairness and transparency over the procurement stages. It was noted however, that oversight both in the

parastatal organisations and in government ministries skips implementation. The evaluation of the findings is discussed under each study objective below.

4.3.1. To Determine if Introduction of the Independent Procurement Adjudication System Can Improve Transparency in the Public Procurement Process in Lesotho

Considering this study objective, the following thematic findings were evaluated against empirical literature: independence, oversight, fairness, transparency and strength of the procurement system. The findings indicated that the Independent Procurement Adjudication system will be operated by independent personnel with adequate academic and experiential qualifications to be able to stand unethical and political influence; secondly, the findings emphasised that the public procurement processes will be overseen at all-times throughout the entire process from planning to procurement closeout without exception of any stage; thirdly, the findings showed that the Independent Adjudication system will apply fairness and ethics to all stakeholders in procurement; and fourthly and finally, the findings revealed that the Independent Procurement Adjudication system will be transparent. It is evaluated that the strength of the Independent Procurement Adjudication to improve transparency in the sector is derived from its attributes of independence, oversight, and fairness. Further evaluation of the findings against the literature was made.

Lebakeng (2021) asserts that transparency is accepted in the procurement sector as one of the primary pillars of good public procurement process. The presence of transparency in public procurement enables processes and decisions to be overseen and reviewed; it is a guarantee to stakeholders that decision-makers can be held accountable; it opens public procurement to more competition; and it improves stakeholders' level of trust as well as improving the integrity of the procurement process (Teremetskyi et al., 2021). Ahmad et al.

(2021) submit that transparency should permeate all the stage of the procurement cycle from inception of the project and early decisions of the project needs assessment including budget allocation, to acquisition of goods and services and award, execution of the awarded contract including contract amendments, and final statement of account, closure and audit.

David-Barrette (2019) asserts that because competition is rife in public procurement especially for high value procurements, an easy target threatened by many acts of misprocurements is independence of decisions made in the procurement process. David-Barrette emphasises that once independence is threatened, transparency diminishes because outcomes of lack of independence would not want to be exposed to the public. Ferwerda et al. (2021) opine that the opposite is true that in public procurement, transparency thrives well in the presence of assertive and ethical independence. Lebakeng (2021) considered that independence of actors in all phases of the procurement process has a direct consequence to transparency of that process. Zamboni and Litsching (2018) argue that if the procurement manager at procurement planning, evaluation or implementation stage is influenced by a politician, the next step in his process is to hide the element of influence therefore inhibiting transparency. Teremetskyi et al. (2021) found that independence of actors such as procurement managers, evaluation panels, quantity surveyors and procurement auditors in the procurements of public good and services is mutually integrated to transparency of the same procurement. Transparency and accountability are key principles in corporate governance, and a public entity that lacks independence may not attain the expected level of transparency (Toebea, 2019). Lebakeng (2021) opines that procurement policies that ensure independence of external public procurement bodies optimises the procurement system and its transparency to stakeholders. Ahmad et al. (2021) assert that oversight and accountability on public procurements reveals all the processes of the procurements and promote transparency of the processes of the said procurement. Rakolobe (2019) argues that people do not know that a procurement is fair

without transparency, and that transparency is a means to demonstrate that a procurement process was fair.

On evaluation, it was established that the study findings and the existing literature support the first study objective that introduction of the Independent Procurement Adjudication system can improve transparency in the current public procurement process in Lesotho. Evaluation of the second objective will follow.

4.3.2. To Assess the Participants' Views on Whether Improved Transparency Can Deter Acts of Corruption in the Lesotho's Procurement Sector

The findings revealed that transparency in the parastatal organisations is reasonable with sporadic incidents of lacking transparency. The said level of transparency in the parastatals can be linked to the presence of sound systems they have from their donor counterparts who partner with them. The findings also showed that there is no transparency in the government procurements. The findings revealed that this is associated with vague procurement approaches in which every government ministry goes about it the way they want. Under the independent procurement adjudication system, the findings exhibited that the system will deploy transparency in all processes and stages of the procurement cycle and expose procurement malpractices, inform the public about the state of public procurements at the point in time, and boost stakeholders' confidence. The findings repeatedly emphasised that transparency is the greatest enemy of fraud and corruption – acts of corruption thrive where there is lacking transparency in public procurement. It is observed that the findings underscored that transparency in public procurement can work well when operated by the Independent Procurement Adjudication.

The study findings strongly emphasised that improved transparency in the Lesotho's public procurement sector can significantly deter acts of procurement. The findings are supported by

the literature that transparency is a key pillar of public procurement and that where transparency lacks, acts of corruption thrive (Perez-Neira et al., 2021; Komakesh, 2020). Dorasamy (2021) asserts that where public funds are used, the primary objective is to demonstrate transparency of such activity. Dorasamy further emphasised that strength of transparency in public procurements is inversely related to the presence of fraud and corruption therein. It means where there is improved transparency, acts of corruption diminish. Arifin et al. (2020) opined that implementation of assertive audit prevents fraud and corruption in delivery of goods and services by the government agencies. Arifin et al. further asserted that when oversight of the procurement activities is made frequently, acts of corruption are arrested before major damage is caused and eventually fraud and corruption reduce. Toebe (2018) found that more than 50% of the cases in procurement in Lesotho are linked to corruption and that is caused by poor transparency in the said procurements. Fazekas and Kocsis (2020) established that sub-standard quality of goods are accepted by the project managers because oversight is lacking in that phase. Contractors and suppliers are often willing to pay bribe to project managers for sub-standard works at close out because they want to release their high valued performance guarantees (Ahmad et al., 2021). Rakolobe (2019) claims that corruption is the greatest enemy of public procurement in Lesotho which happens because transparency is shrouded.

On evaluation, it is established that the study findings and the existing literature support the second study objective that improved transparency can deter acts of corruption in the Lesotho's Procurement sector. Evaluation of objective three follows.

4.3.3. To Evaluate Participants' Opinions on the Impact of a Successful Introduction of the Independent Procurement Adjudication System in the Public Procurement in Lesotho.

The study findings have revealed that independence, oversight, fairness and transparency of procurements contribute to value for money for the same procurements. It is noted that these findings combined contribute to a significant impact benefit to beneficiaries of the public procurement. The findings highlighted that the public and stakeholders to the public procurement will experience a wide range of impactful benefits if Lesotho's public procurement could be independent, overseen at all times and all phases, if it is fair and transparent. The benefits revealed by the findings includes increased level of stakeholder satisfaction and ownership. It was noted that ownership of the procurement process including outcomes thereof will improve; there will be more equity in all processes including competition; because of improved competition, more competitive prices will come as a benefit including fit for purpose goods and services; the public procurements will attract and grow a wider pool of private sector and investor participants; and improved public livelihoods and growing economy are other benefits. It was noted that though the Independent Procurement Adjudication system with the said attributes will introduce some delays and cost in the procurement process, the findings further underscored that the savings-to-cost ratio is much high therefore encouraging for implementation of the Independent Procurement Adjudication.

Lebakeng (2021) argues that one of the very significant and impactful benefit of a procurement process with the said attributes is that it can lead to innovation and improved product quality. Lebakeng further submits that an open environment of equitable procurement allows suppliers with innovations that can help improve achievement of the intended objectives by the procurement manager. Rakolobe (2019) confirms that suppliers are best suited to come up with even more suitable innovation than the procurement manager because the former is

active in the industry. The other key impactful benefit of a good procurement process can result in increased competition among suppliers leading to lowering of competitive market prices (Ahmad et al., 2021). Toebe (2019) argues that good procurement processes have important social benefits because by awarding contracts, public procurements help to create jobs. Holding the same view, Arifin et al. (2020) aver that awarding of procurements equitably creates jobs and stimulates economic growth which benefits local and national economy. Perez-Neira et al. (2021) submit that one of the long-lasting benefits of a good procurement process is stakeholder satisfaction. Perex-Neira et al. also argue that stakeholder satisfaction leads to ownership of the outcomes of the said procurement.

On evaluation, it is established that successful introduction of the Independent Procurement Adjudication system in the public procurement in Lesotho can have impactful benefits to the sector and stakeholders at large.

4.3 Summary

As part of trustworthiness of the data, credibility, dependability, confirmability, and transferability of this study were demonstrated. All processes, requisite approvals, chronological unfolding of the project events and record-keeping demonstrated the study's dependability. For confirmability which tests objectivity of the study, the researcher derived the interpretation and findings of the study directly from the presentations and the wording used by the participants in the semi-structured interviews and focus group discussions. Transferability of this study was considered high because the study findings will be applicable to all other ministries of the government of Lesotho and developing countries because the procurement systems used, and economic environments are similar to the one in Lesotho.

The evaluation of the findings revealed that independence, oversight, fairness and transparency have individual and collective impact on effectiveness and efficiency of the public

procurement system. These attributes also have a bearing on how well the procuring system can fight corruption and achieve value for money. On evaluation of the study findings against the objectives and the empirical literature, the researcher established that the findings and the literature support study objective that introduction of the Independent Procurement Adjudication system can improve transparency in the public procurement process in Lesotho; that improved transparency can deter acts of corruption in the Lesotho's Procurement sector; and that successful introduction of the Independent Procurement Adjudication system in the public procurement in Lesotho can have impactful benefits.

CHAPTER 5 – IMPLICATIONS, RECOMMENDATIONS AND CONCLUSIONS

This study identified the problem of lack of transparency in the processes of the public procurement in Lesotho as well as lack of oversight on the whole procurement cycle stages. It was established that this phenomenon has become a good habitat for the prevailing high levels of corruption in the sector. On the other hand, the study proposed to introduce an all-time procurement adjudication framework within the public procurement system. The aim of the study was to establish and legislate an independent institution equipped with qualified staff to oversee the whole procurement stages to improve effectiveness and efficiency of the public procurement systems. It is expected that improved efficiency and transparency will help deter, detect, and fight corruption. Descriptive phenomenological research method was used because the study considered participants' experiences commonly shared on a phenomenon of ineffective public procurement system (Ahmad et al., 2021). The study followed the guidelines of American Psychological Association on academic research standards for ethical assurances. Chapter 5 covers implications of the study including policy and practical implications, recommendation for applications of the study results, recommendations for future research, and conclusions.

5.1 Implications of the Study Findings

The findings revealed that the Lesotho's public procurement system especially those run by the government ministries lack justice and fairness. The study findings also revealed that introducing independence and fairness will improve transparency in procurement. The analysis affirmed that independence, oversight, fairness, and transparency of procurement processes individually and collectively contribute to prevention of corruption, strengthening the system itself and achieve value for money in procurements. The study, therefore, confirmed the research problem statement that the current system of procurement is ineffective and is infested with acts of corruption. The analysis supports the study purpose that introduction of an all-time

independent procurement monitoring system will improve transparency. Further, it supports the study significance and the literature that fair and transparent public procurement achieves value for money. It was expected that the results would, as they did, support the literature. Procurement is a strong body of knowledge with strong literature which upholds that independence, fairness and transparency are key inputs to a sound public procurement. The minority conflicting results suggested that the proposed procurement adjudication system may delay the procurement processes and be costly. On the conflicting results, the same findings underscored that the benefit-to-cost ratio will nonetheless be positive.

Binning and Browman (2020) confirm that implications suggest how the findings are important and may be applied in practice, in theory and to the relevant policy. Through research implications, the researcher drew conclusions from the results and explained how the findings may be applicable in the said two categories of practice and policy. Introduction of the independent all-time monitoring system to the Lesotho's public procurement will have extended implications in procurement governance and policy, practically to the procurement practitioners, as well as implications to the general body of knowledge in procurement (Oni, 2018). The overall finding of the study is that an independent all-time monitoring system, otherwise known as procurement adjudication system, enshrined in a principal law of procurement is a requirement in Lesotho. Specific implications of the results findings are discussed below.

5.2.1. Policy Implications

Binning and Browman (2020) avow that policy implications focuses on how the research findings can influence the current regime of policy surrounding the research topic. While the study proposed introduction of an independent all-time monitoring system in the public procurement, the study findings also established a strong position that the public procurement sector in Lesotho is in dire need of such a system. At the same time, the findings

assertively showed that it can only work meaningfully if it is enacted into law. The reason is, so that it can be compulsory and enforceable (Bedasso & Asfaw, 2020; Dryden Group, 2019). The situation in Lesotho regarding procurement is that there is currently no relevant principal procurement law. Lebakeng (2021) argues that the current procurement policies and regulations are vague and based on the Finance Order of 1988. The findings therefore asserted that policies aligned to this law are misplaced and ineffective as a result. The proposed policy implications are directed to changes in policy, change of the legal framework and change of regulatory framework in procurement.

The findings suggest that the first corrective move at the policy level is to update the existing public procurement policy to incorporate the independent all-time procurement adjudication framework to ensure improved procurement process oversight and transparency. The ministry of finance is expected to initiate stakeholder consultations prior to the policy update. This policy implication is consistent with existing literature in that it aims to improve transparency in the current public procurement process (Binning & Browman, 2020). The second policy implication as established by the study findings is adoption of the Lesotho public procurement law. The ministry of finance will draft and present the procurement bill to the Lesotho parliament for approval and adoption into procurement law. Within the procurement law, the office of auditor general will consider the presence of the Independent All-time Monitoring system within each public entity as a requirement for it to assess. Enshrinement of the independent monitoring system in the procurement law will restrict politicians' interference on the procurement processes and decisions (Bedasso & Asfaw, 2020). This further implies that the procurement process will run more transparently, awarding works to deserving and competent bidders. Bosio et al. (2020) aver that procurement law acts as a legal support for every procurement activity.

The findings finally implicated reforms and update as a result of regulatory gaps identified in the procurement process throughout the procurement stages. Below are different areas for which procurement regulations are to be updated for direct implementation of the independent procurement adjudication.

Planning Stage: David-Barrett et al. (2017) as part of the asserting literature argued that the planning stage being the stage at which decisions for big projects happen, is highly targeted and influenced by corrupt politicians to implement projects that are not necessarily strategic to development but would benefit their own interests. The main gap identified in the literature at this stage is transparency of the process of procurement planning. The proposed adjudication system will be a new addition to the planning stage ensuring that procurements made comply with the strategic needs of the procuring entity. This means criteria would need to be developed. Secondly, it would be expected that the criteria have a direct link to the goals of the ministry, the sector or nation. The role of the adjudication system would be to verify prior to approving the said procurement plan that it meets the criteria.

Acquisition Stage: This is the second highest stage infested with corruption where bidders influence project specifications to unduly suit them; where bribes start to flow between prospective bidders and procurement officials (Ameyaw et al., 2017). On the other hand, corrupt officers violate procedure such as bid conference and procedurally addressing and responding to bidders' questions. For example, clarifications can favour a certain bidder to give him unfair advantage (David-Barrette & Fezekas, 2019). This study established that the literature does not show the presence of procurement oversight at this stage. The oversight office will identify critical points with the stage such as bidders' conference and response to bidders' questions to confirm compliance to requirements.

Evaluation and Award: Owusu et al. (2020), Ameyaw et al. (2017) and David-Barrett et al. (2017) identified the evaluation and award stage as the most vulnerable stage to corruption compared to other stages of procurement, especially in large works and supplies because bidders know who they bid against and their bid prices after bid opening. Owusu et al. (2019) assert that the evaluation stage is where corrupt bidders collude, bribe officers and influence high authorities for award of the contract. Major decisions are made at the evaluation stage. Critical decision-making points within this stage are to be identified, then verification and clearance by the adjudication office is to be made prior to making such decisions. The proposed independent procurement adjudication will add value to the literature by providing an all-time oversight which will inform decision-makers whether to award or not to, before such decision is made. While this gap might have been filled by eProcurement in the developed countries, the gap remains and harbours corruption in developing countries (DeVechio, 2019; Suero & Ng'eny, 2018; Nawi, et al., 2017).

Implementation Stage: There is evidence through literature that contractors bid low to get tenders and raise prices through variation orders, produce unacceptable quality of work, inflate bills of quantities and invoices during implementation (Kakwezi & Nyeko, 2019; Owusu et al., 2020). In the implementation stage, successful bidders no longer engage the highly qualified personnel with which they scored to win the bid. Successful bidders engage lowly qualified personnel to reduce their cost and maximise their gain out of the contract. This could be the same for contract machinery or supplies. As a result, the quality of public goods or services will be substandard and last shorter than their design life. Secondly, in this stage, unskilled quantity surveyors, which is common in developing countries, approve sub-standard deliverables. Thirdly, politicians influence payments of deliverables for contractors they associate with. Owusu et al. (2019) and Ameyaw et al. (2017) argue that the consequence of these is poor quality which could lead to a hazardous situation to the public or reduce the

intended asset's life span. Owusu et al. and Ameyaw et al. further affirm that monitoring the implementation stage has received inadequate attention exposing them to corruption. This literature was strongly supported by the findings that procurement oversight does not cover the implementation stage of the cycle. Introduction of an all-time monitoring system to the literature will meet the requirements of the already identified gap by the literature. Secondly, it will add value by exposing unacceptable quality of deliverables and saving costs during contract implementation. Thirdly, an attempt by the literature to introduce an automated compliance using eProcurement, will be complemented by the proposed all-time procurement adjudication elsewhere in the procurement cycle.

Close Out Stage: Ameyaw et al. (2017) and Griffin (2018) confirm that though the close out stage is relatively least hit by acts of corruption, it is evident that acts of corruption in the close out stage are significant to warrant an effort and prevent loss of public funds. This is the end of the project implementation stage where warrantees and guarantees are to be released to contractors and where contractors are often willing to pay bribes to relinquish their responsibility to clients for substandard works or supplies (Owusu et al., 2019; Suero & Ng'eny, 2018; David-Barrett et al., 2017). The study identified a gap in the literature, of an all-time oversight at this stage. The presence of an independent procurement adjudication office overseeing this stage will add value to the existing literature, save costs lost to perpetrators of corruption and deter corruption itself.

The regulations to the public procurement in Lesotho will cover these procurement cycle stage gaps stated above with the presence of the oversight by the independent procurement adjudications system. The researcher proposed a specific procurement adjudication framework forming part of the regulatory implications to improve transparency in the existing public procurement process in Lesotho. A detailed mapping of the proposed introduction of the

Independent Procurement Adjudication (IPA) system onto the existing public procurement system has been presented in Appendix 8 below.

5.2.1.1. Independent Procurement Adjudication Framework

A total of 44 procurement activities with the standard procurement process have been identified and mapped; and seven check points and three hold points have been established. Further mapping of bilateral procurement processes such as bid challenge, contract amendment, contractor past performance report and contract closure were also identified. The framework established the 44 ordinary procurement activities in green colour, check points in orange and red activities as hold points. The procurement planning phase runs from activity process 1 to 10; acquisition from activity process 11 to 19; evaluation from 20 to 26; implementation from 27 to 43; and close out runs through 44 as shown in Table 2 below.

Table 2

Independent Procurement Adjudication Framework

Procurement Stage	Process Activities	Check points	Hold point
1. Planning	1-10	1	* Before start of 11
2. Acquisition	11-19	1	
3. Evaluation	20-26	1	* Before start of 27
4. Implementation	27-43	4	
5. Close out	44		* Before approval of 44

Of significance to the introduction of the Independent Procurement Adjudication system to the existing procurement process are the following features:

- a) **Check Point:** This is a position in a procurement process which precedes major decision-making by the Ministry's authority. A check point is an official point established under the

procurement regulations that a procurement manager will allow the adjudication manager to review process/processes prior to a decision to be made. The purpose of the check point is to validate compliance to the procurement policy by the adjudication manager. The adjudication manager is given a turnaround time of 24 hours for small purchases or 3 days for large works or supplies. A check point does not inhibit the procurement manager from proceeding to the next steps. It is understood by the procurement manager, adjudication manager and the Ministry management that should the procurement manager decide to proceed while the stage is under the adjudication check point, work done might be in waste if red flags of non-compliance are raised. Each procurement is to be subjected to this check point process of adjudication. The following check points were established in the proposed framework of procurement adjudication as detailed in appendix 8:

- i. Check point 1 – comes before activity 4 (board approval). Board is the apex decision making authority of the organisation whose decision must be aligned with policy and guarded with legal justification (Koller et al., 2020). Lebakeng (2021) submits that approval of a procurement plan by the board paves way for general and specific procurement notices that will go to the public, and that once the public notices are made, the expectations from stakeholders are raised and the organisation's reputation might be at risk should changes be made because of non-compliance. Rakolobe (2019) asserts that approval of a procurement plan is a promise to the public, of the planned procurement roll out per year and it is ethical to make it right and abide to it. Rakolobe concludes that approval of the procurement plan is a major milestone in the process of procurement.
- ii. Check point 2 – comes before activity 20 (start of evaluation process). This check point confirms that the procurement activities between advertisement and bid submission were conducted ethically with fairness and transparency. Processes such

as bid conference, response to bidders' questions and queries and compliance to submission of bids. Toebe (2019) opines that decision to evaluate a certain set of submissions is significant because only those bidders who are selected stand a chance to win the bid (Rakolobe, 2019). Fazekas et al. (2020) avows that corrupt bidders enter the evaluation process through ineligible means such as late submission and non-compliance to bid requirements. This view was also found from the participants. The researcher considered therefore that it was important to establish a check point prior to activity 20, start of evaluation process.

- iii. Check point 3 – comes before activity 25 (approval of evaluation report). Check point 3 validates compliance to the requirements of equitable and transparent evaluation process. Komakesh (2020) avers that approval of the evaluation report is an important milestone in the procurement process and certifies the work of the evaluation panel on behalf of the procurement manager. Owusu et al. (2020) opine that evaluation report is the basis for work for which the contract is to be awarded. Oversight on the procurement evaluation process minimises different forms of mis procurements leading to deserving bidder to be awarded the contract (Ameyaw et al., 2021).
- iv. Check point 4 – comes before activity 27, (signing of negotiations' minutes). The IPA is to validate compliance of activities 25 and 26, and to ensure that agreed negotiations to be signed by the procurement manager and sent to the prospective contractor are compliant to the policies and regulations of the organisation. Koller et al. (2020) submit that minutes of contract negotiations is a preliminary agreement prior to contract award and that awarding a contract to a bidder is a commitment that a government ministry makes on behalf of the taxpayers. Toebe (2019) orates that signing of the contract negotiations minutes is the first step to promising the bidder a contract.

- v. Check point 5 –comes before activity 31 (preparation of contract). A check point at this location evaluates processes after procurement evaluation to finalisation of a contract dossier. Colonnelli and Prem (2022) aver that a contract is a legal document which lays out rights and obligations of the contract parties, and that the works, service or supply contract has to be elaborate and as clear as possible to achieve expected outcomes. Many factors can change a contract from the original specifications or terms of reference because of queries or questions raised by contractors during the bidding process, suggested solutions by contractors if allowed or because of corruption or unauthorised cutting of scope and or quality (Ameyaw et al., 2021). Rakolobe (2019) argues that contract preparation is a major process milestone in the public procurement process.
- vi. Check point 6 – comes before activity 40 (project implementation). The purpose of check point 6 is to validate that all the processes prior to project execution are compliant to the regulations. Processes such as return of bid security or tender guarantee, letter of acceptance from the employer, performance programme, performance guarantee and project resources and mobilisation plan from the contractor. Komakesh (2020) avers that a committed supplier is seen by complying with initial obligations under the contract. The researcher considered that activity 40, project implementation is a significant process milestone ahead of which check point has to be established.
- vii. Check point 7 – comes before activity 41 (contract amendment). Any amendment to the contract is considered a significant decision because it alters the contract in quality or scope or time (Koller et al., 2020). The aim of check point 7 was to evaluate all the reasons which necessitated the contract amendment and confirm that compliance to the procurement policy is still adhered to by the parties. Fazekas et al.

(2020) submit that some contractors bid low to win the contract and then claim high causing major contract amendments. Komakesh (2020) assert that management deserves to know about contract modifications to confirm affordability to project commitments before such engagements are entered into.

b) Hold Points: A hold point is a location in the procurement process which precedes a commitment by the Ministry to an outside party. The said commitment may pose risks of loss of public funds, reputational risk or forfeiture of asserts. A hold point is an official point established under the procurement regulations that a procurement manager will allow the adjudication manager to review process/processes prior to a decision to be made. The purpose of the hold point is to validate compliance to the procurement policy by the adjudication manager mainly from one procurement stage to another. A unique feature of a hold point is commitment of significance to external party. The adjudication manager is given a turnaround time of 48 hours for small purchases or 5 days for large works or supplies. A hold point does not allow the procurement manager to proceed to the next step/stage before the adjudicator provides adjudication results at the stage under adjudication. Each procurement is to be subjected to this hold point process of adjudication. The following hold points were established in the proposed framework of procurement adjudication:

- i. Hold point 1 – comes before activity process 11 and acquisition stage. The purpose of hold point 1 is to validate compliance of the procurement processes undertaken by the procurement manager from procurement planning to compilation of a bid document. The researcher considered that it is of significant importance that a hold point is established before activity 11, approval of bid document by the PS. It is to be noted that once the PS's approval is obtained, the procurement manager will take the procurement to the adverts. Owusu et al. (2020) argue that by inviting

interested bidders with a procurement document in the market, the employer has committed his reputation against his promises. Lebakeng (2021) confirms that stakeholders' expectations are raised by an invitation to tender. In support of this view, Koller et al. (2020) assert that a poorly drafted procurement document and or an ill-informed procurement advert may lead to litigation and costs to the employer.

- ii. Hold point 2 – comes before activity process 36, contract signing by PS or CEO. A hold point at this point is intended to validate compliance of procurement processes prior to a significant commitment of contract award and implementation. Rakolobe (2019) affirms that award of contract is the most significant commitment made in the procurement process because it commits the employer to the value of the contract. Toebea (2018) avers that a poorly decided contract which often happen in the developing countries always lead to additional scope, quality and time; all of which led to significant cost increase. The researcher considered that a hold point prior to contract award and implementation stage is appropriate. Following the study findings, the researcher considered to this location to be a hold point given its significance.
- iii. Hold point 3 – before activity process 44, contract close out. Contract close out is a stage in the procurement process at which parties relinquish each other of contract obligations and responsibilities (Collonnelli & Prem, 2022). Fazekas et al. (2020) submit that because of desperation to exit costly contract obligations, some contractors bribe their way out of the contract and leave quality issues with the employer. Komakesh (2020) found that some contractors bought out their performance guarantee in bribes to quantity surveyors because project defects were becoming too costly. A contract final statement of account is a significant

project milestone in the procurement process to ensure that all books are settled (Owusu et al., 2020). The researcher considered that a hold point is appropriate prior to contract close out.

- c) **Bid Challenge:** This is a process at which a bidder challenges the procurement process. The researcher considered that because at this stage the bidder challenges the work and process or ethics of the procurement manager, the bid challenge process will be wholly adjudicated by the independent procurement adjudicator as illustrated under the detail of procurement process activity 30.

5.2.2. Practical Implications

The government of Lesotho will establish a procurement organisational structure for each ministry with interlinkages between the office of the procurement manager and that of the independent procurement adjudication manager. Secondly, each government ministry will be required to house the independent adjudication personnel in their offices. The housing will induce additional cost and budget allocation for the staff, the system and the office space. Thirdly, procurement managers will be required to together with the independent adjudicators and develop procurement oversight monitoring tools such as mapping the whole procurement processes along the whole procurement cycle and identify hold points¹. It is noted that employment of the adjudication system will introduce some delays to the normal procurement process. The procurement manager and the adjudication officer will agree on the time allowed for the adjudication process, and management will take the cost of delays. It will then be the responsibility of management to accommodate the oversight system on their daily procurement management programmes which would mean additional work. Management then has a duty to comply with the internal compliance controls and the office of the Auditor General. The

¹A hold point is a stage in the procurement process just before key a decision-making point where the process will be halted shortly by the independent adjudication officer to confirm that the process is compliant.

procurement managers will have the responsibility to cooperate with the adjudication office and have freedom to exercise their professional expertise. Given that the independent procurement adjudication reports to parliament, the practical implication is that Parliament committee will plan quarterly meetings with the adjudication manager for reporting and guidance.

Fourthly, chief accounting officers of the government ministries and state-owned entities will take stock of the procurement talent they each have and establish the training needs required to capacitate the procurement staff. In addition to that talent stock-taking activity, appropriate training will be sought and be implemented. It is understood that this training activity will come at the additional cost. Finally, the ministry departments and state-owned entities will realise cleaner procurement books, savings in time to implement, savings to funds lost to corruption in procurement, improved public confidence and confidence from donors and investors as well as the bidders at large (Wang et al., 2020).

5.2 Recommendations

The study findings identified three areas of weakness within the Lesotho's public procurement system. Those are structural weaknesses which relate to the procurement legal and regulatory framework. The second weakness is system-based. The system-based weaknesses refer to procedural shortcomings of the procurement system. Lastly, the third weakness identified is behavioural. The following are the recommendations based on the study findings.

5.3.1. Enactment of Procurement Policies (Structural)

It is recommended that the custodian of the policies of public procurement, the ministry of finance, takes up the responsibility to ensure updating of the existing procurement policy and enactment of the same policy. It is noted that the Lesotho's public procurement regulations were established only in 2007 and reviewed in 2018. In 2018, an attempt was made by the

government's ministry of finance to propose enactment of the procurement law. After reviewing laws and practices governing public procurement in 187 countries, Bosio, Djankov, Glaeser and Shleifer (2020) affirmed that better procurement legal framework correlates with better procurement outcomes. The study findings agree with Bosio et al. that efficiencies and effectiveness in procurement are higher when the regulations and policies are founded on the relevant principal law. The findings support this view with participants' statements such as *'simply promulgate procurement law... what is important about the procurement law is that when there's law it's not discretionary, the law will be obligatory everybody will be forced to act according to the law. Smally 25, code 639.*

5.3.2. Independent Oversight (Structural)

The second recommendation for application which also comes as structural to the procurement law is an independent all-time procurement oversight. It is recommended that for every entity of public procurement, there be a corresponding entity of qualified professionals to provide all-time procurement oversight to all processes and activities of procurement for the former. The independent procurement adjudication office should be empowered with skills, independence, authority to collaborate with other oversight institutions, and reporting to a different authority from the procurement office. It is recommended that the Principal Secretary of the ministry of finance in consultation with stakeholders proposes the number of officers and their job descriptions per office in a ministry. The proposal is to be submitted to the parliament for approval.

Embedding these qualities to the adjudication office, which is part of the procurement law, is important to bridge the shortcomings established by this study in the literature associated with procurement audit and eProcurement. Wang et al. (2020) avow that procurement audit is employed after twelve months of procurement activities and therefore, may not stop malpractice in procurement from happening as well as ulterior influence by others to

procurement audits such as politicians. Secondly, scholars such as Adjei-Bamfo et al. (2019) and Nawi et al. (2017) argue that limited technology and technological infrastructure such as digital signatures, electronic platforms, adequate bandwidth and reliable power supply deter adaptation of eProcurement in the developing countries such as Lesotho. The recommended all-time monitoring procurement adjudication office will bridge this gap to the developing countries.

It is envisaged that the adjudication offices at different government ministries would report to a national procurement adjudication office. The national adjudication office is to report to the Lesotho parliament. It is also recommended that the national adjudication office provides oversight and supervision of all the ministry adjudication offices and the district offices. The office's role is to establish performance plans and do performance appraisals for the subsidiary adjudication offices. It is also recommended that the national adjudication office liaises with procurement stakeholders at the national level.

5.3.3. Procurement Cycle Management (System-Based/Procedural)

From the study findings, it is concluded that the current procurement regulations are vague and silent about oversight presence of the procurement personnel in some stages of procurement such as the implementation stage (Kalyongwe et al., 2018). The literature has shown that procurement should cover the whole cycle of procurement stages from planning to contract close out. This study findings are confirmatory to that view, and conversely reveal that some stages of procurement in the Lesotho's public procurement lack visibility of procurement activities. It is, therefore, recommended that the proposed legislated structure of Lesotho public procurement law recognises the five primary stages of the procurement cycle which are planning, acquisition, evaluation and award, implementation and close out. It is recommended that the existing procurement regulations should be updated to establish distinct procurement activities and check points in each of these stages to be performed by both the procurement

officers and procurement adjudication officers. This procedural establishment will help procurement professionals including auditors to identify action items (Wang, Zipperle, Becherer, Gottwalt, & Zhang, 2020). David-Barrett et al. (2017) confirmed that visibility of procurement check-ups in all the stages of the procurement cycle deter and detect acts of corruption.

5.3.4. Unethical Behaviour by Staff and Politicians (Behavioural)

One of the major findings for the study is unethical behaviour by procurement officers and politicians. This finding confirmed the existing literature by Lebakeng (2021), Rakolobe (2019) and Toebea (2018). The proposed recommendation which was also alluded to by some participants is conducting rehabilitation sessions to public procurement officers. Sasa 42, code 1039 said *‘conduct sensitizations on the values of ethics’*; and Busecs 6, code 250 said *‘I think is by instilling ethics in the employment. I think proper placement of people may be the HR issue. And also, just have the right procedure of doing things’*. These sessions would entail refreshing officers on their roles and responsibility and re-training them on the importance of ethics and good conduct in procurement. Albott et al. (2020) argue that given the remarkable adaptability of human beings, it is always possible that human beings can be corrected from one form of behaviour to another. It is recommended that the Principal Secretary of the ministry of finance gets professional advice on the relevant content for the rehabilitation exercise. The activity might even include counselling to some procurement officers as part of the rehabilitation process. Finally, it is recommended that a strong punishment is given to politicians and officers who may be found to be interfering with public procurements.

5.3.5. Staff Training (Behavioural)

One of the key aspects that keep professionals at their jobs is job satisfaction (Albott et al., 2020). The study found that the public procurement sector in Lesotho is manned mostly by underqualified personnel. Rakolobe (2019) asserts that qualified staff move out to parastatals,

private sector and even outside the country where there are more prospects of job satisfaction, habitable and ethical work environment, and career opportunities. It is noted that because of the level of qualification of the Lesotho's public procurement officers, it is easy for them to be attracted to unethical behaviour and or be influenced by the politicians. It is recommended therefore, that gradual filling of professional positions with well qualified professionals be implemented by all public procurement entities of Lesotho following enactment of the procurement law. Further, training of the incumbent procurement officers is recommended at all the government ministries. *Training and understanding of procurement process itself, how it is procedurally conducted is important to procurement officers. Maky 9, code 326.* Respective chief accounting officers for government ministries are to identify training needs for procurement officers in his or her ministry prior to the proposed training.

5.3.6. Adoption by the Procurement Body of Knowledge

The researcher notes that the problem that this study proposes to solve for Lesotho is not unique to this country's public procurement alone. Literature shows that the situation faced by the Lesotho's public procurement is common to the developing countries of the world. For example, prevalence of corruption in public procurement, poor and inconsistent oversight on the stages of procurement cycle, and incapacity to implement eProcurement (Adjei-Bamfo et al., 2019; David-Barret et al., 2017). It is therefore recommended that the results of this study be adopted by the procurement body of knowledge and be implemented in the developing countries. Each developing country may adopt and adapt the adjudication system to suit its environment. Finally, it is recommended that the procurement adjudication system be used as the place holder while the world is still moving towards a fully functional eProcurement. In developed countries, though eProcurement is implemented, the literature shows that it is stronger in the private sector than in the public sector. It is recommended that the proposed procurement adjudication system be adopted and adapted by the public sector therein.

5.3 Recommendations for Future Research

Firstly, to see how well the research's aims and objectives were achieved; secondly, what limitations and challenges the study experienced which could be responded to in future or be done differently; and finally, recommendations for future research looks at opportunities for research in future which are linkable to this study but were not part of its scope. It is further recognised that while the study aims were achieved, there were still areas which would need further investigations. The sections below discuss potential areas for future research. While the research findings arrived at a strong assertion that the Lesotho's public procurement direly needs the proposed independent all-time monitoring system, few participants had reservations about affordability by the Lesotho government to sustain the system and impact of delays induced on the procurement process by the system. The sections below discuss recommendations for future research in detail.

5.4.1. Impact of Delays by the Adjudication System and Affordability by the Lesotho Government

It is noted that though the adjudication system is intended to improve quality of the final procurement product through an independent all-time compliance monitoring, it is further recognised that the system will introduce hold points for compliance managers to check and confirm compliance of the procurement process. These hold points induce delays to the process. The minority findings from this study showed that introduction of the adjudication system will cause delays to the procurement process. Madala 12, code 397 said *'introducing it you've realised that a number of layers that, layers for approvals'*. The delays to the procurement process may also come with costs. This recommendation also relates to affordability of the system's effective deployment by the Lesotho government. Introduction of the new system involves a physical electronic system that will be linked to the existing procurement system, managers and operators of the system, office space and office equipment such as computers and furniture. The data raised the issue of cost affordability of the IPA by

the government. Nonetheless, it was noted that the same assertions were more inclined to the view that the benefits-to-cost ratio of the system will be higher. *‘Although I think it might be costly, that’s what I think I cannot even prove it, but I think the benefits that it will bring is that, it is more’.* Chak 14, code 436; and *‘the cost-benefit analysis, yes sir... the money that could be used towards those structures are far less than what is lost to corruption because of lack of proper monitoring. G3C218’.* Future research is recommended to investigate the government’s ability to afford the cost of the said fitment alongside the public procurement office across the districts of the country. It is also recommended the future study would identify the nature and impact of the hold points to the whole procurement process. The impact of the induced delays should not exceed the system’s benefit to the beneficiary.

5.4.2. Training and Skilling of the Adjudication Officers

It is recognised that the proposed system is a new instrument which is intended for the good in the procurement sector. This instrument needs to be implemented appropriately with understanding. To achieve optimum results, it is recommended that further research be made to identify the skills set that is appropriate for the managers and operators of the proposed independent procurement adjudication system. One general finding is the weak technical capacity of the public procurement officers to manage the process. The proposed future research for the officers’ training should include training on code of conduct.

5.4.3. A Case Study to Evaluate Effectiveness and Impact of the Adjudication System

The other area recommended for future research that could be done concurrently with one or both recommendations made above is a case study. The case study is to evaluate effectiveness and impact of the proposed independent all-time procurement monitoring system. This study made a finding from the participants that a successful introduction of the procurement adjudication will result in reduction in the rampant corruption in Lesotho, saving huge sums of money eroded to corrupt actors, improve confidence of taxpayers, private sector

and international develop partners, attract foreign direct investment, and improved economic growth for the country. G1C77 said *‘This will reduce corruption it will also increase productivity for us and foreign investment’*. The envisaged benefits can only be realised over time and actual achievement of the same was not part of the scope of this study. The researcher, therefore, recommends a future case study to evaluate effectiveness and impact of the adjudication system. In addition, the case study may also assess adoptability and or adaptability of the proposed system by both the developing countries and the developed world.

5.4.4. Can the Proposed Procurement Adjudication System Replace or Complement Eprocurement?

The literature shows that eProcurement has contributed significantly to improving efficiency, cost reduction and reduction of corruption in public procurement (Wax Digital, 2020; DelVechio, 2019). In confirmation, Nawi et al. 2017, p.209) avers that “eProcurement has been noted for its potential to stimulate efficiency in procurement operations”. With the benefits noted, chapter 2 of this study established a strong literature that conversely depicts the challenges of employing eProcurement in the developing countries which Lesotho is part of. Amongst the challenges that the developing countries meet with eProcurement are lacking skills capacity to handle the high-tech system and high start-up costs (Adjei-Bamfo et al., 2019). DelVechio (2019), Michigan State University (2019) and others assert that developing countries also face challenges associated with technical factors such as digital signatures and internet bandwidth requirements that come with the eProcurement system. Further, relevant ICT infrastructure with sufficient broad band and reliable power supply to support full functionality of the system are other challenges in the developing countries. Adjei-Bamfo et al. (2019) cited an overall limitation facing all countries of the world using eProcurement that, the system does not cover all the stages of the procurement cycle. Amongst the following five stages of procurement: planning, acquisition, evaluation and award, implementation and close-

out, the eProcurement system does not cover the implementation stage especially for works and consultancy services.

This study recommends future research to find out if the proposed independent all-time procurement monitoring system can stand in place for eProcurement in the developing countries while eProcurement is maturing therein, and the countries gradually gain capacity to handle the eProcurement system. Besides the developing countries' gradual development in capacity, Chandra et al. (2020) and Bobowski & Gola (2019) assert that eProcurement on the other hand is still very young in the industry and can only be referred to as having potential. The recommended study may go further to investigate if the proposed procurement adjudication system can complement the eProcurement system in the developed countries where it has successfully been initiated. The recommendation is based on the identified weakness that eProcurement is limited to some but not all the stages of the procurement cycle especially for works and consultancy services (Adjei-Bamfo et al., 2019). The recommendation is so made also because the literature shows that eProcurement is practiced more by the private sector than the public sector. Future research could investigate if the adjudication system can be employed alongside the eProcurement system to cover the implementation stage particularly for the works and consultancy services.

5.4 Conclusions

Bedasso and Asfaw (2020) avow that research conclusion is where the researcher expresses how the results responded to various structural components of the study. This section discusses two major sub-sections of the chapter. The first subsection discusses how the results responded to the study framework which is composed of the following six structural components: (i) the problem statement; (ii) the study purpose; (iii) significance of the study; (iv) theoretical frameworks of the study; (v) the literature; and (vi) the research questions. The second subsection discusses how the results contribute to policy and practice.

The study established the Lesotho's public procurement system that is ineffective, inefficient, and lacking transparency. The problem statement further articulated that absence of these key components of procurement lead to corruption in the sector that is very rife in Lesotho. The study findings and the literature supported the view expressed in the problem statement. For example, Lebakeng (2021) asserts that 95% of complaints received the Lesotho's anti-corruption agencies annually are related to lacking transparency and corruption in public procurement. This is consistent with the wider literature on Lesotho's public procurement. In the same way the data asserted that there is lacking transparency giving room for corruption. The study findings state that *'even here in Lesotho like any other African countries, it is happening, we hear it every day in newspapers and on radio stations that the authorities want to put their hands in the selection process of the contactors or service providers'* (G1C3). It is, therefore, concluded that the findings supported the problem statement.

The study findings supported the proposed research purpose of introduction of an independent all-time procurement monitoring system. The analysis established that independence of a procurement process, oversight thereon, fairness and transparency are the key pillars required for a healthy and strong procurement system enabling it to fight corruption and achieve value for money. The findings asserted that the significance of the proposed independent procurement adjudication with the attributes of transparency, fairness and oversight, will consequently be more effective and efficient. Further significance is that it will develop trust to the stakeholders in the system. The latter will attract competent bidders with reasonable prices and good quality of goods and services, and funding from investors. The findings further confirmed that the other component of significance will be the reduction of corruption which will result in saving funds lost thereto corruption. The analysis concluded that the compounded significance will be improved economy and livelihoods of the taxpayers.

Responding to research question 1, the findings assertively confirmed that the public procurement system in Lesotho is not fair. They averred that the legal and regulatory framework is not relevant and has to be regularised and be founded on procurement law. The findings asserted that the policy must be more elaborate. The analysis also found that introduction of the proposed procurement adjudication can improve the lacking transparency in the government procurement system. In response to research question 2, the findings revealed that the way to correct the current public procurement system in Lesotho is by improving its independence, oversight thereof, its fairness and transparency. It avowed that it would reduce corruption and achieve value for money therein. In response to research question 3 revealed a wide variety of benefits including reduction of corruption in public procurements, improved stakeholder trust, and positive impact to the country's economy.

The data responded positively to all the three theoretical frameworks of the study. What the results mean with respect to the framework is that once the independent procurement adjudication is in place established by the relevant law and given its authority to provide independent oversight on the public procurements, the procurement system will function as a whole to give expected results; all procurement processes will be accounted for to all stakeholder constituencies with ethics and morals; and the moral hazard of corruption exacerbated by the corrupt agents of government will be defused. The resultant would then be effective and efficient public procurement that is transparent and reduced incidents of corruption.

The existing literature does not yet provide for an independent all-time monitoring system to oversee the process of public procurement. All activities within the procurement processes are conducted by the procurement managers and audited by the office of external audit at the end of every year (Bedasso & Asfaw, 2020). Naidoo and Gomez (2020), as part of the literature showed that though audit has always been an important tool for improving the

processes of procurement, its findings always remain historical to the events because it always comes after the act. This study results contribute an *on-time-on-field* solution to the procurement process which is a new input to the literature. Further, the independent all-time procurement adjudication will be the first point of contact to the audit team to contribute relevant information thereto. Successful implementation of this study results will be used as an instrument of procurement transparency across the developing countries which suffer the same problem of corruption in public procurement as Lesotho. The literature highlights that while eProcurement is such a good instrument to fight corruption, it is impeded by technical and technological limitations in most of the developing countries. The independent procurement adjudication system will contribute by filling the gap while the developing countries enhance their technologies over the years.

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7. APPENDICES

7.1. Appendix 1 – UREC Approvals



UREC's Decision

Name of Participant:

Keketso Elias Chalatse

Title of the Research project:

Full-cycle adjudication of public procurement in Lesotho

Date:

29.08.2019

Comments

<input type="checkbox"/>	Approved without revision or comments.	<p><u>Comments as per the REAF form:</u></p> <ol style="list-style-type: none"> 1. Complete properly the correct partner University in all required fields (Unicaf University Malawi) 2. The student is advised to refer to the correct programme of study which is DBA not PhD in BA 3. Point 14, tick YES to non-monetary <p><u>General comments:</u></p> <ol style="list-style-type: none"> 1. It is suggested to revise the research title and make it more specific to reflect the aim of the research <p>The student's research project proposal is Approved; further comments are provided for minor revision.</p>
<input checked="" type="checkbox"/>	Approved with comments for minor revision.	
<input type="checkbox"/>	Not approved with guidance comments for moderate revision and resubmission.	
<input type="checkbox"/>	Not approved with guidance comments for major revision and resubmission.	

5.2. Appendix 2 - Consent Forms

UNICAF UNIVERSITY

Informed Consent Form

Part 1: Debriefing of Participants

Student's Name: Keketso Elias Chalatse

Student's E-mail Address: chalatsek@gmail.com

Student ID #: A1708D3301232

Supervisor's Name: Dr. Anna Kochanova

University Campus: Unicaf University Malawi (UUM)

Program of Study: Doctorate of Business Administration

Research Project Title: Introducing a Procurement Adjudication System in the Public Procurement Process in Lesotho

Date: 31/01/2021

Provide a short description (purpose, aim and significance) of the research project, and explain why and how you have chosen this person to participate in this research (maximum 150 words).


The study, Introducing a Procurement Adjudication System in the Public Procurement Process in Lesotho intends to assess adequacy of the existing systems in the public procurement in the country and aims to introduce a procurement adjudication system within the existing public procurement system to identify and discourage acts of corruption that infest the Lesotho's public procurement system. The problem established under this research cites the raging prevalence of corruption in the public procurement sector in Lesotho.

The above named Student is committed in ensuring participant's voluntarily participation in the research project and guaranteeing there are no potential risks and/or harms to the participants.

Participants have the right to withdraw at any stage (prior or post the completion) of the research without any consequences and without providing any explanation. In these cases, data collected will be deleted.

All data and information collected will be coded and will not be accessible to anyone outside this research. Data described and included in dissemination activities will only refer to coded information ensuring beyond the bounds of possibility participant identification.

I, Keketso Elias Chalatse, ensure that all information stated above is true and that all conditions have been met.

Student's Signature: 



Informed Consent Form

Part 2: Certificate of Consent

This section is mandatory and should to be signed by the participant(s)

Student's Name: Keketso Elias Chalatse

Student's E-mail Address: chalatsek@gmail.com

Student ID #: A1708D3301232

Supervisor's Name: Dr. Anna Kochanova

University Campus: Unicaf University Malawi (UUM)

Program of Study: Doctorate of Business Administration

Research Project Title: Introducing a Procurement Adjudication System in the Public Procurement Process in Lesotho

I have read the foregoing information about this study, or it has been read to me. I have had the opportunity to ask questions and discuss about it. I have received satisfactory answers to all my questions and I have received enough information about this study. I understand that I am free to withdraw from this study at any time without giving a reason for withdrawing and without negative consequences. I consent to the use of multimedia (e.g. audio recordings, video recordings) for the purposes of my participation to this study. I understand that my data will remain anonymous and confidential, unless stated otherwise. I consent voluntarily to be a participant in this study.

Participant's Print name: THABISO MOHAPI

Participant's Signature: 

Date: 6th March 2021

If the Participant is illiterate: N/A

I have witnessed the accurate reading of the consent form to the potential participant, and the individual has had an opportunity to ask questions. I confirm that the aforementioned individual has given consent freely.

Witness's Print name: N/A

Witness's Signature: _____

5.3. Appendix 3 - Developed Tools

3.1 SEMI-STRUCTURED INTERVIEW GUIDE

Demographics			
<i>Participant No.</i>			<i>Name of Organisation</i>
<i>Discipline</i>			<i>Professional status</i>
<i>Gender</i>	<i>M</i>	<i>F</i>	<i>Years of experience</i>
Questions			Notes
1. May you please tell me about your role in the ministry/organisation?			
2. How closely related is your role to the procurement process in the ministry/organization? Please explain.			
3. May you please explain your understanding of the procurement process according to the best practice?			
4. Please explain how your organisation or ministry run the procurement processes currently.			
5. Can you say where and how you think your organisation's procurement processes compare to the international procurement best practice, and where improvements may be required?			
6. What procurement challenges by your organisation/ministry have you observed in your past experience?			
7. How do you think these problem areas could be solved?			
8. What is your opinion about the current government policies on procurement?			
9. Is it adequate? If 'not', how can the government procurement policies be improved?			

Demographics			
<i>Participant No.</i>			<i>Name of Organisation</i>
<i>Discipline</i>			<i>Professional status</i>
<i>Gender</i>	<i>M</i>	<i>F</i>	<i>Years of experience</i>
Questions			Notes
10. In your opinion what is the status of procurement oversight on all stages of procurement cycle?			
11. The media in Lesotho has been very vocal about transparency and fairness of the public procurements. What is your view and experience?			
12. It has been suggested that an all-time monitoring system that is managed by independent personnel be incorporated into the public procurement system to identify and report on early signs of corruption, and improve the process transparency. What do you think about such policy?			
13. How can this policy be enforced?			
14. What benefits do you think introducing independent procurement adjudication and enforcing it would add and where?			
15. Is there any other thing you would like to say?			

3.2 QUESTIONING ROUTE GUIDE – FOCUS GROUPS

Demographics					
<i>Focus Group No.</i>			<i>Average years of experience</i>		
<i>Gender No</i>	<i>M</i>	<i>F</i>	<i>Professional Representation</i>	<i>Procurement</i>	<i>Project</i>
Questions			Notes		
1. There are talks in the media and amongst the public that public procurements are infested with corruption. What are your views?					
2. How much impact do you think the prevailing acts of corruption have on development in the country and livelihoods of the public?					
3. What do you think about the current government policies on procurement?					
4. How, in your view, can this policy be improved?					
5. Let us now discuss the public procurement processes. How adequate are they or vulnerable are they to acts of corruption?					
6. How can these government procurement processes be improved to meet international best practice on procurement?					
7. It has been suggested that an all-time monitoring system that is managed by independent personnel be incorporated in the public procurement system to identify and report on early signs of corruption, as well as promoting fairness in procurement. What do you think about such policy?					
8. How can this policy be enforced?					
9. What benefits do you think an enforceable independent					

Demographics					
<i>Focus Group No.</i>			<i>Average years of experience</i>		
<i>Gender No</i>	<i>M</i>	<i>F</i>	<i>Professional Representation</i>	<i>Procurement</i>	<i>Project</i>
Questions			Notes		
procurement adjudication system would add and where?					

5.4. Appendix 4 Coded Raw Data Semi-Structured Interviews (Initial Coding, Categories, Themes)

APPENDIX 4 - CODED RAW DATA FOR SEMI-STRUCTURED INTERVIEWS (THEMES)														
Participant Pseudo Name	Code No.	Code 'verbatim'	Location Reference			+ve	THEMES IDENTIFIED	Independent	Oversight	Fairness	Transpa- rent	Strengths of the System	Anti- corruption	Value for Money
			Question	Page	Line									
POSITIVE ASPECTS ABOUT THE EXISTING PROCUREMENT SYSTEM AND IPA														
Macozonke	1	the most interesting part of my job is eee... seeing that the beneficiaries of the work that we are doing.....use our systems without interruption	2	1	1	P	independence; transparency; oversight	1	1					
Macozonke	4	So, from the beginning, we tell procurement what requirements we have for whatever we want to do. So, I would be involved there because I have to authorise eee... approve the terms of reference of what is required then throughout the process	4	2	3	P	n.a							
Macozonke	7	Being transparent on our activities such that everything it's... it's publicised, the contractors know what we are, the public should know what we are doing and every step of the way there should be information that is going out.....	7	3	3	P	transparent; transparent				2			
Moruti	27	We are very close because we are monitoring each and every step eh, of eh, the procurement	4	2	1	P	monitoring			1				
Moruti	28	so, I am actually part of every step that happen in the procurement	4	2	4	P	oversight;			1				
Moruti	37	the media called on board, discussions were made, and the issue was resolved	6	2	3	P	oversight; transparent			1				
Moruti	38	these areas, I think can be solved by being more transparent	7	2	1	P	transparent				1			
Moruti	39	these areas, I think can be solved by being more transparent to eh, to our stakeholders	7	2	2	P	transparent				1			
Moruti	40	Help them to understand how the system work	7	2	2	P	transparent				1			
Moruti	41	giving people info, proper information in advance and helping them understand how the organization works	7	2	5	P	transparent				1			
Moruti	42	and how each and every procurement is done in advance so that when things are being done, they can be able eh, follow through and see that we are indeed that eh, things are being done a proper	7	2	7	P	right; oversight; transparent		1	1	1			

		manner and following our, our procurement guidelines												
Moruti	76	so, if there's a proper way of monitoring and where there are lessons learned you are able to update them and put them into practice, I think it will make a better world	15	5	4	P	monitoring;		1					
MorenaTaung	79	we are very close. From the start of the process, we get involved where eh...., initial eh, bidding documents are developed. We get involved to provide views as to eh, weather those bidding documents have been legally compliant	4	3	1	P	we are close to the proc process				1			
MorenaTaung	80	we get involved from eh, the initial stages and as the procurement process eh, goes through we get, we get, involved in almost eh, every stage of the process eh, leading to the award of a successful bidder	4	3	4	P	we get involved in every stage of proc				1			
MorenaTaung	81	even before evaluation eh, we, we get involved to ensure that eh, the whole process of tendering eh, is legally complaint	4	3	7	P	compliant; fair; transparent		1	1	1	1		
MorenaTaung	82	when tenders have been received, we are also involved we make sure that eh, the receipt process is legally eh, complaint	4	3	8	P	ditto		1	1	1	1		
MorenaTaung	83	So, throughout the process from beginning up to the end even up to the contract management stage eh, we get involved as such we say we are very close to the system.	4	3	23	P	involved in the proc process			1	1			
MorenaTaung	92	But the most important thing is actually to be transparent and ensure compliance with the eh, procedures as you are explaining that to the media.	7	4	6	P	transparent; compliant/fair			1	1	1		
MorenaTaung	93	As a public organization we should be seen to be involving eh, the public to have equal eh, participation in eh.... procurement process.	8	4	1	P	transparency			1				
MorenaTaung	94	So, it starts from eh, publications in eh, national media platforms, eh, mainly newspapers of eh, eh, a tender process. As I said it, it ensures transparency from the beginning	8	4	3	P	full process of proc; transparent			1	1			

MorenaTaung	95	From there in line with the transparency aspects eh, bids are received in sealed forms	8	4	5	P	transparency				1			
MorenaTaung	96	so that eh, there is no influence eh, from anyone on from how eh, the bid has been developed	8	4	5	P	independence; transparency; oversight	1	1		1			
MorenaTaung	97	when the bids are opened, they are opened in public to ensure also transparency as it is and to make sure that eh, all the participants I the bid are convinced that there's no manipulation eh, of the bids	8	5	2	P	transparency; no manipulation				1		1	
MorenaTaung	98	So eh... it is a transparent, transparent process, eh, it involves each and every member of the public who would be qualified	8	5	4	P	transparent; involved in every stage of proc			1	1			
MorenaTaung	99	as we proceed with eh... eh, the procurement process eh, there is also accountability, we also account to the bidders on each and every step that is taken eh, to evaluate or deal with the bids	8	5	5	P	accountability (transparency)				1			
MorenaTaung	100	There, there's elements of eh, providing information, equal information to all the bidders.	8	5	8	P	transparency				1			
MorenaTaung	101	So, we, we're talking about equal treatment of, of the bidders so this is the impression.	8	5	11	P	fairness			1				
MorenaTaung	102	In the end eh, we talk about publication of results it as an element of transparency	8	5	15	P	transparency				1			
MorenaTaung	103	There is also an element of providing eh, a conclusion which, will be processed in an open manner without hiding and information from participant	8	5	16	P	transparency				1			
MorenaTaung	104	So, the conclusion of the procurement process is also eh, revealed to all the participant and they are given all the information. a particular bidder will now be contracting with LMDA. Yes, this is where it ends.	8	5	17	P	transparency				1			
MorenaTaung	105	I think it is adequate. It deals with transparency; it deals with accountability	9&10	5	1	P	transparency				1	1		
MorenaTaung	114	benchmarking with eh, modern techniques of dealing with procurement eh, there are so many international bodies eh, that have eh, procurement guidelines of different eh, sorts	12	6	2	P	many international bodies eh, that have eh (transparency)							

MorenaTaung	115	aligning with international best practice	12	6	4	P	correct policy						1		
MorenaTaung	116	also ensuring that there's proper oversight of eh, procurement and at eh, central level	12	6	4	P	oversight		1						
Matjato	1029	I think most of... we can be able to perform better on the budget because some delays in performance of budget are due to delays in procurement	14	5	1	P	vfm								1
Matjato	1030	So, once we have that body and the political people know that they have no influence, I think we can be able to procure in time.	14	5	2	P	independent	1							
Matjato	1031	Therefore, have a better spending on the budget. And if we spend better, it means services are going to the nation	14	5	5	P	vfm								1
Sebata	1141	I think if they government can adopt such things, then we can be better people because now we can know exactly to say for may claim to go through, I need this and this and this and this. If I have filed them today, within a week I will be paid	14	5	13	P	all of them	1	1	1	1	1			1
Sebata	1144	So, if we have the independent body that will e... be a watchdog of the systems and it takes those reports... the people will them the system will be clean.	14	5	23	P	independent; oversight; transparency	1	1		1				
Sebata	1145	The companies will grow, and they can even be able to take more work at the same time because they know that the cash flow will improve	14	5	27	P	vfm								1
Sebata	1147	And if that thing can improve, then the companies can grow bigger because they can be able to... to take multiple projects without limitations of cash flow as you know that if I finish this work next week, may be in a week's time or two weeks' time, I will be paid for that work, then I can take another one. That's how it can improve companies and it will encourage them to do more work and they will grow	14	5	36	P	companies will grow (all of them)	1	1	1	1	1	1	1	1
TOTAL REFERENCES								104	125	145	170	247	107	203	

Participant Pseudo Name	Code No.	Code 'verbatim'	Reference			-ve		Number of References						
							THEMES IDENTIFIED	Lacks Independence	Lacks oversight	Lacks Fairness	Lacks Transparency	Weak system	Corrrupt-ion	Lacks Value for money
			Question	Page	Line									
CHALLENGES ASSOCIATED WITH THE CURRENT PROCURMEENT SYSTEM														
Macozonke	2	the very tricky part of... of our work is to do with procurement	3	1	1	N	independent; oversight; fairness; transparency; correct system; vfm	1		1		1		1
Macozonke	3	If internally we do not work according to the guidelines that are there, we normally face problems of complaining contractors, because for example, may be did not honour our, the contract that we have with them. ...Then now anybody gets a job, they... they believe we favour other contractors except them.	3	1	6	N	fairness; transparency			1	1			
Macozonke	5	Yes, it has Organisation faced several problems of mal... malpractice such that he the Organisation has to blacklist contractors who colluded with... with the staff and other staff had to be fired, others had to go through the disciplinary hearings	5	2	1	N	corruption; corruption						2	
Macozonke	6	Yes ...if they don't understand what's going on they write anything they want. So, then they start saying LMDA is not being run properly. Until they come into the Organisation and find out what is happening ... So, they media at one stage... at some stage was saying the Organisation is not run properly at all yet the... the Organisation was fighting corruption which was from within.	6	2	1	N	transparency				1			
Macozonke	9	The other element that is missing, I think is procurement being or taking part in the project management stage where they can provide an observer oversight to their procurement. This will help them when the project is amended so they understand each other with project managers. It will also help the closure stage to be processed easily between the procurement team and the project management team. Yes, these are the points I wanted to add for improvement	9 & 10	3	1	N	oversight		1					

Emotso	149	I mean getting the right eh, panel members who have a full understanding of the kind of work that is required and so understanding what is to be done, but also not just being technical also understanding procurement	10	5	5	N	correct the system					1		
Emotso	150	Also because of eh, lack of good evaluation panel members, there has been challenges eh, in faulty awards and so this creates challenges for the organization because at a later stage it then has to rectify eh, maybe by cancelling contracts or eh, and once contracts are cancelled then redoing the work re-launching and these are just time consuming eh, processes.	10	5	10	N	lacks good evaluation panel (correct the system)					1		
Mzee	204	So, my, my point of view is I think it's the individual's problem	11	5	12	N	ditto					1		
Mzee	206	that is actually the ill in the government itself dealing with the people with who as much as they are supposed to be guardian of the policies, they are not doing exactly that.	11	5	15	N	ditto					1		
Sebata	1142	But now the problem with our current procurement in ministries, you will be told what to submit and you will submit everything that you were told to submit. After a month you are still... don't have feedback of what's happening, you don't have... you are not paid. After a month you go and ask again – what happened to my claim? One, it has even disappeared now because no one will not even remember where it is. If they do remember maybe they will tell you no, you are missing this page	14	5	16	N	delays in payment (correct ppl); corruption; lack of transparency; lack of oversight		1		1	1	1	
Sebata	1143	Now after a month you have to go again and find the correct page because they know nothing will happen to them whatever the delays they cause no... no... nothing will happen to them.	14	5	21	N	correct ppl					1		

Sebata	1146	Like I said if the government gives me one job and I go and buy equipment to come and do the work e... remember when you buy on credit you have limits on those companies may be for example, I will say this company is giving me a credit of M100000.00 worth of equipment and they say you shall pay in 30 days. Then I take this money them I use it on this project X and after finishing it now, I am goanna be paid 6 months because it's government related project. So, I cannot go back the send month with another project to go and get money from that e... go and get material because now they will say but now you have also not paid the material that you took last month. And by that time, that's why I am saying it affect the company's cash flow very badly	14	5	28	N	correct ppl						1		
		TOTAL REFERENCES						206	284	168	248		337	305	188

5.5. Appendix 5 – Coded Raw Data Focus Group (Initial Coding, Categories, Themes, Themes’ Key)

APPENDIX 5 - CODED RAW DATA FOR FOCUS GROUP DISCUSSIONS (THEMES)															
Focus Group No.	Code No.	Member	Code 'verbatim'	Reference			+ve/-ve	THEMES IDENTIFIED	Independence	Over-sight	Fair-ness	Trans-parent	Strengths of the System	Anti-corruption	Value for money
		No.		Qn	Page	Line									
FACTORS POSITIVELY IMPACTED BY IMPROVED PUBLIC PROCUREMENT SYSTEM															
1	15	11	So, what I’ve realized we can only try to limit it, it cannot fully be avoided. It can be something that can be eh, tried to be eh, to lower it down if it was high. So, I’ve seen that LMDA is trying by all means to fight that	2	3	4	P	limit corruption; lower corruption; fight corruption						3	
1	16	11	One, the way transparency which is in our organization. The way one evaluation report would go from different hands would somehow limit the corruption or, or collusion because different section head, they become involved. It is not a normal practice to many organizations to do that, but that thing when somebody know that whatever eh, whichever contractor I have selected is going to go through so many hands, it is somehow limiting it not completely	2	3	6	P	promote transparency; limit corruption; transparency				2		1	
1	17	11	Three, our CEO has never come to me as to award a certain person, so I commend him for, for that. Maybe, I’m not sure whether he can go to the E. P s or lower people, but to me the honest truth is that I have seen, I haven’t heard whereby he comes to me and tells me who he wants the contract to be awarded. He comes to see the evaluation report at the end after all the other sections have conclude it. So, I think in a way our organization is trying a lot, but still that thing it continues eh, the way I see it because we still have some disciplinary eh, some people who are still on disciplinary process because of some kind of corruption, collusion sort of	2	4	1	P	no interference/corruption; no interference/corruption from CEO; corruption still continues;	2					3	

2	98	21	What I can definitely comment is that LMDA unlike most of the public institutions uhm, has systems in place which should really prevent corruption from taking place. Whether or not those systems are effective is a different, a different discussion.	2	3	8	P	should prevent corruption;						1	
2	99	20	Eh, I may have a slightly different view for LMDA I would say procurement processes that are in place make it a bit difficult for procurement fraud, let me put it like that.	2	3	1	P	good systems make it difficult for corruption		1		1	1		1
2	101	15	my answer would be a yes and no at the same time. Eh, I would say my institution yes is different in that there's a deep political will within the institution to uproot corruption and eh, the efforts have been made where systems have been put in place to try and ensure the LMDA procurements are free of corruption as much as is possible	2	3	1	P	political will to fight corruption; there is fight against corruption;						2	
2	103	16	Most of the corruption is not from procurement, procurement section, but even though the systems are in place, but most of the information is from the sections. That's why the section can share the information with the bidders or the contractors. So that's where the problem is.	2	4	4	P	corruption is not from proc, it's from contractors, politicians and other people; project managers collude with contractors						1	
6	508	28	joale body ena mosebetsi oa eona ke hore e bone hore litaba tsa procurement li sebetsoa hantle e le hore re tsebe ho fumana value for money. <i>(now the role of this body is to ensure that procurement processes run well to achieve value for money)</i>	8	15	13	P	ensure compliance; ensure value for money					1		1
6	509	28	Joale ehlile ka 'nete ka bo khuts'uoanyane eh, body ena e ka re e ka re thusa haholo.	8	16	1	P	IPA can help a lot	1	1	1	1	1	1	1

6	510	28	<p>but nthoe ke tsebang fela ke'o re ehlile re hloka that body, e ke tsebang eona ehlile ea hlokahala ka 'nete ene e tlo re thusa haholo hore re re realize-e economy ea rona hore hore re e boom-e ka mokhoa hore re tla ba le li nts'etso pele tse etsahalang mona kore chelete tsena tse rere tsoeng hoe tsa bo li tsela infrastructural development tsena li ttl khona hore li etsahale hantle e le hore qetellong ea letsatsi eh, Basotho ba ka reng re ka benefit-a kaofela ra iphumana re, re se re ts'oana le naha tse ling tse kang bo bona bo Rwanda tse bonahang li, li ntse li tla hantle haholo</p> <p><i>(in short, this body can help us, and I am sure we need such a body to realise booming economy and infrastructure development so that the Basotho people can benefit and compare to the likes of Rwanda).</i></p>	8	16	3	P	we need IPA; to improve our economy; to actualise development infrastructure (value for money); Basotho to benefit (value for money)							3
6	511	28	<p>I think ehlile re hloaka that body kore ke nahana re e hloka haholo</p> <p><i>(I really think we need that body badly)</i></p>	8	16	9	P	we need that body (ditto)	1	1	1	1	1	1	1
6	513	28	<p>'Me ha re na le body e joale e tla tseba hore e sebetse le, le li institution tse ling tse kang eona bo DCEO hore re leke ho felisa eh, ketso tsena tsa hore chelete ea nyamela ebe chelete e etsetsoa morero o e o reretsoeng ona 'me joale re le naha ke nahana re tla e pele</p> <p><i>(that body will be able to coordinate with other institutions like DCEO to curb the acts of corruption and misappropriation of funds so that the country can realise progress)</i></p>	8	16	18	P	will eliminate corruption						1	
6	514	42	<p>le 'na ke ts'oele hanyane tabeng tsa benefit tse re ka ra li fumanang kea kholao ho la ba le point e la emphasize-uoa ka matla ea sensitization ea li procurement professional tsa rona, ea li bidder-a tsa rona, ea batho ka kakaretso hore body ene e shejetsoe hore haholo holo ehlile batho ba tlo tla ba sensitize uoa haholo ka taba tsena tsa procurement-e hore na tsela e nepahetseng na ke e feng</p>	8	16	3	P	sensitisation to procurement professionals, bidders, stakeholders on compliance; ethics					2		

6	515	42	<p>‘Me body eo hae se le teng i believe hore hae se le teng ha e na tlo tla re ba le taba tsane tsa media tse re buileng ka tsona tse supang ka monoana tse ngata</p> <p><i>(The other benefit is on sensitisation to procurement professionals and bidders and to the people in general about proper processes. When that body is established, all the issues raised by the media would diminish).</i></p>	8	17	2	P	will reduce corruption; improved trust to the public (transparency)			1	1		1	
6	516	42	<p>Ehlile ke taba ea bohlokoa ea li donor-a hore le bona re tla be re ba kolota accountability ene e tla etsa hore re le authority re sebetse ka matla hore li ntho li tsamae ka mokho o nang le ponaletso so that re ka khona ho ema mona ra re, no one, two le three li etsahetse that is true e etshetse because one, two, three. Ebile re ipapisitse le molao.</p> <p><i>(The issue of accountability, compliance and transparency will be the strength of the procurement system).</i></p>	8	17	6	P	promote transparency to donors; ensure compliance; procurement process be lawful (just)			1	1	1		
TOTAL REFERENCES									57	67	68	72	79	79	96

Focus Group No.	Code No.	Member No.	Code 'verbatim'	Reference			+ve/-ve	THEMES IDENTIFIED	LACK OF						
				Qn	Page	Line			Independence	Oversight	Fairness	Transparency	System Strength	Anti-corruption	Value for money
CHALLENGES ASSOCIATED WITH THE EXISTING PROCUREMENT SYSTEM															
1	1	7	I thank you sir that, that, that is correct and from the research and the readings that I have been eh, conducting eh, Mr Chairman, you find that that is the general perception that public procurements are infested with, with corruption how they procured material there is still a concern there	1	1	1	N	the general public perception is public procurements are infested with corruption; there is a concern there				1	1	1	

1	2	3	I think the perception is eh, eh, valid. Eh, most often eh, public procurements eh, lack transparency, people don't know exactly what is happening eh, in the process and the various steps that are undertaken are not revealed to the public in eh, the procuring agency eh, often they take shortcuts ehm...	1	1	1	N	corruption perception is valid; public procurements lack transparency; lacks transparency; processes not revealed; take short cuts (unfair/lacks transparency/no justice)			2	4	1	1	
1		3	They don't comply with the procurement rules or the law and ehm..., lastly even the results that eh, are seen following procurement processes are not are not results that eh, are well supported by ehm..., presentations that are made by the bidders or the evaluation criteria that is eh, put in place in the procurement and as such ehm..., there is a perception that those public procurements are riddled with eh, corrupt practices	1	1	5	N	don't comply with the rules; riddled with corruption					1	1	
1	3	11	Eh, even here in Lesotho like any other African countries it is happening we hear it every day in newspapers and on radio stations that the authorities want to put their hands in the selection process of the contactors or service providers	1	2	1	N	authorities interfere (corruption) in the processes	1					1	
1	4	11	So, our public procurements are influenced by the higher authorities.	1	2	3	N	proc interfered with (lacks transparency, oversight/just/independence	1	1	1	1			
2	109	16	So, corruption really hurts us in that sense. It prevents these who genuinely want to invest and help us grow the country uhm; it prevents those people from doing so	3	6	10	N	corruption really hurts; corruption prevents investment; corruption prevents investment						2	2

2	110	5	I just want to add again on what has been presented regarding the effects on the economy of the country indeed because then due to corruption the quality of services that are provided are not up to standard, so it becomes double services in the sense that work that was supposed to be done for a certain amount of money is not done adequately because of corruption.	3	6	1	N	corruption deters quality (corruption/vfm)						1	1
5	356	40	I think corruption is affecting the economy of the country severely in a negative impact eh because you find that the tenders are given to the friends of procurement officers and these guys cannot deliver, these tenders are given to them because they can give them kickbacks and you find that at the end of the day eh it compromises the quality of the work that is being done and also these guys cannot even cover the scope of the work that needs to be done so it this corruption negatively affects eh the economy of the country	3	7	1	N	corruption; lack of vfm; lack of transparency; lack of oversight; compromises vfm		1		1		1	2
5	357	40	I think the policies are so weak the current government policies are so weak, for example, there is no eh the ceiling where we can say if you buy this much this eh pen or this item with amount exceeding this limit then we think this this price is just too high so I think the PPAD should be the oh maybe in coming to the recommendation now but the policy is so weak ntate (sir).	4,5&6	7	1	N	weak policies (correct/transparency/oversight)		1		1	1		

5	358	40	There is a lot of loopholes here because they only say from up to fifty thousand eh one could you could use one quotation. What if this thing is ten rand but I decide to buy it with a twenty rand because is still less than fifty thousand. So, I think that eh section needs to be rephrased or checked thoroughly so that we can, to make sure that this price is within the market not only because is less than fifty thousand one quotation is acceptable	4,5&6	8	1	N	corruption/lack transparency; lack oversight		1		1		1	
5	359	40	Another thing is that this system does not involve procurement teams to be part of the implementation, but on theory implementation is still part of procurement because the cycle comes to an end when we close ee... that procurement.	4,5&6	8	5	N	lack oversight; lack transparency		1		1			
5	360	36	for me I don't see something bad with our procurement policies and regulations	4,5&6	8	1	N	proc policies are good					1		
5	361	36	The only thing is how they are being implemented because people are taking an advantage of the way they want to implement the payment regulations	4,5&6	8	2	N	lack oversight		1					
5	363	36	So, people normally go on the last moment when you are approaching the end of the financial year where they could easily apply a direct method because that where the corruption mainly is coming from	4,5&6	8	6	N	lack transparency; lack oversight; corruption		1		1		1	
5	371	37	So, if a body like PPAD is fully capacitated, it is the one that's that eh... can assist the public sector to train people on how to use standard documents and standard ways of doing things	4,5&6	9	9	N	lack oversight		1					

6	479	30	<p>Joale li ethics tsa rona ntate 35 le bahlomphehi re tlatse hore fela le tsona re li behe tlasa taolo ka hore hang fela mohla re nang le procurement act eh, re tla tlamea re bone hore eh, procurement-e e hlohonolofatsoa ka molao ka hore e be le molao oa batho ba eona ba professional.</p> <p><i>(Our ethics should be under control; we should make sure that the procurement bill is enacted into law for its professionals).</i></p>	4,5&6	11	1	N	ethics (corruption); training; oversight					1	1	
6	495	42	<p>history ea corruption e re ruta hore mo hobang le corruption awarding ea process, procurement process-ng eh, bahoebi ba competitive ba qetella ba etsa withdraw mesebetsing e joalo ba qetella ba sa li shebe</p>	8	14	15	N	corruption; lack of competition (lack of fairness/lack of transparency/lack of oversight)		1	1	1	1	2	
6	512	28	<p>mpa feela ke na le letsoalo la hore ehlile e tla hle e beteng tjena given hore (laughs) eh, bapolotiki ba rona... hore ke etsa mohla fela kore haeba ho jolae ntate 30 eh, eh, bill ena esale e etsuoa i think e se le nakonyane e hao no ntso etsoa, hao no ntso ho draft-uoa that act haeba hae so ka e feta hona joale tjena it means le bona bapolotiki ba rona ha ba nke litaba tsa rona ka mokho serious.</p> <p><i>(We learn from the history of corruption that where is abounds, private sector withdraws and competition declines. I am concerned about passage of the procurement bill by the politicians, they might not take it seriously)</i></p>	8	16	9	N	political interference (lack of impendence; lack of transparency)	1			1			

6	513	30	<p>Le tla hlokomela kapo le hopole hore procurement-e hae decentralize-oa e la etsetsoa regulation feela e leng tsane tsa 2007 tsa revise-oa hoa ba le tsa 2018. Li regulation ka bo tsona bahlomphehi ha li na matla a molao ‘me iitse ha re hlokomela bofokoli bona eaba re batla consultant-e eo re reng e tlo re draft-ela procurement bill ‘me procurement bill eo ha ke bua le lona hona joale tjena e kae kae ka parameneteng.</p> <p><i>(We now have the regulations of 2007 which were reviewed in 2018. Regulations by themselves don’t have authority. Now the bill is still in the parliament)</i></p>	8	16		N	no law						1		
TOTAL REFERENCES									68	130	79	124	124	198	135	

APPENDIX 4&5 – KEY FOR CODED RAW DATA FOR SSI and FG

Key +ve							
# REF	Independence 57	Adj/Min/Over 67	Just/fair/right 68	Transparent 72	Correct system 79	Anticorruption 79	Value for money 96
1	authority	DCEO	fairness	raise awareness	Correct system	hierarchical interference	vfm
2	power	policing bodies	justice	promote transparency	correct people	political influence	economy improve
3	Independence	overseeing all cycle	right	competition	ethics restructure	instruction from the top	quality
4	influence	raise awareness	courts	keep the integrity	improve performance	ID corrupt practice	rework
5	should not report to gov	raise red flags	law	raise red flags	train staff	Malpractice	low cost of infra and maint. or repairs
6	political influence	detect malpractice	public trust	improve transparency	restore system reputation	reduce corruption	competition (10)
7	not given instruction	check every step	stakeholder confidence (public, donors, per sector, taxpayers)	parastatal procedure generally good - lacks oversight at implementation	competition	IPA act as and anticorruption measure	efficiency
8	autonomy	Government can eh, can benefits tremendously eh, if it would eh, go for procurement adjudication	competition	Government can eh, can benefits tremendously eh, if it would eh, go for procurement adjudication	current proc policy is ok	parastatal procedure generally good - lacks oversight at implementation	access to funds
9	Government can eh, can benefits tremendously eh, if it would eh, go for procurement adjudication		litigations		things done appropriately	Government can eh, can benefits tremendously eh, if it would eh, go for procurement adjudication	get more donations
10	improve confidence of donors, contractors, and taxpayers	improve confidence of donors, contractors, and taxpayers	compliance	improve confidence of donors, contractors, and taxpayers	verify process	improve confidence of donors, contractors, and taxpayers	donors bring funds
11	IPA will bring independent eye over the processes	IPA will improve proc efficiency and effectiveness	rapport bn LSO 7 partners	introduced supplier vetting process	compliance	you can grow the nation or a culture of respect to the law and enjoy your country	attract capable potential bidders (10)
12	IPA should be there, independent and have teeth	IPA will bring independent eye over the processes	win back the trust of stakeholders	IPA - people will have ownership	have code of conduct	IPA will bring independent eye over the processes to dispel corruption acts	tax will be collected more
13			get more donations		staff experience		proved livelihoods

14	independent procurement could improve Lesotho's credibility internationally (independence)	Independent oversight will destroy the corruption network amongst government officials, politicians and contractors (improve oversight)	improve reputation of LSO	IPA will bring independent eye over the processes to compel transparency	good track record	defend dollar lost to corruption	this is a very good system but again this system then also creates bureaucracy which elongates a process which could be shortened - However, VFM is higher therefore it's good
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Key -ve

#	Independence	Adj/Mon/Over	Just/fair/right	Transparent	Correct system	Corruption	Value for money
REF	68	130	79	124	124	124	198
1	authorities' interference	political influence	unfair process	lack transparency	processes not revealed	high corruption perception	political interference
2	influence	no monitoring	short cuts	processes not revealed	system infested with corruption	infested with corruption	limits foreign investments
3	job offered on political grounds	poor oversight	no justice	public concern	don't comply with rules	there is corruption	increases gap bn rich and poor
4	never independent	poor adjudication	public concerned	inspect implementation	professionals need education	staff and contractors' corruption	promotes monopoly
5	political interference	inspect implementation	overhaul the law	introduce overall oversight	public need education	collusion	poor economic development
6	procurement never respected	introduce overall oversight	compliance	continuous oversight	procurement never respected	internal staff in corruption	doesn't attract investment
7	IPA should not be under ministry	continuous oversight	gaps bn rich and poor	accountability	train on ethics	blacklisting of contractors minimise corruption	poor job creation
8	influence by higher authority	all-cycle oversight	promotes monopoly	promotes monopoly	improve procedures for pandemics or emergencies	monopoly	low employment
9	no separation of powers	nonexistence of adjudication	interfere with process	doesn't involve the public	lacks international best practice	staff and contractors' corruption	high prices
10		poor workmanships	misappropriation of jobs	monopoly	introduce proc methods		imbalanced economy
11		no monitoring over the implantation of the projects	no checks and balances	no checks and balances	lack knowledge of proc		poor workmanships
12			don't adhere to legal framework	violate and overall, the procedure; include areas for previous years no monitoring over the implantation of the projects	lack anticorruption policies		benefits few ppl
13			lacks separation of powers		anticorruption policies not implemented		more borrowing
14			no monitoring over the implantation of the projects		lack experience		indebted
15					compliance		pulling backwards
16					interfere with processes		taxpayer paying for loans
17					weak proc systems		no checks and balances
23					demolish and reconstruct		
24					vulnerable processes		

25					easy to manipulate		
26					poor controls		
27					align with those of donors		
28					correct the law, ppl, system		
29					standardise across all gov ministries		
30					doing waivers or retrospective awards		
31					move on to electronic system like eProcurement		
32					delayed payments because you don't pay tjo tjo (<i>bribe</i>)		

5.6. Appendix 6—Study Framework

APPENDIX 6—STUDY FRAMEWORK		
Problem Statement	Ineffective and inefficient public procurement system in Lesotho that is infested with acts of corruption.	
Aim	Introduction of an all-time independent procurement adjudication system in the public procurement system of Lesotho	
Research Questions	RQ1	How just is public procurement process in Lesotho, and whether procurement adjudication can improve transparency?
	RQ2	How can correcting the public procurement process in Lesotho contribute to prevention of corruption and improvement of value for money in public goods and services?
	RQ3	How would introducing a procurement adjudication system impact the long-term benefits to the sector and the public at large?
Research Objectives	Objective 1	To determine if introduction of the Independent Procurement Adjudication system can improve transparency in the public procurement process in Lesotho.
	Objective 2	To assess the participant's' views on whether improved transparency can deter acts of corruption in the Lesotho's Procurement sector.
	Objective 3	To evaluate participants' opinions on the impact of the successful introduction of the Independent Procurement Adjudication system in the public procurement in Lesotho.
Theoretical Framework	Principal-Agent Theory	Because agents can act in their interest at the principal's expense, the principal-agent problem is an example of a moral hazard.
	System-based Theory	The whole is greater than the sum of its parts
	Stakeholder Theory	Stakeholder theory accounts for multiple constituencies with ethics and morals

5.7. Appendix 7 – Participants Biographies

APPENDIX 7 - PARTICIPANTS' BIOGRAPHIES							
ID	Pseudonym	Entity Type	Gender	Position	Profession	years of Experience	Academic Qualification
1	Mcozonke	1	1	Director	2	30	MBA- IT
2	Moruti	1	1	Director	1	22	MBA- Management
3	MbenaTung	1	1	Director	2	27	Master of Laws
4	Emotso	1	1	Director	2	15	Master of Economics
5	Mzee	1	1	Director	2	20	MBAManagement
6	Busecs	1	1	Manager	2	17	Hon Engineering
7	Jonothane	1	1	COO	2	25	MBAManagement
8	Rama	1	2	Manager	1	8	CIPS 6
9	Mky	1	2	Manager	1	11	CIPS 6
10	Kais	3	1	Director	1	13	Master of Economics
11	Malebo	1	2	Director	1	15	CIPS 6
12	Madala	1	1	Manager	2	27	Hon Eng
13	Kunza	1	2	Manager	2	19	MBAManagement
14	Chak	1	1	Manager	2	12	Bachelor of Eng
15	Lae	1	2	Manager	2	17	bachelor of Laws
16	Hlony	1	2	Director	1	16	Master of Procurement
17	Kosmach	1	2	Manager	2	11	Bachelor of Envir
18	Ntheka	1	2	Manager	2	15	Bachelor of IT
19	Duke	1	2	Manager	2	16	Bachelor of Economics
20	Kana	1	1	Director	2	26	Bachelor of Eng
21	Frande	1	1	Manager	2	12	Bachelor of Eng
22	Sam	2	1	Manager	2	15	Bachelor of Eng
23	Poeza	2	1	Manager	1	11	CIPS 6
24	Saluma	2	1	Director	1	25	Master of Procurement
25	Smally	1	1	Director	1	32	Master of Procurement
26	Maseterata	2	1	Manager	1	15	CIPS
27	Noeli	2	1	Manager	1	13	Bachelor of Eng
28	Epho	1	1	Manager	1	12	CIPS 5
29	Keletso	1	1	Manager	2	12	CIPS 6
30	Light	2	1	Director	1	25	CIPS 6
31	Omoreneng	2	2	Manager	1	20	CIPS 6
32	Laka	2	2	Manager	1	11	CIPS 6
33	Emdholo	3	1	Director	1	15	CIPS 6
34	Heno	2	1	Manager	1	7	CIPS 6
35	Mkhaba	1	1	Manager	1	12	Bachelor of Eng
36	Stebo	2	1	Director	2	12	Master of Eng
37	Eputsoa	1	1	Manager	1	12	CIPS 6
38	Thabo	3	1	Manager	2	12	Bachelor of Eng
39	Lebone	1	1	Director	2	15	MBAManagement
40	Setene	1	1	Director	2	20	Master of Environ
41	Majato	2	1	Manager	2	23	Bachelor of Eng
42	Sasa	1	2	Manager	1	8	CIPS
43	Mhaisane	1	2	Manager	1	24	Bachelor of Proc
44	Mkoari	3	1	Director	2	6	Bachelor of Eng
45	Sebata	3	1	Manager	2	12	Bachelor of Eng

LEGEND

Entity Type		Gender		Profession	
1	Parastatal	1	Male	1	Projects
2	Government Ministry	2	Female	2	Procurement
3	Private				

5.8. Appendix 8 – Introduction of Independent Procurement Adjudication System

Legend:

- 1. **Green colour box** – represents ordinary procurement process by Procurement Manager
- 2. **Orange colour box** – represent a check point by the IPA
- 3. **Red colour box** – represents a hold point by IPA
- 4. **Blue colour box** – represents a procurement activity that has detailed process breakdown in the next page.

5. Acronyms

CPPR – Contractor Past Performance Report	PRN – Procurement Requisition Note
DCO – Documents Control Officer	PP – Procurement Plan
EP – Evaluation Panel	PS – Principal Secretary
GPN – General Procurement Notice	RF – Red Flag
IFB – Invitation for Bids	RFP – Request for Proposal
IPA – Independent Procurement Adjudication	TOR – Terms of Reference
ITQ – Invitation to Quote	
PM – Procurement Manager	

6. Procurement Stages

- i. Planning 1-10 *
- ii. Acquisition 11-19
- iii. Evaluation 20-26*
- iv. Implementation > 27-31*
- v. Close out > 44

** Hold Point by IPA*



