

**EFFECTS OF PROCUREMENT PROCEDURES ON ACCOUNTABILITY
IN THE PUBLIC INSTITUTIONS OF RWANDA: A CASE
STUDY OF NATIONAL UNIVERSITY
OF RWANDA (NUR)**

BY

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**A THESIS SUBMITTED TO THE SCHOOL OF POSTGRADUATE
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DECLARATION

I **NGOGA B. INNOCENT**, do hereby declare that this Thesis on, effects of Procurement Procedures on Accountability in the Public Institutions of Rwanda: a Case Study of National university of Rwanda (NUR) is my own and has never been presented for any award in any other university or institution of higher learning.

Signature.....



Date

23/03/2010

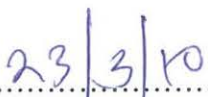
APPROVAL

This work of **NGOGA B. INNOCENT**, entitled effects of Procurement Procedures on Accountability in the Public Institutions of Rwanda: a Case Study of National university of Rwanda (NUR) has been submitted for examination with my approval as his supervisor.

Signature.....


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supervisor

Date.....

2. Dr. G. Kinyatta 

supervisor

Date.....

DEDICATION

THIS work is dedicated to my young brother DUSABE BAZIGA Jacques who worked tirelessly and denied himself good life to sustain me in my Education endeavors up to this University level. I am truly thankful, for he has laid a strong foundation for my future survival.

ACKNOWLEDEMENT

May Almighty God be glorified for his law visions towards the accomplishment of this level in my life.

I would like to express my gratitude to all those who contributed in the completion of this work, some of them must be mentioned for their extraordinary contribution.

It is very difficult to me to express how I am deeply indebted to my supervisor Professor Sunday Olwor whose help, stimulating suggestions and encouragement help me in all the time of this research.

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I am also grateful to my mother Nakure Suzane, brothers and sisters.

May Almighty God bless you all.

ABSTRACT

The main objective of our research on procurement procedures applicability in public Institutions case of National University of Rwanda was to analyze the public procurement system within the aforesaid University by highlighting management of the public funds, characterized by accountability, transparency, equity and economy. We resort to various techniques and methods of research such as the questionnaire, the interviews, documentation and analysis of the files. On the basis of procurement regulation and manual in force, we tried to check the level of application of these tools by the concerned university. We insisted on the respect of times for various operations which intervene throughout procurement process, the choice of procurement method to be used and procurement record keeping. The results of our research revealed some weaknesses and we used them to direct our recommendations in order to streamline the public procurement system. These recommendations concern public institutions, national university of Rwanda and its internal tender commission, the RPPA the government as well as the private sector. We would like to extend our research on the other official institutions and to the decentralized entities. This will enable us to see how laws, rules and other guides related to the public procurement are applied, in order suggest appropriate measures. Other important point shall be related to bid evaluation, because the methods and criteria used in evaluating bids are not the same in all procurement services.

ACRONYMS

ADB	Africa Development Bank
CV	Curriculum vitae
EU	European Union
GACC	General administrative clauses of contract
GOR	Government of Rwanda
GTS	General technical Specification
IB	Instruction to Bidders
ITS	Internal Tender Committee
MINECOFIN	Ministry of Finance and Economic Planning
MOU	Memorandum of Understanding
NUR	National University of Rwanda
OAG	Officer of Auditor General
PO	Presidential Order
RPPA	Rwanda Public Procurement Authority
RWF	Rwandan Franc
SACC	Special Administrative Clauses of Contract
ACAJE	Service du contentieux et Affaires Juriques de l'Etat
SCC	Special Condition of Contract
SG	Secretary General
STS	Special Technical Specifications
UFMIR	Unit of Finance and Management of Internal Resources

UICT	Unit of Information, Communication and Technology
UL AND N	Unit of Legislation and Notariat
UNCITRAL	United Nations Commission on International Trade Law
UPPJ	Unit of planning and Judiciary Policy
WB	World Bank

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CHAPTER ONE

GENERAL INTRODUCTION

The public procurement in Rwanda faced problems as other many factors due to the genocide.

This chapter covers procurement back ground and different techniques to conduct this research.

1.1 Back ground.

“The genocide took place in 1994 was characterized by the radial public of society, destruction of infrastructure as well as the collapse of public institutions”.

This genocide claimed nearly one million of lives, many professionals died. By 1994, when the Rwanda patriotic front (RPF) stopped the genocide, there have been continuous efforts to restore political stability, to rebuild government institutions, infrastructure and to promote economic growth within a democratic frame work.

(Republic of Rwanda 2005; 2007; 2004).

Also, other actions were taken into consideration in order to rebuild the human capacity, the government of Rwanda level to undertake social and economic transformations –one of strategies which were set up was to improve the management of public’s services, in order to help the private sector to be developed. The government of Rwanda (GOR) has embarked on widespread programs of reform of the national public financial management system, including on expensive decentralization management system, including an expensive decentralization process and procurement process in public sector. needless to say that the procurement system was nearly done as it should be, because that procurement department was over whelmed and

there was a poor procurement planning. This implies the loss of the loss of money , procurement of inadequate items which would not be useful.

Rwanda public procurement authority was established in 1998, got off to a good start and has stream lined the tendering of public contracts providing rules and regulations for procurement process. It has published annual report of procurement guidelines for public contracts, which draws from the recommended practices of key development agencies such as WB, UE, and ADB.

Procurement would enhance the government's accountability by a good management of the public resources. The fairness in procurement fields is a crucial challenge, as we deal in competitive world. One of good governance measurement is accountability in management of public resources. The Rwanda Public Procurement Authority (RPPA) is one of government arm of managing of public resources.

Four principles guide RPPA activities namely: transparency economy, equity and efficiency.

With the decentralization system, the government has set internal tender committees within the agencies following ceiling as it's seen in presidential order establishing public procurement procedures (Republic of Rwanda, 2004)

1.2 problem statement

Procurement means acquiring goods and services from an outside source.

The term procurement is widely used in the government; many private companies use the purchasing, and information technology professional use the term outsourcing (Business Development Plan, 1997).

The procurement is seen as an activity that defines government buying of products, services and work. Also the procurement process is a final result of an exchange relationship between organizations and suppliers.

In stream line of government expenditure, that activity takes an important portion of money spent by the state, as role of procurement system was hitting on many challenges such as the legal framework, lack of professionalism in decentralized units, lack of comfortable management tools (procedures manuals), monitoring and evaluation policy, lack of standard bidding documents and difficult condition of anti corruption practice enforcement.

The preoccupation of improvement transparency and accountability in public finance management is crucial problem.

Even if the legal framework in place present some weakness compared to international standards the main problems are reflected in the applicability of the legislation in place. Moreover, internal tender committee members are not fully available because of other principle duties entrusted to them, and this constitutes big hindrance to achieve procurement task.

1.3. Research Objectives

The current study is designed to highlight strengths and weakness in public procurement process and to provide more strategies and recommendations which could contribute to the reform and modernize the procurement legal frame work and management framework of national university

of Rwanda in particular. The main objective is to reduce inefficiency and possibly corruption in procurement.

Specific objectives:

To identify the relevant strengths within Rwanda procurement system, and how the public sector managers put them in practices in general and in particular how the national University Of Rwanda deals with procurement.

- To give recommendations which could contribute to the improvement of the procurement process when is necessary.

1.4 Research questions

1. What are the strengths of the procurement system?
2. How are problems of procurements handled in public institutions especially the universities.

1.5 Significance of the Study

This study will benefit to the GOR and its institutions so as to built a sustainable system of procurement which will help them to realize them objectives included in different programs namely vision 2020, poverty Reduction strategy program and millennium goal's objectives. To the private sector; with a good applicability in system of procurement process, the private sector will do business affairs in good conditions where high transparency and equity, and the problem of delays will be solved and complaints will decrease.

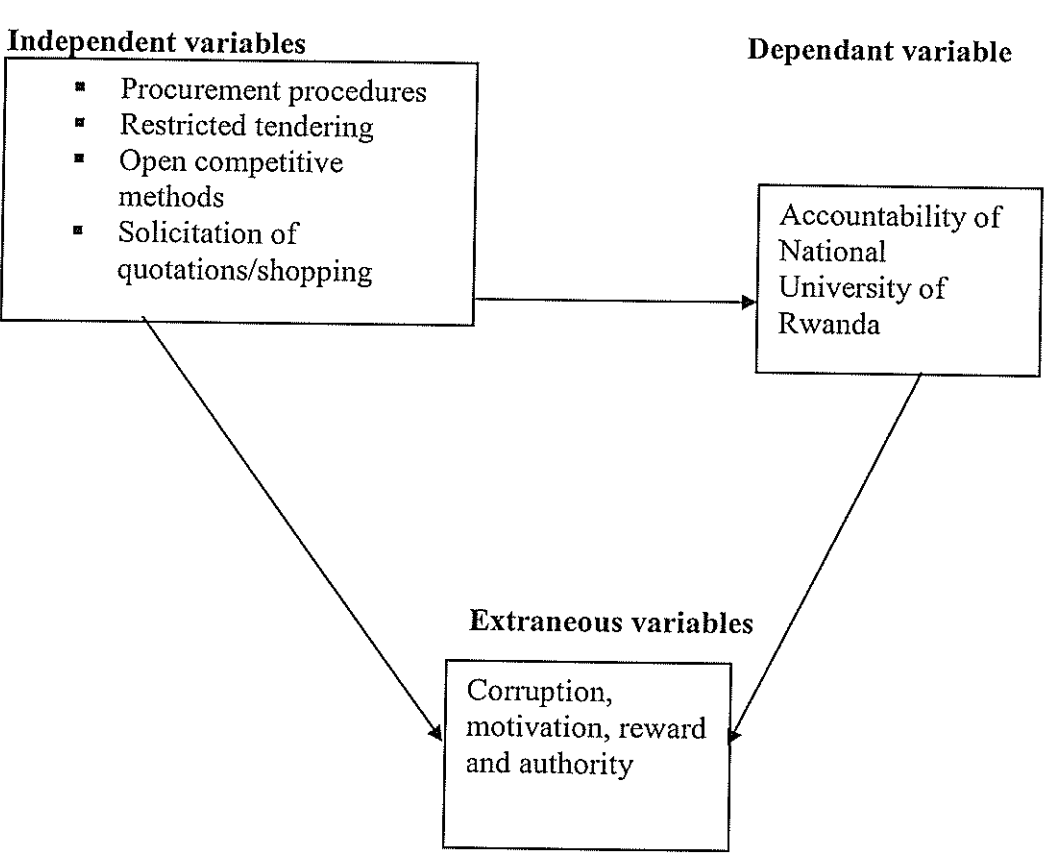
1.6 Scope of Research

This research is geographically oriented to Rwanda, specifically to the national university of Rwanda (NUR) oriented in south province of Rwanda.

In the space our study is limited on the period of three years whether 2007-2008.

1.7 Conceptual framework

Figure 1: Conceptual framework



Source: Research generated diagram

CHAPTER TWO

LITERATURE REVIEW

This chapter on literature view point out the procurement process, generalities, procurement methods mostly used, public procurement proceeding and the contract management.

2.1 Generalities.

In this section of generation we have to talk about procurement definitions, procurement regulation, procurement background, main actors, procurement economic aspect, ethics and the role of procurement plan.

2.1.1. Definition of Public Procurement

The term procurement means acquiring all types of equipment stores, spaces , goods and services including preservation, transportation, insurance, delivery, special services , ceasing technological assessment, consultancy, system study, soft ware , literature, maintenance , updates, conservancy etc.

Procurement is undertaken through various types of contract, including late contract, price agreement and memorandum of understanding .between the purchaser and supplier.

“Procurement” means the purchasing, hiring or obtaining by any other contractual means of goods, construction and services other than intellectual services (Uncitral, 2003)

2.1.2. Procurement Management process.

A procurement right process, or procurement process, is a method by rule items are purchased from external suppliers. It involves ordering, receipt, review and approval of items from

suppliers. Procurement process also specifies how the supplier relationship will be managed, to ensure a high level of service is received that is a critical task in procurement management.

In essence, the procurement process helps you to get what you have paid for (lecturer's course: contracting procurement).

2.1.3 Use of Procurement Management Process.

You need to implement a procurement process anytime you want to buy items from external suppliers by using this procurement management process, you can ensure that the items provided meet it also helps you manage the supplier relationship, ensuring that any issues are involved quickly. By implementing a procurement process, you can ensure you get the maximum value from your supplier relationship.

2.2 Public Procurement in Rwanda.

The procurement in rule is governed by the:

Royal decree of 26 June 1959 on tenders for works, suppliers and transportation;

Prime ministers order amending the prime ministers order No 13 / 02 of July 19, 1993; presidential order No 28/01 of 19 July 2004 establishing public procurement entities.

Never the less this regulation is transitional since the cabinet has adopted a procurement draft law.

In addition, the national tender board had developed many public procurement guidelines, based on major donors' standard documents namely World Bank European Union and African development bank. Also that guidance is based on good international and national practice. (Public procurement guidelines, revised September, 2001 preface).

When it deems necessary the RPPA in collaboration with other agencies implicated, update by reviewing, lamenting or modifying in order to take into consideration the possible changes work are likely to come up in the course of time (*Republic of Rwanda, 2002*).

2.3 Ethics and Confidentiality in Procurement Process.

As the ethics are moral beliefs and rule about right and wrong, the ethic is deemed necessary in procurement function, in order, to conceive the neutrality, equity and transparency also, the ethic plays the rule of guidance of procurement staff against corruption and fraud. Internal tender committee is entrusted to procure with public funds; this is a special and high responsibility which has been delegated to it. Otherwise, credibility and public confidence is vital throughout the purchasing and contracting process. Procurement responsible is required to perform with highest integrity while striving for best values and maintaining compliance with government rules and regulations on force (*Republic of Rwanda, 2006*)

2.3.1 Fraud and Corruption

It is the general policy of the RPPA to require to the tendering institution and tendering institution and bidders to possess the highest degree of ethics enduring the process of tender process or the implication of the contract in application of this policy, the terms mentioned below are defined as follows:

“Corruption act” means the offer, the reception, and demand of any object of value with the view to influence on action of a public officer during the tendering process or the implementation of contract.

“Fraudulent practice” means false declaration of facts to influence the tender process or the implementation of the contract at the expense of the user. These include acts of complicity between the bidders (before and after the submission of tenders) with the view to establish artificial prices, non – competitive rates or to depure the users of his /her advantages and free market competition.

The tendering institution may reject all the proposals and bids at it is found that the recommended and fraudulent bidder was involved in corruption acts and fraudulent practices in the accomplishment of envisaged contracts practices in the accomplishment of envisaged contracts (*MINECOFIN, 2002*)

2.3. 2 Procurement planning

“Planning is the process of deciding what objectives to pursue during a future time period and what to do in order to achieve the objectives (caluin engler, Managerial accounting, statement of cash flows, ed. 1988 pg 305).

“Each public procurement entity is required to plan for prospective tenders to be awarded during the financial year, on at least quarterly basis and in accordance with the annual budget adopted. A copy of such planning is to be forwarded to the national tender board. (Republic of Rwanda, 2004).

In order to have harmonized procurement plan within public sector, the RPPA has suggested a model of procurement plan of two types as shown at the appendix E and D these are the following: general procurement plan and specific procurement plan. Those models are provided by the RPPA.

2.4. Choice of procurement methods and their conditions for use.

The choice of each method shall depend on size of contract and nature of tender pursuant to provisions of in force. In our research we will emphasis on opening competitive tendering proceeding, two –stage tendering, restricted tendering method and solicitation of quotations.

2.5. Public procurement procedures:

The step of public procurement proceeding shall consists in preparing of the bid documents and tenders, formal bid opening and report and finally, bid evaluation phase.

Preparation of the tender document.

The client is responsible for the preparation of the tender documents.

Tender documents shall be made available to candidates in an expeditious manner, at a price not exceeding the cost of reproduction and delivery to candidates, and other wise in the manner specified in the invitation to tender.

“The tender documents shall be drafted in one of the official languages. The client who has no required technical skills will request the services of an independent consultant or a specialized firm. The national tender board shall provide standard documents on national level for tenders financed by the government of Rwanda. (*Rwanda Public Procurement Authority, 2004*)

“The binding documents shall furnish all information necessary for a prospective bidder to prepare a bid for the goods, services and works provided. While the detail and complexity of these documents may vary with the size and nature of the proposed bid package and contract” (procurement directives and guidelines: Revised September, 2001 pp. 12.) “ those tender documents shall comprise a minimum of the following documents according to the type of tender: invitation to bid; instructions to bidders (IB); special conditions of contract (SCC);

general administrative clauses of contract (GACC); special administrative clauses of contract (SACC); general technical specifications (GTS); special technical specifications (STS), drawings and plans , for contracts of works ; sample forms” .(Republic of Rwanda, 2004) establishing public procurement procedures.

The preparation of tender document demands high skills in procurement area, and it is quasi impossible to have a staff that has knowledge in many diversified areas such as constructions, water and sanitation, information technology equipment and drugs foe example. So, the solution is to proceed to the outsourcing system in order to hire a technician who has required skills. In addition, the RPPA shall provide standard documents on national level for tenders financed by the government.

The main administrative and technology Conditions for eligibility:

In order to be awarded contracts in public procurement, according to art 50 of po No 28/0/of 19/07/2004 establishing public procurement procedures, candidates must demonstrate:

1. that they possess the necessary professional and technical qualifications and competence , financial resources , equipment and other physical facilities , managerial capability, experience , and personnel, to perform the contract;
2. that they have the legal capacity to enter into the contract;
3. that they are not insolvent, in receivership, bankrupt or being wound up , their business activities have not been suspended, and they are not the subject of legal proceedings for any of the foregoing ;

4. That they have fulfilled their obligations to pay taxes and social security contributions in the country in which they are established (Republic of Rwanda, 2004)

Publication of Bids

According to UNCITRAL, in addition to any publication procurement bulletin, invitations to tender shall be advertised in at least one national news paper of general circulation, as well as in widely disseminated Ted foreign publication if the invitation is expected to trigger the interest of foreign suppliers.

The time allowed for preparation of tenders is up to the size of the tender, either local or international. Either open or restricted tendering. (Uncitral, 2003)

Opening of Bids

Reference done to the public procurement guidelines of 2001, at the time stipulated in the tender documents for opening of tenders, which should be the same as the deadline for submission of tenders , or their authorized representatives, shall be allowed to attend the opening of tenders. The name of the tender, the total amount of each tender, any discounts or alternatives offered, and the presence or absence of any tender security, if required, shall be read out loud and recorded, and a copy of the record shall be made available to any tender on request.(*Rwanda Public Procurement Authority, 2004*).

Evaluation and Comparison of Bids

The purpose of bid evaluation is to determine the lowest evaluated responsive bid from amongst the substantially responsive bids received. In order to determine the lowest evaluated responsive bid, a systematic evaluation process that follows a logical sequence should be followed.

Bid evaluation procedure (procurement Note prepared by North American [http Development Bank](http://www.ida.org)).

The procuring entity shall evaluate the qualifications of candidates in accordance with the criteria and procedures set forth in the tender documents. The procuring entity may disqualify a candidate if it finds at any time that the information submitted concerning the qualifications of the candidate was materially inaccurate or materially incomplete. The procuring shall an evaluation report detailing the examination and evaluation of tenders. The evaluation criteria must be specified in bidding documents and adjust each bid as appropriate using the evaluation criteria. Only the criteria specified in the bid document can be applied. No new criteria must be introduced at evaluation, and the specified criteria must be applied wherever appropriate. Specified criteria cannot be waived during evaluation.

Evaluation Report

After the opening of tenders, information relation to the examination clarification and evaluation of tenders and recommendations for award not be disclosed to tenderers or other persons not officially concerned with this process until the award of the contract is announced.

Following opening of tenders, and until the preliminary decision on award has been notified to the successful tenderer, no tender shall make unsolicited communication to the procuring entity

or try in any way to influence the entity's examination and evaluation of the tender officials should not entertain calls or informal communication, meeting, or other contact with any bidder or its agents.

Signing of the contract and its Execution

“After the notification of the tender award, the contract binding parties shall be prepared and signed. It must match the sample form appearing in the tender documents. A copy of the contract must be forwarded to the National tender Board. for any contract of which the value is over five millions of Rwanda Francs, the signing of the contract shall be preceded by the presentation of bid by the successful bidder, a performance security in conformity with the form furnished in the tender documents (*Republic of Rwanda ,2004*)

In conclusion, this chapter concerns many things related to the procurement process, regarding conceits; the importance of procurement planning as well as interaction between public procurement with private sector development. It describes important public procurement actors and the responsibility of each one. It mentions also the worthy role of ethics for officials involved in the procurement proceeding activities. In Addition, methods used in tendering proceeding are highlighted and the preparations of tender document with its implication were catered for.

CHAPTER THREE

METHODOLOGY OF THE STUDY

3.1 Introduction

Research methodology lead to the achievement of the research objective set. It has to mention tools, techniques used in order to collect data and information. It also attempts to highlight the study population, sample selection, data collection, analyses and the numerous limitations in use (Amin, M.E. 2005)

3.2 Research design

About research design in the work we logically used both qualitative and quantitative research designs since qualitative methods are information driven, they provide a more holistic picture and analysis of the factors that can affect the procurement process in the way of achieving the accountability in public universities.

The quantitative methods basically was used when dealing with tabulation, presentation of data analysis and frequently as well as calculation of percentages

3.3 Sampling procedure

The study population consisted of the procurement and tendering staff, the winners and losers of market. However, as the study requires information about procurement process and the accountability related to that, it was obviously appreciated to select the respondents from National university of Rwanda specifically ITC and suppliers.

In the first stage, sampling was done form the Rwanda public procurement Authority. In the second stage, sampling was done in NUR, the lesson behind considering various organizations

enabled the research to identify the accountability in procurement process and provide some suggestions.

3.4 Population and sample size

The ideal practice in research is to obtain information from the entire population. This would ensure maximum coverage of the population concerned in research.

However entire population of 7 person found in ITC and 6 suppliers or tenders found in the data base of National University of Rwanda.

The process of selecting the respondents for this study is the major task exercise but because this number is not large, we used all the population using the table found on appendix C. The two technique that were employed to select the samples are judgmental and quota sampling procedures. This was done in response to the issue of realistically covering the large geographical area in National University of Rwanda as well as taxing exercise. Since it is issue of dealing with a population of different categories the two techniques that were employed to select the samples are judgmental and quota sampling procedures. This was done in response to the issue of realistically covering the large area of National University of Rwanda as well as to that one of the academically acceptable and representative sample.

3.5 Instruments

According to the nature of this study, various instruments were used. The questionnaire and interview guide were used in order to get the primary data. Observation were used when reaching the said areas of study.

The questionnaire were used as a main instrument in collection of data all along this research. It were employed in obtaining views and opinions of individuals' respondents in this study. Questionnaires were administered to selected respondents to get the required information.

In order to get the backgrounds, the theoretical framework of this study, and to collect appropriate data, reading books, published and unpublished documents, reports and policy papers related to the study is obviously crucial. Bearing in mind the advantages of documentary analysis, one must carefully scrutinize and analyze the documents consulted in the study. This helped to get the background to the problem, as well as the literature related to the research topic.

Interview is another important instrument that was used in obtaining data form the field. According to Bailey (1987), interview is a face-to face conversation between an interviewer and a respondent conducted for the purpose of obtained information.” This instrument is intended to add quality to the information provided by the questionnaire. Face to face interview conducted with help of the interview schedule during data collection. Structured and non- structured interview questions were asked and answers were carefully recorded down.

3.6 Procedures

An introductory letter was to be obtained from Kampala International University requesting for permission to undertake this research in National University of Rwanda. The researcher introduced himself to the targeted population in the National University of Rwanda (NUR). The researcher then prepared questionnaire and pretested them before administering them. Lastly the questionnaires were collected and data were entered in excel spreadsheet, frequencies

highlighted, and percentages computed. After all these steps, the following crucial was that one of analyzing data and making conclusions and recommendations.

3.7 Measurement and data analysis

This involved statistical description of the coded and distributed data, statistical indicators such as tallies, frequencies, and percentage that were used to show the significance of the different variables to the research questions. Simple tables and graphs were to be used. By the same token, data from likert scale were reduced to the nominal level by combining all responses into two categories.

The data, processing were conducted scientifically and systematically. In the respect, the researcher scrutinize answers form the respondents thoroughly well to avoid making mistakes. Conclusions were made out from the said answers. Likewise the researcher must ensure that responses form the respondents had a high degree of consistency and reliability. Quantifiable data were tabulated by frequently using tables for easy understanding, interpretation and analysis of data.

A pre-test was conducted to ensure the clarity of reliability and its effectiveness and the time required to complete the questionnaire and to make sure that the question was evaluating what was intended to be evaluated. After one week a post test was conducted to the same respondents and responses were similar. Hence, the coefficient of reliability was judged to be high.

CHAPTER FOUR

DATA PRESENTATION, ANALYSIS AND INTERPRETATION

4.1 Introduction

In this chapter we present the main finding from the multiple sources of information that were used by the research as documented in chapter three.

4.2 Research findings

As data collection is concerned for our present research, we utilized questionnaires; targeting two categories of respondents i.e. former members of the Internal Tender Committee within the National University of Rwanda and some suppliers who responded to the National University of Rwanda bids invitations.

The other statistical data were collected from compiling the university Archives, either from the professional charge in budget execution or from the ITC's secretariat. We even used different interviews with different personalities involved in public procurement system, as agents from RPPA and those from the Auditor General's Office to enrich our recommendations.

May we notice that, the findings have to prove how the main objective has been achieved and how the research questions are replied. Remind that our essential objective was to give prominence to the strengths and weaknesses possibly noticed in the National University of Rwanda procurement system.

4.2.1 Investigation and Analysis of Finding from the Questionnaire Targeting the ITC

We distributed seven (7) questionnaires copies and all returned to us. After the examination of

the different copies, we noticed that (i) written policies and procedures manuals exist and used by the ITC. Three (3) civil servants are familiar to the said documents; they are very well detailed and respected, in the process of procurement tendering, according to ours respondents.

Figures below show us the level of applicability of laws, procedures manuals, guidelines and other procurement tools, by the National University of Rwanda.

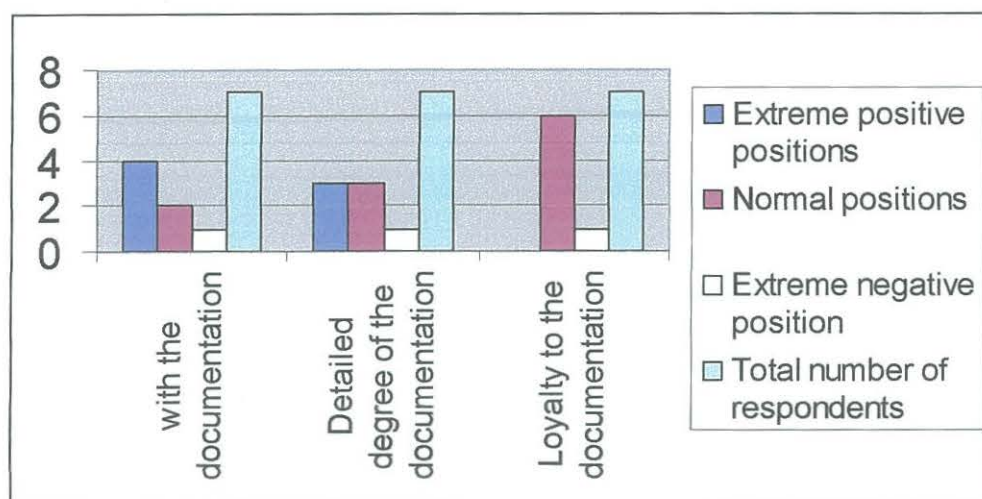
1. The question related to written policies, guidelines and procurement procedures.

Table 1: Data related to the applicability of policies and procurement procedures

	with the documentation	Detailed degree of the documentation	Loyalty to the documentation
Extreme positive positions	4	3	0
Normal positions	2	3	6
Extreme negative position	1	1	1
Total number of respondents	7	7	7

In order to have a clear view of the ITC behavior towards procurement documentation, we deem necessary to draw the figure 2:

Figure 2: The Internal Tender Committee's Behaviors to procurement documentation within NUR

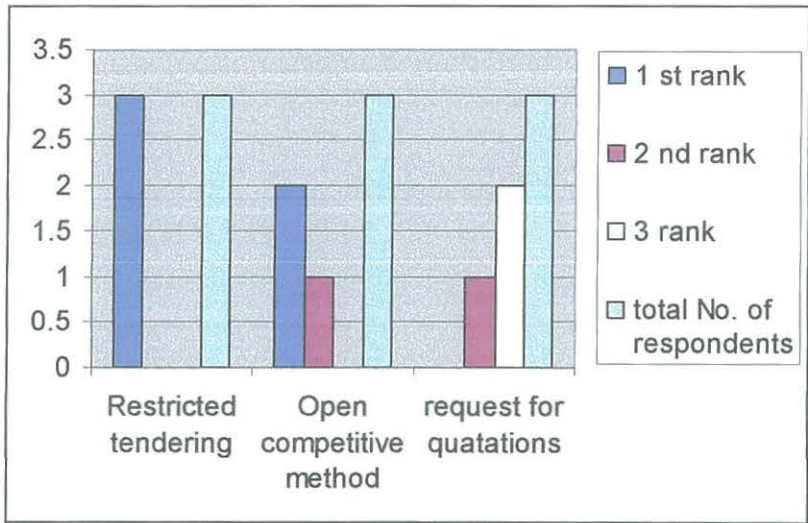


As conclusion on question related to written policies, -guidelines and procurement procedures some strong points seen within the University we found that: (i) There is no interference of decision makers of National University of Rwanda in its internal tender commission; (ii) Tender documents prepared by National University of Rwanda are well elaborated because they are prepared in collaboration with legal advisors; (iii) Most of time bids opening date are observed; (iv) Communication between. National University of Rwanda internal tender commission and bidders is most of time done by writing. This entails the diminution of corruption and fraud; (v) Tender documents are widely published on radios and news papers.

2. The question related to different methods frequently used in purchasing goods, works and services for the National University of Rwanda. Notice that three persons replied well to this question. Most of the time, procurement entities used restricted tendering to cover their bad or

non-existing procurement plan. They use emergency pretext as excuse and umbrella to this method. We want to analyze how the ITC's members perceive this assumption. According to responses given by our respondents, the restricted tendering is more used and it takes the first place, because we need goods of small amount whose supplies are in our database and short list them in the second place, competitive method they use it because service works and supplies which are not the threshold of restricted tendering have to be alone through this methods, the third place is allocated to the solicitation of quotation.

Figure 3: Most Used Procurement Methods according to respondents



The set out reasons of choosing one or other method are the following:

- a) We resort to restricted tendering method, to come at the first line when needed products of small amount who the suppliers are in our data base or are not available from many suppliers or in case of specialty (work's quality) or complexity of items in need. This method comes sometimes as a remedy to the disadvantages encountered in the open tendering and it favors some bidders.

b) For opening competitive tendering proceeding, you use this method when it is a question of a very important tender, to have respect for the transparency principle, to get a big number of suppliers so as to enable to choose the most competitive (high quality and minimum cost) and for respecting for procurement rules. Therefore, this method presents some disadvantages since it requires a great effort to evaluate any bidders and the advertisement expensive.

c) The solicitation of quotation Shopping, is used when dealing with small amount not exceed one million Rwandan francs (1000 000 RWF) in accordance with current legal texts regarding public procurement. In addition, this method can not be used more than once in the same quarter and for same category of tender (art.29 of the P.O. 11028/01 of 19/07/2004 public procurement procedures. This method is quick and cheaper.

3. For the question about if members of ITC have handled any complaints from suppliers, we got three (3) cases namely: (i) tenderers who are claiming why they did not get any allotment since at the opening bids they had the lowest prices; (ii) suppliers doubting about the ability of the ITC to analyze technical cartage specifications; (iii) claims related to the respect of contract clauses when of services, since the validation process of those documents is long.

4. The members of the ITC presented the major difficulties faced while performing their job of public procurement for the university as our major objective is to give prominence to the strengths and weaknesses possibly in procurement system of the National University of Rwanda some weaknesses are remarked on the side of private sector (bidders), such as:

(i) Some suppliers did not master all the procedures for public procurement proceeding. 'they often reason in terms of price and not of quality or other considerations; (ii) some suppliers deliver products different from those written in the terms of reference, tender document or contract; (iii) The ITC meets the problem of late delivery; (iv) Many tenderers have no available stocks at bidding, and sometimes they fail to fulfill their commitments in the due time; (v) For services tendering (especially consultancy), ITC meets a serious problem of curriculum vitae trafficking. The consultant earns the tender, but the work to perform is deprived of consultants. It is difficult to judge before the quality of a consultant whose ITC does not have any technical references;

Considering weaknesses noted on the side of Administration of National University of Rwanda as mentioned below: (i) The nomination of some untrained ITC members; (ii) Lack of facilitation to ITC members. Many times the direct chiefs are not comprehensive towards procurement staff they do not give priority to the procurement function; they consider procurement as an accessory task to the main assignment. (iii) Many tenders are often unexpected and urgent that encourages sometimes fail to respect procedures and think that only financial part is based on while awarding contracts.

Changing of committee members of the internal tender committee every after three years and bringing in new untrained members.

5. The ITC's members gave suggestions related to personal development and professionalism, to promote motivation and to fight against corruption. a) Strengthening capacities and professionalism of the ITC's members. The ITC's members are appointed to ensure the public procurement function without any preconditions such as training since most of them did not

complete any studies pertaining to public procurement discipline. They spend a lot of time to get familiar to their new function. So, it deems necessary to organizing training urgently to every one who begins the function of public procurement officer. As far as professionalism is concerned, the members of the ITC recommend recruiting qualified and experienced persons in public procurement processing. This presents advantages such as:

Permanent organization of public procurement; mastering concepts of terms of reference and tender document, a good follow up of procurement plan, a complete, secure and organized filing as well as the regularity of evaluation reports and others, requested by RPPA.

Devoting of most of their time on reading procurement regulations to be equipped with enough skills on their procurement related work.

b) Replacement of the members of the ITC turned out to be necessary at a certain moment varying between two and three years. When regular relationships had been established between the ITC and bidders, this leads to corruption attempts and fraud.

c) The last recommendation is focused on the motivation of the ITC's members. As the latter combines procurement function and other administrative activities related to their duties, they prioritize the functions which are considered in the final performance evaluation of every agent. Carrying out the public procurement function while assuming other responsibilities, requests enormous sacrifices from the agent as the procurement procedures are clear on limited periods to be observed as not to impinge on the rules. To conform to all those requirements and to reconcile them with the main responsibilities, those agents of ITC are requested to perform additional efforts with a risk of not suitably achieving all the objectives.

Related to their duties. Consequently, the members of ITC suggest remunerating those additional efforts. A bonus, so small could it be, must be granted; as it is justified. Still, the motivation bonus would play an other role of protecting the ITC's members from corruption and quick mobility; certain members resign from that function since they do not get any profit from it.

4.2.2 Analysis of the questionnaire intended to the National University of Rwanda tenderers.

Six questionnaires copies were distributed and all copies were returned to the researcher. In brief; the questions to the tenderers of the National University of Rwanda were focused on: (i) The way that university treats its suppliers; (ii) the observance degree of procurement rules and procedures by university (iii) the frequently used tools to communicate with the ITC in procurement matters; (iv) factors influencing the poor quality performance of the service charged in public procurement; (v) recommendations from the tenderers towards the Government, to improve its relations with the private sector, in the public procurement area.

1. After analyzing all questionnaires copies, we noticed that the relationships between the National University of Rwanda and its suppliers were much moderated.

2. The reactions of suppliers on how the National University of Rwanda observed the procurement rules and procedures are as following: (i) the bids are widely published as all the respondents wrote. No respondent doubted on the quality of the bidding files prepared by the National University of Rwanda (iii) opening the bids does not often respect the specified hours in the tender document, as wrote (iv) The choice of the retained tendered was criticized. Proclaimed they had no problems with the way the ITC selects its tenderers, three others had no clear ideas about that, while the remaining three found the evaluation period was not always respected.

The notification of tender award to the successful bidder was made a bit later while in meantime prices could have considerably changed. So, two of tenderers made the observation that the NUR was not used to notify the tenderers whose offers were not retained.

According to bidder's responses, answers given by ITC members and interviewed people, it is clearly stated that rules and regulations are not strictly observed. As previously seen, critics raised are: the non-respect of the time of bid opening, the delay of notification of tender award. Regarding the conciseness and clarity of procurement regulation, a small number of users agreed that these regulations are not sufficiently detailed.

Weaknesses observed towards the National University of Rwanda ITC can be summarized as following: (1) There is no procurement plan, this procurement plan model is reflected by the appendix C; (ii) Reports required by RPPA are not submitted; (iii) Failure in filing; (iv) Procurement regulations are not well observed; (v) Notification of tender award and debriefing are delayed; (vi) Many times unsuccessful bidders are not debriefed.

3. Contacts between suppliers and the ITC were made through letters, as all respondents wrote. This is one of the strong points noticed towards the National University of Rwanda ITC. It contributes efficiently to entail the diminution of corruption and fraud.

4. Some factors underlying the poor quality of the public procurement service as told by some of the university's suppliers are the following: (i) Relationships between the suppliers and the buyers; (ii) Monopoly of the supplier; (iii) tenders without tender notices; (iv) the lack of qualified staff in procurement field.

5. Pursuant to the research question about the role of private sector play in public procurement, the tenderness of the National University of Rwanda gave recommendations towards the Government to improve its relationships with the private sector in relation with public procurement namely: (i) implementing strategies for promoting the culture of responsibility; (ii) avoid political matters in the procurement process; (iii) Entrust the qualified and experienced staff in the field of public procurement; (iv) the government should consider also the initial capital of the supplier; (v) Educate enterprises on how to prepare required standard tender documents; (vi) Notification of successful bidder should consider changes in the price of the items involved in the tender document.

Even if the private sector has presented some factors underlying the poor quality of the public procurement service, his contribution for enhancing this quality is almost hopeless. Normally the private sector should help the public sector to improve the quality of public procurement System. This could be possible if the private sector tries to reveal every violation of procurement regulation and every attempt to corruption and fraud.

“Nevertheless, the private sector seems to be under developed, it is not familiar to procurement regulation and it is afraid to stand against procuring entities”⁵⁷. Results of the research have highlighted only one appeal lodged in procurement. This shows how the private sector is afraid of public sector whereas fifteen (15) cases of irregularity on duration have been noticed.

4.2.3 Investigation of Archives of the ITC’s Secretariat within the National University of Rwanda

After doing investigation of questionnaire copies from the ITC’s members and from the university’s suppliers, we noticed certain strengths weaknesses and recommendations relate to

the applicability by the National University of Rwanda of public procurement rules and procedures.

Our research was not strictly limited to the questionnaire, but was completed by investigating records found in the ITC's Secretariat during the periods 2006 and 2007- 2008 data collected are combined in the appendix 1): Findings on the applicability of procurement procedures and guidelines by the National University of Rwanda. We tried to get answers to questions related to the importance of expenses in goods, works and services; to the respect of publishing periods, opening bids, evaluation of bids and notification of tender award. We shall speak about the recording and reporting system.

4.2.3.1 Volume of expenditures on goods works and services.

The research made showed us that the volume of goods bought through public procurement is more important than services or by far of work. Let us point out that works are rare, but once one is committed to achieve them, they blow away a lot of money for a single operation. Following statistics reveal the reality of that volume of expenditures on goods purchasing related to those spent on services or works within the National University of Rwanda. This assertion can not call for generalization since it depends on the nature of missions assigned to each institution.

Table 2: Expenditures purchasing through public procurement (in million) 2007/2008

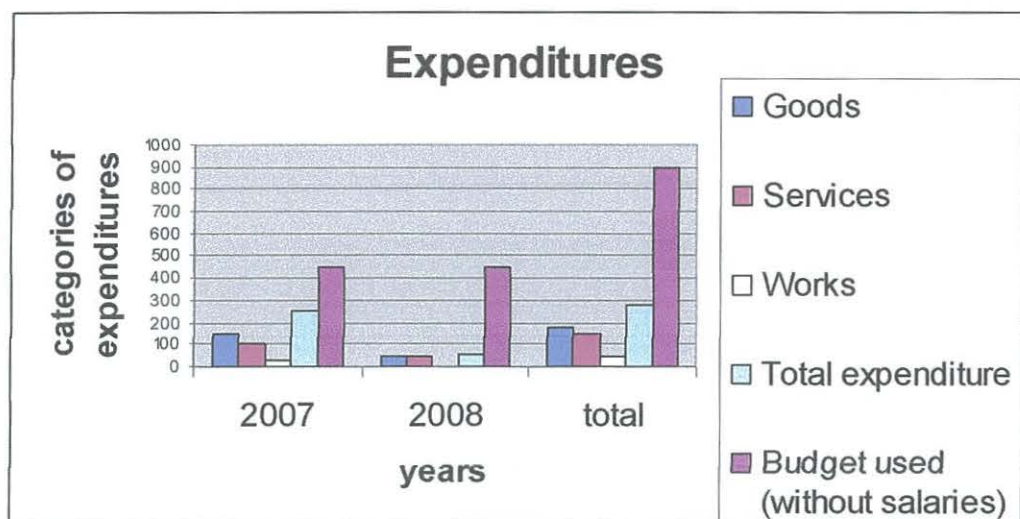
Years	Goods	Services	Works	Total Expenditures	Budget allocated without salaries	Budget used (without salaries)	Budget used - Total expenditure	% between expenditures and budget used
2007	122	109	22	253	509	453	201	56%
2008	50	17	0	66	575	461	394	14%
Total	172	126	22	319	1084	914	595	35%

Sources: Law determining the state finances for the 2007 fiscal year.

With other fiscal laws published in official gazette of Republic of Rwanda, J.O n° Special of 31, December 2003; Law determining the state finances for the 2005 fiscal year with other fiscal laws published in official gazette of Republic of Rwanda, J.O n° Special of 31, December 2008 National University of Rwanda annuals reports 2006 and 20 07

In order to explain more extensively what is shown in the above table, it is imperative to, reproduce it on a graph displaying the comparison more distinctly.

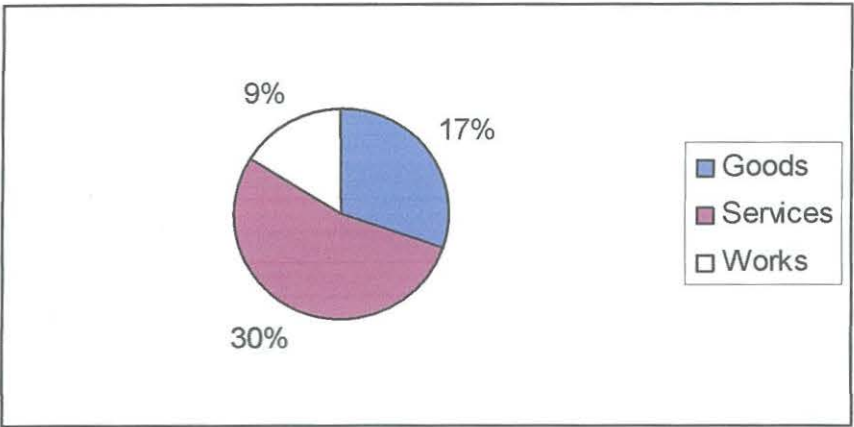
Figure 4: Comparison between goods, services, works and current budget used



It is better to inform that even if we tried to consult the Nur filing, some data are missing because many of the staff is recently recruited due to the public service reform.

According to the available data, public expenditure of the year 2007 amount 56% of the budget used. Goods are firstly ranked, services occupy the second place and works occupy the third place. The reason is that National University of Rwanda missions are much oriented in education rather than works. The volume of each type tender, is illustrated by the figure 5:

Figure 5: Importance of goods, services and works procured



We have seen that goods, services and works constitute 56% of the budget spent. It means that there are other expenses that are incurred, not through procurement process (representation fees, traveling expenses within the country, reception fees, and fees of training abroad, other transfers as well as annual contract paid on consumption.

4.2.3.2 Findings on Methods of Public Procurement.

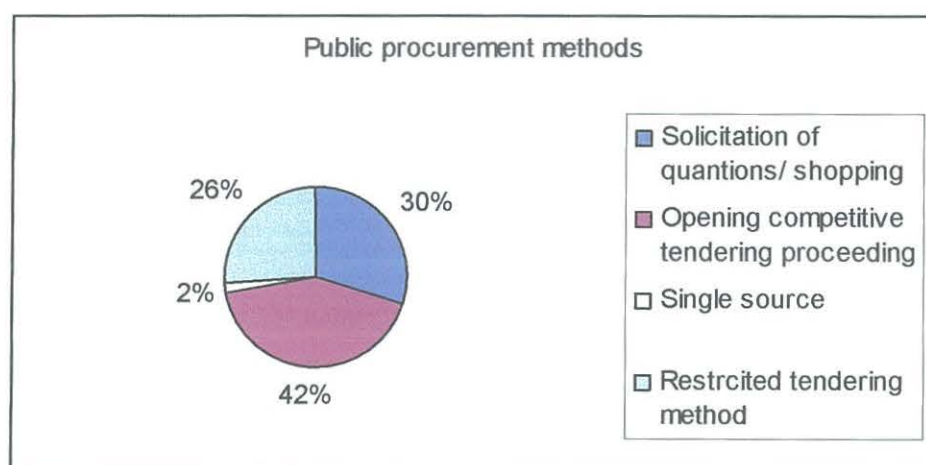
According to the data collected from the different files of the National University of Rwanda we have made an inventory of fifty three (53) files which passed through the public procurement. Nevertheless, five (5) files failed to gather complete data to ensure and show off the method used. So, our comparison was based only on the remaining forty eight (48) cases. Please refer to the following table 4 to check the allocation as per public procurement method utilized.

4.2.3.3 Other Findings Considerations

No.	Public Procurement Methods	Figures
1	Single source	6
2	Restricted tendering method	13
3	Solicitation of quotations/ Shopping	14
4	Opening competitive tendering proceeding	15
Total		48

By the following figure 6, we concluded that the procurement method more utilized is the restricted method.

Figure 6 : Comparison of public Procurement Methods



4.2.3.4 Other findings considerations

a) Respect of delay

On this point of view, we emphasize to appeal before, certain limitations delays for some important steps of tendering process. See the following table 5:

Table 3: Timeframe of public procurement process

	Operations		
Public Procurement Method	Necessary delay between Publication and Opening	Necessary delay between Opening and Evaluation	Necessary delay between Evaluation and Notification
Open International competitive tendering and restricted methods	45-90 days: if tender dossier is complex, and 21 working days for an evident simplicity	The bid evaluation shall be done within seven (7) days following the opening bids. Art. 11	Within seven (7) days after the evaluation of bids.
Open National competitive tendering method,	30-90 calendar days for major tenders of works and services; 21 days from newspaper publication or 14 working days for an evident simplicity of services, works or goods	Ditto	ditto
Restricted National tender	Ditto	Ditto	ditto
Solicitation for quotations Method	At least 3 working days from the date of receipt of the request	Ditto	ditto

Our research results had showed that procedures related to the publication, evaluation and notification are not often respected. On fifteen (15) irregular files four (4) of them regard no respect of publication delay; two (2) others concern no respect of duration of evaluation and nine (9) dossiers are about no respect of notification delay.

b) Respect of sufficient number of tenderers

The minimum number of bidders acceptable for .opening of bids is three tenderers. That is specified for solicitation quotation or shopping and restricted tendering method. We had seen that results provided by the research, showed that 39% tenders executed by National University of Rwanda during the year 2007 and 2008 were composed by below three bidders, and 34% composed by three tenderers only. Finally, 27% were composed by above three tenderers.

Therefore, the main findings of the study all as follows:

- Concerning the written policies and procedures, manuals exist and used by ITC and all internal tender are familiar with them.
- Different methods are used in purchasing goods, works and services for NUR but the most used method is restricted tendering to cover their bad or non existing procurement plan.
- For the question about the complaints of suppliers we got three cases:- tenderer who claimed why they did not get any allotment. Even if they had the lowest prices.
- Supplier doubting about the ability of ITC and thirdly the claim about the respect of contract clauses.

The major hindrances the internal tender committee met were:-

- Changing of committee members of the ITC every after 3 years and bringing new untrained members.
- Supplier who are not equipped with procedure and who think that only financial is based on while awarding contracts.

The ITC members gave suggestion related to personal development and professionalism, to promote motivation and to fight against corruption among the suggestion there is devoting most of their time on reading procurement regulation to be equipped with enough skills on their procurement related work.

The summary of finding obtained from suppliers are as follows: - the relationship between the NUR and its suppliers were much moderated.

The choice of the untrained tendered was criticized.

The opening of bid does not often respect the specialized hours in the tender document.

Failure in filling.

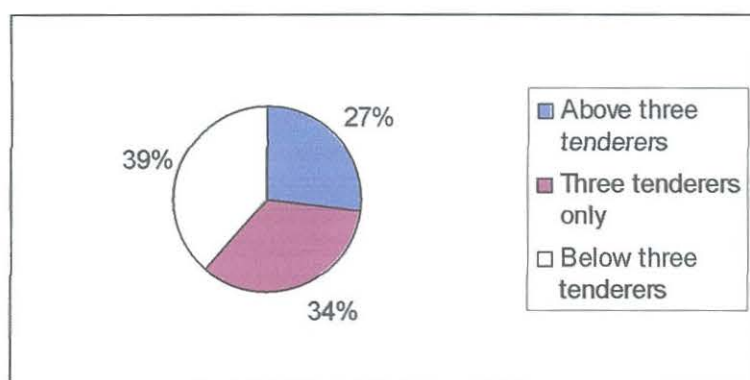
Concerning the contacts between suppliers and the internal tender committee, these were made through letters as all respondents wrote, and this is the strong point noticed towards the NUR ITC because it contribute efficiently to entail the diminution of corruption and fraud.

The poor quality of the public procurement service is underlined by different factors such as, monopoly of the supplier, relationship between suppliers and university's suppliers lack of qualified staff in procurement field.

Therefore, the strengths of the procurement system are found in the existence of procedures, laws and the existence of RPPA which is in charge of receiving all reports from different public institutions and provide all information about public procurement.

Lastly the problems of procurement are handled in public institutions in showing and explaining the process used to choose the supplier or tenderer who get the award.

Figure 7: Three Tenderers for a bid, is the Minimum number accepted



Source: the articles 28 and 29 of the Presidential Order

4.3. Discussion of findings

On this point, a link shall be made between theories mentioned in chapter 2 with realities met in our research

a) Public procurement organs and missions

The ITC's assignment of making procurement plan has not been achieved (pursuant to art 5 of the presidential order above mentioned). NUR has not yet present its procurement plan for year 2008.

b) Choice of procurement methods and their condition of use

The two-stage tendering method referred to in article 27 of the said residential order has never been utilized, according to the collected data in NUR filing and as per information collected from our respondents. Our opinion is that the NUR ITC is not familiar to this method or has never found a need of applicability of this method. Furthermore, this method should be the solution to dishonest bidders.

Open tendering (article 24-26 of the P.0)

The main problem in the utilization of this method is the lack of sufficient bidders despite the advertisement, which takes a long time. The readvertisement of the tender is sometimes impossible and this leads to the non-respect of the publication period, since the need of emergency arises. Moreover, the publication period is not always observed.

Solicitation of quotations (article 29 P.0)

Sometimes the solicitation of quotation is not made in writing; the beneficiaries pay visits to qualified suppliers and ask the price orally. Furthermore, it was noticed that this method can be used more than once in quarter. The ceiling (500 000 RF) provided for this method is not observed.

Evaluation and comparison of bids (art. 11 P.O.)

The regulation in force does not provide the evaluation method, to reconcile the technical and financial evaluation. Thus, donor's regulations have been referred to.

Notification of tender award

The findings of our research indicate the letters of notifications of tender award are not dated, we never found a letter debriefing an unsuccessful bidder. Many times, the period between the evaluation and the notification exceed seven days provided for in article 16 of the P.O.

Monitoring and evaluation

According to the data availed from monitoring, it was noticed that there are breach of by sometimes they use to ask for the extension of execution period or present supplies/works that are not matching with technical specifications provided in the tender document. The article 5 of the P.O. does not specify that the monitoring role is entrusted to ITC members, and this entails problems since some beneficiaries are not familiar to technical specifications the rector of NUR has always wished a rigorous follow up in order to avoid litigations in public procurement

Conclusion:

In this chapter, we talked about the instauration of ITC and its collaboration with beneficiaries; we presented the result of the questionnaire distributed to ITC members, bidders as well as those from NUR filings. It was demonstrated how the results met our research objective as well as the research questions. Finally, we discussed the results linking them with theories mentioned in chapter 2

CHAPTER FIVE

CONCLUSION, RECOMMENDATIONS AND FUTURE RESEARCH

5.1 Conclusion

The government of Rwanda and the RPPA in particular can not achieve its objective if the decentralized units can not handle properly procurement issues entrusted to them. The main building and to avoid bureaucracy.

Therefore, the procurement decentralization is to be strengthened by accompanying measures such as training and technical assistance. Thus, the RPPA undertakes training all over the country through international consultant as well as RPPA senior staff

Every procuring entity benefiting from these trainings must ensure the practicability of best practice that they are supposed to guarantee. On this juncture, the NUR is among those decentralized units that are supposed to render a better procurement system.

Pursuant to the current regulation, each procuring entity shall have its own Internal Tender Commission. These procuring entities submit procurement plan on quarterly and annual basis according to the budget allocated to them. Thus, Internal Tender Commission proposes procurement method according to the nature and the size of the tender.

It has been proved that most of the procurement failures are due to carelessness, lack of competent or trained staff, or closer mutability of Internal Tender Commission members. The lack of procurement officer in a given institution is the source of bad procurement planning. Most of time, people use restricted tendering to cover their bad or non-existing procurement plan.

They use emergency pretext as excuse and umbrella to this method. This is common for a quite number of institutions.

Nevertheless, laws are being drafted to unveil this mask of mismanagement. The draft law on procurement provides many actions and sanctions to those responsible for misprocurement in one way or another. It provides the way of deterring fraud and corruption, conflict of interest and provides sanctions to those convicted of any offense related to the award of tender, contract management as well as procurement monitoring. and economic planning has drawn a road map to be monitored by a procurement reform task force. This task force shall ensure the enforcement and implementation of different regulations and measures in place.

The ITC members within the NUR are not skilled enough to conduct procurement process for some big tenders requiring attention and expertise. Therefore, a basic training is very necessary.

5.2 Recommendations

Recommendation given to NUR

Our primarily recommendation concerns the quick enactment of the procurement law. It is very hard to exercise a proper follow-up of procurement process without a specific law. Secondly each procuring entity should have a procurement officer. Members of internal tender commission must be permanent at least three years, and it deem necessary to motivate the ITC's members in granting a little bonus. ITC's members have to be effectively familiar with legislation related to public procurement in force and make *it* into practice.

Based on the findings of research, the following recommendations are given to NUR. Using the restricted tendering, does not favor all suppliers, reason why it can be better to use open

tendering because it promotes transparency and equity. Should avoid complaints of suppliers, in publishing tender result and avail the relative documentation.

Given the length of time, applied in using open tendering, the procurement plan should be more useful and followed. In order to produce a monthly report on time, the procurement software is more necessary in producing procurement plan, and other different. Training of every persons involved in procurement process such as administrative assistant of faculties, deans, members of internal tender committee, procurement staffs vice Rectors and Rector.

Recommendation given to RPPA

To provide training to the bidders in order to give them skills about tendering, in this process, the public institutions or RPPA has task to provide more information through the media and website.

Lastly, the RPPA has to make successfully monitoring and evaluation in order to promote the useful procurement process

A training of ITC's members and the private sector could be initiated. The procurement plan prepared on annual or quarterly basis should be forwarded to the RPPA in the beginning of year as provided in regulations in force. these will enable full public institutions to be accountable through the public procurement procedures.

5.3 Future works

Bid evaluation must follow the evaluation criteria set forth in the tender document. However, this point has not been deepened in our research. It is big issue requiring much time and advanced research. The procurement of services requires skills it has its own evaluation method and

evaluation criteria, thus an appropriate study is also important. We would also like to extend our research on the other official institutions and to the decentralized entities. This will enable us to see how laws, rules and other guides as regards the public procurement are applied, in order take appropriate measures.

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APPENDENCES

APPENDIX A

**Questionnaire intended to internal tender committee responsible of procurement process in
NUR**

Dear respondents

My name is Ngoga B. Innocent, I am pursuing a Masters Degree in project planning and Management (MPP) at Kampala International University. As a prerequisite to obtain the Masters Degree , I am expected to write and present an MPP thesis. The title of my Thesis is: **IMPACT OF PROCUREMENT PROCEDURES ON ACCOUNTABILITY IN THE PUBLIC INSTITUTIONS OF RWANDA: A CASE STUDY OF NATIONAL UNIVERSITY OF RWANDA**

The purpose of this study is to highlight strengths and weakness in public procurement process and to provide more strategies and recommendations which would contribute to the reform and modernize the procurement legal framework and management framework in general and within National University of Rwanda in particular. The main objective is to reduce inefficiency and possibly corruption in procurement.

The information provided here will be used in the academic work and will be treated as strictly confidential.

Characteristics of the respondent:

Current duties/ post:.....

Qualifications:.....

Experience on post:.....

Post/ duties within the Internal Tender Committee (Chairman, Secretary, and member):.....

A: Materials used and problems encountered in procurement process

1. Do you have written procurement policies and procedures? Yes ☐ No ☐

a) If so, how familiar are you with them?

Very unfamiliar (I can not locate these written procedures) ☐

Fairly familiar (I can fairly use them): ☐

Very familiar (I use them very often): ☐

Extremely familiar (have these procedures nearly memorized) ☐

b) How detailed are they?

Too general (one could not execute a purchase using only these instructions):

Fairly detailed ☐

Very detailed ☐

Extremely detailed (these directives are sufficient for procurement proceeding): ☐

c) How are they followed?

Not followed at all: ☐

Fairly followed:

Very well followed:

Extremely followed (it could be rare to deviate from written procedure):

2. What are the three most important procurement methods frequently used?

Which one comes at the first line.....

And why?.....

Which one comes at the second line.....

And why?.....

3. Have you ever handled complaints from suppliers? Yes No

a) If yes, were complaints related to the procedures errors? Yes No

a. 1) If yes, what are the two principal procedures that were not correctly respected?

1:.....

2:.....

b) Were those complaints related to the evaluation report? Yes No

b. 1) What are the main problems have you handled?

Problem 1:.....

What solutions have you proposed for the first problem?

.....

Problem 2:.....

What solutions have you proposed for the second problem?

.....

4. Are there any hindrances you meet as a member of internal committee?

Yes ☐ No ☐

If yes, describe the three major ones

1:.....

.....

2:.....

.....

3:.....

.....

5. With regard to the procurement process within National University of Rwanda, what suggestions would you give to its internal tender committee to improve this process?

.....

.....

.....

.....

APPENDIX B

Questionnaire intended to the suppliers or tenderers for NUR

Dear respondents

My name is Ngoga B. Innocent, I am pursuing a Masters Degree in project planning and Management (MPP) at Kampala International University. As a prerequisite to obtain the Masters Degree, I am expected to write and present an MPP thesis. The title of my Thesis is: **IMPACT OF PROCUREMENT PROCEDURES ON ACCOUNTABILITY IN THE PUBLIC INSTITUTIONS OF RWANDA: A CASE STUDY OF NATIONAL UNIVERSITY OF RWANDA**

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The information provided here will be used in the academic work and will be treated as strictly confidential.

Characteristics of the respondent:

Qualifications (owner, member of family, employee):

.....

Field of specialization (goods, works or services)

.....

Experience in business affaires.....

1. How would you characterize the most common relationships with the National University of Rwanda,

Tick your response bellow:

Very distant relationships ☐

Very moderate relationships ☐

Very close relationships ☐

2. How do you appreciate the observance of procurement procedures within what the National University of Rwanda?

a) Is publication of tender widely diffused? Yes ☐ No ☐

If yes, what your suggestions?

.....

b) Are you satisfied with how the National University of Rwanda tender documents are prepared?

Yes ☐

No ☐

If not, they are not clarified ☐

They are very costly ☐

Do not respect norms and standards provided by RPPA ☐

c) Are you comfortable with the way in which National University of Rwanda applies the opening of bid procedures? Yes ☐ No ☐

If not,

- The opening of bid is not carried out in public session with all interested prospective suppliers or contractors or their representative are not allowed to attend: ☐
- The opening of bids is not carried out on the date and time indicated in the tender documents ☐
- There is permanent area where to drop off bids ☐
- There is no procurement register in which every bidder who rings the offer is written ☐

d) Are you proud with the way National University of Rwanda proceeds to chose qualified bidders?

Yes ☐ No ☐

If not, evaluation criteria to select a qualified bidder are:

Not clear ☐ Not precise ☐ Not objective ☐

The deadline of bids evaluation is not respected ☐

e) Is the step of notification of tender award well done within the National University of Rwanda?

Yes ☐ No ☐

If not,

☐

- Notification is done too late, prices were changed considerably:
- Bidders whose bids were not successful are not informed: ☐
- The administrative contact is not clear: ☐

3. Have you ever interacted with the National University of Rwanda's Internal Tender Committee (ITC), regarding classifications or litigations? How do you interact?

Written letters:

We speak face to face with members of ITC:

We deal by telephone:

4. For you, factors could be the origin of the eventual poor procurement quality which could be found in the public procurement sector?

How does the government promote the culture of accountability through tender committee?

The status of the public sector staff responsible for procurement:

The degree to which RPPA and other agencies responsible for procurement are free from political interface:

5. What measures could you propose to the government in order to improve its relationships with the private sector, in procurement system field? Give three major strategies

1:.....

.....

2:.....

.....

3:.....

.....

APPENDIX C

Sample size(s) required for given population size (N)

N	S	N	S	N	S	N	S	N	S
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30	28	140	103	340	181	1000	278	4500	354
35	32	150	108	360	186	1100	285	5000	357
40	36	160	113	380	191	1200	291	6000	361
45	40	170	118	400	196	1300	297	7000	364
50	44	180	123	420	201	1400	302	8000	367
55	48	190	127	440	205	1500	306	9000	368
60	52	200	132	460	210	1600	310	10000	370
65	56	210	136	480	214	1700	313	15000	375
70	59	220	140	500	217	1800	317	20000	377
75	63	230	144	550	226	1900	320	30000	379
80	66	240	148	600	234	2000	322	40000	380
85	70	250	152	650	242	2200	327	50000	381
90	73	260	155	700	248	2400	331	75000	382
95	76	270	159	750	254	2600	335	100000	384

Note: from R.VKrejcie and D.W Morgam (1970), Dtermining sample size for research activities, Educational and psychological measurement, 30, 608, sage publications

APPENDIX D

Procurement plan model

General procurement plan

Title of tender	Estimated cost	Source of funds	Tendering method	Prequalificati on (YES/ NO)	Prior study (YES/ NO) estimated duration	Local preference (YES/ NO)	No objection to DAO (YES/ NO)		Publication period
							RPPA	FINANCING	

APPENDIX E

Specific procurement plan

Title of tender	Estimated cost	Source of funds	Tendering method	Required resources	Preparation of tender document (study)	No objection on the tender document	Advertisement	Bid opening	Bid evaluation	Expertise required	No objecti

a) Public procurement organs and missions

The ITC's assignment of making procurement plan has not been achieved (pursuant to art 5 of the presidential order above mentioned). NUR has not yet present its procurement plan for year 2008.

b) Choice of procurement methods and their condition of use

The two-stage tendering method referred to in article 27 of the said residential order has never been utilized, according to the collected data in NUR filing and as per information collected from our respondents. Our opinion is that the NUR ITC is not familiar to this method or has never found a need of applicability of this method. Furthermore, this method should be the solution to dishonest bidders.

Open tendering (article 24-26 of the P.0)

The main problem in the utilization of this method is the lack of sufficient bidders despite the advertisement, which takes a long time. The readvertisement of the tender is sometimes impossible and this leads to the non-respect of the publication period, since the need of emergency arises. Moreover, the publication period is not always observed.

Solicitation of quotations (article 29 P.0)

Sometimes the solicitation of quotation is not made in writing; the beneficiaries pay visits to qualified suppliers and ask the price orally. Furthermore, it was noticed that this method can be used more than once in quarter. The ceiling (500 000 RF) provided for this method is not observed.

Evaluation and comparison of bids (art. 11 P.O.)

The regulation in force does not provide the evaluation method, to reconcile the technical and financial evaluation. Thus, donor's regulations have been referred to.

Notification of tender award

The findings of our research indicate the letters of notifications of tender award are not dated, we never found a letter debriefing an unsuccessful bidder. Many times, the period between the evaluation and the notification exceed seven days provided for in article 16 of the P.O.

Monitoring and evaluation

According to the data availed from monitoring, it was noticed that there are breach of by sometimes they use to ask for the extension of execution period or present supplies/works that are not matching with technical specifications provided in the tender document. The article 5 of the P.O. does not specify that the monitoring role is entrusted to ITC members, and this entails problems since some beneficiaries are not familiar to technical specifications the rector of NUR has always wished a rigorous follow up in order to avoid litigations in public procurement

Conclusion:

In this chapter, we talked about the instauration of ITC and its collaboration with beneficiaries; we presented the result of the questionnaire distributed to ITC members, bidders as well as those from NUR filings. It was demonstrated how the results met our research objective as well as the research questions. Finally, we discussed the results linking them with theories mentioned in chapter 2

CHAPTER FIVE

CONCLUSION, RECOMMENDATIONS AND FUTURE RESEARCH

5.1 Conclusion

The government of Rwanda and the RPPA in particular can not achieve its objective if the decentralized units can not handle properly procurement issues entrusted to them. The main building and to avoid bureaucracy.

Therefore, the procurement decentralization is to be strengthened by accompanying measures such as training and technical assistance. Thus, the RPPA undertakes training all over the country through international consultant as well as RPPA senior staff

Every procuring entity benefiting from these trainings must ensure the practicability of best practice that they are supposed to guarantee. On this juncture, the NUR is among those decentralized units that are supposed to render a better procurement system.

Pursuant to the current regulation, each procuring entity shall have its own Internal Tender Commission. These procuring entities submit procurement plan on quarterly and annual basis according to the budget allocated to them. Thus, Internal Tender Commission proposes procurement method according to the nature and the size of the tender.

It has been proved that most of the procurement failures are due to carelessness, lack of competent or trained staff, or closer mutability of Internal Tender Commission members. The lack of procurement officer in a given institution is the source of bad procurement planning. Most of time, people use restricted tendering to cover their bad or non-existing procurement plan.

They use emergency pretext as excuse and umbrella to this method. This is common for a quite number of institutions.

Nevertheless, laws are being drafted to unveil this mask of mismanagement. The draft law on procurement provides many actions and sanctions to those responsible for misprocurement in one way or another. It provides the way of deterring fraud and corruption, conflict of interest and provides sanctions to those convicted of any offense related to the award of tender, contract management as well as procurement monitoring. and economic planning has drawn a road map to be monitored by a procurement reform task force. This task force shall ensure the enforcement and implementation of different regulations and measures in place.

The ITC members within the NUR are not skilled enough to conduct procurement process for some big tenders requiring attention and expertise. Therefore, a basic training is very necessary.

5.2 Recommendations

Recommendation given to NUR

Our primary recommendation concerns the quick enactment of the procurement law. It is very hard to exercise a proper follow-up of procurement process without a specific law. Secondly each procuring entity should have a procurement officer. Members of internal tender commission must be permanent at least three years, and it deem necessary to motivate the ITC's members in granting a little bonus. ITC's members have to be effectively familiar with legislation related to public procurement in force and make *it* into practice.

Based on the findings of research, the following recommendations are given to NUR. Using the restricted tendering, does not favor all suppliers, reason why it can be better to use open

tendering because it promotes transparency and equity. Should avoid complaints of suppliers, in publishing tender result and avail the relative documentation.

Given the length of time, applied in using open tendering, the procurement plan should be more useful and followed. In order to produce a monthly report on time, the procurement software is more necessary in producing procurement plan, and other different. Training of every persons involved in procurement process such as administrative assistant of faculties, deans, members of internal tender committee, procurement staffs vice Rectors and Rector.

Recommendation given to RPPA

To provide training to the bidders in order to give them skills about tendering, in this process, the public institutions or RPPA has task to provide more information through the media and website.

Lastly, the RPPA has to make successfully monitoring and evaluation in order to promote the useful procurement process

A training of ITC's members and the private sector could be initiated. The procurement plan prepared on annual or quarterly basis should be forwarded to the RPPA in the beginning of year as provided in regulations in force. these will enable full public institutions to be accountable through the public procurement procedures.

5.3 Future works

Bid evaluation must follow the evaluation criteria set forth in the tender document. However, this point has not been deepened in our research. It is big issue requiring much time and advanced research. The procurement of services requires skills it has its own evaluation method and

evaluation criteria, thus an appropriate study is also important. We would also like to extend our research on the other official institutions and to the decentralized entities. This will enable us to see how laws, rules and other guides as regards the public procurement are applied, in order take appropriate measures.

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APPENDENCES

APPENDIX A

Questionnaire intended to internal tender committee responsible of procurement process in NUR

Dear respondents

My name is Ngoga B. Innocent, I am pursuing a Masters Degree in project planning and Management (MPP) at Kampala International University. As a prerequisite to obtain the Masters Degree , I am expected to write and present an MPP thesis. The title of my Thesis is: **IMPACT OF PROCUREMENT PROCEDURES ON ACCOUNTABILITY IN THE PUBLIC INSTITUTIONS OF RWANDA: A CASE STUDY OF NATIONAL UNIVERSITY OF RWANDA**

The purpose of this study is to highlight strengths and weakness in public procurement process and to provide more strategies and recommendations which would contribute to the reform and modernize the procurement legal framework and management framework in general and within National University of Rwanda in particular. The main objective is to reduce inefficiency and possibly corruption in procurement.

The information provided here will be used in the academic work and will be treated as strictly confidential.

Characteristics of the respondent:

Current duties/ post:.....

Qualifications:.....

Experience on post:.....

Post/ duties within the Internal Tender Committee (Chairman, Secretary, and member):.....

A: Materials used and problems encountered in procurement process

1. Do you have written procurement policies and procedures? Yes ☐ No ☐

a) If so, how familiar are you with them?

Very unfamiliar (I can not locate these written procedures) ☐

Fairly familiar (I can fairly use them): ☐

Very familiar (I use them very often): ☐

Extremely familiar (have these procedures nearly memorized) ☐

b) How detailed are they?

Too general (one could not execute a purchase using only these instructions):

Fairly detailed ☐

Very detailed ☐

Extremely detailed (these directives are sufficient for procurement proceeding): ☐

c) How are they followed?

Not followed at all: ☐

Fairly followed:

Very well followed:

Extremely followed (it could be rare to deviate from written procedure):

2. What are the three most important procurement methods frequently used?

Which one comes at the first line.....

And why?.....

Which one comes at the second line.....

And why?.....

3. Have you ever handled complaints from suppliers? Yes No

a) If yes, were complaints related to the procedures errors? Yes No

a. 1) If yes, what are the two principal procedures that were not correctly respected?

1:.....

2:.....

b) Were those complaints related to the evaluation report? Yes No

b. 1) What are the main problems have you handled?

Problem 1:.....

What solutions have you proposed for the first problem?

.....

Problem 2:.....

What solutions have you proposed for the second problem?

.....

4. Are there any hindrances you meet as a member of internal committee?

Yes ☐ No ☐

If yes, describe the three major ones

1:.....

.....

2:.....

.....

3:.....

.....

5. With regard to the procurement process within National University of Rwanda, what suggestions would you give to its internal tender committee to improve this process?

.....

.....

.....

.....

APPENDIX B

Questionnaire intended to the suppliers or tenderers for NUR

Dear respondents

My name is Ngoga B. Innocent, I am pursuing a Masters Degree in project planning and Management (MPP) at Kampala International University. As a prerequisite to obtain the Masters Degree , I am expected to write and present an MPP thesis. The title of my Thesis is: **IMPACT OF PROCUREMENT PROCEDURES ON ACCOUNTABILITY IN THE PUBLIC INSTITUTIONS OF RWANDA: A CASE STUDY OF NATIONAL UNIVERSITY OF RWANDA**

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The information provided here will be used in the academic work and will be treated as strictly confidential.

Characteristics of the respondent:

Qualifications (owner, member of family, employee):

.....

Field of specialization (goods, works or services)

.....

Experience in business affaires.....

1. How would you characterize the most common relationships with the National University of Rwanda,

Tick your response bellow:

Very distant relationships ☐

Very moderate relationships ☐

Very close relationships ☐

2. How do you appreciate the observance of procurement procedures within what the National University of Rwanda?

a) Is publication of tender widely diffused? Yes ☐ No ☐

If yes, what your suggestions?

.....

b) Are you satisfied with how the National University of Rwanda tender documents are prepared?

Yes ☐

No ☐

If not, they are not clarified ☐

They are very costly ☐

Do not respect norms and standards provided by RPPA ☐

c) Are you comfortable with the way in which National University of Rwanda applies the opening of bid procedures? Yes ☐ No ☐

If not,

- The opening of bid is not carried out in public session with all interested prospective suppliers or contractors or their representative are not allowed to attend: ☐
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d) Are you proud with the way National University of Rwanda proceeds to chose qualified bidders?

Yes ☐ No ☐

If not, evaluation criteria to select a qualified bidder are:

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e) Is the step of notification of tender award well done within the National University of Rwanda?

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If not,

- Notification is done too late, prices were changed considerably: ☐
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How does the government promote the culture of accountability through tender committee?

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5. What measures could you propose to the government in order to improve its relationships with the private sector, in procurement system field? Give three major strategies

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2:.....

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APPENDIX D

Procurement plan model

General procurement plan

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							RPPA	FINANCING	

APPENDIX E

Specific procurement plan

Title of tender	Estimated cost	Source of funds	Tendering method	Required resources	Preparation of tender document (study)	No objection on the tender document	Advertisement	Bid opening	Bid evaluation	Expertise required	No objecti