

Ethical Issues and Public Sector Procurement: A Case Study of Law Development Centre

There is growing interest in public sector procurement particularly in curbing unethical practices, and safeguarding the proper and just use of scarce public resources. This prompted the researcher to carry out research in this area where she developed a research topic: “Ethical issues and public sector procurement”. The study was carried out at Law Development Centre (LDC), Kampala.

The objectives of the study were to find out whether: acceptance of gifts by procurement practitioners, confidentiality during procurement, and non-disclosure of personal interest by procurement officers affects public sector procurement. The cross-sectional research design was used to conduct the study from a sample of 132 people. The sample was selected using the sample tables. Secondary data were collected from existing literature, while primary data were collected using a questionnaire and interview schedule, and comparison was made from both sources. The findings were interpreted in line with the research objectives and literature review to answer the research questions raised using frequencies and percentages. Existing literature showed that ethics and procurement is a utopian notion; some procurement practitioners will always pursue unethical behaviours for self-serving agendas at the expense of the public. The government’s efforts to minimize the occurrence of unethical behaviour by enacting laws, regulations, and enforcement agencies has been frustrated by the practitioners as each other day the unethical behaviours exhibit themselves as reported in the findings, hence affecting the public sector procurement. Primary data has showed that majority of procurement practitioners are familiar with issues of ethical conduct in the profession. They know that laws are in place, and they are clear and up to date but they tend to behave otherwise. The respondents also noted that practitioners do accept and receive gifts which influence the decision making during the procurement process. They also agreed that practitioners give inside information to relatives and friends, which information received during the course of the duty is used for personal gains. On whether non-disclosure of personal interest affects procurement, the respondents stated that, conflict of interest marred procurement proceedings. The problems identified by people familiar with procurement were: non-compliance with and enforcement of existing laws, lack of funds on a timely basis, cumbersome contract approval procedures, and interference by high level officers. The conclusions drawn were: unethical behaviours affect the procurement process at the Law Development Centre; this eventually causes inefficiency and affects performance. The respondents suggested; strong effective enforcement measures, professional training of procurement staff, and amendment to procurement procedures to curb the ethical problems in procurement. There are unethical procurement issues at LDC hence, it is recommended that: PPDA authority enforces laws and regulations on LDC, revision of laws, impromptu visits by the PPDA authority, rotation of practitioners in different PDE’s, and black listing of unethical culprits. Further research could also be done in contract management, payment, access to negotiations, and merit point system in the regulations.

Key words: Ethical, Procurement, Law