

MEASURING PROFESSIONALISM VARIABLES AND THEIR IMPLICATION TO PROCUREMENT OUTCOMES IN UGANDA

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ABSTRACT. In recent years, public sector performance and its capacity to delivery services has received a renewed focus given the declining morals and increasing levels of corruption. There is hardly any country in the world that has escaped the incidence of corruption in Public procurement (Arrowsmith, Linarelli & Wallace (2000); a reality that generated a wave of reforms driven by the imperative to improve the performance and cost effectiveness of the public sector (Self, 1993). Public procurement plays a central role in governance and anti-corruption efforts because of its sheer impact on society considering that, public procurement officials around the globe control spending that is equivalent to 10-30% percent of GNP in any given year (Callender and Mathews, 2000). Wittig, (1999) observed that public procurement remained a big part of the economy of developing countries, accounting for an estimated 9-13% of their gross domestic product. Nevertheless, it is an area in need of attention since resources are not being properly managed in many countries'. This calls for a high degree of professionalism in the conduct of this important function of public significance. This paper presents a descriptive analysis of the implications of professionalism on procurement outcomes in Uganda.

INTRODUCTION

In developing countries, Africa seems to be in a 'terrible state' given the ever-growing poverty levels on the continent despite the significant

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financial investments. Africa entered the 21st century facing perhaps the most daunting development challenge of any region in the world (Kabaj, 2003). Africa seems to have since remained Africa. It is a continent endowed with substantial natural resources and 'human potential' but ever in the 'news' as being the culprit in poor service delivery and good governance. Ranging from political, economic, social, legal, technological and cultural environment, it is a continent that continues to defeat everyone's imaginations (Basheka, 2008). According to the World Bank Report entitled "Challenges of African Growth: Opportunities, Constraints and Strategic Directions" (World Bank Report (2007:3-4), poverty is increasingly assuming an African face, and eradicating it has become a predominantly African challenge. Although the region currently accounts for only 10% of the world's population, it now accommodates 30% of the world's poor.

In an introduction to a chapter of 'administrative ethics' Goel (2003:749) asserted that 'we are passing through critical times when the environment all around is unethical', the 'scandals and cases of corruption, kickbacks, bribery, extortions, lying and deception by government all over the world, in both developed and developing countries at different times, are too many and too well known to need any enumeration', the author observes. Public sector ethics has become a high priority concern for governments across the globe (Maguire, 1998) and traditionally, there have been two broad schools of thought in modern ethics which have developed over years-teleological ethics (focusing on the ends; the results of the decision rather than the method of getting to the results); and deontological ethics (focusing on the means of getting to the result) (Bradburn; 2001:3).

Various professions have always been linked with the notion of service and a profession has been described as a group of people organised to serve a body of specialised knowledge in the interests of society (Appelbaum & Lawton, 1990). For the building and designing professions, the incalculable value of human life demands nothing less than the highest moral considerations from those who might risk it otherwise (Mason, 1998). All professions like medicine, law, engineering, architecture, project management, marketing among others have a duty to protect the professionalism demanded of those professions. Public procurement is a professional discipline that appears on this list of professions with an ethical code to protect. But as a young profession compared to older professions like law and medicine, the

profession of procurement is almost in its infancy. Unlike other professional, procurement borrows heavily from other professions to make to comprehensive. For example, it borrows from law, business management, management, organisational behaviour and human resources, finance, marketing etc.

Corruption is a global problem, which is particularly injurious to the well being of the people in developing countries (Yadav, 2005). Corruption in public procurement makes the officials or the politicians in charge purchase goods or services from the best briber, instead of choosing the best price-quality combination (Søreide, 2002). For public procurement it may also be useful to distinguish between *political* or *high level* and *administrative* or *bureaucratic* corruption. Tanzi (1998) argues that corrupt behavior-taking place during the budget *preparation* phase, a time when political decisions are made, reflects political corruption. Corrupt behavior during the budget *execution* phase reflects mostly *bureaucratic corruption*. Meanwhile, Amundsen (1999) extends the definition of political corruption to include all the corrupt transactions performed by political decision-makers. Political corruption may thus also take place when the improved procurement procedure is implemented, resulting for instance in political disagreement with a contract assignment. In order to address the problems of weak procurement systems that were viewed as breeding grounds for procurement corruption, Witting (1999) recommended that countries needed to correct weaknesses in public procurement systems through (1) comprehensive legal frameworks,(2) effective monitoring and auditing procedures and organizations to ensure compliance with the regulations,(3) standard terms and conditions of contracts,(4) improved transparency and public availability of rules governing the process, and;(5) an improved capacity for developing and retaining people with professional skills in procurement.

Professionalism –which is generally defined by the status, methods or standards within a carrier area is a means to help control corruption. Being a professional, does not eliminate the possibility of individual members being corrupt, instead, it helps control improper behaviour by allowing actions to be judged against standards accepted by the profession (Wittig 1998). This is because, unlike private procurement, public procurement is a business process with in a political system and therefore significant considerations of integrity, accountability, national

interest and effectiveness are paramount (Wittig 1998; Thai, 2004; Petrick & Quinn, 1997; Staphenhurts & Pelizzo, 2004; Goel. 2003).

BACKGROUND

In most countries, public procurement accounts for a significant proportion of Gross Domestic Product (GDP. According to Afonso et al., (2005), public expenditures account for around 45% of GDP among developed countries, albeit with considerable variation in the level and composition of expenditures. In most industrialised countries at least 10% of their GDP is spent on public procurement (Triofetti, 2003) and in sub-Saharan Africa, it has been estimated that between US \$30 to US \$43 billion could have been available in the market place (Wittig, 1999,p.8). Public expenditure is a complex phenomenon of growing global importance (Afonso et al., 2005; Evenett and Hoekman, 2005). The public sector is called upon to exercise good organisational performance, which implies that a public sector organisation is effective and efficient in supplying public goods and services (Mimba, Helden & Tillema, 2007). But the high levels of corruption are challenging this noble objective. Corruption; a term defined by the World Bank (1997) as the abuse of public power for private gain is a key challenge to the professionalisation of the public procurement discipline. Nabli & Humphreys,(2003) distinguishes between high level(grand corruption) and low-level(bureaucratic corruption) ; where high level corruption implies that top-level policy makers destabilise the government process for their own financial gain while low-level corruption implies that public sector officials and civil servants call for payments from citizens who expect to receive normal public goods and services. Low-level corruption is more prevalent in developing countries and it has become one of the acute problems facing the delivery of public goods and service delivery in developing countries where it has increased the cost of public goods (United Nations, 2003).

Public procurement in Uganda is an issue of debate in both the academic and government circles. The government of Uganda has limited resources and is faced with unlimited demands. This implies that the demand for professionalism in the conduct of public procurement is critical. The largest component of about 70% of the national budget is spent on procurements alone (Kiraso 2005). Approximately 10% of the Gross Domestic Product (GDP) is spent on central purchases (Public

Investment Plan 2001/2004). This is quite a sizeable amount of the national budget. However, this allocation is made against a backdrop of lack of bureaucratic accountability and transparency, and absence of a culture of value for money in procurement. The total expenditure on procurement was by 1998 estimated to be \$200 million per year through procurement system, with perhaps another \$500 million spent through donor-funded projects. In general decision making on many government procurements is far from being transparent and accountable to the population who finance the procurements through taxes.

At no single occasion has a big contract been awarded without a public outcry of foul play and high-handed levels of influence in Uganda. In the purchasing process, the purchaser and seller interact and each tries to gain the best possible advantage for his enterprise (Hugo, Bandenhorst-Weiss and Rooyen, 2002) and the nature of government procurement is such that its concerned not only with the end result but also with the way in which that result is achieved (Behan, 1994). Procurement is a profession (Lysons, 2000, pp 19) but in Uganda, with respect to professionalism, there has been a general belief that “any one can buy” and this notion has been responsible for the high costs and poor quality of goods and services procured as a result of un professionalism (World Bank Country Procurement Assessment Report-CPAR 2001).

Procurement reforms, intended to increase the levels of procurement professionalism have since been implemented in the country. In 1997, the procurement reforms commenced with the National Public Procurement forum being held in Entebbe at the request of the ministry of Finance and economic development. This was co-chaired by the chairmen of CTB and GCPC. In attendance were also the representatives of government ministries, parastatals and local government tender board members. It was opened by the then vice President of Uganda and the World Bank Representative gave some remarks. By 2000, the implementation of the reforms commenced with the cabinet endorsing the procurement reforms. The stepwise procedures were as follows:

- Promulgation of the public (procurement) finance regulations under a statutory instrument in March 2000 and this came into effect in May 2001. This started the use of contract committees in government ministries and departments except for security agencies and the local governments. It replaced the CTB

- Creation of the procurement reform implementation unit (PRIU) and appointment of a senior management personnel to the unit to prepare the transition from the central tender board structure to an autonomous one
- Enactment of a law to replace the statutory instrument of 2002 (PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS ACT 1 2003). The act has **8 parts** and these are again divided into sections (**99**) in total. In the act are also schedules (**5**) .
- Issuance of procurement regulations, reporting forms and guidelines to supplement the act. The regulations consist of **351 regulations** divided into **9 parts**, which again are divided into divisions. They include **10** schedules and these consist of letter templates, formulas and forms. Some of them are mandatory to use.
- Preparation and release of standardized bid documents for works, services and supplies in three variants each for complex, medium and simple procurement activities.
- Establishment of the public procurement and disposal authority which derives its powers from the act of 2003.
- In December 2006, local government procurement regulations enacted and local government tender boards were subsequently replaced with contracts committees so as to harmonize them with central government regulations

All these reforms were intended to create an efficient and effective public procurement system which has been suggested as being essential for the realization of the Millennium development goals (MDG's) and the promotion of sustainable development (OECD; 2005). Efficient and effective Public procurement systems significantly influence the provision of government services like the provision of roads, hospitals, health care, sanitation, telecommunication facilities, education, environment al protection, promotion of human rights etc.

METHODOLGY

This was a descriptive research study that aimed at examining the effect of professionalism on procurement outcomes in Uganda. The study covered central and local government Procuring and Disposing Entities,

which were selected from the districts of Kampala, Entebbe, Luwero (covering the central region), Gulu and Lira (Northern region), Fort Portal, Hoima, Kabale, (Western region) and Soroti (Eastern region). Uganda is grouped into four administrative regions and each of the regions was represented in the sample. A total of 102 central government PDEs were targeted to be covered under this study, however, only 71 PDEs (accessible population) were found to be compliant; with established procurement structures particularly procurement and disposal unit and contract committees. A sample of 41 PDEs were randomly selected without replacing among the 71 PDEs. This sample size meets the minimum requirement of 10% sample, out of the accessible population (Mugenda and Mugenda 1999). From this sample, 77 self-administered questionnaires were administered to respondents from Procurement and Disposal Units, Contract Committees and User Departments.

In the study, we assessed professionalism in form of the public procurement personnel having procurement qualifications, them adhering to professional code of ethics and being subjected to continuous in-service procurement training. On the other hand, procurement outcomes were measured to include quality, lead-time and the overall acquisition costs. However, there are a number of other factors that could affect procurement outcomes and these could include the legal and institutional frameworks that guide the public acquisition processes although their analysis was beyond the scope of this paper. The data obtained from the questionnaire was analysed using descriptive statistics that included percentages, means and frequencies. Then chi-square was also used to suppliant the descriptive analysis.

LITERATURE REVIEW

In recent years, good governance; the delivery of minimum public service, including infrastructure for basic education and health, roads and other means of transport and communication, rule of law and accountability has become the focus of the international community. Good governance is not only the absence, but also the establishment of institutional arrangements, which help create an environment for sustainable economic development and for removal of abject poverty. Thus, it also includes an appropriate and effective legal framework for commerce, financial institutions, taxation, government expenditure,

environment, business competition, and labor market (Yadav, 2005). As a business process, public procurement operates within a political system and it is inherently a politically sensitive activity, not least because it involves significant amounts of money (Schapper, Malta and Gilbert, 2006). We live and work in a highly competitive economy with emphasis on results and there is pressure for sales, pressure to compromise, pressure to succeed in an environment of both internal and external competition and pressures resulting from government mandates (Dobler and Burt, 1996).

The last few years have witnessed a spate of new ethics initiatives both nationally and internationally, ranging from comprehensive new ethics regimes to more limited measures designed to close gaps in the existing systems (Maguire, 1998). As the public became increasingly sensitive to ethics violations and as the public in several democracies became increasingly displeased by what it considered to be patent ethics violations (corruption, misconduct and so on), the need for ethics reforms became a necessity (Stapenhurst & Pelizzo, 2004). There is no area of public administration that seems to have had more ethical violations than the area of public procurement. This applies to both developed and developing countries.

Public managers have a social obligation to put the public interest ahead of personal/special interest (Petrick & Quinn, 1997). A public manager has a conflict of interest when any financial, social or political relationship of transaction may compromise or give the appearance of compromising his or her objectivity, independence, honesty with respect to duties. Activities of a public procurement professional are open to public scrutiny as a matter of policy if not a matter of law (Thai, 2004) and they therefore need to be persistently impartial and honest in their dealings.

RESULTS AND DISCUSSIONS

In this part of the paper, we present the findings on the factors linked to professionalism that could affect procurement outcomes in Uganda. Enhanced professionalism in this study was used in the context of the study to mean employing personnel or 'cadres' with relevant qualifications and experience and who adhered to a professional code of ethics accepted by a membership professional body. In such cases,

professionalism also has to do with continuous in-service training of practitioners. The study addressed the question of how procurement qualifications and in-service training as measures of procurement professionalism contributed to procurement outcomes in public procurement system that had undergone tremendous reforms. An assumption was made in the study that under normal circumstances, a procurement qualification would basically imply a degree or a chartered institute diploma or a recognized certificate in purchasing and supplies, obtained from a recognised institution. However, we also conceived, in the design of the study that in-service training of practitioners is required in order to enhance efficiency in the performance of procurement work for government departments so as to contribute to improved delivery of public services.

TABLE 1
Respondents for the Study

Procurement structure	Expected Sample	Realised Sample
Contracts Committee	82	60
Procurement and Disposal Unit	10	06
User Department	12	11
Key Informants	05	04
Total	109	81 (73.4%)

Table 1 illustrates the key respondents from whom the results reported here were obtained comparing the expected sample size and the actual returned samples with the overall results indicating a response rate of 73.4%. The respondents were from the procurement and disposal units (PDU); one of the key procurement institutions in the new institutional framework of procurement in the country. In effect, all respondents from these units are expected to possess procurement professional qualifications. The respondents also included members of the contracts committee, a procurement institution created in the procurement reforms to adjudicate the procurement matters within a procuring and disposing entity (PDE) as well as the user departments within an entity. The user department initiates the procurements and manages the contract management process within a procuring and disposing entity. The study findings on the academic background of respondents who were managing procurement are presented in Table 2

TABLE 2
Academic Background of Respondents

Professional discipline	Frequency (f)	Percentages (%)
Sciences	9	12
Business and Commerce	43	56
Art and Sciences	23	30
Others	02	2
Total	77	100.0%

It was found in the study as illustrated in table 2 that 56% of the personnel that were handling procurement at the time of the study had qualifications in business and commerce related disciplines, 30% had qualifications in Arts and social sciences and 12% had science related qualifications, a finding that indicates the low levels of evolution of the procurement function at that time. The interpretation of this finding justifies the increasing levels of unprofessional procurements leading to increasing levels of corruption. Relevant studies emanating from sister professions attest to this observation. For instance, Mugerwa (2002) citing Thomas et al. (1988) in their study of the association of Continuing Professional Education (CPE) present a relationship between low levels of CPE and substandard performance by certified public accountants. The study shows that having qualifications and relevant training may improve exposure and knowledge and hence improve performance. This therefore provides a strong need for training those managing procurement.

According to PPDA Assessment Report (2004) on training needs, carried out on 99 PDEs, the findings revealed that 23% of PDEs had under gone training organised by PPDA but hastened to add that, training was still required at all levels in the PDEs, given the low levels of procurement professionalism. The common areas cited for training included; roles of all key actors in the procurement process, procurement and disposal planning, specification writing, bid evaluation, contract management and disposal of public assets. However, Blomberg (2000) observed that procurement reforms need to be designed around legislative and regulatory framework containing both professionalism and institutional mechanisms in order to secure goals. In addition to having procurement qualifications and relevant training, procurement

staffs are expected to exercise professionalism by adhering to a code of ethics

On the specific procurement qualifications, the emerging results from the survey instrument revealed that the majority of respondents had obtained procurement qualifications at Graduate Diploma (30%) and Certificate levels (39%) respectively rather than at Post-Graduate and Bachelors Degree and Maters Degree levels. For example only 1% of the respondents had obtained a Masters degree in procurement, reflecting again the young nature of the procurement profession in the country. The findings reflected the infancy stages of the procurement profession in the country.

With respect to in-service training to participants provided by PPDA, the findings revealed that (94%) had undertaken this training and it was considered very beneficial especially in strengthening the procurement and disposal unit. A Graduate Diploma of The Chartered Institute of Purchasing and Supply of UK offers recipients a wide opportunity to practice professional procurement tasks and in many ways can be equated to a degree qualification. This finding paints a picture of sufficient progress made to enhance professionalism in the public procurement sector in Uganda and is measured at least in the number of people with procurement qualifications managing the procurement function. The range of qualifications inclusive of the CIPS Graduate Diploma, Certificates and Degrees in procurement both obtained locally and internationally coupled with others like certificate in international purchasing and supply chain management of Switzerland, currently offers Uganda a good opportunity to boost professionalism in the public sector procurement.

The study also wished to find out whether Experience and Knowledge of the public procurement professionals in Uganda could contribute to improved procurement outcomes. Experience here was used to mean the length of period spent by practitioners in practicing the profession (procurement administration). It assists the individual in mastering the job related tasks and solving issues arising with minimum supervision. In case of public procurement the individual practitioner is in position to carry out sound judgement on quality for a particular procurement. This study investigated the role of respondents in their current job. The study also considered duration in current role and in the procurement profession. The study examined knowledge of the

respondents of the procurement system as a requirement for any practitioner and can be assessed in terms of the aspects of procurement planning, bid evaluation, drawing specifications and contract negotiations.

It emerged from the study findings that the with respect to experience, the majority of respondents (82%) had served for a period between 2 – 4 years in their respective portfolios, while (73%) of respondents had been in procurement profession for 5 years and only 10% of respondents had been in the procurement sector for 6 – 10 years. On their Knowledge in managing procurement practice, the findings were found to be as summarised in Table 3.

TABLE 3
Respondents' Level of Knowledge

Procurement Aspect	Ranking in Percentages			
	Excellent	Good	Fair	Poor
Procurement Planning	6	55	32	4
Drawing Specifications	18	60	13	2
Bid Evaluation	32	49	12	0
Contract Negotiation	16	53	25	2

The above findings are a reflection of the respondent's level of knowledge on four core procurement aspects of essential relevance to procurement outcomes- (1) Procurement planning; (2) Specification drawing;(3) and Bid evaluation; as summarised in the above table. In the study, we wished to also find out the opinions of the various actors in public procurement on adherence to ethical codes. In particular, the study sought the views of the procurement staff, the members of the contracts committees, and members of the evaluation committee. Each category's responses are contained in Table 4.

TABLE 4
Adherence to Ethical Code

Procurement staff on	Level of opinion			
	SA	A	D	SD
Declaration of interest	34	32	9	3
Confidentiality	38	34	6	1
Integrity	43	36	3	0
Contract Committee				
Declaration of interest	31	29	14	5
Confidentiality	36	30	12	3
Evaluation Team				
Declaration of interest	33	29	10	4
Confidentiality	39	26	9	5
Integrity	36	35	8	0

Keys: SA = Strongly Agree; A = Agree; D = Disagree; SD = Strongly Disagree.

Table 4 summarises findings regarding opinion of respondents on professional ethics in as far as conflict of interest, confidentiality and integrity are concerned. It gives opinions obtained on self-evaluation by procurement staff (working in procurement units) and evaluation of procurement staff by members of contract committees and user departmental staff. Majority of respondents (79%) believe that procurement staff exhibit high level of integrity in the execution of their duties. 72% of respondents generally agreed that procurement staff did not release information to bidders prior to official completion of evaluation of bids while 66% of respondents acknowledged that procurement staff declared self-interests at all stages in the procurement process.

From Table 5, the null-hypothesis was that there is no relationship between one's procurement role group and one's ethical dimension. Computed chi-square = 0.0679; tabulated chi-square value at alpha=0.05 level of significance and degrees of freedom=4 was found to be = 9.488. Therefore, since the computed chi-square value (0.0679) is less than the tabulated chi-square value (9.488); then we accept the null hypothesis and conclude that there is no relationship between one's procurement role group and one's ethical dimension. Generally, this study would conclude that the findings on professional ethics obtained by a self-

TABLE 5
Comparison of ethical dimensions from three groups by Chi-square

Stakeholder	Procurement ethical code dimension			
	Declaration of interest	Confidentiality	Integrity	Total
Procurement staff	33.12	35.75	39.63	108.5
Contracts committee	30.67	33.12	36.71	100.5
Evaluation team	30.21	32.63	36.16	99.0
Total	94	101.5	112.5	308

administered questionnaire were exaggerated. This is attributed to absence of a law in the PPDA Act and Regulations of 2003 that compels procurement practitioners to be members of a registered professional procurement body that would be in charge of enforcing professional and ethical standards. Also, this perhaps explains the reason why the Public Service Commission, does not emphasize membership to a procurement professional body, while recruiting procurement cadres. Therefore, absence of a registered professional procurement body backed by a statute of parliament, responsible for enforcement of professional and ethical standards for practitioners, casts doubt on the findings on adherence to ethics in order to improve procurement outcome of quality.

It has been argued that purchasing ethics is a subdivision of business ethics, which in turn is the application of general ethical principles in a commercial or industrial context. Professional ethics are guidelines or best practices that embody ideal and responsibilities that inform practitioners as to the principles and conduct they should adopt in certain situations (Lysons and Gillingam, 2006). This implies that public procurement professionals are expected to have a minimum code of conduct in the performance of the acquiring processes of government. They are expected to put the interest of the public organisations at the forefront instead of personal interests coming first. They are expected to show the highest degree of morality in the conduct of their tasks. In conformity with the above professional expectations, the Government of Uganda, through the PPDA Act (2003) and Regulations (2003) requires procurement officers to sign a code of ethical conduct where it is envisaged that procurement goals such as, transparency, accountability and efficiency in the procurement system, will be promoted with eventual effects on better quality, better costs and timely delivery of

goods or services. Without these values, corruption is an immediate outcome. According to Moise and Geliso (2004), citing Tanzi and Davoodi (1997), corruption (due to lack of code of ethics) leads to poor quality of goods or services and delays in the procurement system. Meanwhile, Hengel (1995) cited by Jessop and Jones (nd, pp 263-8) and on the basis of findings on research covering purchasing ethics, amongst 91 British buyers, using an interview schedule, applying a code has its advantages, but the effect of the code depends on the extent of commitment to the code. His survey revealed that, 74% of the buyers regarded the code, as the basis for their ethics in the execution of their duties.

CONCLUSIONS

Professionalism is an issue that has recently engaged thinkers in almost all disciplines. It has always been argued that professionalism is assumed to be desirable and valuable in its own right (Steiner, 2001). In developing countries, as public sector operating budgets continue to grow tighter, national and local government entities are increasingly looking to the private sector to provide goods and services to their constituents. This paper argues that such a process will result in corruption unless professionalism is instilled. We argue that the effects of corruption are not simply a moral concern or a matter of principal. Rather, corruption has a very negative effect on government performance and on the well being of individuals without money or power. Whereas many holistic public procurement reform and anti-corruption activities are effective, considering the operational aspects of a procurement system can provide meaningful insights to public procurement reformers and anticorruption advocates in order to achieve the above mentioned goals of promoting efficiency, economy, transparency, fairness, and accountability. All governments acquire goods, services and works for their efficient operation. To make the systems more responsive, many countries in the developing countries have implemented major legal and institutional reforms in public procurement. The overall interest has been to achieve effective public procurement systems. Effective public procurement systems are essential for the realisation of a wide range of social and economic goals of the public sector. A well functioning public procurement system is built around key essential elements of transparency, professionalism, accountability, strong legal and

institutional framework and adequate resources. In this paper, we present findings on how improved public procurement professionalism could impact on procurement outcomes, from a Ugandan context. Meanwhile, with the growing elevation of the procurement function in many public sector organisations—from a clerical to a strategic function, from a non-value adding to a value adding activity, from unprofessional to a professional discipline of study, from being a national to an international activity and moving from reactive to proactive as well as from adversarial to a partnership oriented activity, morality and professionalism in public procurement has become vital in today's competitive corporate world.

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