

The challenges of procurement process for the department of correctional services: The road to procurement process

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ABSTRACT

This study aims to determine the procurement process challenges for improving the Department of Correctional Services (DCS). All the participants recruited by the researcher were not forced to participate or sign the consent form. The researcher considered only voluntary participation and the participants were requested to sign the POPI Act consent forms before conducting the face-to-face interview. The study adopted a qualitative research methodology to get a comprehensive and deeper understanding of the challenges and effects of the procurement process. Information was collected from the key informants using Face-to-face interviews; the key informants were possible suppliers, chief executors, executors, and directors. Managers specializing in the procurement field and potential suppliers were chosen as respondents to obtain sentiments toward the procurement process. The study established that (DCS) is one of the national departments faced with the challenges of improving the procurement process. Hence the case study focuses on procurement process challenges for the improvement of the DCS. The study concluded that most of the fruitless, wasteful and irregular, and unauthorized expenditures incurred in DCS are caused by a lack of availability of resources such as employment finances and a lack of technology due to resistance to change from the top management to the lower level..

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Introduction

The Department of Correctional Services (DCS) as a public institution, experiences various problems related to its procurement process and is challenged to improve the process. The study focuses on challenges faced in DCS procurement process which fuels poor service delivery and causes corruption such as fraud (Greasley, 2020). During the Covid-19 pandemic, public servants manipulated the procurement process for personal benefit. The community does not have adequate confidence in the public sector procurement process anymore. The media is rife with evidence of corruption and irregularities that prove that the public sector procurement process is inadequate and fails to achieve Section 217(1) of the Constitution of the Republic of South Africa (1996), which calls for the practice of conduct that is fair, equitable, transparent, competitive, and cost-effective.

The revenue leakages from corruption, fraud, and fruitless, wasteful, irregular, and unauthorised expenditure during ineffective procurement processes, may have been pertinent in enhancing economic development by improving infrastructure, and technology, building hospitality and promoting black ownership in the country citizens (Manzini et al., 2019). The national government audit results for the 2019/2020 indicated that material compliance findings on supply chain management increased from 72% to 81%” (Auditor-General [South Africa] (AGSA), 2019; Rahayu et al., 2020).

The Implementation of the Preferential Procurement Policy Framework Act 103 of 2017, provides the procedure to follow, however, there is still a gap in the procurement system at the DCS despite having SCM systems and policies in place and DCS has not significantly improved service delivery standard. Therefore, the unimproved DCS procurement process fuels poor service delivery and causes corruption such as fraud (Greasley, 2020). The challenges motivated the study to determine the procurement process challenges for the improvement of the DCS.

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Similar research to investigate procurement challenges experienced by public and private organisations nationally and internationally has been conducted but most of the researchers do not focus on the root cause of challenges affecting the procurement process or the effects causing the ineffectiveness of the procurement process (Mhelembe & Mafini, 2019; Mante et al., 2020). According to the World Bank (2019), African countries show the procurement of goods, works, and services in the public entities are still struggling to solve problems of the effectiveness of the procurement process and it further shows that at least 15-20% of the gross domestic product (GDP) are produced and sold in the market effectively, for which it shows that the improvement from the suppliers, manufacturers and the purchasers are required to work hand in hand to improve the procurement process (European-Commission, 2019; Manyathi et al., 2021). Most of the researchers focus on the short-term solution than focusing on long-term solutions, therefore the study will focus on the roots cause of challenges affecting the effectiveness of the procurement process in DCS.

The study will focus on DCS procurement process since there are extreme challenges to improvement of the poor performance in DCS due to the ineffectiveness of the procurement process (Greasley, 2020) and it hinders service delivery across the country. Poor procurement practices also affect economic development since procurement is a key driver of the manufacturing industry as it is central to the import and export of manufactured goods and services. An ineffective procurement process creates loopholes for corruption and fraud in organisations (Greasley, 2020).

Poor procurement processes impede the DCS from achieving its mandatory objectives, and it is, furthermore, delaying the process of service delivery in the country. One of the major challenges in the procurement process is corruption and fraud (Greasley, 2020), which were increasingly abundant during the COVID-19 pandemic. Akin to MTEF (2020:1-22), the researcher argues that the government needs to provide the best strategy to eliminate unnecessary expenditure and poor service delivery across the country and the study will adopt one of the effective methods to determine the challenges faced in the procurement process.

The study adopted a qualitative research methodology to get a comprehensive and deeper understanding of the challenges and effects of the procurement process. Information was collected from the key informants by using Face-to-face interviews, the key informants were possible suppliers, chief executors, executors, and directors, Managers specialising in the procurement field and possible suppliers were chosen as respondents to obtain their sentiments towards the procurement process (Creswell et al., 2019).

This paper is organised as follows: Introduction, literature review with theoretical and conceptual background, following the empirical studies that link between theory and practice. The study will, furthermore, introduce the background information on empirical review and hypothesis development then followed by the challenges faced in the procurement process in South Africa, and the qualitative approach and exploring the procurement process before determining findings and discussions of the study. Finally, this paper concludes with key points, recommendations, and future research directions.

Literature Review

The literature review investigates the existing theories regarding the improvement of procurement processes (Manyathi et al., 2021). The study reviews the literature on the challenges of the procurement process within similar organisations like the DCS to make recommendations of potential solutions for the DCS to adopt to increase the effectiveness of their procurement process. Furthermore, the study recommends strategies for the DCS to eliminate wasteful expenditure and reduce fraud and corruption while improving service delivery (Greasley, 2020). The theories underpinning this study are determined from the perspectives of diverse sources to obtain insight into the challenges of, strategies for, as well as recommendations to enable effective and efficient procurement processes. This provides pertinent information that can be helpful to the procurement process at the DCS (Manyathi et al., 2021).

Theoretical and Conceptual Background

It is imperative to conceptualise the procurement process to have a clear reference to be used to recommend potential improvements to procurement processes in the DCS. According to Manyathi et al., (2021) the conceptual framework illustrates the researcher's expectations and defines the relevant variables for the study and how they relate to each other. Therefore, the study defines the procurement process and looks at key procurement processes and outlines the contractual framework of the procurement process in detail, legislative related to procurement, challenges in the procurement processes, theoretical and evidence from South Africa.

According to John, (2019), "public procurement, as a major part of the economy and public spending, can be regarded as an indicator of government efficiency". An efficient and effective public procurement process is required after the economic downturn over the last few years. To ensure service delivery in public service, the public service should practice integrity and sustain trust in the communities through efficient and effective service delivery (Manyathi et al., 2021).

Key principles of procurement

According to the John, (2019), procurement has important ethics and values that are considered during the procurement process by the legislature and all three spheres of government must adhere to the set legislation for compliance. These values and ethics are stimulated and found in the organisation for compliance purposes. The following are some of those principles to adhere to during the procurement process; Integrity, honesty, openness, transparency and conduct in an ethical manner during the procurement of goods and services (Jones, 2019).

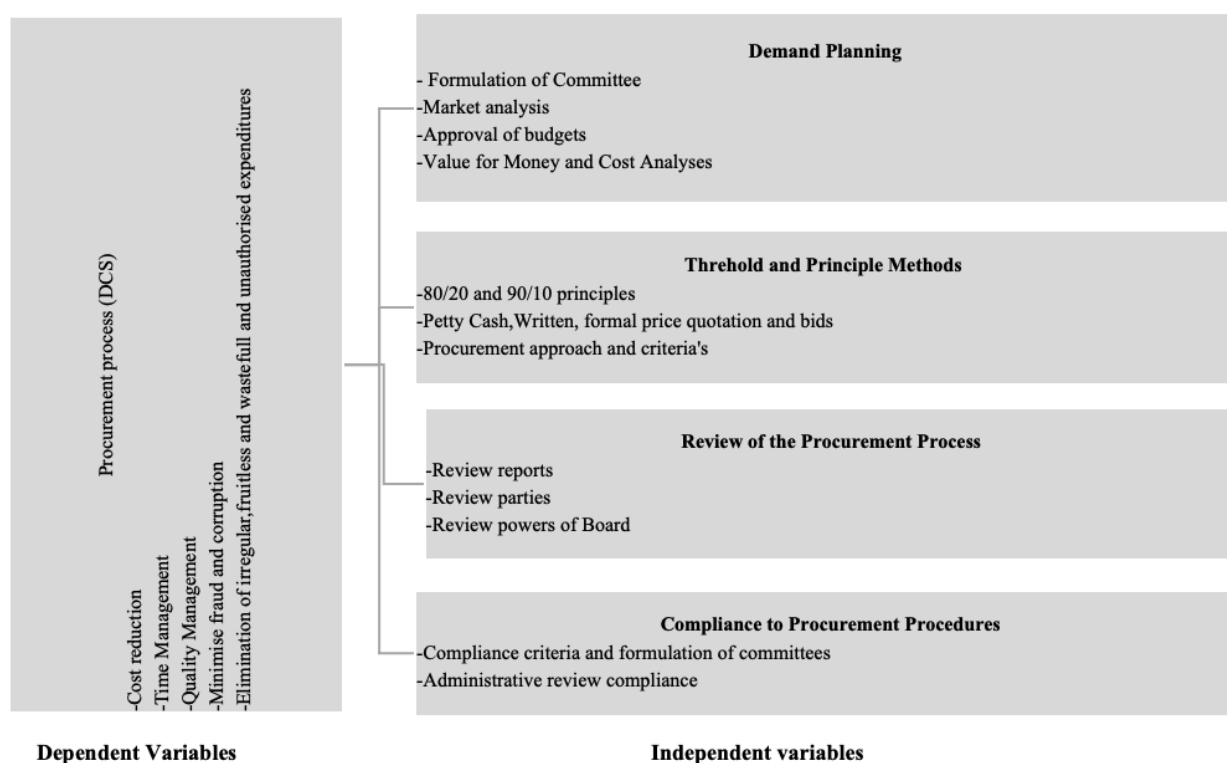


Figure 1: Procurement process and its challenges; *Source: Jones (2019)*

The variables presented in the conceptual framework indicate that dealing with the challenges, and effects of the procurement process can lead to improvement of the procurement process in DCS, if not properly dealt with, it would result in poor service delivery, high fraud, and corruption (Greasley, 2020) and the department to keep on recording the fruitless, wasteful, irregular, and unauthorised expenditure (John, 2019).

The variables presented in the conceptual framework above, outline and represent the elements of SCM, demand, acquisition, disposal, logistics, performance, and risk management (Mhelembe, & Mafini, 2019). The focus is the first notion of demand management as the first crucial stage of the procurement process, where the organisation needs to conduct a market analysis of the needs to be acquired, the appointment of the experts and advisors who assist in drafting specifications and approving funds needed for the procurement process.

The second variable is acquisition management, where the preliminary quotation guides the procurement process and the applicable threshold, further identifying the stakeholders and the delegated official who are responsible to recommend and approve the procurement processes. The third variable contains the procurement process review of all the procurement processes and delegation, the BAC, BSC and BEC, advisers, and co-opted expert members for the procurement process (Manyathi et al., 2021). The fourth variable consists of the compliance procedures related to procurement, such as the pre-qualifying criteria, compliance to the special condition and general condition of the contract, code of conduct, declaration of interest by committee and supply chain practitioners and providing accountability and responsibility to members appointed for adjudication, evaluation (Greasley, 2020).

All these variables are aligned and are linked with arrows to the main independent variable, which is the procurement process, thus this study objectively detects the effects, difficulties, and ways to improve the DCS procurement process which links to the outlined conceptual framework. The contractual framework is discussed in detail in the study focusing on the legislative, policy and challenges in the procurement process in South Africa, DCS and internationally.

Empirical Review

The researcher examines the sentiments of scholarly work that have been undertaken or written specifically in this field of study. Different authors, researchers and scholars have different ideas, views, conclusions, and recommendations on the procurement process in different contexts (Greasley, 2020). Regarding the procurement process in India, the research carried out in 2012 projected that the value of India's public procurement market is more than USD300 billion, 25 per cent to 30 per cent of its gross domestic product and thus, an imperative element in the Indian economy. In India, the public procurement system is not centralised but decentralised and consists of a collection of entities at different levels of government. India does not have a standard procurement law that is applicable throughout the nation. Even though there is no central legislation in the procurement process, other countries have approved laws to regulate public procurement (Shakya, 2019).

A bill is awaiting before the Indian legislature, the Public Procurement Bill of 2012, which strives to match India's public procurement laws and regulations. In India the nature of bidding is private, thus the procurement process is marred with a lot of fronting and rigging. Funds that could have been used to develop the economy leak through such inefficient processes, they are collected through taxes and tollgates are wasted towards an ineffective procurement process which promotes fraud and corruption, yet all those funds could have been utilised to build infrastructure (Greasley, 2020). The ineffectiveness of the procurement process hinders the development of the country and makes foreign investment less attractive due to inadequate infrastructure. In India, foreigners are not investing in procurement as compared to other countries competing with South Africa.

The funds used in India for the procurement process are derived from the funds allocated to deliver the services through public entities, while some are self-sustaining rendering and charging service fees. The mandatory regulations are linked to wide-ranging, and the objective is to deliver the services effectively and improve the quality of the procurement process, which remains ineffective compared to South Africa, hence it is still imperative for the study to determine the effectiveness of the improvement of the procurement process in DCS to enhance the countries a competitive advantage.

Scholars have conducted similar research to investigate procurement challenges experienced by public and private organisations nationally and internationally but most of the researchers do not focus on the root cause of challenges affecting the procurement process or the effects causing the ineffectiveness of the procurement process. Most of the researchers focus on the short-term solution, the modification and amendment of the instruction note, circulars, delegations and procurement manuals which do not solve the problem of poor service delivery and do not minimise the fraud and corruption in the organisations (Greasley, 2020).

According to the World Bank (2019), African countries show the procurement of goods, works, and services in the public entities are still struggling to solve problems of the effectiveness of the procurement process and it further shows that at least 15-20% of the gross domestic product (GDP) are produced and sold in the market effectively, for which it shows that the improvement from the suppliers, manufacturers and the purchasers are required to work hand in hand to improve the procurement process. The improvement of the procurement process enables economic development (Greasley, 2020) hence the vitality of solving challenges affecting public procurement processes in government departments and other publicly funded entities.

Challenges in Procurement Processes In South Africa

According to Creswell et al., (2019), the centralised procurement systems, just-in-time (JIT) and total quality management (TQM) programmes are a considerable few strategy for developing the procurement process in previous decades. In South Africa, it is still a challenge to improve the effectiveness of the procurement process due to fraud and corruption in the government. The DCS is one of the national departments which is still struggling to improve the procurement process and there are no strategies in place to improve the process as compared to the international procurement process. Considering the findings of the (AGSA, 2019), the truth in the statement becomes evident, "...many of the problems encountered in public procurement in South Africa relate to the implementation of the system than the system itself" (Creswell et al., 2019). below are the core main problems.

Budget Estimation Planning

The most important information needed to accomplish the resource planning activity is the scope statement which outlines the work that must be performed to complete the project (Shakya, 2019), but the organisation does not conduct the scope to determine the estimation needs and budgets required, for example, the funds are approved from national treasury for the procurement of goods and services but the funds are not enough since the estimation planning was not conducted.

Strategy Implementation

The process of implementing the strategy requires the involvement of external stakeholders, advisers and consultants including lower management officials who are at the operational level for the effectiveness and efficiency of the decisions made. Furthermore, the involvement of the stakeholders can eliminate favouritism, eliminate fraud and corruption, and can enhance service delivery in public services (Shakya, 2019). The procurement process requires skilled, expert practitioners who have integrity and are willing to adapt to the new environment, it is a challenge since most of the supply chain practitioners do not have qualifications and do not receive training from their organisations (Shakya, 2019).

Value for Money

Section 217 of the Constitution of South Africa (1996) promotes the appropriateness of the procurement process dealing with promoting value for money when procuring goods and services and is further emphasised in Batho Pele principles when dealing with internal clients, external clients, and communities through services delivery. Value for money is not about receiving the required goods and services but saving costs with the right quantity, quality, and specifications. According to Greasley, (2020) the procurement process is still a battle to save cost investment for some time and the organisations are facing challenges toward receiving the right quality, quantity and cost-effectiveness which affects the value for money in the organisation.

Procurement Process Review

The budget allocated for the procurement of goods and services requires auditors, inspectors, and advisors to review the process of effectiveness and cost efficiency of the funds spent by the organisation and the review would assist the organisation to realise and rectifying the mistakes while eliminating fraud and corruption during the process. It is rare for an organisation to review the procurement process after the service has been rendered or goods delivered.

Appointment of the Committee

Before commencing the drafting of the specification/terms of reference and the Special Conditions of Contract, the BSC needs to be briefed by SCM about the process that must be followed. The Agenda, Code of Conduct and Declaration of interest (SCM Instruction No. 02 of 2021/22) must be provided to each member of the BSC ahead of the draft process. It is a challenge when meetings are held without minutes, agendas, or quorums.

A Qualitative Approach and Exploring the Procurement Process

The research methodology concentrates on relationships between persons, individuals, and surroundings as well as motives causing the individual to react and behave (Creswell et al., 2019). Qualitative research is an effective method to collect diverse information on the opinions, values, and behaviours of phenomena from the chosen participants, thus bringing different theoretical assumptions, and open-ended questions and providing the methods of collection of reliable data, data analysis and clarity (Creswell et al., 2019). The qualitative method approach was selected as the best method to use to determine the challenges of the improvement of the procurement process in DCS. Since the qualitative approach allows the study to explore the reasons for the participants, the researcher decided to select this method for its effectiveness especially when the researcher decides to interact with the study participants, furthermore, it works better through face-to-face interviews (Creswell et al., 2019). The goal of this study is to explore the procurement process in the DCS, examining the views, consequences, and challenges for improvement. The researcher chose the national legislature as a case study as it is considered a national structure with vast power and authority toward the procurement process.

The study employs the descriptive cross-section study to gather information from the selected participants, which compelled participants to describe phenomena, from which the researcher was able to analyse and interpret concepts related to phenomena. The descriptive cross-study investigates and determine the effectiveness of the procurement process in DCS and provides the reliable and realistic information to be used in the study (Creswell et al., 2019). The face-to-face interview was used to gather information from the selected participants using the qualitative techniques when collecting data and it is imperative to employ the qualitative techniques when collecting and analysing the data provided by the participants. Hence, the data analysed was utilised to recommend and draw conclusions about the effectiveness of the procurement process in DCS.

According to Creswell et al., (2019), purposive sampling is one of the methods that can be selected when using the qualitative method since it relies on skills and creativeness, and it focuses on the participants that are believed to have skills and knowledge of the concept of the field concentrated on. Therefore, the study chose purposive sampling to select a sample of participants with pertinent experience, knowledge and skills related to the public procurement process at the DCS. The permission was requested from the Head of Procurement in DCS at the Head office. After approval was granted, the data was collected from the respondents using an open-ended structured interview guide (Creswell et al., 2019). The chosen sample provided their expertise and accurate responses related to the research questions in the study. The data analysis method below was selected to measure and examine the data collected from face-to-face interviews. Content analysis and thematic analysis were used to analyse data.

The current research was unable to include all the employees in the DCS due to the population dimension and size of the department as a national department and the number of employees. Therefore, the study adopts sampling techniques to get a representative sample. The sample can be described as, "the small chosen group of the representative who participates in the study or a project to determine or investigate the truths about that population (Creswell et al., 2019). Sampling is therefore the strategy that can be used to determine the population by using the part of a population to discover the limitations and truth of the entire population (Creswell et al., 2019). The study chooses to use non-probability sampling techniques focusing on purposive sampling for the representation of the population of the concepts of the study.

The study considers purposive samples and applies the saturation of data in the field of the study. Saturation of data is one of the core principles that is used in the study considering the qualitative research chosen. The saturation of data is normally used to determine when there is sufficient data from a study to improve strong and accurate information on the study phenomenon (Manyathi et al., 2021). The study considers saturation of data to clarify the nature and determinations and implementing this method assists and adds to the theoretical debate on the role of saturation in the qualitative method. The study identifies how to approach saturation in different ways, which vary in terms of the scope to which a deductive logic is implemented, and the focus is on data collection, data analysis, and theory (Manyathi et al., 2021).

Findings and Discussions

Even though the study was not focused on the national and local government spheres, it was imperative to look at it to provide an overall picture of the challenges faced by all government spheres. Since the achievement of those spheres has not seen many changes in terms of the effectiveness of the procurement process. The procurement process continues to suffer and the quality and performance in the procurement process are dropping in all three spheres of government. Furthermore, the challenges affecting the DCS structure are still predominant. In terms of their engagement and demonstration in the effectiveness and improvement of the procurement process in DCS, the research identified some of the prominent issues affecting the effectiveness of the procurement processes. The following are the key findings identified in the study:

The Resistance to Change

The resistance to change is one of the factors influencing poor performance in the procurement process, therefore, the DCS needs to put measures in place such as measurable systems detecting resistance to change and providing teamwork to unfold resistance to change. Furthermore, the team must work together with the top management level and all their suppliers of goods and services while creating an extensive relationship with suppliers. Change requires leadership with a clear understanding of organisational objectives, policies, and regulations. Addressing cultural conflicts early in the integration process helps remove conflicting objectives.

Efficiency Trap

The managers are focusing silently on objectives that do not benefit the department, rather than on improving the service delivery and long-term profits. The supply chain requires high-level skills and knowledge which most managers still struggle to reach. Most managers prefer to focus on the strategy they are most familiar with. DCS must ensure that the efficiency trap is eliminated by agreeing on clear value and customer service targets for the supply chain. Most managers are not fully knowledgeable about the policies, rules and regulations which results in them focusing on pointless objectives, causing subordinates to lack focus on set strategy standards. Due to this, the DCS may fail to achieve any of its objectives and cannot create customer value, thus leaders must know the mission and the vision of the department, furthermore, training is necessary and encouraged for top management to minimise the efficiency trap.

Availability of the Resources

For the effectiveness of the procurement process, there is a need to consider inputs from lower-level administrators, they need to have the same opportunities compared to the top management level because they are also assets of the organisation, furthermore, it is more important during decision making, particularly towards policy formulation to enable lower level SCM practitioners to make contributions. DCS must repeal all the circulars for cost containment measures and focus on employment, procurement of equipment and machine to implement the self-sustainability measures and utilise their inmates for skills and knowledge as a form of the rehabilitation of offenders. The DCS must practice self-sustainability because they have offenders who can contribute to the success of the projects furthermore, we are in the fourth industrial revolution, and it is important to introduce a new system, communication skills, and technologies for effectiveness in the procurement process.

Education and Training

It is imperative to recognise education and training as one of the major barriers that prevent the procurement process from engaging effectively. Therefore, the DCS must consider education to help the member to acquire knowledge. DCS must provide opportunities for their staff in procurement sections to further their education in the procurement field by offering bursaries and providing courses within the department that can add value to the procurement sections and training develops skills, procurement staff must be continuously trained to improve their skills, the more people are trained the more they may be able to gain particular skills and improve in performing their duties, therefore, adequate training must be provided to ensure that employees in the procurement section improve their skills.

Achieving savings by Reducing Cost

One of the challenging processes encountered by procurement experts is keeping up assets over a prolonged period, the ineffectiveness of the disposal of department assets, and saving funds during the procurement process. The DCS needs to work on fruitless and wasteful, irregular and unauthorised expenditure occurring daily and instead develop effective strategies to investigate expenditure that occurred because it negatively impacts the effectiveness of the procurement process. The best way to reduce costs and poor service delivery, DCS must hire professional experts at the top management levels, and managers who are familiar with the procurement policies and delegations, the department can save money.

Conclusions

The study investigated and examined the views, regarding the challenges and the effects influencing the effectiveness and way to improve the procurement process and investigated various factors which contribute to the challenges of the procurement process in the DSC. Through engagement from top management to lower levels and training, these problems can be reduced. Therefore, top management needs to involve lower-level staff members and end-users of the product in important decision-making processes. The

legislation guiding the procurement process is formulated and should be implemented but the SCM practitioners are still using outdated policies and regulations, and these create challenges and confusion for SCM practitioners and suppliers, some of the circular and instruction notes can be repealed but training may not take place and most SCM members do not participate in the updated policies.

Recommendations

A different number of recommendations were made from the research on the improvement of the effectiveness of the procurement process in DCS. To establish effective approaches in the procurement process, DCS is required to contemplate eliminating the resistance to change, efficient trap, ensure availability of the resources, support education and continuous training, and introduce strategies to save cost and resolve supplier-related issues. The guidelines would also help to develop the effective procurement process in DCS, as well as improve the relations between the top and lower-level management furthermore, it can eliminate fraud and corruption, fruitless and wasteful, irregular, and unauthorised expenditure, and poor service delivery.

Suggested areas for further research

The study focused on the national DCS and did not cover other spheres of government in South Africa. The following proposals for areas of further research were made:

There is a need to investigate the effectiveness of the poor quality of the procurement process within local and provincial departments to identify, analyse and benchmark the relations and challenges in all spheres of government for uniformity in the country. The challenges and problems faced in the procurement process can be identified in the research of this nature, and the national treasury can then take an informed decision during the formulation and implementation of the circulars, manuals, guidelines, and instruction notes.

The procurement process is changing frequently, and the top management level is aware, but no educational training is taking place though one of the factors influencing poor performance in procurement is lack of training and education. Therefore, there is a need to investigate the impact and implications of training and education in the procurement process.

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Conflicts of Interest: The authors declare no conflict of interest.

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