

## **Assessment of Contract Management and Institutional Performance in Public Procurements in Rwanda. A Case of Rwamagana District 2017-2020.**

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**Abstract:** - This research intended to assess the contract management and institution performance in public procurements of Rwanda, Rwamagana District as a case study. To overcome that, the researcher assessed if contract management was done adequately to meet timeline, assessed whether contract management was done adequately to respect contract cost, assessed whether contract management was done adequately in order to meet quality standards and finally assessed whether contract management was done adequately so as to mitigate environmental risks and preserve social benefits. Using a census sampling technique, the study targeted 18 employees involved in the procurement activities at Rwamagana district, 60 successful bidders and the Director of Monitoring, Evaluation and Audit in Rwanda Public Procurement Authority (RPPA). As instruments for data collection, this study used questionnaire and documentary analysis. Data collected was analyzed using univariate, bivariate and multivariate analysis, through Statistical Package for Social Science (SPSS). To ensure validity, the questionnaire was subjected to scrutiny of researcher, researcher supervisor and other research experts' for validation purposes. Reliability analysis was done using reliability test, where Cronbach's Alpha Coefficient was calculated and reliability coefficient was 0.71. Canonical correlation was also calculated in order to establish relationship between variables. The key findings in this study indicated that projects executed in Rwamagana district were not completed on due time. Nonetheless, they have been completed in satisfactory way. Results have shown that surveyed people can only rate the completion at the level of 42%. Regarding to whether contract management was done adequately to respect contract cost, appreciation has been put at the level of 22% against the rest of 78% who did not. The findings revealed that quality of public procurements executed in Rwamagana District from 2017 to 2021 has been rated at the level of 41% against 59% who did not and surveyed people who appreciated the environmental risks management was 29 % against 71% who did not. The researcher concluded that surveyed people can only rate the completion at the level of 42%. The rest 58% do not recognized this due time completion of projects executed in this district, the surveyed people have rated the quality of public procurements executed in Rwamagana District from 2017 to 2021 at the level of 41% against 59% who did not, the appreciation has been put at the level of 22% against the rest of 78% who did not. The researcher recommends Interactions of many kinds between the successful bidder and governmental authorities should continue during the course of contract performance. The circumstances in which the offer and acceptance of services are made should indicate that the parties intended to enter into a legal relationship. The measure of physical progress can be assessed by comparing the percentage of actual physical completion against contractual physical completion over time.

### **General Introduction**

#### **Background information to the study**

Since July 2016, all procurement proceedings namely bidding, contract, contract management are conducted using E-procurement ([www.umucyo.gov.rw](http://www.umucyo.gov.rw)). All bidders/suppliers have

No other choice outside that e-procurement system. The Government of Rwanda decided to establish an electronic public procurement system (e-Procurement System). All public procurement transactions are set to be conducted electronically.

Obviously Rwandan government has done everything necessary to provide a realistic framework of executing public procurements.

Regarding the environmental issues, the position of the Government of Rwanda is clear. According to the stipulation of the Rwanda's environment policy issued in 2003 by The Ministry of Lands, Human Resettlement and Environmental Protection (MINITERE), the environment is constituted by physical, chemical and biological elements, socio-economic, cultural, aesthetic and intellectual factors susceptible to have a direct or indirect, immediate or long term impact on the development of environment, human beings and human activities (MINITERE, 2003). The policy seeks to integrate sustainability principles into development processes, programs, and projects. In this regard, any institution entitled to manage project and attain performance in its daily management should take into account the environmental requirements.

### **Statement of the Problem**

Rwamagana is one of 30 Administrative District of Rwanda. Like any other Rwanda's administrative entity and as provided by the constitution of Rwanda in its article 166 addressing accountability and responsibility in respect to the execution of budgetary provisions, Rwamagana has to comply with legal and regulatory requirements. It is one of the administrative entities that have been audited by the Office of Auditor General (OAG). In this district there were contractual arrangements that have been flawed with inadequacies (OAG, 2018). In Rwanda's context, contract management involves the managing the contracts in order to maximize financial and operational performance and minimize risk, the final objective being ensuring that all parties meet their obligations. The managing of contracts requires that contractual relationships are ensured, the deliverables are provided to the required standard, within the agreed timeframe, the value for money is achieved, and all contract requirements are met (GoR, 2015).

The noted delays include the execution of construction works for Kageyo - Rwamagana town

water supply system which took long time to be completed as planned (more than 21 months as planned). As social costs, the reservoirs supposed to provide inhabitants of Rwamagana with water took delays and were waiting in suffering the completion date. There was also delay in completion of works for lot 7 of the electrification project which took more than 2.5 months to be completed as planned. Here again, the electrification its public benefits for the people of Rwamagana were tardy as well as its expected services. The delays in payment of Vision Umurenge Programme (VUP) direct support to beneficiaries also took longer time than planned for almost one year (300 days) to make funds transfers amounting at 251,925,756 Rwf (OAG, 2018). Here also the VUP beneficiaries have suffered costs of not receiving timely funds transfers. Besides these aforementioned costs, the implemented roads and electrification projects undoubtedly bore costs to local population in terms expropriation and other negative externalities.

In this context one can wonder whether contracts managements in Rwamagana District were performed as required and inquire into the extent to which the contracts managements has addressed institutional performance of the district whilst complying with the provisions regulating contract management specifications and other Rwandan public regulations. This research endeavor was intending to inquire into the following objectives.

### **Specific objectives**

The specific objectives of this study were the following:

1. To assess if contract management was done adequately to respect timeline in public procurements during financial years 2017 to 2021.
2. To assess whether contract management was done adequately to respect contract cost in public procurements during financial years 2017-2021.
3. To assess whether contract management was done adequately in order to meet quality

standards in public procurements during financial years 2017-2021

4. To assess whether contract management was done adequately so as to mitigate environmental risks and preserve social benefits in public procurements during financial years 2017 to 2021.

#### **1.4 Research questions**

In bit of paving a guiding and verifiable path for attainment of the objectives of this study the following research questions had been formulated:

1. Was contract management done in manner that allows Rwamagana District to execute public procurements within fixed timeframe during FY 2017-2021?
2. Was contract management done in manner that allows Rwamagana District to execute public procurements without cost overruns during FY 2017-2021?
3. Was contract management done in manner that allows Rwamagana District to execute public procurements without changes of quality standards during FY 2017-2021?
4. In Rwamagana District, was contract management done in manner that mitigates environmental risks and preserves social benefits when executing public procurements during FY 2017-2021?

#### **Literature Review**

##### **Contract management**

A contract is a legally binding agreement. In order for a contract to be created, one of the parties must make an offer to the other party and the other party must accept this offer. Furthermore, the circumstances in which the offer and acceptance were made must indicate that the parties intended to enter into a legal relationship. A final requirement, which distinguishes contracts from gifts, is that the two contracting parties must both give some benefit (known as consideration) to the other. There are then four requirements of a contract. There must be an offer, an acceptance of that offer, an intention to create legal relations and consideration given by both parties (MacyIntyre, Essentials of Business Law.

Third Edition, 2011). In the framework of Rwanda's procurement management, a contract is defined as an agreement between the procuring entity and the successful bidder (GoR, 2013). Generally stating, a contract management is the application of knowledge, skills, tools, and techniques to contract activities to meet the contract requirements, integrating the contract life cycle including planning, creation, collaboration, execution, administration, and closeout/renewal (Realyt, <http://ppo.govmu.org/English/Documents>, 2019). In Rwandan context, contract management involves six following phases: identification of the needs and setting of direction, preparation and procurement, transition and handover, managing the relationship, contract administration and performance management, seeking improvements and contract service review.

##### **Performance**

The performance is defined as the organization's ability to attain its goals by using resources in an efficient and effective manner (Daft, Management Nineth Edition, 2010). The type of target used to evaluate performance is called lead measures. Lead measures evaluate performance based on activities completed at present that are expected to provide improvements or benefits (Mooney, 2008). To assess performance, a person not only needs to know actual achievements, but also information about how they were achieved, factors that influenced this positively or negatively, whether the achievements were exceptionally good or bad, who was mainly responsible, etc.(UNDP, 2002) Performance measurement is concerned with the systematic analysis of performance against goals taking account of reasons behind performance and influencing factors. It is worth recalling that in most cases, performance is influenced by subjective factors and its measurements lack sometimes consensus among practitioners. The measurement of performance calls upon the notion of rating which is nothing else the activity of judging the state or progress of things establishing their goodness or badness based on predetermined indicators. It is the indicator which is the core basis of measurement of performance.

According to the Centre for Business Practices (CBP, 2005), a performance indicator is a particular value or characteristic used to measure output or outcome. It is also a parameter useful for determining the degree to which an organization has achieved its goals or a quantifiable expression used to observe and track the process status. It is finally the operational information that is indicative of the performance or condition of a facility, group of facilities, or site.

### **Literature review**

The literature reviewed hereunder addresses the contract management and the public procurement as well as organizational performance. From the theoretical literature reviewed a conceptual framework is drawn.

### **Contract management**

In order for the contract management to be compliant to legal framework and meet the performance, contract management should address and meet the following issues: the arrangements for service delivery should continue to be satisfactory to both parties, and the expected business benefits and value for money are being realized. A professional and objective debate over changes and issues arising should have been done. Efficiencies should be realized (Else, 2019). All these necessary requirements for contract management are explored in the following six stages of contract management life cycle.

### **Identifying needs for Contracting**

This stage is called by some scholar planning stage of contract management. The planning stage refers to planning and budgeting activities. It is argued that all contracts should be predicated on the need to obtain management commitment and approval at the appropriate level. This involves the formulation of a sound business case aligned to the organization's corporate and functional strategies. The business case sets out the policy, business and contract objectives and the issues that affect the decision and the investment. It should seek to establish that the proposed contract will meet the need, that it is achievable and affordable, and it should address the

following issues: the outcomes of the contract; critical success factors; the possible alternatives; including existing contracts; the risks including the extent and where they may fall; identification of any contingent needs, and ramifications of proceeding; and time scale (MacyIntyre, 2011). In the Rwanda's context, it is during this phase that foundations of contract management are laid, contract objectives are set up, contract risks are defined and assessed beforehand, agreement sourcing policy are formulated, contract senior management is briefed, and necessary resources are sought out and supplied (GoR, 2015).

### **Theoretical review**

#### **Contract creation theory**

As stated previously, the making of a contract has four distinct requirements: offer, acceptance, intention to create legal relations, and considerations given by both parties. It is stated that once a contract has been made, both sides will be bound to honor its terms or take the legal consequences. A party who does not stick to what was agreed in a contract is said to have breached the contract. Whenever one of the parties breaches a contract, legal remedies will be available to the other party (MacyIntyre, 2011, p. 37). During creation phase, the contract author will decide on the most appropriate wording to give effect to the intended outputs and outcomes. In Rwanda's context, the following actions are executed in accordance to the law: development of a plan or checklist for contracting process; agreement on roles and responsibilities among parties, arrangement of appropriate delegations and approvals; setting up record keeping system; identification of all legal and policy requirements; deciding on contract approach-identifying and review contract approaches and samples; review standard contract provisions for suitability; specification of output based requirements; drafting contract performance and payment clauses; development of contract management plan; review and update contract management plan; issuing of invitation to tender; participation in contractor selection process; assessing tender; undertake negotiations; obtaining final approval of agreed contract; obtaining all



necessary material approvals; developing announcements and signing approach; signing contract; advising and debriefing unsuccessful tenders; announcements; handover of responsibility to contract management team; completing and filing all contract tendering, evaluation & decision documentation (GoR, 2015).

**Transition and handover theory**

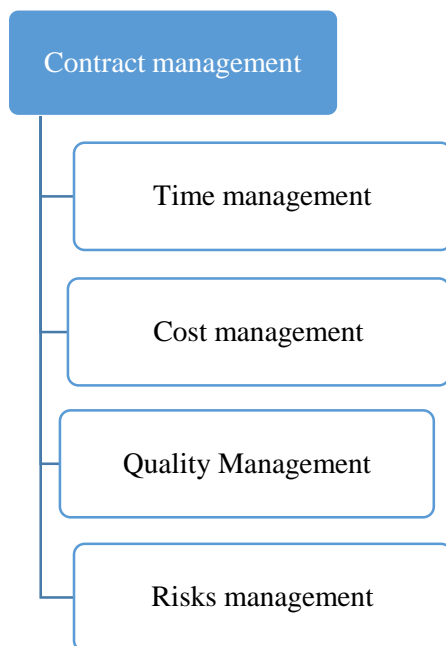
This phase is sometimes called collaboration phase. Collaboration is the drafting and negotiating process which includes internal and external reviews to ensure that the contract will give legal effect to the requirements of all parties to the contract (Realyt, 2019). In Rwanda’s context, the following actions are performed. Disengagement from any existing arrangements; ensuring that all parties understand

the contract; review and update risk assessments; double check insurance and indemnities; establishing communications with relationship managers of both parties; arranging contractor access and other permissions as needed; implement new arrangement(GoR, 2015).

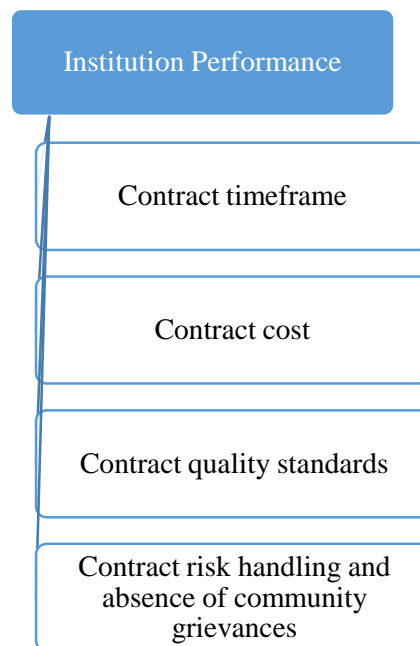
**Conceptual framework**

A conceptual framework is drawn from literature review or from logical reasoning of the researcher. It is meant to show relationship among variables under study as borne in researcher’s mind or as materialized by the literature reviewed. From the afore-reviewed literature a conceptual framework for this study has been drawn. It is illustrated in the following diagram:

**INDEPENDENT VARIABLE**



**DEPENDENT VARIABLE**



**Conceptual framework**

Source: Researcher design, 2020

From the above table depicting the conceptual framework, it can be deduced that contract management in terms of time management, cost management, quality management, and environmental risks management has resulted in timely completion of the contracts, observance of contract cost without cost overruns, execution of contract with desired quality standards, risk handling and absence of community grievances.

**Research Methodology**

**Research design**

Research design is the plan to conduct research involving the intersection of philosophy, strategies of inquiry, and specific methods. It is a “blueprint” for empirical research aimed at answering specific research questions or testing specific hypotheses, and must specify at least three processes: (1) the data collection process, (2) the instrument development process, and (3) the sampling process(Creswell, 2009). This research is descriptive in nature and used

basically qualitative methods supplemented by quantitative methods.

### **Study population and sampling procedures**

The population of study was defined through objectives and interests of a particular study. This research was carried out in Rwamagana District of Eastern Province of the Republic of Rwanda. The overall objective was to assess the contract management and the institutional performance of public procurements of Rwanda, Rwamagana District taken as a case study. The target population was composed of all the people involved in the

procurement activities at Rwamagana district level: Chief budget Manager, Corporate Services Division Manager, District Tender Committee, Independent Review Panel, Legal Officer, Internal Auditor, Procurement staff, and bidders. For the latter, the target bidders are those who have been successful for the procurement contract during the two consecutive fiscal years 2015/2016 and 2016/2017. Respectively, the procurement plan for the fiscal 2015/2016 contained 46 bids and the fiscal year 2016/2017 had 14 bids. In total 60 potential bidding contracts cover the period under study. The people targeted are contained in the following table.

Table 1: Sampling frame

No	Designation	Potential number
1	RPPA Director of Monitoring & Audit	1
2	District Chief Budget Manager	1
3	District Corporate Services Division Manager	1
4	District tender committee members	5
5	District Independent Review Panel	5
6	Legal Officer	1
7	Internal Auditors	3
8	Procurement staff	2
9	Bidders/contractors	60
	<b>Total</b>	<b>79</b>

Source: Researcher design, 2020

In total sampling frame was composed of 79 people. As it can be assumed those people and committees possess useful information about the procurement activities and contract executed in Rwamagana District during the period covered by the study.

The sampling design and procedures were conditioned by the objectives of the study. In this study, the researcher used a census sampling technique. The distribution of the sample is provided in the following table.

### **Sampling design and procedures**

Table 2: Distribution of target people by the research

No	Designation	Potential number	Selected number
1	RPPA director of Monitoring & Audit	1	1
2	District Chief Budget Manager	1	1
3	District Corporate Services Division Manager	1	1
4	District tender committee members	5	5
5	District Independent Review Panel	5	5
6	Legal Officer	1	1
7	Internal Auditors	3	3
8	Procurement staff	2	2
9	Bidders/contractors	60	60
	<b>Total</b>	<b>79</b>	<b>79</b>

Source: Researcher design, 2020

All 79 people were selected and interviewed during the activities of this research. Eighteen people are employees administratively engaged partly or wholly in procurement activities in the District. The rest of people are composed of RPPA Director of M&E and Audit and 60 successful contractors who have been awarded contracts during the period spanning from 2017 to 2021.

## **Conclusion and Recommendations**

### **Summary of conclusion.**

The conclusion of the study was presented in accordance with objectives of the study in relation to available data. Thus, the study reveals the following:

### **Assessment of whether project executed in Rwamagana District from 2017 to 2021 were completed in due time.**

The results have shown that projects executed in Rwamagana district were not completed on due time. Nonetheless, they have been completed in satisfactory way. Results have shown that surveyed people can only rate the completion at the level of 42%. The rest i.e. 58% do not recognized this due time completion of projects executed in this district. Thus, there was a gap in contract management within Rwamagana District with respect to time management.

### **Analysis of whether contract management was done adequately to respect contract cost in public procurements during financial 2017 to 2021.**

The appreciation has been put at the level of 22% against the rest of 78% who did not. Notice that this should not happen in the country committed to zero tolerance for corruption and mismanagement.

### **Assessment of whether the quality of project implemented in Rwamagana District from 2017 to 2021 was in accordance with the standards.**

The results have shown that the surveyed people have rated the quality of public procurements executed in Rwamagana District from 2017 to 2021 at the level of 41% against 59% who did not.

The quality is the nerve and blood for socio-economic development and to infringe it is to blot out the possibilities of social advancement.

### **Assessment of whether contract management was done adequately so as to mitigate environmental risks and preserve social benefits in public procurements during financial years 2017 to 2021**

According to the findings of this study, the environmental risks management is among the variable to be rated low. The percentage of surveyed people who appreciated was 29 % against that of who did not that is 71%. Since the environmental risks occupy a central role in the any socio-economic issues, this issue calls for much attention.

### **Recommendations**

#### **To RWAMAGANA District and procuring entities**

- Interactions of many kinds between the successful bidder and governmental authorities should continue during the course of contract performance
- The circumstances in which the offer and acceptance of services are made should indicate that the parties intended to enter into a legal relationship.
- The measure of physical progress can be assessed by comparing the percentage of actual physical completion against contractual physical completion over time

### **Recommendations for further researches**

This study does not pretend to be exhaustive. Due to the limitations of the research scope, further research could for instance extend the topic to all districts within the country. Besides, other researchers for other areas in relation to contract management and institution performance in public procurements should be assessed in other districts and focus on other aspects such as their contribution to the economic development in Rwanda.

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