



UNETHICAL PROFESSIONAL PRACTICES IN TENDERING OF PUBLIC BUILDING PROCUREMENT IN BAUCHI METROPOLIS, NIGERIA

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This study investigated unethical professional practices in tendering of public building procurement in Bauchi metropolis, Nigeria, with a view to improving on professional ethics that will ensure value for money (VfM). Literature review and interviews were used to design a structured questionnaire for the study. From a sample frame of 180 academic and non-academic staff that serve as in-house and out-source consultants in TETFund funded projects, 122 were administered questionnaires using stratified random sampling technique. Percentage, frequency, mean and independent sample *t*-test were used to analyze data obtained. Findings revealed that connivance, deceitful advertisement, deliberate disparity of tender documents, and divulging confidential information are some of the severe factors that constitute unethical professional practices in tendering. Perpetuation of unethical practices in tendering are influence by discontinuity in government projects, glorifying corrupt leaders, greed, immorality, poor understanding of ethical standards, poor workers remuneration, job insecurity, and weak judicial systems. While credible leadership, enforcing punitive measures, and parity in tendering, introducing ethics as a course in academic institutions, organizing seminars on ethics, adherence to professional ethics and procurement requirements, sufficient time for tender preparation, and understanding ethical and professional values were ranked as effective measures for curbing unethical professional practices in tendering. Independent sample t-test shows that there are no statistical significant differences in the mean ranking of academic and non-academic staff on causes, influences and measures for curbing unethical professional practices respectively. The study recommends: adherence to ethical requirements, improve workers remuneration, appointing credible leaders in procurement agencies, review of the Nigeria's public procurement act, and synergy between key tendering stakeholders for effective implementation of measures for curbing unethical professional practices.

Keywords: professionals, public procurement, tendering, unethical practices, VfM

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INTRODUCTION

Globally, public construction procurement is a relevant instrument of government policy and a lever for wider socioeconomic and environmental change, as well as a strategic profession that plays a central role in preventing mismanagement of public funds (Kangogo & Kiptoo 2013). Yet, public procurement is susceptible to unethical practices in most African countries (Sichombo, Muya, Shakantu, & Kaliba, 2009; Jacob, 2010; Kangogo & Kiptoo, 2013). One of the stage in public procurement that is vulnerable to unethical practice is the tendering stage (Kangogo & Kiptoo, 2013). Owoyebi *et al.*(2011) described unethical professional practices as ways that professionals disrespect the interest of their clients which translates to the wider public interest not being recognized and respected. The effect of unethical professional practices in the construction industry is detrimental to the development of any nation (Harding *et al*, 2004; Bowen, Pearl, & Akintoye, 2007; Abdul-Rahman, Wang, & Yap, 2010; Inuwa, *et al.*, 2014). This had resulted in the fight against unethical professional practices in the construction industry worldwide, and as such, many efforts had been taken to ensure adherence to ethical standards and integrity among construction professionals that will result in the attainment of VfM in their effort in delivering construction projects (Sichombo *et al.*, 2009; Abdul-Rahman *et al.*, 2010). Consequently, most developed countries and some developing countries, had realized that adhering to professional ethics during tendering procedure is an inevitable pre-requisite to attaining VfM in the procurement of building projects (Abdul-Rahman *et al.*, 2010; Ray *et al.*, 1999).

However construction procurement outcomes in Nigeria are very dismal due to the award of contracts to wrong contractors (Alutu, 2007; Adebajo, 2012). According to Adebajo (2012), almost 60% of funds budgeted for public construction procurement in Nigeria ends up partly on unnecessary administrative expenses and the rest in local and foreign accounts of individuals due to unethical professional practices. More worrying is a World Bank report in 2010 on Nigerias' procurement assessment, which reported that about 50% of projects in Nigeria are dead even before they commence; projects are designed to fail because the objective is not to implement, but to use them as vehicles for looting of public treasury. Instead of adding value, they become economic drain pipes (Jacob, 2010). Moreover Nigeria posts the highest building construction cost in Africa; building project costs over 50% more in Nigeria than in Ghana and 77% more in Nigeria than in Senegal, all countries within the same ECOWAS sub-region (Langdon, 2011 cited in Anago, 2012). To curtail the inadequacies in public procurement, the Nigerian government enactment the public procurement Act in 2007. The Act succeeded in creating procurement requirements awareness and cost savings. However, evidences have shown that the tendering procedures of some public construction procurement projects amounting to over ₦ 20 billion were dented with blatant abuse of the procurement Act (Jacob, 2010; Anago, 2012).

According to Mlinga (2006), the application of the highest ethical practices will help ensure the best achievable construction procurement outcome, as

well as enhance the procuring entities reputation in the marketplace. Nonetheless, most of the studies on ethics in the Nigerian construction industry failed to reveal factors that constitute unethical professional practices during tendering of public building projects, as well as what influence its perpetuation and measures to curb it (Alutu, 2007; Ameh *et al.*, 2007; Ameh & Odusami, 2010a; Ameh & Odusami, 2010b; Ayodele *et al.*, 2011; Oyewobi *et al.*, 2011; Usman *et al.*, 2013; Inuwa *et al.*, 2014). Hence, the aim of this study is to investigate unethical professional practices during tendering of public building procurement in Bauchi metropolis, Nigeria, with a view to improving on professional ethics that will ensure VfM. In light of the above this study outlined the following objectives:

- i. To identify and evaluate factors that constitute unethical professional practices during tendering of public building procurement in Bauchi metropolis, Nigeria.
- ii. To identify and evaluate factors that influence the perpetuation of unethical professional practices during tendering of public building procurement in Bauchi metropolis, Nigeria.
- iii. To identify and evaluate measures for curbing unethical practices during tendering of public building procurement in Bauchi metropolis, Nigeria.

The following null (H_0) hypotheses were postulated in order to test the relationship of the variables in the above-mentioned objectives:

- i. H_0 : There is no statistically significant difference in the mean ranking of respondents on the factors that constitute unethical professional practices during tendering for public building procurement in Bauchi metropolis
- ii. H_0 : There is no statistically significant difference in the mean ranking of respondents on factors that influence the perpetuation of unethical professional practices during tendering of public building procurement in Bauchi metropolis.
- iii. H_0 : There is no statistically significant difference in the mean ranking of respondents on measures for curbing unethical professional practices during tendering of public building procurement in Bauchi metropolis

Theoretical construct

This study is modelled on three moral principles of ethics: utilitarian, right, and justice. Utilitarian ethics is concerned with applying the 'right' action or policy that will yield the greatest benefit (or VfM) to the society (McNabb, 2009). Thus decisions on actions and policies are evaluated according to their net benefits and costs. The principle behind the utilitarian ethics is concerned with how the consequences of an action supports the value of efficiency (Malhotra, 1999 in McNabb, 2009). Right ethics is concerned with the moral principles that guide a person's entitlement to something (McNabb, 2009). Right ethics are sub-classified into legal rights and human rights. Legal rights are based upon laws that guides consumer protection in a contract,

while human rights is concerned with providing people with a way of justifying their actions (McNabb, 2009). Justice ethics is a moral standard that focus on justice and fairness; it is conceptualized into distributive, retributive and compensatory justice respectively. Distributive justice is concerned with the fair distribution of a society’s benefits and burden. Retributive justice is concerned with the provision of punishments and penalties that are just. While compensatory justice supports the idea of compensating people for what they loss when they are wronged by other individuals or by society (including government) (McNabb, 2009).

What constitute unethical professional practice in tendering of building projects procurement is a consequence of professionals not applying the right actions and policies that will yield the greatest benefit (VfM) to the society. Moreover, professionals non adherence to ethical requirements of distributive justice results in the violation of the distribution of the society’s benefits and burden; the in-house (public professionals) and out-source professionals who are entrusted with managing public funds must ensure that the funds are expended through a fair, just and transparent means that will result in VfM attainment (Anago, 2012; Idoro, 2011), through the application of utilitarian and distributive ethics respectively. Factors encouraging the perpetuation of unethical professional practices can be curtail in a contract if professionals ensure that client rights in a contract (legal ethics) are protected; this will result in fair distribution of a society’s benefits and burden. Unethical professional practices in building procurement are injurious to clients resulting in a loss. Thus client are entitled to compensation for what they loss; compensatory justice. However, a loss is established when retributive justice is statutorily applied by the society. This serve as measure for curtailing unethical professional practices. Table 1 shows the relationship between ethical principles applied and the study constructs.

Table 1: Relationship between ethical principles applied and study constructs

| Subject of ethical principles | Ethical principles applied | Study constructs |
|---|--|---|
| <ul style="list-style-type: none"> • Utilitarian ethics & justice ethics | <ul style="list-style-type: none"> ✓ Utilitarian ethics & distributive ethics | <ul style="list-style-type: none"> ❖ Constituents of unethical practices |
| <ul style="list-style-type: none"> • Right ethics & justice ethics | <ul style="list-style-type: none"> ✓ Legal right & distributive ethics | <ul style="list-style-type: none"> ❖ Perpetuation of unethical practices |
| <ul style="list-style-type: none"> • justice ethics | <ul style="list-style-type: none"> ✓ Retributive justice & compensatory right | <ul style="list-style-type: none"> ❖ Measures for curtailing unethical practices |

LITERATURE REVIEW

Professional Ethics and VfM Procurement

Historical evidences from different philosophical traditions (Egypt, Mesopotamia, Judeo-Christian, Middle East, & Asia) revealed that ethics evolved as a set of moral standard that govern the conduct of an individual or a group of persons in an organizational or societal setting (McNabb, 2009). Ethics is the set of principles that govern the conduct of an individual or a

group of persons, and briefly as the study of morality or moral behavior (McNabb, 2009). According to Guthrie (2010), ethics is a standard of professional behavior. Thus professionals involved in project procurement are expected to exhibit behavior that ensure clients' get full value for what they paid for; VfM (Anago, 2012). Though it sounds simple, it is very complex in public procurement domain (Anago, 2012). VfM mean services at lower cost, of better quality or a combination of these outcomes (Regan, 2014). For procurement to satisfy VfM, it has to satisfy quantitative (whole-life costs) and qualitative attributes (fitness for purpose) of a particular procurement decision (HM Treasury, 2006 in Regan, 2014). VfM assist professionals to guide client decision on which procurement method will deliver best outcome, as well as the most effective and efficient bidding method and process that will result in selecting the best bidder proposal that maximises public benefit. To achieve VfM procurement, construction professionals' must render services that will result in better outcome through an economic, effective, and efficient way. Thus they are expected to provide procurement services that will: incur lowest reasonable cost, yield better productivity, and achieve impact that could either be quantitative or qualitative or both. VfM is attained when there is an optimum balance between cost, effectiveness and efficiency; costs are relatively low, productivity is high and successful outcomes have been achieved (Adebanjo, 2012).

Emergence of Procurement Law in Nigeria

Prior to 2007, there was no statutory provision that directly regulates the award of public contract in Nigeria, hence the public procurement system had been grossly abused leading to losses of resources (Ayangade, Wahab, & Alake, 2009; Jacob, 2010). Contract award in Nigeria were used as avenue by which government functionaries reward their friends and cronies, and by which they too amass wealth, consequently negating the economic growth of the Nation (World Bank, 2000; Olatunji, 2008; Jacob, 2010). Moreover construction professionals who are trained and expected to exhibit high level of professionalism are not exempted from this moral decadence (Usman *et al.*, 2012; World Bank, 2000). Studies have shown that public construction procurement performance in Nigeria, spanning decades after its independence in 1960, is marred with fraudulent practices perpetuated through unethical professional practices (Oladapo, 2000; Adebanjo 2012; Usman *et al.*, 2012). In an effort to curb the effects of unethical professional practices in public procurement on the economy of the country, the Nigerian government commissioned a diagnostic study in 2001 to investigate the state of affairs of public procurement in the country. In light of the commission's report, a Due Process Unit was established under the presidency to undertake the exercise (Ayangade *et al.*, 2009; Jacob, 2010). Furtherance to its effort to sanitize and improve the public procurement performance, the government enacted a procurement Law in 2007, which is referred to as public procurement Act 2007 (Jacob, 2010; Adebanjo, 2012). The Act created awareness in the public domain on the essentials of procurement process and practice resulting in the nation saving over ₦300 billion (\$790 million) in contracts over-pricing within the threshold of ₦ I billion (\$2.63 million) by

Ministries, Departments and Agencies. Nonetheless, its success could not deter the perpetuation of unethical professional practices in the award of public construction contracts (Jacob, 2010; Anago, 2012).

One of the flaws in the Public Procurement Act is its failure to acknowledge the complexity of construction procurement process, as well as its different routes. This should not be the case, because construction procurement is a 'complex system', which helps to offer insights from the procurement of other types of complex systems (Hughes, 2012). Its complexity stems from its: organizational structure, large size, expensive and risky nature, long duration, and different systems (Hughes, 2012; Inuwa, 2014). Moreover, core construction procurement professionals' roles are not spelt out and as such, consequences of their professional misconduct are not explicitly captured in the Act, hence making it difficult to convict erring professionals. The Act failed to capture the peculiarity of construction procurement process vis-à-vis its administration as required in the forms of contract use in Nigeria, like the Nigerian Federal Ministry of Works & Housing form of contract, Joint Contract Tribunal (JCT, 2005), and Society for Construction Law forms of contract. These are standard forms which form the basis of construction contract administration that stipulates rights and limitations of all stakeholders involved in construction procurement process.

Factors that Constitute Unethical Professional Practices in Tendering

According to Ramus *et al.* (2006), tendering is an important matter that requires careful thought and execution if success is to be attained in the procurement of construction projects. Construction professionals engaged in procurement are expected to exhibit appropriate ethical requirements without fear or favour. Thus their task in selecting a competent contractor focuses on selecting a contractor that: is financially stable and has a good business record, the size of the project is neither too small nor too large, has a reputation for good-quality workmanship and efficient organization, and has a good record of industrial relations (Ramus *et al.*, 2006). To achieve this end, tendering must be open, competitive and transparent. This will enable the client's limited resources to be efficiently and effectively utilized to achieve VfM (Moneke, 2000). To demarcate what constitutes unethical professional practices during tendering, one must be conversant with what constitutes ethical professional practices in tendering. Ramus *et al.* (2006) identified preliminary enquiry, period for preparation of tenders, parity of tendering, opening tenders, and notifying tenderers as ethically recognized procedures for tendering. In addition, the Nigerian Public Procurement Act (FRN, 2007) identified advertisement, prequalification of tenders, and tender evaluation as a tendering procedure.

Preliminary Enquiry

To ascertain whether a contractor is interested in tendering for a project, and to avoid a contractor who is over-loaded with work, to tender for a job at a price far above the lowest tender (cover price), preliminary enquiry is sought from prospective tenderers (Ramus *et al.*, 2006). Though preliminary enquiry

is a recommended practice but not always followed. It has the advantage of ensuring that bona-fide tenders are submitted, as well as reduces the length and cost of tendering management (Ramus et al., 2006). However, where this procedure is not considered and applied by professionals engaged in the management of tendering procedure, it could be construed as an unethical professional practice.

Advertisement

One important facet of transparency according to Arrosmith (2010), is to ensure adequate publicity for contract opportunities. This helps to ensure wider competition resulting in VfM attainment. It also forms the basis for effective monitoring and accountability of procurement activity. Advertisement is initiated by the client's project manager, architect or quantity surveyor inviting contractors to tender in competition for carrying out work. The essence of advertisement is to ensure that public procurement is achieved through a competitive, accountable, and transparent manner. To satisfy this requirement the Nigerian Procurement Act, stipulates in Part V subsection 19 (a) that all public procuring entities shall, in implementing its procurement plans advertise and solicit for bids in adherence to the Act and guidelines as may be issued by the Bureau from time to time (FRN, 2007). In spite of this requirement, some public contract awarding entities in Nigeria connives to award contract to a specific contractor not minding his disposition, competence and business reputation; advertisements are deceitfully placed on dailies, journals and notice boards merely to satisfy statutory requirements (Alutu, 2007; Jacob, 2010; Ottuh, 2012). Hence, this act constitutes unethical professional practice in tendering procedure.

Period for Preparation of Tenders

Tendering contractors are expected to be given sufficient time for to put up a bona-fide tender. Therefore professionals' task with the responsibility of managing tendering are to take cognizance of the nature, size and complexity of the proposed project in deciding the appropriate time for the contractors to prepare their tenders, as well as the date in which tenders are to be submitted. The time given should be sufficient to allow all necessary enquiries from suppliers, sub-traders, and make possible any other task related to the tender preparation to be attended to (Omole, 2000; Ramus et al., 2006). Though, there is no universally accepted minimum duration for the preparation of tenders but professionals are at all times required to evaluate the size, nature and complexities of a project using experience to come up with a duration sufficient to prepare tender for the project in question. Unrealistic period for the preparation of tenders could lead to flaws, and this could be construed as an unethical professional practice.

Parity of Tendering

Parity of tendering is about creating equal basis for all tendering contractors to compete using the same information. It ensure given tenderers' uniform condition and information to make offers. Consequently, all the tender documents, requirements and instructions relating to the tendering procedures must be identical. Any information resulting in variations emanating from: amendment on the initial tender documents, enquiry posed

by any tenderer on materials and specifications, and method of construction which might eventually varies the initial envisaged nature and scope of the project in question should be communicated to all tenderers. Tenderers should be asked to confirm in writing the receipt of every written communication of additional or varied information immediately (Ramus et al., 2006; FRN, 2007). However, any violation of the parity of tendering constitutes unethical professional practice (Ramus et al., 2006; Alutu, 2007; Ottuh, 2012).

Opening Tenders

Ethically, tenderers are required to return their tenders in a specially marked envelope called return envelope (Ramus et al., 2006). Its essence is to ensure that tenders are recognized as such when received and to ascertain that the bids have not been tampered (Ramus et al., 2006; FRN, 2007). The Public Procurement Act (FRN, 2007), stipulates that 'all bids shall be submitted before the deadline or date specified in the tender documents or any extension of the deadline for submission'. All Tenders are to be opened in public and the same time immediately after the time given for submission had elapsed; opened within 24 hours of receipt (Omole, 2000; Ramus et al., 2006; FRN, 2007). Hence where opening of tenders do not follow formal laid down procedures in the submission and opening of tenders, such act constitutes unethical professional practice.

Notifying Tenderers

It is a standard requirement to prepare and submit to all tenderers alphabetical list of names of tendering entities when tenders are opened, as well as list of tenderers tender sums in descending order; from the lowest to the highest tender, without disclosing which tenderer submits what amount. Looking at the tender list, tenderers will be able to ascertain their position relative to the lowest tender (Ramus et al., 2006; FRN, 2007). However, where tenderers are not notified when tenders are to be opened, such act constitutes unethical professional practice.

Pre-qualification of Tenderers

The pre-qualification scrutiny is aimed at determining the contractors' technical, managerial and financial capacity as well as confirm their previous experiences in performing similar projects and ultimately their suitability as prospective bidders for the project (Omole, 2000). In addition, the pre-qualification of tenders seek to confirm a company's status in meeting statutory requirements for eligibility to participate in public and private procurements (FRN, 2007). However, there are instances where procuring entities conspire to violate pre-qualification criteria in favour of a contractor, thus constituting an unethical professional practice (Alutu, 2007; Ottuh 2013).

Tender Evaluation

The evaluation of tenders is done to select the most suitable tender that meets the set requirements on the basis of the pre-announced award criteria; either the lowest-priced or the most economically advantageous tender. The selected tender is then awarded the contract (FRN, 2007). This include

Examination of the bids (both Technical and financial) to determine the bid that substantially responded to the bid solicitation. Regardless of how well the other steps in the procurement process are conducted, if bids are not evaluated correctly and fairly, the process will fail. It is a requirement of the guidelines for the procuring entity to expressly state all the criteria they intends to use in the evaluation of bids, and that criteria set out shall be the one to be used (FRN, 2007). However, in Nigeria, evidences have shown that public procurement entities conspire with professionals to unduly favour a contractor at the expense of others during tender evaluation for the award of government projects (Alutu, 2007; Jacob, 2010; Ottuh, 2013).

Factors Influencing Perpetuation of Unethical Professional Practices in Nigeria

Usman *et al.* (2012) identified factors that causes the perpetuation of unethical professional practice in the management of construction projects in Nigeria. Some of these factors could be experienced during tendering of public building procurement, and their perpetuation are influenced by: job Insecurity, fear of status relegation after retirement, relatively low income compared to needs, lack of loyalty to government, absence of punishment for corruption, loss of contract money due to change in government, lack of continuity in government programmes, and collusion between procurement officials and contractors. According to Agbiboa (2012), poor workers remuneration in the public sector, lack of social security and the facilities needed to guarantee decent living after retirements, and the existence of defective cultural norms are some of the factors that influence the perpetuation of unethical professional practices during tendering in Nigeria. In the same light Ayodele, *et al.* (2011) revealed that poverty level, excessive love for money/greed, politics in award of contract/God-fatherism, professional indiscipline, fall-out of endemic societal corruption and favouritism also influence perpetuation of unethical professional practices in the procurement of public buildings in Nigeria. Moreover, unethical professional practices thrive in Nigeria due to poor judicial systems; most at times those convicted of embezzlement of public funds through fraudulent procurement practices are not meted appropriate punishment (Agbiboa, 2012; Ottuh, 2013).

Measures for Curbing Unethical Professional Practices during Tendering

Vee and Skitmore (2003), affirms that curbing unethical professional practice depends on the implementation and policing of the ethical guidelines and policies of both professional bodies and private organizations' together with the leadership of public sector procurement agencies. Ameh and Odusami (2010) discovered that majority of Nigerian building professionals' ethical ideology are situationists, as such factors that will encourage unethical practices should be avoided. Situationists reason that people's situations, rather than their characters, are the explanatory powerful factors in determining why different people behave differently. Thus massive enlightenment on ethical codes should be promoted. Ameh and Odusami advocated for professional institutes organising periodic training sessions on

professional ethics as part of Continuous Professional Development (CPD). Issues to be discussed at such meetings should include: content(s) analysis of professional codes of conduct; case studies and scenarios on ethical improprieties; and emerging ethical issues of global and national significance. To some authors, credible leadership of public procurement agencies is a prerequisite for attaining a VfM procurement devoid of unethical professional practices (Adebanjo, 2012; Agbibo, 2012). Ottuh (2013) accuses the leadership of public procurement agencies in Nigeria of lacking the kind of philosophical and ideological vision and orientation that is committed to developing a dream society. In Alutu's (2007) view, seminars and workshops, and the introduction of a course on professional ethics in tertiary institutions will aid in curbing unethical professional practices in Nigeria. Ameh *et al.* (2007) advocated for the inclusion of professional ethics in postgraduate curriculum of construction disciplines in Nigeria.

Ameh *et al.* (2010) advised professional institutions in Nigeria to give priority to ethical discourse at technical sessions, public lectures and seminars. Oyewobi *et al.* (2011) proffers viable legislation mechanism in Nigeria to deal with unethical practices by strengthening professional institutions to punish erring members, and the introduction of enforcement and monitoring measures. Usman *et al.* (2012b) advocates for more government commitment in fighting corruption in Nigeria, and advised that professionals, contractors and civil servants should exhibit hallmark of excellence through adherence to ethics, values, competence and integrity. Inuwa *et al.* (2014) advocated for: adherence to professional ethics, pre-emptive measures by regulatory bodies to supervise professionals, legislate laws that spell out punishment for any type of unethical practice, transparency and accountability in contract administration, and strong policy framework and enforcement. These measures if adhered to can contribute to curbing unethical professional practices during tendering of public building projects procurement in Nigeria.

RESEARCH METHODOLOGY

This study surveyed institutions in Bauchi metropolis that are benefitting from the Tertiary Institutions Trust Fund (TETFund) funded projects. TETFund is a parastatal under the Federal Ministry of Education established by the Federal government of Nigeria (FGN) to address tertiary institutions decay in infrastructure, training of resource persons and funding of research. By law institutions benefitting from TETFund are mandated to use the public procurement Act 2007. This study reviewed literature (see Table 2) and interviewed construction professionals that have experience in managing TETFund sponsored projects to develop a structured questionnaire. The questionnaire sought questions on respondents' demographic profiles and the study objectives. One hundred and eighty construction professionals that have been engaged in TETFund projects in three tertiary institutions were identified as the study sample frame. These professionals are academic staff that are statutorily certified as out-source consultants, and non-academic staff that participate as in-house consultants. The professionals were selected from: Abubakar Tafawa Balewa University (ATBU) Bauchi, Federal

Polytechnic Bauchi (FPT), and Tatars Ali Polytechnic (ATAP) Bauchi. These professionals specialize in: architecture, building, engineering, and quantity surveying. Krejcie and Morgan (1970) table was used to arrive at a sample size of 122 respondents.

Table 2: Factors identified from literature review used as constructs in the study questionnaire

| | Causes of unethical practices | Influencing Factors | Measures of Curbing |
|----|--|---|---|
| 1 | Connivance to award contract to a party prior to tendering (Alutu, 2007; Jacob, 2010; Ottuh, 2012) | Discontinuity in government projects (Usman, <i>et al.</i> , 2012) | Credible leadership of public sector procurement agencies (Ottuh, 2013) |
| 2 | Deceitful advertisement (Alutu, 2007; Jacob, 2010; Ottuh, 2012) | Glorifying corrupt leaders (Agbibo, 2012; Ayodele, <i>et al.</i> , 2011) | Enforcing punitive measures by professional regulatory bodies (Inuwa <i>et al.</i> , 2014; Oyewobi <i>et al.</i> , 2011). |
| 3 | Deliberate disparity of tender documents (Ramus <i>et al.</i> , 2006; Alutu, 2007; Ottuh, 2012) | Greed for money/Get rich syndrome (Agbibo, 2012; Ayodele, <i>et al.</i> , 2011) | Ensuring Parity in tendering (Inuwa <i>et al.</i> , 2014; Ramus <i>et al.</i> , 2006). |
| 4 | Divulging confidential tender information (Alutu, 2007; Ottuh, 2012) | Immorality in the society (Agbibo, 2012; Ayodele, <i>et al.</i> , 2011) | Introducing professional ethics course in academic institutions (Ameh <i>et al.</i> , 2010; Alutu, 2007) |
| 5 | Favoritism during evaluation of tenders (Alutu, 2007; Jacob, 2010; Ottuh, 2012). | Poor understanding of ethical standards (Ayodele, <i>et al.</i> , 2011) | Organizing lectures, workshops and seminars on professional ethics by relevant professional bodies (Ameh & Odusami, 2010; Adebajo, 2012; Agbibo, 2012). |
| 6 | Informal procedure in opening tenders (Omole, 2000; Ramus <i>et al.</i> , 2006; FRN, 2007). | Poor workers remuneration (Agbibo 2012) | Adherence to professional ethics (Inuwa <i>et al.</i> , 2014) |
| 7 | Non adherence to pre-qualification criteria (Alutu, 2007; Ottuh 2013) | Public sector job insecurity (Agbibo 2012; Usman, <i>et al.</i> , 2012) | Adherence to public procurement requirements (Inuwa <i>et al.</i> , 2014) |
| 8 | Non conduction of preliminary enquiry (Ramus <i>et al.</i> , 2006) | Weak judicial system (Agbibo, 2012; Ottuh, 2013) | Sufficient time for tender preparation (Omole, 2000; Ramus <i>et al.</i> , 2006) |
| 9 | Not notifying tenderers when tenders are to be opened (Omole, 2000; Ramus <i>et al.</i> , 2006; FRN, 2007) | | Understanding ethical and professional values among the professionals |
| 10 | Unrealistic duration given for tender preparation (Omole, 2000; Ramus <i>et al.</i> 2006) | | |

Construction experts were used to test the questionnaire comprehensibility, reliability, and validity. Cronbach's α reliability test recorded values of 0.79, 0.70, and 0.87 for unethical, perpetuation and measures for curbing unethical professional practices respectively. These depict a good reliability status; ≥ 0.70 . Thus the questionnaire is confirmed to be consistent, reliable and free from random error (Sekaran, 2003; Pallant, 2001). The experts verified and

validated the items in the questionnaire. Subsequently, 122 questionnaires were administered to respondents using stratified random sampling technique. They were instructed to use 5-point likert scale to rank factors in the questionnaire. The scale interpretation for ranking unethical professional practices are: 1-not severe, 2-least severe, 3-moderately severe, 4-severe, and 5-highly severe. For influencing perpetuation: 1-not-influential, 2-least influential, 3-moderately influential, 4-influential, and 5-highly influential. For curbing measures: 1-ineffective, 2-least effective, 3-moderately effective, 4-effective, and 5-highly effective. The survey attains almost 86% valid response rate. Data obtained were analyze using statistical package for social sciences (SPSS) version 21. Analysis conducted were descriptive (frequencies, percentages, & mean) and inferential statistics (independent sample *t*-test).

RESULTS AND DISCUSSIONS

Respondents Demographic Information

Table 3 depict respondents’ demographic profiles.

Table 3: Respondents demographic profile

| Sections in institution | No. | % | cumulative | |
|---|----------------------|----------------------|---------------------|-----------|
| Academic staff | 88 | 83.8 | 83.8 | |
| Non-academic staff | 17 | 16.2 | 100 | |
| Total | 105 | 100 | | |
| Educational qualifications | No. | % | cumulative % | |
| PhD | 10 | 9.5 | 9.5 | |
| MSc | 50 | 47.6 | 57.1 | |
| BSc | 36 | 34.3 | 91.4 | |
| HND | 5 | 4.8 | 96.2 | |
| Others | 4 | 3.8 | 100 | |
| Total | 105 | 100 | | |
| Educational specialization | No. | % | cumulative % | |
| Architecture | 19 | 18.1 | 18.1 | |
| Building | 12 | 11.4 | 29.5 | |
| Engineering | 60 | 57.1 | 86.7 | |
| Quantity surveying | 14 | 13.3 | 100 | |
| Total | 105 | 100 | | |
| Professional registration | No. | % | cumulative % | |
| NIA | 12 | 11.4 | 11.7 | |
| NIOB | 12 | 11.4 | 23.3 | |
| NSE | 55 | 52.4 | 76.7 | |
| NIQS | 14 | 13.3 | 90.3 | |
| Others | 10 | 9.5 | 100 | |
| Total | 103 | 98.1 | | |
| Years of experience | Mid value (X) | Frequency (F) | % of F | FX |
| 5-10years | 7.5 | 6 | 5.7 | 135.0 |
| 11-16years | 13.5 | 32 | 30.5 | 432 |
| 16-21years | 18.5 | 49 | 46.7 | 906.5 |
| Over 21years | 21 | 18 | 17.1 | 378.0 |
| Total | | 105 | 100 | 1851.5 |
| Mean years of experience = $\frac{\sum FX}{\sum F} = \frac{1851.5}{105} = 17.63 \approx 18$ years | | | | |

Eighty percent of the respondents’ are academic staff while 16% are non-academic staff. Respondents’ educational qualifications are HND, BSc, MSc and PhD, which are in proportions of 8.6%, 34.3%, 47.6%, and 9.5% respectively. This shows that majority of the respondents are educationally

qualified to respond to this research. All the respondents' (100%) specialize in building procurement professions: Architecture, Building, Engineering and Quantity Surveying. This implied that the respondents are core building procurement professionals (Ameh & Odusami, 2010). A little above 90% of the respondents' are statutorily certified to practice their professions. The respondents have an average of 18 years' experience in the construction industry; this implied that the professionals are aware of the state of affairs in tendering procedure in the Nigerian construction industry. These results confirmed that the data collected are valid because the respondents are knowledgeable, experienced and appropriate to respond to the study.

Factors that Constitute Unethical Professional Practices in Tendering

Table 4 shows responses of the two groups on factors that constitute unethical professional practices during tendering of public building procurement in tertiary institution in Bauchi metropolis. Favoritism during evaluation of tenders (4.2614 & 4.0588), connivance to award the contract to a party prior to tendering (4.1136 & 3.7059), deceitful advertisement (3.9886 & 3.5882), divulging confidential and vital tender information (3.8750 & 3.7059), and non adherence to pre-qualification criteria (3.4886 & 3.5294) were ranked as severe unethical professional practices. While informal procedure in opening tenders (3.2386 & 3.1765), non conduction of preliminary enquiry (3.3295 & 2.9412), unrealistic duration given for preparation of tenders (3.2500 & 3.2529), deliberate disparity of documents to tenderers (3.3864 & 3.4118), and not notifying tenderers when tenders are to be opened (2.8636 & 2.6471) were ranked moderately severe. Independent sample t-test shows that there is no statistical significant difference in the mean ranking of academic and non-academic staff on unethical professional practice; academic and non-academic staff agrees that all the factors identified constitute unethical professional practices in tendering. Hence, the null hypothesis was accepted. According to Ramus *et al.* (2006), conduction of preliminary enquiry is a recommended practice. However no empirical study was conducted in Nigeria to investigate the extent of its application and abuse in tendering procedure. The implication is that there is likelihood that a contractor who is overloaded with projects may be awarded the contract at a tender price far above the lowest tender, and could result in poor project delivery. Deceitful advertisement is acknowledged by Alutu (2007), Jacob (2010) and Attuh (2012) as an unethical professional practice during tendering of public building projects procurement. This implied that there is no transparency and fairness in selecting contractors for public building procurement. This study and Ramus *et al.* (2006) acknowledged conduction of preliminary enquiry as a tendering procedure, its violation is regarded as an unethical practice. However the public procurement Act 2007 is silent about it. Unrealistic duration given for preparation of tenders is also an unethical professional practice during tendering. This concurs with Omole (2000) and Ramus *et al.* (2006) assertion that unrealistic duration given for preparation of tenders is unethical. Inadequate timing might results in mistakes and flaws that could affect project success. Not notifying tenderers when tenders are to be opened is

agreed by respondents to be an unethical professional practice. It should be noted that notifying tenderers when tenders are to be open is an ethical professional requirement (Ramus *et al.*, 2006; FRN, 2007).

Table 4: Responses on factors that constitute unethical professional practices during tendering

| S/N | Unethical professional practices | Independent samples | | | |
|-----|--|---------------------|----------------|----------------|--------------------------|
| | | Acad. mean | Non-acad. Mean | <i>t</i> Stat. | Sign. Level (<i>p</i>) |
| 1 | Connivance to award the contract to a party prior to tendering | 4.1136 | 3.7059 | 1.15 | 0.27 |
| 2 | Deceitful advertisement | 3.9886 | 3.5882 | 1.19 | 0.25 |
| 3 | Deliberate disparity of documents to tenderers | 3.3864 | 3.4118 | 0.09 | 0.93 |
| 4 | Divulging confidential and vital tender information | 3.8750 | 3.7059 | 0.46 | 0.65 |
| 5 | Favoritism during evaluation of tenders | 4.2614 | 4.0588 | 0.81 | 0.42 |
| 6 | Informal procedure in opening tenders | 3.2386 | 3.1765 | 0.22 | 0.83 |
| 7 | Non adherence to pre-qualification criteria | 3.4886 | 3.5294 | 0.14 | 0.89 |
| 8 | Non conduction of preliminary enquiry | 3.3295 | 2.9412 | 1.39 | 0.17 |
| 9 | Not notifying tenderers when tenders are to be opened | 2.8636 | 2.6471 | 0.64 | 0.53 |
| 10 | Unrealistic duration given for preparation of tenders | 3.2500 | 3.3529 | 0.30 | 0.76 |

Factors that Influence Perpetuation of Unethical Professional Practices

Table 5 portrays responses of two groups on factors that influence perpetuation of unethical professional practices. Both academic and non-academic staff ranked greed for money/get rich syndrome (4.5114 & 4.0588), glorifying corrupt leaders (4.4545 & 4.1765), weak judicial system (4.0795 & 3.9412), immorality in the society (3.7614 & 3.8235), poor understanding of ethical standards (3.5682 & 3.5882), and discontinuity in government projects (3.9091 & 3.4706) as influential in the perpetuation of unethical professional practices. While poor workers remuneration was ranked influential (3.6705) and moderately influential (3.1765) by academic and non-academic staff respectively. Public sector job insecurity was ranked by academic and non-academic staff to be moderately influential (3.4545 and 2.7647) in perpetuation of unethical professional practices. Greed for money/get rich syndrome was reported to be the most influential factors that causes perpetuation of unethical professional practice in tendering procedure. The significant levels show that there is no statistical significant difference in the mean ranking of academic and non-academic staff ($p > 0.05$) on the factors that influence perpetuation of unethical professional practices; hence the null hypothesis was accepted. The result agrees with the previous researches on the factors causing perpetuation of unethical practices in tendering (Alutu &

Udhawuve, 2009; Oyewobi, *et al.* 2011; Usman, *et al.* 2012b; Inuwa, *et al.* 2014). However, this result contrast with other studies in the sense that it investigated the order of influence of the factors that encourage the perpetuation of unethical professional practices in tendering procedure of public building projects procurement in Bauchi metropolis, Nigeria.

Table 5: Responses on factors that influence perpetuation of unethical professional practices in tendering

| S/\r | Factors influencing perpetuation of unethical practices | Non-Acad. Acad. | | Independent Samples t- test | |
|------|---|-----------------|--------|-----------------------------|-----------------|
| | | mean | Mean | t Stat. | Sign. Level (p) |
| 1 | Discontinuity in government projects | 3.909 | 3.4706 | 1.51 | 0.13 |
| 2 | Glorifying corrupt leaders | 4.454 | 4.1765 | 1.02 | 0.20 |
| 3 | Greed for money/Get rich syndrome | 4.511 | 4.0588 | 1.35 | 0.19 |
| 4 | Immorality in the society | 3.761 | 3.8235 | 0.23 | 0.82 |
| 5 | Poor understanding of ethical standards | 3.568 | 3.5882 | 0.64 | 0.95 |
| 6 | Poor workers remuneration | 3.670 | 3.1765 | 1.65 | 0.10 |
| 7 | Public sector job insecurity | 3.454 | 2.7647 | 2.02 | 0.05 |
| 8 | Weak judicial system | 4.079 | 3.9412 | 0.48 | 0.63 |

Measures for Curbing Unethical Professional Practices in Tendering

Table 6 depicts responses of the two groups on measures for curbing unethical professional practices during tendering of public building procurement. Though there is a difference in means between academic (4.1705) and non-academic staff (4.7059) on credible leadership of public sector procurement agencies, even at that their mean scores are on the high side showing that it is an effective (academic staff) and highly effective (non-academic staff) measures in curbing unethical professional practices in tendering. Enforcement of strict punitive measures by professional regulatory bodies (4.0455 & 4.3529), strict adherence to professional ethics (4.2500 & 4.1765), strict adherence to public procurement requirements (4.1136 & 4.2353), organizing lectures, workshops and seminars on professional ethics by relevant professional bodies (3.6136 & 3.8235), and understanding ethical and professional values among the professionals (3.7045 & 3.8824) were ranked by both respondents as effective measures in curbing unethical professional practices in tendering.

Academic staff ranked ensuring parity in tendering (3.5568) as a highly effective measures for curbing unethical professional practices (3.3529), while non-academic staff ranked it to be an effective measure for curbing unethical professional practices. Academic staff ranked introduction of a course on professional ethics in academic institutions to be an effective (3.5000) measure in curbing unethical professional practices in tendering, however non-academic staff were of a contrary view that it is a measure that is least effective (2.4118). The opinion of the two group of respondents also differ on the effectiveness of sufficient time given to tenderers for preparation as a measure for curbing unethical practices. While academic staff were of the opinion that introduction of a course on professional ethics in academic

institutions is an effective measure (3.5114), non-academic staff view it as a moderately effective measure (3.2941).

Though there is a difference in opinions between academic and non-academic staff on credible leadership of public sector procurement agencies as a measure; even at that it is considered to be an effective and a highly effective measures in curbing unethical professional practices in tendering by academic and non-academic staff respectively. Other measures were considered to be effective in curbing unethical professional practices in tendering procedure. The independent *t-test* shows that there is no statistical significant difference in the mean ranking of academic and non-academic staff ($p>0.05$) on measures for curbing unethical professional practices in tendering, thus the null hypothesis was accepted. These findings are in concurrence with other studies: Alutu (2007), Ameh *et al.* (2007), Ameh *et al.* (2010), Oyewobi *et al.* (2011), Usman *et al.* (2012), and Inuwa *et al.* (2014). However, it contrasts with other studies in the sense that it was conducted in Bauchi metropolis, and investigated empirically the order of effectiveness of the measures proffers for curtailing unethical professional practices in tendering of public building projects in Bauchi metropolis, Nigeria.

Table 6: Measures for curbing unethical professional practices in tendering

| S/N | Measures for curbing unethical practices in tendering procedures. | Acad. | Non-acad. | Independent Samples <i>t</i> - test | |
|-----|--|--------|-----------|-------------------------------------|--------------------------|
| | | Mean | mean | <i>t</i> Stat. | Sign. Level (<i>p</i>) |
| 1 | Credible leadership of public sector procurement agencies | 4.1705 | 4.7059 | 2.80 | 0.10 |
| 2 | Enforcing punitive measures by professional regulatory bodies. | 4.0455 | 4.3529 | 0.98 | 0.33 |
| 3 | Ensuring Parity in tendering. | 3.5568 | 3.3529 | 0.74 | 0.46 |
| 4 | Introducing professional ethics course in academic institutions | 3.5000 | 3.4118 | 0.29 | 0.77 |
| 5 | Organizing lectures, workshops and seminars on professional ethics by relevant professional bodies | 3.6136 | 3.8235 | 0.98 | 0.33 |
| 6 | Adherence to professional ethics | 4.2500 | 4.1765 | 0.28 | 0.78 |
| 7 | Adherence to public procurement requirements | 4.1136 | 4.2353 | 0.42 | 0.68 |
| 8 | Sufficient time for tenders' preparation | 3.5114 | 3.2941 | 0.71 | 0.48 |
| 9 | Understanding ethical and professional values among the professionals | 3.7045 | 3.8824 | 0.61 | 0.54 |

CONCLUSION AND RECOMMENDATION

This study investigated unethical professional practices during tendering for public building procurement in Bauchi metropolis, Nigeria, with a view to improving on construction professionals' ethics that will ensure VfM procurement. It identified and assessed: causes, perpetuating, and measures for curbing unethical professional practice respectively during tendering for public building procurement in Bauchi metropolis, Nigeria. The study was exploratory and descriptive. Findings revealed that causes of unethical practices were severe, influence of perpetuating unethical practice was

influential and measures for curbing unethical professional practices were effective. The independent sample *t*-test used to test the study hypotheses revealed that there are no statistical significant differences in the mean ranking of the two groups of respondents. The findings implied that contractors, consultants, and clients are culprit in exhibiting unethical professional practices, and this need to be addressed collectively by the parties. Therefore there is a need for the parties to adhere to ethical requirements during tendering. There is a need to improve Nigerian workers remuneration. These would go a long way in curtailing the causes of perpetuation of unethical professional practices. Moreover, credible leadership of public sector procurement agencies is found to be a highly effective measure. The study recommends: adherence to ethical requirements, review of the Nigeria's public procurement Act, improved public workers remuneration, appointing credible leaders in procurement agencies, and synergy between key tendering stakeholders for effective implementation of measures for curbing unethical professional practices.

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