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## Model Policy for Mitigating Corruption's Impact on Sustainable Civil Infrastructure: Case Nigeria

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### **Abstract:**

*The first part of this paper titled “Attaining a higher national growth trajectory via sustainable civil infrastructure” examined the symbiotic link between public infrastructure and growth and advances a view in favour of a systemic infrastructure development model for Nigeria based upon the latent potential of the nation’s infrastructure as a critical success factor in attaining a higher socio economic growth trajectory for the country. The authors examined the cost of infrastructure shortages and mismanagement upon the nation’s real sector, and in this follow-up paper, identify corruption as a major issue militating against the development of the required national infrastructure quota.*

*This paper directly recommends a model that will reduce the influence of corruption and politicisation on the nation’s contract procedures thereby equipping it to overcome strategic obstacles to the recommended staged development plan starting with the current v2020 (as itemized in the first paper) – with infrastructure development having primacy. This is in the hope that, with ‘opportunities’ for corruption eliminated, government will be able to play a central role in the heavy investment of the proceeds of the nation’s natural advantage (crude revenue) in her infrastructure growth and allowing the private sector to gradually take over and build upon this in subsequent plans as advanced in the first part of this paper.*

**Key words:** Sustainable civil infrastructure, corruption, development, economic growth, Nigeria, system driven growth, Role of Surveyors

### **1. Introduction**

This paper reviews scholarly works on the infrastructure-growth nexus globally, identifies corruption and inefficient infrastructure management as a major negative factor against infrastructure growth and apply the established arguments in relation to the Nigeria case to develop a system driven model to protect the nation’s contracting procedure from exposure to abuse. The paper canvasses a system driven institutionalized approach to promoting efficient development of infrastructure and a system driven strategy for the sustenance of public infrastructure and the escape of corruption-induced pitfalls on the path of infrastructural development. It itemizes the constraints confronting Nigeria in this regards and attempts to proffer solutions to these constraints using examples from specific development role models with some having historical growth trajectory similar to that of Nigeria.

The first part referenced specific examples of development role models and argued that poor nations are characterised by systems that depend on people while rich nations are characterised by systems that people depend upon. The aggregate systemic shift by any underdeveloped nation will determine the direction of movement - upward or downward pattern - of her economy. This second paper focuses on the ultimate determinant of a state’s capacity to efficiently provide these crucial infrastructures (the level of corruption) and explores options for reducing its impact.

Dwelling partly upon these views and prior works and findings by others, this paper canvasses for the introduction of a regime of breadcrumbs of regulations in public infrastructure contracts and management that will: utilize a model of transparency not currently in use; enable contract procedure and management to be governed by regulations that whittle down the influence of politics (politicians – corruption, nepotism, favouritism etc) and bureaucracy (civil servants – corruption, nepotism, favouritism, mediocrity etc) , and; protect programme continuity in successive governments. The breadcrumbs of regulations will constantly leave direct trails

which will tie each stage of public contracts to a common or central regulation and empower the public to legitimately flag issues and ask questions - and in extreme instances of potential failures - caused to be enforced 'public procurement sanctity and rights'; thereby promoting enhanced transparency and infrastructure deployment efficiency.

## 2. Infrastructure and Corruption – A Review

### 2.1. Infrastructure and Accountability

- **Accountable growth and management of public infrastructure:** It is appropriate for shareholders of a company to desire profitable actions from their elected board members (compare political leaders) and appointed managers (compare civil servants) and when this is not forthcoming, a shareholder may elect to opt out of such a company by liquidating his stocks, holdings or shares. Taxpayers as stakeholders, in an economy, do not have that same luxury or rights to just opt out. This means that people have better reasons to show more than passing interest in the way and manner their economy (money, resources and commonwealth) is being managed and be "assured that the money abstracted from their pockets have been administered with propriety and efficiency and without waste and extravagance" (Jones, 1984, p. 4).
- **Infrastructure and the philosophy of corruption:** Corruption is a key inhibitor of infrastructure development and sustainability. Infrastructure provision is a major channel through which corruption is perpetuated which in turn affects economic growth (Mauro, 1995). Corruption lowers the quality of infrastructure (Lambsdorff, 2003) and results into increased cost through cost-padding (Bardhan & Mookherjee, June 2001).

Corruption is operationally defined as the abuse of entrusted power (power held in trust for the public) for private gain (TI, 2010).

The United Nations Office on Drugs and Crime explains the complex nature of corruption as a problem that affects all countries and that some of its attributes includes undermining of democratic institutions, obstruction of economic growth, destabilization of government, distortion of electoral process and rule of law, promotion of bureaucratic red tapes, discouragement of foreign direct investment via absence of trusts and inhibition of small business growth as a result of difficulties in overcoming start up costs (UNODC, 2010).

Emphasising that corruption is the "abuse of public office for private gain" (Kargbo, 2006) and focussing on environment like Africa, Kargbo (2006) observed that it is not an easy task to distinguish between public and private role and interests and that a real dilemma exist on the question of separating private interests from public interests adding further that "Primordial sentiments still characterized most of the continent (of Africa) and as such is making it difficult to draw a line between primordial public which is the indigenous sphere defined in moral, ethnic and pre-colonial geographic terms, and the overlapping 'civic' public, amoral and to some extent abstract, inherited from the colonial state" (Governance and the Economy in Africa, 1996, p. 9).

Corruption kills public trust. Uslaner (2002) established the correlation between societal corruption and interpersonal trust across 52 countries (including Nigeria) to be 0.613 concluding that the "most corrupt countries have the least trusting citizens" while increased official corruption (corruption by those in authority) will ultimately encourage citizens to flout the legal system thereby incurring firmer crackdowns by authorities and leading to "what Putnam (1993, 115) calls 'interlocking vicious circles' of corruption and mistrust" (Uslaner, 2002).

Another type of corruption is partisanship – namely partisan impact in the allocation of resources to infrastructure, choice of infrastructure and the distribution of infrastructure. A pattern exist between 1999 and 2007 in one of Nigeria's most populous states which indicated that it was starved of direct federal resource allocation due to what was generally believed to be because the state was out of favour politically with the central political authority. The regime of breadcrumbs (see 3.0) could help to restrain similar partisan tendencies on decision making (Khemani, 2007).

Corruption in Africa is an extension of the pre-colonial feudal system such that any leadership name-space occupied is immediately perceived in that twisted orientation as a fiefdom to be mined and explored for personal ends (private gains) while it last. Even though some critics (Odinkalu, 2010, p. 23) have condemned the statement of a former president of Ghana, John Kuffuor, who in a lecture in Lagos in 2009 said that "corruption is basically enshrined in our culture", such criticism only stem from a restrictive use of the word 'culture' to imply solely the unique value system of the African and not as a dynamic evolution of trends as implied by Kuffuor. The acquired primordial sentiment that came to its height in the intra-tribal wars that peaked in the 18<sup>th</sup> century promoted a philosophy that sees what you get – whether acquired legitimately or as a result of direct loot of warfare - as your booty or lot. Even as Africans continue to embrace modernization, this philosophy continues to thrive. Political anglings are considered wars (Nwokolo, 2010) to be fought with blood if required (Ogundele, 2010) – and when the wars are won, the winner grabs the loot. It is not uncommon for instance to see ethnic colouration imputed as motives when certain people are being prosecuted for corruption as well as a daring display of ethnic and religious solidarity in their favour by their kin and those who share their religious faith. That is why "in spite of popular anger against corruption and bad governance, which have robbed the collective well being of the people of Nigeria, there remains a lack of national consensus on repulsion against the perpetrators (irrespective of their ethnicity, religion, class and gender)" (Chukwuma, 2010, p. 6). In other words, president Kuffuor merely stated the truth. This primordial sentiment is universal. It has no respect for race or religion and it surely did affect the developed countries of today at some point in their development when they saw loots and acquisitions as legitimate benefits of wars. To deny this will only inhibit our deep understanding of the philosophy of corruption in Africa (compare Genghis Khan's philosophy on loot (Khan, circa 1162–1227))

### 3. Discussion

#### 3.1. How to Reduce the Corruption Space

Based upon the views of UODC (2010), Kargbo (2006) and Uslaner (2002), as established in 2.1.2, the following can be deduced:

- Corruption involves application of power or authority (i.e., position)
- It involves private or personal gain
- Corruption can involve money but may not also involve money
- Corruption in Africa thrives on a philosophy that depend solely on punitive measures for curbing corruption without institutionalizing a transparent, equal opportunity environment that can promote fairness, reward integrity and inhibit corrupt practises.

Table below illustrates certain instances of corruption using the definition reviewed in 2.4.

	<b>Sample conduct</b>	<b>Verdict</b>	<b>Comment</b>
1	Politician collects kickback from contractors	Yes	The kickback is the private gain
2	Civil servant collects bribe to release promotion form	Yes	The bribe money is the private gain
3	Civil servant collect kickback to process contractor's papers	Yes	The kick back is the personal gain
4	Government collects fee from citizens for employment purpose	Yes	It is a breach of thrust to sell employment forms to many when only a few would be employed. Any government is morally wrong to make profit from the misfortune of others (in this case – their unemployment)
5	Government creates project solely so there can be 'mileage' in terms of 'opportunity' to siphon money at the expense of society's critical needs	Yes	The private gain here is the entire 'profit margin' of this contract. Compare Next report titled "Earning beyond the legal bounds" (Ogala, 2010).
6	Lecturer fails student over sex	Yes	The private gain here is the sexual advantage he seeks
7	Contractor collects money for grade A but delivers grade B	Yes	The private gain here is the difference which is not part of his/her original profit margin
8	Parliament and leadership creates law to protect own interest	Yes	The private gain here is 'own interest' being protected by incumbents by modifying or enacting favourable constitutional arrangements "to suit" these "own interests" (Power & Jamison, 2005).
9	President or governor embargoes a contract because opponent is the contractor	Yes	The private gain here is that opponent are starved of fund and would not be able to mount effective challenge to president or governor
10	Parliament refuses to enact freedom of information Act because it will expose them to unwarranted media attack	Yes	The private gain here is that lawmaker benefits personally from protection offered by the cloud of secrecy.
11	Businessman A refused to pay tenement rate because of connection to authority	Yes	The businessman is the corrupt fellow. The personal gains here are the millions of dollars or Naira of revenue that stayed in his pocket instead of in the public purse.
12	Businessman A arrested during election by anti-corruption agents over unpaid levies when it became obvious he would support candidates other than those in authority.	Yes	While A's action is already established as corruption, the new corruption revelation here is the anti-corruption agency and the private gain is the reward from authority in the form of favourable political disposition and consideration for effectively crippling political opponents.

*Table 1: Sample illustration of instances that qualify as corruption*

It is to be noted that based on the definitions earlier reviewed, above examples (Table ) do not all require direct transfer of money. However, personal gains as a result of privileged status featured consistently, congruent to the real definition of corruption (TI, 2010). In Nigeria and other parts of Africa, corruption thrives on a delicate official state of mind and social philosophy that restrict the

definition of corruption to the official boundary accorded the definition in practice at a particular time. This ‘meaning’ is projected into actual deeds of government while policy references continue to claim allegiance to global anti-corruption definition which covers corruption in all its forms or acts similar to the sample list provided in Table (compare definitions by Kargbo, 2006; UNODC, 2010; TI, 2010).

The vicious circle in the conclusion of Putnan (1993) sets in when the populace, especially as it is in non civic communities (Putnan, 1993, 2002), understands actions of government and people in leadership as the standard and that the outward promises of zero-corruption tolerance is merely a politically correct statement reserved for rating organizations and the attention of the international community. A paradox thus sets in – another form of corruption – corruptly projecting an outward appearance of a serious fight against corruption.

This answers the dilemma expressed by Chukwuma (2010, pp. 6-7) about the seeming non readiness of some to show matching degree of repulsion against corruption. It is also the reason an average Nigerian would celebrate the appointment or election of his or her relation into an important government position as a turning point in their family fortune and the ‘arrival of their turn’ and not as a call to service. It is the war booty philosophy (Khan, circa 1162–1227). That is also why government officials in Nigeria will in speech condemn corruption as a debilitating disease but go ahead to implement the reverse of this verbal pontificating. It is also not uncommon in Nigeria for instance to read about someone who corruptly enriched himself to the tune of several billions of Naira sitting in judgement passionately against someone who corruptly enriched himself to the equivalent worth of the value of a cow. Scholars have revealed that the passion exhibited by a certain ‘big man’ to institute the law that nailed a ‘small man’ for his *cow-grade* corruption in fact “became active only when he (big man) found himself under pressure for wasting government funds” (Obe, 2010). Variants of this experience exist in virtually all the states of the federation.

#### 4. Suggested Model for Standard Compliance, Policy and Legal Framework

The standard of civil infrastructure in Nigeria is regulated by laws riddled with loopholes as demonstrated by the ease with which the procurement process is abused. Nigeria has the Public Procurement Act 2007, the Federal Roads Maintenance Agency Act No. 7 of 2002 (now amendment Act 2007) as well as the Infrastructure Concession Regulation and Related Matters Act 2005. There are also severe penalties built into several allied laws that are meant to checkmate abuse like the Independent Corrupt Practices and Other Related Offences Commission (ICPC) act 2000 and the Economic and Financial Crimes Commission establishment act (2004).

The spate of abuse however continues unabated. To eliminate corruption in infrastructure provision, the present scenario which places emphasis only on consequential regulations (penalties via punitive laws) instead of ensuring the platform cannot condone corruption through institutional checks (approved policies that insulate people from corruption) and balance procedures will have to be reviewed to make corruption difficult and unattractive. Such new mechanism would eliminate arbitrariness, create a fair and competitive opportunity that offers a near guarantee that if you keep to the rule, you will be rewarded and that you can win a contract by keeping to the rules, keeping to high quality service delivery and not by the ‘connection’ you have to those in authority.

Thus, current scenario is only emblematic of hypocrisy and will not reduce corruption or dissuade corrupt practices. The ICPC recently identified public procurement as being responsible for “60 per cent of the endemic corruption in the MDAs” in Nigeria (Onyilimba, 2010) and gave vivid details of how infrastructure investment is being undermined at this critical stage. The following model is designed as a direct response to the observed flaws in the procurement process.

##### 4.1. Sample model for public contract and procurement

Three models which have inherent capacity to influence contract award for infrastructure provision and by extension, corruption are produced below. The scenario here is about production of contract briefs by the bureaucracy for the consideration of cabinet (Executive Council) in a typical local government area (LGA), state, and federal government department in Nigeria.

Models	Mode of development of contract briefs (by officials after tender)	Comment
A	<ul style="list-style-type: none"> <li>⇒ Advertise all projects in newspapers/gazettes</li> <li>⇒ Publishing all participating bids</li> <li>⇒ Open all sealed tenders at an open ceremony</li> <li>⇒ Applying professional knowledge in interpreting and scoring each bid</li> <li>⇒ Producing tender brief based on scores ONLY for the approval of cabinet</li> </ul>	In applying professional knowledge, nothing immune the official from also applying personal knowledge of the bidders (subjectivity creeps in)
B	<ul style="list-style-type: none"> <li>⇒ Advertise all projects in newspapers/gazettes</li> <li>⇒ Open all sealed tenders at an open ceremony</li> <li>⇒ Using pre-approved (as determined by department) index to determine scores for each bid</li> <li>⇒ Producing tender brief based on scores ONLY for the approval of cabinet</li> </ul>	Better than scenario A. However, nothing stops department from pre-determining index factors that will favour its choice tenders



C	<ul style="list-style-type: none"> <li>⇒ Advertise all projects (strictly in gazettes and on the internet – on MDA or parent government website)</li> <li>⇒ Open all sealed tenders at an open ceremony</li> <li>⇒ Using pre-approved (as determined by appropriate regulatory bodies and published) index to determine scores for each bid</li> <li>⇒ Producing tender brief based on scores ONLY for the approval of cabinet</li> </ul>	<p>Better than scenario B. Takes away the temptation to doctor bid by officials. In fact, it tactically removes the power to determine winner from the bureaucracy. Contractors can know where they stand immediately tenders are opened and published.</p> <p>Another by-product is that it can raise the standard of bids since officials will be empowered to investigate claims in each tender.</p>
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Table 2: Sample model for reducing corruption in infrastructure provision

The major difference between C on one hand, and A and B, on the other hand is that A and B are driven by people (the bureaucracy – a system driven by people – subject to discretion, thereby subject to abuse and favouritism) whereas C is purely system driven (a system independent of people’s influence – especially the propensity for subjective sway). Please see Figure 1.

The philosophy behind model C is to inhibit the corruption process in one of the most critical stage of contract award (refer to 3.4). Granted for instance that Nigeria has enacted the Public Procurement Act which stipulates transparent contract processes via compulsory advertisement in the media (models A and B are based on this), facts acknowledged by government leadership showed that this has not curbed corruption nor has it prevented favouritism, nepotism and the awards of contracts to quacks and mediocre individuals or companies (compare Chukwuma, 2010, pg 6-7).

The above scenario C ensures that officials involved in the management of contracts are sufficiently shielded from the pitfalls of the absolute power traditionally wielded by officials in such positions which allowed them to dictate (or even pre-determine) who won (their preferred ‘bidders’) or politicians’ directive from ‘above’ as against who really won on merit. The traditional ‘transparency requirement’ i.e., their notice boards for contracts below N10m threshold which was subject to their control and abuse (Onyilimba, 2010), are being substituted for a platform they have no control over, e.g., a compulsory gazette and placement on official website. Also, once weighted criteria are available, immediately after tender opening ceremony, participating companies would have a fair idea of who won because the selection yardstick and marks obtainable are known. This suggested model recognizes that high corruption thrives where those involved “rely more heavily on themselves or closely-knit personal networks” (Grießhaber & Geys, 2010) rather than on regulations made by objective groups outside their control.

#### 4.2. Breadcrumbs of Regulations

This model and similar ones can be captured in a ‘time-based’ new regime of breadcrumbs (model BC defined below) of regulations. An attempt is made below (3.2.2.1, Figure 1) to provide a simple sample model that addresses the basic infrastructure contract in Nigeria. Nigerians are no doubt familiar with the phrase “government is not duty bound to accept the lowest bid” which is actually a euphemism for “government knows whom government wants to award this job to”. It is correct to state that “lowest price” alone is not a sufficient consideration in the award of contract because the firm with the lowest price might not have the best technical qualification and experience. However, a new regime of regulation that will reduce corruption must ensure that government is duty bound to accept a winner with the lowest price amongst those that have the best and required qualification. It should be a natural process if corruption is to be stamped out of the infrastructure procurement process.

#### 4.3. Synopsis of the rules

The rules will define required action for each stage as well as a time stipulate for compliance and enforcement mechanism in the unfortunate instance of breach or deliberate short-circuiting. Please refer to BC1, BC2 and BC3 in Figure 1. Each stipulates would be as formulated by the relevant professional institute (PI) while the relevant regulatory agency or organ (RA) will enforce compliance (see Figure 1). In instances where there are no professional institutes, the regulatory agency can issue standard and enforce compliance until such a time that a professional institute recognized by law is inaugurated. Figure 1 escalates the Model in

to include a time based checklists. The goal is to reduce the use of discretion to the barest minimum, reduce subjectivity and promote absolute transparency while also allowing for legitimate and actionable redress mechanism.

Corresponding professional bodies will be able to play legitimate roles in drafting these checklists of standards for each stage. These standards will be issued at certain intervals and will subsist until the body review same in view of technology changes. The general regulations which permit omnibus headings such as “miscellaneous provisions”, “for various projects” etc which traditionally provided hiding place for ‘project packing’ and ‘budget packing’ would have be eliminated by rules in this model. These are instances where sponsors of projects, even though have complied with traditional procurement act’s requirement for advertisement none the less decided to capture some or all of the projects under nebulous or generic terms that make their interpretations subject to the whims or choice of the vendor often in collusion with the concerned officials. It was observed by the authors of this paper that this was a major avenue for existing corruption in the public service.

These combinations of new regime of breadcrumbs of regulations will whittle down the influence of politics (politicians – corruption, nepotism, favouritism etc) and bureaucracy (civil servants – corruption, nepotism, favouritism, mediocrity etc) by ensuring that nobody has the power to determine the outcome of contracts. The Q specified in Figure 1 refers to the qualifications of bidders. The PI's standard which will form part of the regulation (BC) would assign weight to each criterion. For instance Q for a road construction contract may include specific numbers of registered highway engineers, specific type of equipment, and certain number of years of experience by the engineers on similar jobs. The un-priced bill (technical) which will include the BEME (bill of engineering measurement and evaluation) and the priced (basically financial) will have their components measured against pre-weighted factors. PI would have compressed these into quantified indices with assigned weights. These scores and scoring mechanism would be published as standard regulations. What would be required by the department of government concerned would be to apply the score based on 'as is' in the tenders submitted. The goal is to ensure that any other person in another place who has access to the same scoring manual by PI, would arrive at exactly the same score.

This will ensure that taxpayers are certain that contracts are awarded to companies offering best value for money. A good example of government or authority-backed transparent procurement system is the public procurement Directives (2004) of the European Union (EU). The EU explains that

“Public procurement is about how public authorities spend public money. It covers purchases of everything from coffee to computer systems, waste water plants, ship building or consulting services” (EU, 2010). The EU's Public Procurement Remedies Directive [1] of 2008 went further to empower contractors with legal backing to challenge the outcome of a contract process if they believe their bids have been unfairly. Article 2a (1) and Article 2a (2) of the directive went further to impose a mandatory standstill period for all contracting authorities to wait a minimum of 10 days if the bidders are notified by electronic means and 15 days if the bidders are notified other than by electronic means, after deciding which bidder was successful, before the contract can be awarded. The objective is to ensure that unsuccessful bidders have “a reasonable amount of time to decide whether to request a review of the decision” (Kilduff, Davies, & Howes, 2008).

5. Suggested Contracting Process Model to Reduce the Influence of Corruption

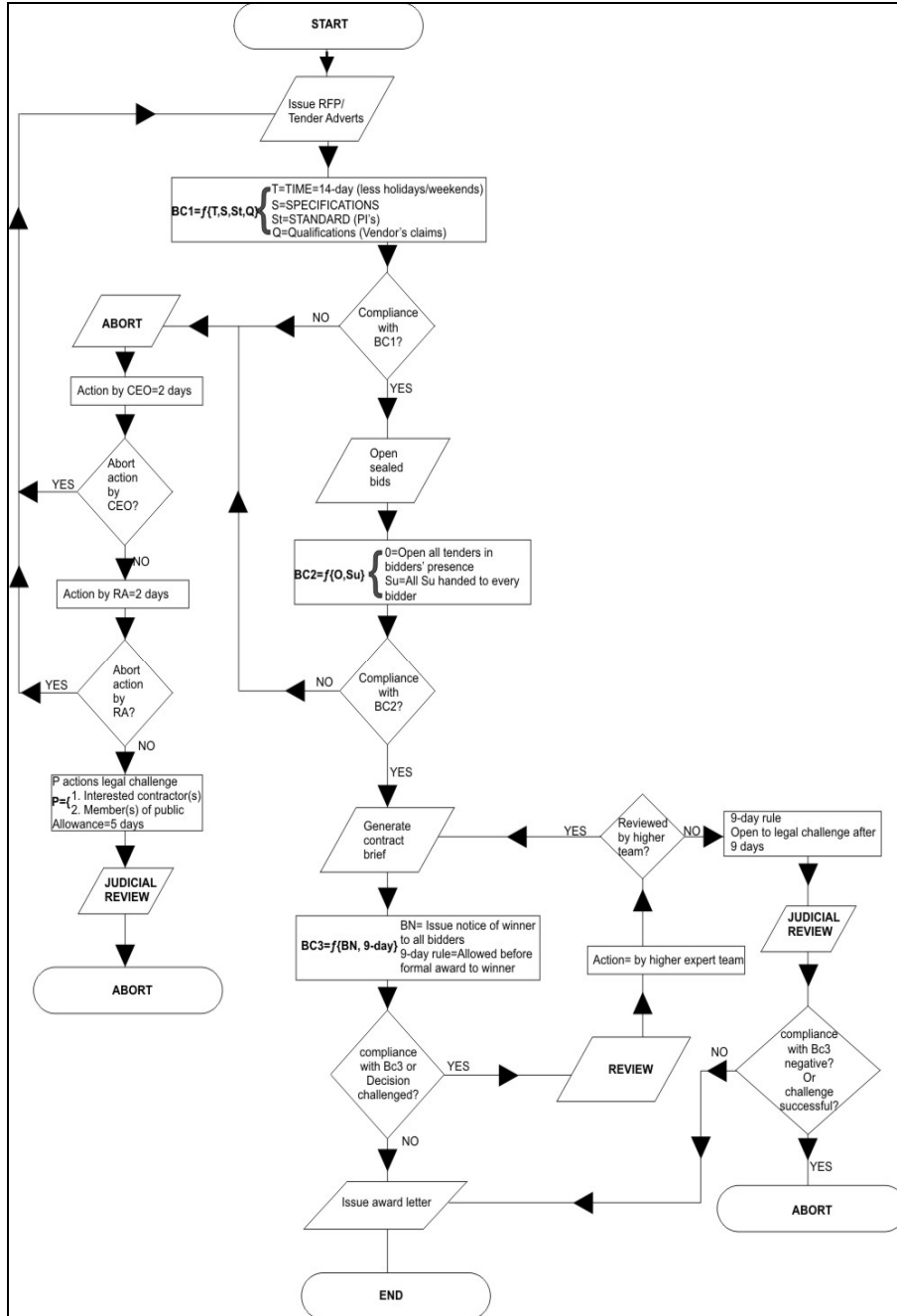


Figure 1 Proposed infrastructure procurement model incorporating breadcrumbs of regulations

## 6. Selective Tendering, Local Content and the Growth of Weaker Companies

The model in Figure 1 could be re-adjusted, though the principle will essentially remain the same, to cater for the following scenarios:

- Selective tendering
- Local content and the growth of weaker companies

### 6.1. Selective Tendering

Regulation should allow for Selective Tendering clause, by exempting certain processes from global initial requirement for advertisement if the following conditions can be established:

- Security goods and services that could threaten national security if detailed information about them fall into wrong hands (e.g., arms and ammunitions)
- Services that can only be provided by an elite class of vendors. For instance if there are only five companies that can provide an offshore rig platform for the NNPC, it may be in order that the regulation permits NNPC to invite these companies selectively. This invitation will be extended to ALL the few companies in this elite bracket.

In the event of a dispute or a process challenge as incorporated into Figure 1, the RA or judiciary as the case may be can cross check any claims under items 1 and 2 above with a pre-approved list of exemptions or service categorizations and give speedy orders whether such claims by public institutions (MDAs) are correct or not.

## 7. Local Content and the Growth of Weaker Companies

For a small (upcoming) company to bid against long established companies may be a difficult task and an unfair experience for the smaller company. Creation of contract bands is hereby advocated such that even the bigger companies will be barred from certain lower contract bands suitable for upcoming companies.

In addition, for larger projects, certain provisions in the BC stipulate will enforce the use of sub contractors. The un-priced bill of the bidders would even include their programmes for subcontractors and the latter's list. It is advisable that this stipulate extend to wages payable to professionals (skilled) and even unskilled workers, including the numerical strength of such workers, on the companies priced list and the attendant sub contractors list. Also, the regulation could stipulate the concession of maintenance of certain lengths of roads over a specific period of time to smaller capable companies following competitive biddings. Such regulations must however also empower the public to be able to flag infractions and escalate same to appropriate authorities in the unfortunate event that such companies are discovered to be in breach of the standard and specifications of the concession using principles similar to the redress mechanism in Figure 1.

This will ensure that all companies can continue to be at their 'best behavior', promote competitiveness and ensure that a few high end companies do not monopolize contracts as a result of their superior capabilities to the detriment of local content, capacity building and growth. It will also prevent a situation where some companies might cut cost by inadequate or (using same sets of) limited skilled workers to prosecute public contracts thereby slowing down the pace of work when ordinarily they should have employed more, at least on contract, and distribute them into different gangs for the prosecution of their contracts concurrently.

However, in this model, all contracts would still be guided by the general procurement principles built into Figure 1.

## 8. The Role of Surveyors

The Surveyors should be actively involved in both in planning and decision making on the Survey Contents of Engineering Project, most surveying aspect of engineering project are carried out by unqualified personnel leading to inaccuracy, poor quality and high cost of finished product (Atilola, 2011). The services of qualified Surveyors should be engaged before contracts that have surveying contents like road, rail, building, pipe laying etc are awarded, their data presentations ( plan, profile, report ) and analysis should form the basis for bidding and auditing of the finished products as inflated amount of cut and fill usually account for inflated contract sum. Survey contents of engineering like preliminary surveys, topographical surveys, setting out, construction site surveys, as-built survey, right of way survey, etc should be classified as part of contract documents for either engineering or building project and also Surveyors role should be clearly defined in all relevant documents required for procurement in the construction industry( Atilola, 2011).

## 9. Conclusion

For the first trimester of the Nigeria development plan (2010-2013) highlighted in the first of these two-part papers to succeed in Nigeria, it is hereby suggested that the nation embraces a deliberate government led infrastructure development programme that would not be 'victim' of corruption and abuse. She must however introduce some changes to her procurement regulations to make it more competitive and system driven instead of the present scenario that is subject to abuse and manipulation. We believe that such leapfrog gains in public infrastructure will become sustainable national assets via an array of investor friendly but fair trade policies and legal frameworks that will ultimately promote the natural emergence of a private sector led infrastructural investment that is competitive, equitable and fairly regulated. An example model BC is provided in this work as a guide to a better understanding of this.

With regard to the BC model highlighted, it is designed to ensure that once you meet the criteria in the checklists, you automatically get the brief. The question may arise that won't there be need for discretion when more than one organization qualifies? If the checklists are honest and holistic, more than one company can qualify but are unlikely to have exactly the same score especially when priced bills are factored into the briefs. Discretion will only come in the rare and unlikely instance of such tie (e.g., where qualified



companies all quote the same price to the last kobo – very rare but not impossible). Granted that such items as experience (quantity e.g. 15 years), expert count (e.g., we require 5 registered engineers – here names, addresses and contact details are expected to be provided), evidence of similar jobs at PA standard (e.g., two minimum - provide details), Equipment availability (2 No amphibious excavators, 1 No. Paver, 1 No. asphalt plant etc) might appear the same, differences would manifest when scored against pre-existing weighted indices. It is to be observed that all items as stated above are fundamental to the success of any construction work and are all quantifiable. This will eliminate nepotism, eliminate favouritism and even help Nigeria's political process. How? By reducing desperation for office and enable professionals and contractors to legitimately do business and remain in business irrespective of who is in power.

A good legal framework is important for infrastructure development particularly for the adoption of a model similar to BC canvassed in this work or even towards having sustainable private sector participation. Often, the interest of the state, based upon the reason for its existence, is at variance or in some instances of extremes - diametrically opposed to the interest of the private sector, based upon the latter's different primary goal and objectives. The private sector is profit driven whereas the fundamental reason for the existence of the state is for the wellbeing and comfort of its citizenry. Anti-trust law will engender competition such that via outsourcing or some variants of PPI (competitively and transparently) with properly defined regulations through well known and published checklists (quantifiable checklists), everybody would know that they can be part of the process and that it is not the exclusive preserve of those that are well 'connected'.

Road transport was only used as an example in this work because of its significant nodal share in transportation. The above model can be applied with variations to address the requirement needed to reposition other types of infrastructure and other means of transport.

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