

Corruption and Construction Projects in Nigeria: Manifestations and Solutions

By Abiola A. ADEYEMO and Benedict AMADE

Department of Project Management Technology
Federal University of Technology, Owerri, Nigeria

ABSTRACT

This work examined corruptible tendencies in the Nigerian construction industry by identifying the common corruptible tendencies, how they manifest, the different phases they occur and also proffering remedies for curtailing/curbing corruption in the Nigerian construction industry. A database of publications published in the area of corruption in the construction industry was reviewed with a view to achieving the objectives of this paper. The literature reviewed articles that were specifically on factors that precipitate corruptible tendencies as well as ways of curbing/ameliorating corruptible tendencies. This study deployed a literature review as its methodology via a content analysis. The findings from the research indicate that bribery in winning a contract was more prevalent in the construction industry amongst others. On the aspect of manifestations of corruptible tendencies, the findings further shows that corruption occurs/manifests at the procurement phase with overbidding as the most pronounced, while at the pre-tender stage, project owner's nondisclosure of financial status with the intent that the contractor may not likely commence work if aware of the client's financial difficulties. While at the tendering stage, bribery in the form of cash inducement, gifts, favours etc occurs. At the Handover, operations and maintenance phase, corruption manifests specifically by an agreement on the part of the supervising engineer to accept poor quality work or work below the specification. In curtailing/curbing corruptible tendencies in the industry, the study found that engaging certified construction professionals is a sure way of curbing/curtailing the menace. The research recommends that construction professionals should desist from including false and extra cost into their contract claims as well as cover pricing when tendering for construction projects.

Keywords: *Corruptible tendencies, bribery, construction, literature review, construction industry*

INTRODUCTION

Corruption endangers the right choices and holds up crooks and deviants as models of distinction for the upcoming generation, it erodes quality, dents economic and social development, while also degenerates to a culture of illegality that in turn breeds market inefficiency and further increases cost of goods and services, promotes unproductive investments, and leads to a decline in quality of public and private service and indeed the heaviest price is not in the bribes themselves but rather in the underlying economic distortions they trigger (Osisioma, 2012). Hawkins (2013) adopted the definition of corruption as defined by Transparency International as "The abuse of entrusted power for private gains". This actually covers not only the public authorities where private gains includes such issues like institutional

and political gains involving contractors, consultants, suppliers, sub-contractors, clients and even supervisors who are the key players in the process of infrastructure delivery.

Another definition of corruption as defined by Okafor (2013) is that “corruption is sociologically, any act or behaviour that contravenes societal approved standards and negatively valued by a number of individuals in the society”. Oladele (2013) argued that the definition of corruption becomes more complicated when viewed in terms of such classifications as supportive corruption, transactional corruption, extortive corruption, personal and institutional corruption, traditional and modern corruption, local, national or international corruption, or representational corruption, grand as well as petty corruption.

From the foregoing, one can infer that there is no consensus on the meaning of the term “corruption” but there are indicators of behaviours that might be adjudged as corrupt as these elements portrayed such conduct as corruptible tendencies. (Adeyemo, 2015; Iyanda, 2010).

The different forms of corruption as noted by Osisioma (2012) includes: Bribery and extortion; fraud and embezzlement; illegal use of public assets for private gains; over and under-invoicing; payment of salaries and other benefits to non-existent (“ghost”) workers and pensioners; payment for goods not supplied or services not rendered (air supply); under-payment of taxes and duties on exports and imports through false invoicing or other declarations; purchase of goods at inflated prices; misappropriation of assets; court decisions awarding monetary damages well in excess of any injury; removal of documents or even whole case files; and nepotism amongst others.

Inuwa et al.(2015) observed that in the Nigerian construction industry, most projects fail as a result of the menace of corrupt related activities on the part of the professionals whom the management and responsibility rests on. The Nigerian construction industry is extremely vulnerable to corruptible erosion due to the structure and nature of the industry which makes it imperative for construction professionals to exhibit some high level of unethical conducts (Oyewobi et al., 2011). They further submitted in their work that the international community viewed corruption and other unethical activities as common occurrences at all stages of the Nigerian workforce considering the rankings by the TI (Transparency International) which ranked Nigeria as the 2nd, 3rd, 6th, 18th and 37th most corrupt nation in the world in 2003, 2004, 2005, 2006 and 2007, respectively.

The nature of the Nigerian construction industry could be adduced to be the reason for the outright act of corrupt practices being experienced in every segments of the industry. It is disorganized and uncontrolled, and thus lacks a clear cut distinction between the contractors as some of them are merely in business to make profit solely. The construction industry is adjudged to be the industry that co-ordinates the various professionals in the successful delivery of its responsibilities in the recent past, but this has now been seriously eroded by corruptible tendencies which undermines the advantage of teamwork, trust, commitment and competence. The effect of corruptible tendencies in the industry cannot be over emphasized as it has led to incessant collapse of buildings in Nigeria and its attendant/associated loss of life, loss of properties and injuries to the survivors of such collapsed buildings which has invariably become a recurring decimal to the extent that the Council for the Regulation of Engineering practice in Nigeria (COREN) recently advocated for a death penalty for owners of collapsed buildings (Adewole et al.,2014). They further stressed that the incidence of building collapse is as a result

of the use of sub-standard materials and/or inappropriate quantity of material usage (e.g. lower quantity of cement and reinforcements). Furthermore, the socio-economic and political habits of Nigerians also precipitates into the incessant collapse of building by way of “cutting corners on the part of the client or the contractor”, owner constructor syndrome, building cost minimization/control and corruptible tendencies within the industry.

Statement of the Problem

The effects of corruptible tendencies in Nigerian construction industry calls for a serious concern to all and sundry as corruptible tendencies have become the norm in every facet of our economy as a nation. As a matter of fact, corruption is systemic as its tendencies manifest in every sector of the economy including the construction industry leading to incessant collapse of buildings and associated loss of life and properties, poor quality project delivery, and the abandonment of projects amongst others. Oyewobi et al.(2011) submitted that the construction industry is perceived to be more susceptible to unethical tendencies largely due to its features engendering corruptible tendencies having obvious effect on all the stages of construction right from the planning stage, through the tender stage and finally to the completion stage.

According to Ayangade et al.(2009), there has been an increase in cases of abuse of public procurement system in Nigeria that has culminated into the loss of huge sums of money and other resources. They further stated that the country may have also has lost billions of naira (Nigerian currency) in the past largely due to the abuse of procedures, contract inflation, lack of transparency, lack of a competency based competition which are fundamental ingredients in the award of government contracts. Like cancer, Basheka (2009) contend that corruption strikes all the nooks and crannies of society by rendering the cultural, political and economic sectors unproductive and useless. As opined by Ameh and Ogundare (2013), the Nigerian government on assumption of office in 1999 found that the approach in conducting government business was nothing to write home about. It got to a point where public service rules, financial regulations, and the basic norms of public service were left in the lurch, either due to professional negligence or selfish motives. The findings of the government after series of investigations revealed that Nigerian was losing a whopping over forty (40) billion naira (267 million USD) on the average prior to 1999 annually as a result of various kinds of manipulations in the procedures of awarding public contracts. Theses manipulations according to Ameh and Ogundare (2013) stemmed from the inflation of contract sums and other corruptible tendencies inherent in the construction industry. The outcomes from this unwholesome act necessitated this research work with a view to changing this ugly trend and reverse all grey areas often over looked by the major stakeholders, service providers and government while also joining in the fight against this monster called corruption with a view to nipping it in the bud where necessary.

In view of this, the following objectives formed the fulcrum of this study.

Objectives of the Study

The following objectives formed the fulcrum of this research:

- i. To identify corruptible tendencies commonly found in the Nigerian construction industry.

- ii. To identify how such corruptible tendencies manifest in the industry.
- iii. To identify ways of curtailing/curbing corruptible tendencies in the industry.

REVIEW OF RELATED LITERATURE

Corruptible tendencies in Nigeria dates back to the pre-colonial era. The pre-independence scam of the African Continental Bank (ACB) in 1944, for instance, was based on the allegations of questionable practices in the public sector that gave rise to the establishment of the first commission of enquiry on corruption set up to probe allegations of misconduct and corruption levelled against the government at that time (Imhonopi & Ugochukwu, 2013). Corruption related cases were peculiar to the various regions at the pre-independence era. Nwagwu (2010) reported that the first republic politicians used their privileged positions to serve ethnic and personal interest.

Corruption Defined

Osioma (2012) explicitly defined “corruption as an act or an official or fiduciary who unlawfully and wrongfully uses his station or character to procure some benefit for himself or for another person, contrary to duty and the rights of others. It is the giving and receiving of something of value (e.g. money, sex, gifts, etc), whether demanded or not, to influence the receiver’s action favourably towards the giver”.

Corruption according to Soreide (2004) can be defined as the misuse of public office for private gain. The damaging effect of this misuse stems from the influence on choices as well as the introduction of inefficiencies in a system. Soreide (2004) further stated that public expenditures increases as a result of inflated prices and not as a result of the tendering procedures adopted. That quality may cede for a bribe resulting to the construction of a road with a lot of portholes resulting thereafter and consultants being unable to advice the contractors. Soreide (2004) finally stated that in corrupt endemic countries, rent-seeking becomes a serious issue that is affecting a substantial part of public life which leads to the undermining of the general confidence and respect for the bureaucrat, political, and formal laws and regulations of a country.

Nature of Construction Industry in Nigeria

The construction industry in Nigeria accounts for about 70% of the nation’s fixed capital formation and 1.4% gross domestic product (GDP). Inuwa et al.(2015) reports that the construction industry in Nigeria employs approximately 8 million people, which represents approximately 25% of the nation’s workforce and the largest employer of construction labour in Africa. This achievement according to Inuwa et al.(2015) is an indication of the importance of the sector to the nation’s economy. Despite this feat, the industry is still bedevilled with corrupt related practices which make the industry extremely prone to ethical erosions as a result of the heterogeneous nature of the industry (Isa, 2013; Oyewobi et al., 2011).

Anigbogu and Shawarka (2011) observed that there is no sector that bears the risk of corruption more than the procurement sector in Nigeria. They further stated that the award of contracts by the different arms of governments in Nigeria was solely characterized by corruption, a situation that has portrayed the image of the country in bad light.

Oyewobi et al.(2011) further reported that the construction industry globally today is being built on the needs of its inhabitants the world over by providing airports to conquer distance, provide shelter, roads, bridges and harness energy by constructing power stations for industrial development, while also creating public spaces for tourist attraction and relaxation centres. Furthermore, the industry metamorphosed from satisfying only these basic needs largely as a result of the processes and environment in which the direct stake holders within the industry involve in production related activities that has increasingly become more sophisticated and challenging. Hence, Oyedele (2013) threw more light on the segmentation of the industry. In his view; the construction industry can be divided into three segments, which includes:

- i. Construction of building by building contractors or general contractors. These contractors are said to build residential, industrial, commercial and other buildings.
- ii. The second segment or category as described in the words of Oyedele (2013) is the heavy and civil engineering construction contractors who engage in the building of sewers (underground conduit for carrying out waste water and drainage), road highways, bridges, tunnels and other projects.
- iii. The third segment include speciality trade contractors who perform specialized activities relating to construction such as carpentry, painting, plumbing, tiling and mechanical and electrical works. As well as those that lease heavy earth moving equipment plant and machineries. From the reports of both Oyedele (2013) and Oyewobi et al. (2011), the list is very broad in the industry as pointed out in their reports as all engineering and construction activities are inclusive.

Manifestations of Corruption in the Nigerian Construction Industry

Oyedele (2013) rather stressed on the unorganized nature of the industry stemming from its complex and divers nature, as a matter of fact, it is not organized neither is it controlled, it was further reported that there is no clear distinction between contractors and as some of them are just in the business of construction to make profit solely in spite of the nature of the type of work involved. Usman et al.(2012) buttressed home the fact that in the Nigerian construction industry, most construction projects fail as a result of corruption on the part of the construction personnel whom the management and responsibility of the construction rests solely on.

It is even more worrisome today that the industry is filled with quacks, mediocre, political contractors who lacked the certification to practice as well as those who have little or no knowledge of the construction process and management (Oyedele, 2013). It was noted that the use of quacks and technicians instead of professionals whose technical and managerial capabilities are not in doubt and have upheld their professional ethics so high are some of the reasons for some of these structural failures noticed. As a matter of fact, Oyedele (2013) further stressed that the life span of construction projects in Nigeria is unpredictable, an indication of the presence of corruption associated with the abandonment of projects all over the nation largely due to issues bordering on improper planning as well as bribery and corruption.

The nature of the construction industry as well as the manner in which infrastructure services are constructed creates structural vulnerabilities that can encourage corruptible tendencies.

Hawkins (2013) further argues that corruption in public, infrastructure and other areas of public service provision is linked to weak governance, both in policy, legal and regulatory systems as well as in institutional capacity. Oyewobi et al.(2013) in their study, gave a list of manifestations of corruptible tendencies in the industry to include: distortion of pre-qualification process by consultants where the contractor who bribed the consultant wins the contract. The bidders may collude together where a contractor wins the tender; a fraudulent qualification where the contractor makes false claims on his profile and asset declaration. The tender process may be corrupted by international pressure due to interests in certain quota by either the consultant or client to win the contract. All these are said to occur during pre-tender stage.

According to Anigbogu and Shawarka (2011), corruption in relation to construction can manifest in two major areas, these are in the provision and management of financing for a project and during the execution of project; all these stems from the planning and design; prequalification and tendering; project execution and completion phases.

Susceptible Features of Infrastructure Projects that renders them Prone to Corruptible Tendencies

Hawkins (2013) in his work cited certain features as key to corruptible tendencies to include size of the project as a key element and ample opportunity to perpetrate corruptible tendencies; uniqueness of the project leads to cost inflation with the intent to perpetrate corruptible tendencies, government's involvement in infrastructure creates avenues for officials to indulge in bribery if not properly controlled; the number of contractual links provides opportunities for bribes for contract award; number of project phases makes oversight difficult; project complexity create opportunities to submit unjustified claims or inflate payments; contracts come seasonal creating pressure to win new contractors; work is concealed such as physical component makes defective components to be used without strong supervision; culture of secrecy a common practice due to lack of transparency; entrenched interest by companies often centred on bribery in the market place and other related features (Hawkins, 2013). Anigbogu and Shwarka (2011) and Adeyemo (2015) stressed on the features that makes the Nigerian construction industry prone to corruption to include:

- Complex contractual structure: Large participants linked together in a complex contractual structure creates room for corrupt practices.
- Diversity of skills: The industry is labour intensive with diverse skills and avenues which could create rooms for corruptible practices.
- Different project phases: Fragmentized nature of the stages involve in construction projects sometimes makes the job of oversight more difficult and less effective.
- Size of project: Large projects make it easier to conceal bribes and inflate claims than in small projects.
- Uniqueness of projects makes it difficult to compare costs.
- Complexity of the project makes it easier to blame other parties or factors.

- The concealment of some item of works by other items and the enormous dependence on persons certifying the correctness of the work creates avenues for corruption.
- Lack of transparency in the industry.
- The extent of government's involvement makes it relatively easy for uncontrolled government officials to receive bribes unnoticed from the contractors.
- There is absence of or minimal monitoring by public building professionals whose integrity and skills are depended upon by the procuring entities.

Akinsola and Omolayo (2013) on the other hand, identified corruptible tendencies in Nigeria and the UK to include: cover pricing, bribe to obtain planning permission, employment of illegal workers, concealment of bribes, collusion between bidders, bribery to obtain a contract, leaking of information to a preferential bidder, production of fraudulent invoices, false or exaggerated claims against contractor in order to contain or reduce payment, inclusion of false extra cost to a contract claim, bribes from the building contract to also win operation and maintenance contract.

According to Al-Sweity (2013), the following corruptible practices are those that emerge during procurement and they include; bid shopping, under bidding, over billing, bid rigging, individuals or organizations undertaking work without adequate qualification/experience/training etc. Other reported cases of corruptible tendencies during the tendering stage includes; contractors accepting bribes in the form of money in order not to tender for contract they have been invited to tender for; agreement by a contractor to withdraw an offer he has made in exchange for money or other benefits, etc. After the award of the contract, the followings were noted as corruptible tendencies; illogical request for time extensions, theft of materials, fraud in the preparation of the daily reports for the purpose of compensation later, etc (Al-Sweity, 2013; Nawaz & Ikram, 2013).

Hawkins (2013) explicitly stressed that considerable risk is involved in corruption which could be caused by remote sites, challenging terrain or poor security. It was further submitted that a better method of considering the price of a project (bill of quantities) should be based on the rates and quantities of materials inclusive of contractor's profit, equipment and labour. Hawkins (2013) further stated that this depicts a lack of transparency in the form of a disguise as a result of make-up of prices on how infrastructure projects are usually priced.

These risks includes; weak enforcement of professional standards; contracts are rarely completed on budget; contractors submit exaggerated claims and or bundle claims together into a final account; manipulation of the bill of quantities; problems with poor quality construction; contractors recouping cost through variation orders having under bid for the contract; weak institutional capacity to supervise the project; long periods between submission and settlement of interim payment certificates; difficulty in benchmarking costs as a result of remoteness or novelty of construction site/project; limited suppliers and expensive means of transporting materials amongst others.

Idise (2011) also marshalled out factors that engender corrupt practices in less developed nations, including Nigeria. Some of the factors are includes: inequality in the distribution of wealth; conflict between changing moral codes; the weakness of social and government

enforcement mechanisms; political office as the primary means of gaining access to wealth, and the absence of a strong sense of national community (Idise, 2011).

Gates (2014) submitted that combining a high-risk industry with high-risk jurisdictions and additional risk factors such as the need to use and interact with intermediaries and government officials could be very daunting in a bid to avoid bribery and corruption in the construction industry as a whole. Hence, government should therefore, not only be alive to the high-risk posed by bribery and corruption within the industry, but have the increasing “will” to met out punishment to those who are involved in corrupt business practices. In views of this, Gates (2014) gave a summary of risks factors that precipitates into corruptible tendencies in the construction industry in USA, UK and China. They include; permits, licences and the regulatory environment; procurement; kickbacks to main and subcontractors; cost-cutting on building materials; cartel behaviour; facilitation payments, tender processes and interaction with government officials; third party intermediaries and unlawful subcontracting; joint venture arrangements.

Corruptible tendencies commonly found in the industry according to (Oyewobi et al., 2011; Akinsola & Omolayo, 2013; Al-Sweity, 2013).includes; bribery to win a contract; costly designs which increase consultant’s fees and contractor’s profit; designs to favour a specific contractor; incomplete designs leaving room for changes which can be manipulated; high estimate of costs to provide a cushion for later fund diversion; deliberate under estimation of cost to win tender; collusion among bidders to allocate contracts and raise price; submitting false information/documents; forming a cartel by submitting several bids from the same contractor under different names among others.

Ways of Curtailing/Curbing Corruptible Tendencies in the Industry

It is pertinent that corruptible tendencies in the construction industry have eaten deep into the fabric of the industry. Hence there is the need to mitigate corruptible tendencies by improving on transparency amongst participants (stakeholders involved) and on-site supervision capacity. Hawkins (2013) in his words states the followings as ways of curtailing corruption in the industry:

- i. Separate profit and labour cost from the rates for materials and equipment in the bills of quantities. This provides greater transparency of contractors’ costs.
- ii. Enforce payment periods to reduce the work of petty corruption.
- iii. Opt for new forms of contracts that promote fair allocation of risk and open book accounting based on actual cost.
- iv. Explore the use of project bank accounts whereby all contractors, subcontractors and supervising consultants are paid from a single bank account held in trust. This provides the donor and procuring entity with transparency of payments.
- v. Separate the role of the supervising engineer by appointing
 - a. A project manager to administer the contracts and

- b. A supervisor to decide upon technical issues. This avoids potential conflict of interest and collusion whereby the supervising engineer is responsible for finding solutions to issues which arise on the contract (often of their own making) and for determining contractor entitlement for additional time and costs for implementing the solutions.
- vi. Consider training community monitors to observe the progress and quality of the project.

Transparency International in 2006 recommends the following instruments in fighting corruptible tendencies within the pharmaceutical industry and this could as well be adapted for the construction industry as stated by Oyewobi et al. (2011).

- Transparency
- Codes of conduct
- Whistle blower protection
- Reduction incentives for corruption
- Conflict of interest rules
- Integrity pacts and debarment
- Rigorous prosecution

Osioma (2012) on his own part expressed measures for combating fraud and corruption in general terms to include:

- i. Statutory enactment, social mobilization, institutional arrangement.
- ii. Ethical resolution
- iii. Budget monitory and price intelligence unit otherwise known as due process established
- iv. Establishment of anti-graft agencies.

Although these measures are general, they may also be applicable to the construction sector as such.

RESEARCH METHODOLOGY

This work's methodology consists basically of a literature search with a content analysis. The study was conducted with particular reference to existing theoretical literature, published works and related dissertations. The work particularly centred on a literature review of related works bordering on corruptible tendencies as witnessed in the construction industry. An exhaustive

search of related literatures bordering on the topic was conducted using databases and search engines basically consisting of the Google scholar, related works and other reviewed articles.

RESULTS

The findings from this study indicates that bribery to obtain a contract was more prevalent this was followed by “inclusion of false extra cost in a contract claim”, “cover price” concealment of bribes and bribe to obtain planning permission, and finally the employment of illegal personnel’s amongst others. In the aspect of manifestations of corruptible tendencies, the findings shows that corruption occurs/manifests at the following stages/phases; at procurement phase, overbidding was more pronounced and this was followed by illegal award of contracts and collusion in tendering, denying compensation of tendering, contractors accepting money in order not to tender for contract they have been invited for followed suit.

At pre-tender stage, six factors were identified, notable amongst them is project owner’s nondisclosure of financial status with the fear that a contractor may unlikely start work if he was aware of the client financial difficulties, while “fraudulent qualifications where the contractor makes false claim on his profile and asset and was followed by in that order “a false representation of the project owner or government directly or indirectly constituting one of the bidders or where the favoured contractor adds certain percentage to the contract sum to favour a government official”, “bidders colluding together to share the market where the contractors tender a cover price so as to ensure that the pre-selected contractor wins the tender “ as the last amongst the rate of corruption and its manifestation in the industry.

After the tendering stage, the following were identified as manifest able tendencies. They include; “bribery in form of cash inducement, gift, favours, trips and appointments in the construction industry”, this was followed in that order by “inflation of variation claim where the quantities are inflated and once payment is made, the money is shared”, and finally “the project owner may bribe a government official in order to obtain planning permission for a project”.

At the Handover, operations and maintenance phase, corruption manifests specifically by an agreement by the supervising engineer to accept poor quality work or work below the specification, this is followed by problems exacerbated by lack of funds for maintenance as new construction takes precedence in project identification stage.

And finally, on the ways of curtailing/curbing corruptible tendencies in the industry, the study found that “engaging certified construction professionals” is a sure way of curbing/curtailing the menace. This was followed in that order by “approved construction designs from certified professionals”, “transparency and accountability in contract administration”, “enforce payment periods to reduce the risk of petty corruption” and “whistle blower protection” came last on the list. The results further revealed that corruptible tendencies can be curtailed or curbed to a large extent if the given aforementioned remedies are accorded top priority and their rightful place in the industry.

CONCLUSION AND RECOMMENDATIONS

This study concludes that corruptible tendencies are evident in all the stages of a construction project from the procurement stage, through the pre-tender and tendering stages and finally to the handover, operations and maintenance phases. It was further observed that corruptible

tendencies still manifest even after commissioning of the project, handover, operations and even maintenance phases. The study also revealed that corruption in the construction sector is all encompassing from the consultants, contractors to government agencies as well as those who serve as the regulatory agencies of government.

The evolving corruptible tendencies scenario in this sector has contributed to unwavering costs of construction in the country. Various corruptible tendencies were found to be prevalent in the Nigerian construction sector amongst them are bribery to obtain a contract taking the centre stage, this was followed by inclusion of false extra cost in a contract claim and cover pricing, a situation that is quite appalling. A number of factors were considered at different stages of construction as a means of fostering corruptible tendencies and its manifestation at the various phases or stages of construction. They include the procurement phase, pre-tender stage, post tendering stage or execution phase, as well as the handover, operations and maintenance phases.

The study concludes that the remedies for curbing/curtailing corruptible tendencies such as engaging certified construction professionals, approving construction designs from certified professionals and transparency and accountability in contract administration are considered as critical for the effective curbing/curtailing corruption in Nigerian construction industry.

The study recommends amongst others that construction professionals should uphold the ethics of their profession and shun corruptible tendencies such as bribery to win a contract. They should desist from including false extra cost in their contract claims as well as avoid cover pricing in the course of tendering for construction projects. Others include; professionals should avoid overbidding during tendering stage, avoid other illegal tendencies when bidding for contracts and finally, government should as a matter of urgency come up with a blue print on how to check the excesses of the agents during the course of tendering with a view to nipping in the bud the tendency to indulge in corruptible tendencies.

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About the Authors



Abiola Adeniyi Adeyemo

Federal University of Technology
Owerri, Nigeria



Abiola Adeniyi Adeyemo is a graduate student in the Department of Project Management Technology, Federal University of Technology, Owerri, Nigeria. He is currently practicing on his own at the moment. He is interested in writing and publishing articles in the areas Project Management, Manufacturing Technology. He can be reached on abiola4christ2010@gmail.com



Benedict Amade

Federal University of Technology
Owerri, Nigeria



Benedict Amade is a Project Manager by Profession. He read and obtained a PhD (Doctor of Philosophy) Degree in Project Management Technology from the Federal University of Technology, Owerri, Nigeria. He is a member of the Project Management Institute (PMI) U.S.A. and presently lectures in the Department of Project Management Technology of the Federal University of Technology, Owerri, Nigeria. His areas of research interest include construction project management, computer based project management and construction supply chain management. He has authored over 20 scientific publications in international refereed journals and is actively involved in other consultancy works. He can be reached on benedictamade@yahoo.com or benedictamade@futo.edu.ng