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# An In-Depth Analysis of the Impact of Existing Government Procurement Policies on Project Execution: A Case Study of Public Procurement in Alberta, Canada

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Abstract: The study sought to thoroughly analyse the impact of existing government procurement policies on project execution as regards public procurement in Alberta, Canada. A descriptive research design was adopted for the study. The location of the study was Alberta, Canada. The population consisted of procurement officials in Alberta. Purposive sampling technique was used to select a total of 12 respondents. Research instruments, (self-administered questionnaires) via email, Face to face and/ or zoom interviews with key stakeholders were used for the study. From executive management, management. Focus group discussions with procurement professionals. across ministries and project Managers. The data were analysed as interviews and focus group discussions, qualitative, thematic analysis and transcription. Cronbach's alpha co-efficient was used to check internal consistency and reliability of the instrument. From the study it was concluded that the impacts of existing government procurement policies on the project are enormous. These include provision the organization has that will adhere to the relevant health and safety standards in every project, compliance with the terms and conditions of the Request for Proposal. One of the recommendations made from the study was that the project manager must be proactive, do due diligence early on with the project to lead as required including developing a progress review to track if indeed the project is meeting its intended delivery plan.

Key words: Government Procurement Policies, Projects Execution, Public Procurement, Alberta and Canada.

## Introduction

The Government of Alberta annually procures billions of dollars in goods, services, and construction. Various levels of Government spend billions of dollars annually on purchasing supplies and services in Alberta. Public expenditure represents both a significant economic opportunity and the risk of waste, fraud, and corruption. Procurement policy is shaped by trade agreements and regulations governing fair trade. The practice itself is the by-product of a make-orbuy decision and assesses whether competition in the private sector is adequate to govern both costs and standards. According to the Government of Alberta, Public Procurement continues to interest the 20,000 followers of a diverse array of industry and public sector interests, innovators and regulators, taxpayers and policy influencers, contractors, and administrators (Government of Alberta, 2019).

The Procurement Accountability Framework has been developed to:

Reinforce fairness, transparency, and integrity in the procurement process. Add rigour and accountability to ministry processes, drive consistency and discipline in contracting, contain appropriate controls and a shared set of values and ethics. Alberta Infrastructure procurements adhere to the principles stated in the Procurement Accountability Framework.

Public Procurement is being exposed to increased public scrutiny as associated issues converge:

- a. Inter-provincial trade and the renegotiation of trade agreements
- b. Debate on the role of governments in diversifying the Alberta economy.
- c. Introduction of policies and practices to stir innovation and social justice objectives.
- d. Audit reports of extraordinary waste in Procurement, for example, data management systems.

Public Procurement is characterized by long bureaucratic processes of acquiring goods and services, which lead to delays in acquisition. The entire procurement process must be carefully crafted to avoid the long lead time, inadequate resources, and wrongful award of contracts, cancellation of contracts, litigations, and excess or insufficient/emergency stock. An efficient procurement must have rules and regulations to govern it. A sound public procurement process should ensure that an organization achieves value for money when procuring its needs.

## **Statement of Problem**

The Procurement department of the Ministry of Infrastructure in Alberta, Canada, is facing challenges from Project Managers who cannot draft precise, detailed specifications in the procurement documents, as evidenced by the Procurement Manager of Alberta Infrastructure in one of the weekly meetings in December 2020. Specifications should not be written in a way that unduly restricts suppliers from bidding, and should encourage open, fair, innovative, and transparent competition. Vendors end up submitting wrong qualification proposals and the result is that wrong vendors are chosen who don't have the specific technical expertise for the job as confirmed by the Procurement Management in one of the weekly meetings. Procurement professionals hardly negotiate fee proposals in Public Service Procurement in Alberta which leads to too many change orders, be it quoting abnormally low fees and/or high fees by wasting taxpayers' funds. In an industry where a misplaced comma can result in a protracted lawsuit and rushed timeframes are standard operating procedures, razor-sharp writing and editing abilities are critical survival skills

## **Objective of the Study**

The study sought to:

1. To examine the impact of existing Government procurement policies on the Project.

# **Research Questions**

1. Do the existing Government procurement policies have any impact on the Project?

# **Concept of Government Procurement**

The Government procurement - the public purchasing of goods and services of all kinds — can be an essential economic development tool, mainly when used to encourage broader policy goals. These purchases make up a significant portion of public budgets. The WTO estimates Government is purchasing from 10 to 15% of GDP in developed countries, which translates into an estimated \$130–\$200 billion annually in Canada. Typically, governments are the largest purchasers of goods and services in the economy. Government procurement is an important issue because of the large amount of public money involved.

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Public Procurement is being exposed to increased public scrutiny as associated issues converge:

- e. Inter-provincial trade and the renegotiation of trade agreements
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- h. Audit reports of extraordinary waste in Procurement, for example, data management systems.

# **Procurement Process and Procedures**

The procurement process is the purchase by government and state-owned enterprises of goods, services and works and is guided by the Public Procurement and Asset Disposal, (Thiankolu, 2019). Procurement starts with need identification and planning for its requirements. The organization then assesses risk, evaluates possible solutions, and identifies qualified suppliers, and awards contracts and Payments for goods and services. The process enables a firm to get a good quality product, for the right price, with the correct quantity, at the right time; the goods must come from appropriate sources.

# **Typical Procurement Planning Process**

The Government of Alberta (2019) proposes that the Government is committed to using the best value approach in its procurement practices. The best value approach means the public entity will structure and conduct procurements in a fashion which allows consideration of factors beyond total cost in determining which supplier proposal provides the most significant overall benefit to the public entity. While total cost remains a fundamental component of any procurement, public entities are encouraged to consider other applicable factors in developing the evaluation components of procurement opportunities.

- a. Considering Best Value: Consideration of best value begins with a comprehensive appreciation of the purpose and challenges that the Procurement is intended to address.
- b. Achieving Best Value: Obtaining the best value is the reason for Procurement.
- c. Requirements and Specifications: The business unit is responsible for drafting precise, detailed specifications and business requirements for all procurement plans. Specifications should not be written in a way that unduly restricts suppliers from bidding and should encourage open, fair, innovative, and transparent competition.
- d. Pricing Structure: For all procurement plans, the business unit is responsible for developing a transparent pricing structure to guide proposal development. Business units should consult their procurement area to discuss various pricing structures and the factors to consider in developing the appropriate pricing structure for the procurement plan.
- e. Evaluation Plan: For all competitive processes, the business unit is responsible for developing an evaluation plan. Business units should consult with their procurement area and the

Evaluation Guide to discuss the various evaluation methodology options and the factors to consider in developing the appropriate procurement plan.

# **Impact of Existing Government Procurement Policies on Projects**

# **Delivery Policy through Procurement**

A policy is a body of expressed or implied principles that guide executives in their decisionmaking (Lysons and Farrington, 2006). Whether formal policies support procurement, marketing, H.R., or any other organizational function, they are usually mandatory and must be adhered to by any employee group that they implicate (CIPS: Purchasing Policy and Procedures; Lysons and Farrington, 2006). Effective procurement policies exhibit six reinforcing characteristics. These are action-oriented, relevant, concise, unambiguous/well-understood, timely and current, and guide problem solving and behaviour (Monczka et al., 2009).

Although many examples of procurement policies exist, they typically fall into one of five policy categories (Monczka et al., 2009). (1) Policies defining procurement's role: this policy set describes procurement's authority, objectives, and responsibilities of the numerous buying levels. (2) Policies defining social and minority business objectives: it is often in a company's best interest to use its power to support social and minority business objectives. (3) Policies defining the conduct of procurement personnel: such policies clarify management's commitment to ethical and honest behaviour and serve to guide personnel who are confronted with ambiguous or problematic scenarios. (4) Policies defining buyer-seller relationships: the topics covered in these policies are far-ranging, such as policies supporting positive supplier relationships, like fairness, integrity, awarding contracts, quality, performance criteria, and prompt payment. (5) Policies defining operational issues: these might cover issues such as purchasing hazardous materials and the suitability of suppliers, supplier responsibility for defective materials, management's position on continually evaluating purchased items, legislative compliance, restrictions on source selection beyond the procurement function, and the proper disposal of material assets (Monczka et al., 2009).

# **Successful Application**

Three basic principles should guide the procurement policies of individual organizations:

(a) Policies should aim to select and procure, in an economically rational and preferably sustainable manner, the best possible goods and services available.

(b) Suppliers worldwide should be eligible to participate in procurement transactions on open, fair and transparent principles (and with straightforward procedures); and

(c) Procurement transactions should make an important contribution to society worldwide (Lysons and Farrington, 2006).

## **Steps to Successful Application**

- a. Evaluate the written/unwritten policies that currently exist and that apply to procurement activities. Are these action-oriented, relevant, concise, unambiguous/well-understood, timely and current? Do they guide problem solving and behaviour?
- b. Identify if there is a procurement manual. How frequently is this updated, and who is responsible?
- c. Evaluate the guidance provided to procurement personnel on the Value an individual at a particular grade can commit the enterprise to spend, supplier relationships (e.g., disputes, prompt payment), ethical and environmental policies, and conflict of interest such as gifts and entertainment.
- d. Explore how current policies handle those who breach the rules, who has the power to enforce sanctions against breaches and whether current sanctions are effective? Lysons and Farrington {2006}; Monczka et al. {2009}.

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Where applicable and in consultation with a procurement resource, a detailed procurement plan should be developed. The detailed information required in the procurement plan will depend on the outlined procurement opportunity under consideration. The business unit should ensure that all requirements of planning are met. A purchasing plan template can be obtained from the procurement area. When developing a procurement plan, the business unit should bear in mind that it is strongly recommended to do the following:

- a. Engage representatives within the procurement area in the early stages of the procurement process, so they are best able to advise and provide suggestions to you. Their effectiveness diminishes as decisions within the public entity are made.
- b. Contact representatives within legal and/or risk management services who can aid and guidance; c. Consider, discuss, and document with those involved in the procurement process the risks and mitigation strategies associated with the procurement.
- c. Share relevant information with potential suppliers as early as possible in the procurement process.
- d. Ensure the same information is made available to all bidders.
- e. Use templates correctly, modifying them as required; and
- f. Do not deviate from established policies and procedures.

In addition to identifying the appropriate procurement vehicle, the following information should be included in a procurement plan:

## **Requirements and Specifications**

For all procurement plans, the business unit is responsible for drafting clear, detailed specifications and business requirements. Specifications should not be written in a way that unduly restricts suppliers from bidding and should encourage open, fair, innovative, and transparent competition. Business units should consult the Scope of Work Writing Guide for additional guidance in developing appropriate requirements and specifications.

## **Pricing Structure**

For all procurement plans, the business unit is responsible for developing a clear pricing structure to guide proposal development. Business units should consult their procurement area to discuss various pricing structures and the factors to consider in developing the appropriate pricing structure for the procurement plan.

# **Solicitation Document Format Selection**

For competitive processes, the business unit, in conjunction with the procurement area, is responsible for selecting the most appropriate solicitation document format. Business units should review the standard competition templates and the checklist included in the Guide to Preparing a Request for Proposal to identify the appropriate solicitation document format and strategy for the procurement projects.

## **Stakeholder Theory**

The stakeholder theory is widely studied in various organizational strategies and ethics.

Stakeholder theory considers those actors who have the potential to affect or are affected by the organisation's decisions. Stakeholders are defined as groups of people without whose support the organisation would cease to exist. Therefore, stakeholders become the most important groups that must be considered whenever decisions are made.

The author proposed a broader and more structured approach, according to which stakeholders can be identified by "their possession or attributed possession of one or more of the following attributes: (1) the stakeholder's power to influence the organization, (2) the legitimacy of the stakeholder's relationship with the organization, and (3) the importance of the stakeholder's claim on the firm". The organization must consider stakeholders' interests to confirm their long-term success and survival (Ehrgottet al., 2011).

In a stakeholder Approach, much work has been done to develop stakeholder theory from normative, descriptive, and instrumental perspectives (Donaldson and Preston, 1995; Friedman and Miles, 2002). Further, Ditlev-Simonsen and Wenstøp (2013) reported stakeholder theory as "organization's success is dependent on how well it manages the relationships with the key groups like customers, employees, suppliers, communities, financiers and others that can affect the realization of its purpose." Frooman (2005) examined "coercion and compromise" as influence strategies accepted by stakeholders to influence a primary firm. The theory does not explain how bias in weighting of stakeholder concerns, expectations and feedback should be treated. As such, research findings will help explain whether the divergent interests do not explain some of the deep-seated perceptions between project teams and procurement professionals.

To manage stakeholders, as a supervisor, researcher must first identify and recognize these stakeholders and work with them to achieve the desired research results. Hence, researcher ability to know the stakeholders (internal and external) will support the research project at the kick off meeting stage and contribute to the understanding, prioritization, and engagement with the stakeholders to improve the performance and execution of the projects (Worsley, 2016).

The external stakeholders are vital to the critical success factors being discussed as they represent the end users of the projects delivered. Failure to do so, can reduce project opportunities, weaken commitment to project excellence and erode contractual obligation to the key major clients. This has the potential to waste taxpayers' funds and could in fact pose a risk to other infrastructures in the province.

## Methodology

Descriptive research design was adopted for the study. The location of the study was Alberta, Canada. The population consisted of procurement officials in Alberta. Purposive sampling technique was used to select a total of 12 respondents. Research instruments Questionnaire, self-administered questionnaires via email, Face to face and/ or zoom interviews with key stakeholders. From executive management, management. Focus group discussions with procurement professionals. across ministries and project Managers. The data were analysed as interviews and focus group discussions, qualitative, thematic analysis and transcription. Cronbach's alpha co-efficient was used to check internal consistency and reliability of scale.

# **Results and discussions**

Category	Code
Management (3)	3 (P1, P2, P3)
Procurement Professional (6)	6 (P4, P5, P6, P7, P8, P9)
Project Management (3)	3 (P10, P11, P12)
Total	12

# Table 1: Key informants interviewed in the study

**Objective 1:** Examine the impact of existing Government procurement policies on the Project.

The themes identified for objective 2 were as follows:

I. Provision for adherence to the relevant health and safety standard

II. Proponents signing and returning RFP documents.

Data from themes were presented under three categories of respondents who participated in the qualitative study as follow: Management, Procurement professionals and project managers. This presentation enables the reader to appreciate the various responses that came from respondents and how they enable a deeper understanding of the subject matter.

# Provision for adherence to the relevant health and safety standard

# Management

Management (P1, P2 and P3) agreed that provision for adherence to the relevant health and safety standard are critical points, non-negotiable, and it's not just only the project person that is involved but everybody. Robust health and safety policy that is going to guide us throughout the project is paramount. One of the executive managements agrees that.

"...Check everyone is adhering to the conditions that they have told them about health and safety. Attention is given to members of staff at site if they are using PPE (Helmets, Goggles and Reflective vests). We also make it a point that every member of staff that goes to sites check in with the site office to know what safety protocols are." P1

Another management had this to say.

"...Many stakeholders believe that safety is paramount i.e. No 1. Many people may argue otherwise, but for the larger parts, most people believe that safety is mandatory. Establishment of a safety metric is advisable. Stakeholder management and engagement is non-negotiable. One of their obligations is to make sure they point it out on time and that message can be passed on to project manager who can help as a single point." P2

Another management had this to say.

"... every single member of the project team must understand of what could go wrong on this project and they understand what steps they need to take. It is very important to be able to maintain the health and safety policy guiding the project right, and to make sure that everybody in the project team or organization is abiding and following those safety policies and procedures you know to make sure to avoid the unforeseen and then again to have a representative on the project." P3

Management affirms that the target is to establish a safety metrics on every project. Everyone on the project must have that notion that safety is not just a part of our process, it's a real life. When you have that understanding, then obviously one will do things on time.

# **Project Managers**

Project Managers (P10, P11 and P12) agreed that provision for adherence to the relevant health and safety standard in any organization is life changing. In that sense, it's the responsibility to protect every stakeholder. One of the Project Managers agrees that.

 $\dots$ For every project one must take into consideration health and safety requirements must be in line with the area where the project is being completed. Must be in line with the regulations of that area.' P10

Another project manager had this to say.

"...Project team must take over control of the site and offices. It's very important that they are aware and understand their responsibilities. Willingness to represent them appropriately is essential." P11

Another project manager had this to say.

"...I learnt safety of people is very people. Safety of everyone who are involved in the project. I realize why safety is important because people are involved. They are working for us i.e., delivering our project and meeting our goals." P12

# **Procurement Professional**

Procurement professionals (P4, P5 and P6) agreed provision for adherence to the relevant health and safety standard needs to be followed without exceptions in the procurement documents. One procurement professional agrees that.

"... we follow conventions that support health and safety standards and regulations that comply with the government standards. We ensure that the team fills health and safety forms whenever they are on the field and in the event of an incident. Continuous training on health and safety is practised." P4

Another procurement professional had this to say.

"... under the safety, health, and security provision of the General conditions in our procurement documents, reminding the successful contractor is reminded to comply with all the safety, health and security policies or directives relating to those buildings, premises, equipment at their own costs." P5

Another procurement professional had this to say.

'...every construction project need, you must use a PPE equipment's (hard hat, steel toe with gloves) to the site. This is important and following the rules and regulation. Appropriate training helps and having dedicated occupational health and safety personnel on every project.' P6

All three-focus group agree that safety is No 1. Those provisions, as simple as it is, could save life and tons of dollars and it will save you lost time, injury on the job. The whole organization or project team should take it very seriously.

## Proponents signing and returning RFP documents.

## Management

Management (P1, P2 and P3) agreed that proponents signing and returning RFP documents is deemed compliant.

Many organizations assign a representative of the company to sign especially when there are some confidentialities in terms of a waiver or termination clause. One of the executive managements agrees that:

"...It varies from company to company. All proponents must sign undertaking as part of the standard process. Documents are given to all proponents and same information on their bidding packages, so compliance to the requirements of an RFP provides a fair chance to proponents. Some of the compliance document is providing insurance documents.' P1

Another management had this to say:

"...It is very important because when they return the signed one pager document, they are deemed compliant. Every bidder should understand the terms and condition and abide by everything that

they have submitted. The signature shows that they have a legal binding contract, went through and everything is submitted in accordance with what was asked in the request for the proposal.' P2

Another management had this to say:

"...If you don't sign a document, then it is not bidding, the approach is to ensure that proponents are aware early on time within the procurement documents. Signature on RFP documents does minimize the risks, because if there is no signature, there's no contract in place and there could be litigation." P3

# **Project Manager**

Project Managers (P10, P11 and P12) agreed that proponents signing and returning RFP documents is deemed compliant. One of the Project Managers agrees that.

"...It is really all about compliance and meeting the mandatory requirements for the project. That's very key, because if anything goes wrong, there might be legal issues, mitigation litigation." P10

Another project manager had this to say.

"...It shows they truly stated what they quoted. The signature from them when they're returning the document gives the assurance that they accepted the proposal. They agreed upon the fee and qualification proposals." P11

Another project manager had this to say.

'... It is the mechanism through which we can determine about vendor compliance based. Not only qualified but also willing to accept what we're asking for.' P12

## **Procurement Professional**

Procurement professionals (P4, P5, P6, P7 and P8) agreed that proponents signing and returning RFP documents is mandatory for compliance and audit purpose. One procurement professional agrees that:

"...Any proponent that signs and returns a page copy of the RFP understood all the expectations of the RFP. Project proponent is expected to have a better outcome. A better understanding of the projects, and a better outcome of the projects, and complying with the required terms and conditions of the projects." P4

Another procurement professional had this to say.

'... They submitted the proposals, so they agreed to everything that they put into the proposal. Signature on the proposal contract binds them to contract A with respect the dollar value. It's not a major irregularity that would make them non-compliant.' P5

Another procurement professional had this to say.

"...Proponent must sign the document, otherwise it is deemed non- compliant. it's not acceptable for us in having the proponent not to sign because our document dictates that they must sign." P6

Another procurement professional had this to say.

"... It totally depends on the size of the project and the policy of the company. Some company policy will advise you to put it in writing that they confirm acceptability with all terms and conditions and all requirements." P7

Another procurement professional had this to say.

"... With an e-mail like hard copy, I would say if you don't sign it, it's not acceptable. But now with the soft copy situation, once it is submitted electronically, it is accepted. Situation can be deemed as compliant or non-compliant based on Committee review.' P8

The study revealed that management strategies would address non-compliance issues and fix existing Government policies gaps if discovered. This includes early engagement by stakeholders to discuss non-compliances and process gaps. The study suggested, this can be achieved through stakeholder meetings, where stakeholders can discuss issues, review challenges, and map out robust approaches to address them. The response of the Project Management is in line with the study of Olander and Landin, (2005) which revealed that existing theory around alignment of stakeholders to support project execution, Compliance and meeting the mandatory requirement for the project is important for critical success factor in vendor selection leading to avoidance of litigation. The responses of the Procurement Engineers is in line with Another study carried about by Alberta Infrastructure (2021) in Canada which noted that problems have been experienced in procuring supplies, and services, especially in the public sector. Anecdotal reports suggest that issue is due mainly to Project Managers who cannot draft precise, detailed specifications in the procurement documents.

# Conclusion

The study also concludes that the impacts of existing government procurement policies on the project are enormous. These include provision the organization has that will adhere to the relevant health and safety standards in every project, compliance with the terms and conditions of the Request for Proposal. As regards the provision that will adhere to the relevant health and safety standards in every project it could be stated that the following are the case: provision and adoption of the conventions that support health and safety standard requirement, provision of safety requirement, inclusion of the condition in the bidding document, insuring the implementation of safety protocols by the staff, safe operating environment, upholding right regulation legislation and ensuring that people involved in facilities and property management understand their responsibilities. The objective is to provide enough information for a potential supplier to fully understand the scope of work, the clients' business needs and the project requirements. Since many complex scopes of work involve complex business and technical requirements, some explanation of terms used in the scope of work can prove very useful for suppliers.

For the compliance with the terms and conditions of the request for proposal, the proponents signing and returning a page copy of the RFP (equivalent form) it is important, shows compliance and meeting the mandatory requirement for the project, proves acceptance, shows that the document is sealed, helps to avoid litigation and generates better outcome of the project. It also helps in the avoidance of contractor's rigs, avoidance of clause of mind/action as well as showing legal binding and bond for the deal.

## Recommendations

It was therefore recommended from the study that:

- 1. There must be strict compliance with the terms and conditions of the request for proposal for proof of its importance, show of compliance and as well meet the mandatory requirement for the project, proof of acceptance, shows that the document is sealed, helps to avoid litigation, and generates better outcome of the project.
- 2. Having stakeholders risk ratings reviewed and making prospective bidders accountable for their own risk ratings reviews aids in the inclusion of continuous improvement and vendor performance Management.
- 3. When assigning projects to the procurement specialist, there has to be constant monitoring, due diligence by checking for customized documents with respect the right specification and emphasizing the needful at kick-off meetings

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