



Original Article

Analysis of the Efficacy of Contract Management Practices in Public Projects in the Construction Industry of Lesotho

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Contract mismanagement in public construction projects is a common occurrence in the construction industry of Lesotho. It has led to significant project delays and disputes, hindering the country's infrastructure development. This paper is a report of a recent study carried out to assess the efficacy of contract management practices, aiming to identify areas for improvement for the purpose of enhancing project delivery in the industry. A mixed-methods approach, combining a documentary search and a survey - of the professionals actively involved in public construction projects in Lesotho - was employed for the research. It was observed that a formal framework for contract management is in place, but various challenges hinder the effective implementation of the framework. The challenges comprise inadequate managerial capacity of the contract managers, weak enforcement of contractual obligations, and lack of transparency and accountability in the contractual process. The researchers concluded that there was a pressing need to enhance contract management practices in Lesotho's public construction sector. Their recommendations for addressing the identified challenges are capacity-building initiatives for contract managers, strengthening the regulatory frameworks for contract enforcement, and promoting a culture of transparency and accountability within the industry.

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INTRODUCTION

Contract law stands as a cornerstone in the legal landscape of the business world, governing the creation and enforcement of legally binding agreements between parties. These agreements, known as contracts play a pivotal role in various aspects of business operations, from employment relationships to sales transactions (Fries et al., 2019; Fuller & Eisenberg, 2001). Contract law within the construction industry is a topic of significant importance. The construction sector has a long history of court judgments that can provide valuable knowledge for contract parties in managing claims and disputes. However, there seems to be a gap in the percolation of this legal knowledge into day-to-day contract management activities (Murali et al., 2022). A Framework Act on the Construction Industry and Standard Conditions of Contracts play a crucial role in regulating construction work and addressing contractual challenges (Jin & Joong, 2022).

In Africa, including Lesotho, the realm of construction contract law and management is a critical domain that shapes the dynamics of infrastructure development and project execution (Plessis, 2019). The legal framework governing construction contracts in Lesotho is primarily outlined in the Public Procurement Act of 2023, which establishes regulations for procurement processes, preference criteria for local participation, and guidelines for contract management. This legal framework sets the stage for fair and transparent contracting practices within the construction industry, emphasizing compliance with procurement regulations and effective contract administration to ensure project success and mitigate risks. Furthermore, Africa Construction Law serves as a global platform that offers insights into trends and developments in construction law across the continent (Osei-

Asibey et al., 2021). With contributions from academics, practitioners, and industry experts, this platform provides valuable resources for understanding construction contract law practices in Lesotho and Africa at large.

Public construction projects in Lesotho frequently experience suboptimal outcomes, including time overruns, cost escalations, and quality shortfalls (Morena & Amoah, 2021). These challenges persist despite the existence of contract management frameworks, suggesting that prevailing practices are inadequate to ensure successful project delivery. This raises concerns about the effectiveness of current contract management approaches in Lesotho's public construction sector and their ability to support the efficient and effective utilization of public resources (Famiyeh et al., 2017).

One of the key problems facing the construction industry in Lesotho is the lack of standardized and effective contract management practices (Phakoa & Amoah; Lefa et al., 2015). The absence of clear guidelines, procedures, and best practices for managing contracts in public construction projects leads to ambiguity, misunderstandings, and disputes among project stakeholders. This, in turn, results in delays, cost overruns, and compromised project quality, ultimately impacting the successful delivery of construction projects in the country.

The deficiency in capacity and capability among contracting parties also contributes to suboptimal contract administration and management. Consequently, it is imperative to identify and address the key systemic problems and barriers that impede the effective implementation of contract management practices. Therefore, the study investigated the contract management

practices adopted within Lesotho's construction industry, particularly for public projects.

LITERATURE REVIEW

The Public Procurement Law in Lesotho

The public procurement law in Lesotho is primarily governed by the Public Procurement Act, 2023 (Public Procurement Act, 2023, 2023). This act, enacted by the Parliament of Lesotho, aims to regulate and streamline the procurement of works, supplies, and services within the government. It also covers the disposal of public assets, ensuring transparency and accountability in these processes. The Act led to the establishment of the Lesotho Public Procurement Authority, an independent body tasked with overseeing and regulating all public procurement activities in the country. The Act emphasizes open competition, fairness, and value for money as core principles of public procurement. It outlines detailed procedures for tendering, contract award, and contract management, aiming to prevent corruption and favouritism. The Act also promotes the use of electronic procurement methods to enhance efficiency and transparency.

Beyond outlining the procedural aspects, the Act addresses critical issues like conflict of interest, bid-rigging, and other corrupt practices that can undermine the integrity of public procurement. It sets out penalties for violations and establishes a framework for complaints and appeals. The Public Procurement Act, 2023 (Public Procurement Act, 2023, 2023) represents a significant step towards achieving greater transparency and accountability in Lesotho's public sector.

Public Procurement Strategies for Public Projects in Lesotho

Lesotho, like many developing countries, faces significant challenges in ensuring efficient and transparent public procurement for its public projects. Given its limited resources, adopting effective procurement strategies is crucial to maximize value for money and achieve developmental goals. While the Public Procurement Act, 2023 (Public Procurement Act,

2023, 2023) provides the overarching legal framework, the specific strategies employed for public projects play a crucial role. One key strategy is promoting sustainable procurement practices. This involves incorporating environmental, social, and economic considerations into procurement decisions. For instance, prioritizing locally sourced materials and services not only supports local businesses but also reduces the carbon footprint associated with transportation. Additionally, emphasizing fair labour practices and ethical sourcing contributes to social sustainability.

Another important strategy is embracing technology to enhance efficiency and transparency. Implementing e-procurement systems can streamline processes, reduce paperwork, and minimize opportunities for corruption (Ambe, 2019; Mackey & Cuomo, 2020). Online platforms for tendering, bid evaluation, and contract management can significantly improve transparency and accountability, enabling better monitoring and oversight of public projects.

Furthermore, building capacity within procuring entities is essential. This includes training procurement officials on the latest regulations, best practices, and ethical considerations. Strengthening their expertise enables them to make informed decisions, negotiate effectively, and manage contracts efficiently. Investing in continuous professional development for procurement professionals contributes to a more robust and transparent public procurement system, ultimately benefiting Lesotho's development objectives.

Contract Strategies for Managing Public Work in Lesotho.

In the realm of public work management, the challenges faced in developing nations like Lesotho are multifaceted and complex, requiring a well-conceived and holistic approach to ensure efficient and effective project delivery. One such critical aspect is the strategic use of contracts, which can serve as a powerful tool in navigating

the intricacies of public procurement and mitigating the pervasive issue of corruption.

The existing literature provides valuable insights into the potential and pitfalls of contractual strategies in public work management. The case study of urban water sector reforms in Ghana, for instance, highlights the limitations of contractualism as a standalone solution, emphasizing the need for a more nuanced approach that addresses fundamental contextual factors and agency-specific considerations (Zaato, 2014). Similarly, the examination of procurement strategies at Wits University in South Africa underscores the importance of collaborative, risk-sharing approaches that foster integrated project teams and a shared sense of ownership

In the context of Lesotho, the prevalence of corruption in public procurement, as reported by the Directorate on Corruption and Economic Offences, presents a significant challenge that must be addressed through a multifaceted strategy (Toeba, 2018). While the adoption of neoliberal anti-corruption policies may have had limited success in the past, the recognition of local contexts and the development of tailored context-specific solutions are paramount (Laryea & Watermeyer, 2015).

One potential avenue for improving contract management in Lesotho's public work sector could be the implementation of a hybrid approach, leveraging the strengths of both traditional and collaborative procurement models. This could involve the use of framework agreements, which offer greater flexibility and cost-effectiveness, coupled with the adoption of contract structures that promote risk-sharing and incentive alignment between the public sector and private contractors, (Laryea & Watermeyer, 2015)

Additionally, the establishment of robust monitoring and evaluation mechanisms, coupled with increased transparency and stakeholder engagement, could contribute to enhanced accountability and the identification of corruption risks (Tackling Integrity Risks in Government Contracts 2023) Furthermore, the development of

a comprehensive capacity-building program for public procurement professionals could help to address the knowledge and skills gaps that may contribute to the prevalence of corruption (Bardhi, 2014; Kohler & Dimancesco, 2020). By adopting a multifaceted approach to contract management, Lesotho can harness the potential of public-private collaboration while mitigating the risks of corruption and ensuring the effective delivery of critical public works projects (Hellowell, 2019)

RESEARCH METHODOLOGY

The Paradigm Adopted for this Study

This study adopted the Realist (Pragmatism) paradigm as this paradigm emphasizes practical outcomes and allows for integrating both qualitative and quantitative research methods, which is essential for a comprehensive understanding of the complexities involved in contract management (Allemang et al., 2022). The research captured rich contextual data while assessing project performance and cost control by employing interviews and case studies alongside statistical analyses. This flexibility was crucial, as the challenges in contract management often stem from intricate interactions among regulatory frameworks, institutional capacities, and stakeholder dynamics. A pragmatic approach also acknowledges the unique socio-economic environment in Lesotho, facilitating a deeper exploration of the factors that influence project outcomes.

The Approach Adopted for this Study

The study employed a mixed-methods research design, which involved both qualitative and quantitative data collection and analysis. The qualitative component involved case studies of public construction projects in Lesotho, while the quantitative component involved a survey of construction professionals and stakeholders involved in public construction projects in Lesotho, (Morgan, 2007). The mixed approach can be conducted in two different approaches, namely, simultaneous and sequential triangulation. A simultaneous approach was adopted for this study.

Target Population

This study's target population comprised MOPWT representatives, LNDC representatives, Maseru City Council representatives, General Contractors, and Management Consultants involved with 27 public construction projects of convenience. The construction projects involved roads, across Lesotho. Due to the size of the target population, a sensory approach was used.

Data Collection

Sixty (60) questionnaires were personally distributed to different stakeholders within the Lesotho construction industry – architects, quantity surveyors, project managers, engineers, and contractors working with the GoL. The questionnaires were distributed according to public projects. Seven (7) interviews were scheduled with the client–government representatives. The interviews were distributed according to the availability of agents- 3 from MoPWT, 2 from MCC, and 2 from LNDC.

The questionnaire and Interview Schedules were prepared considering all the factors influencing time overruns due to weaknesses in the Institutional, Legal, and Regulatory frameworks and Stakeholder challenges. When responding to the questionnaires, respondents were asked to rate the impact of different factors on the Likert scale followed by closed-ended questions and also, they have to answer open-ended questions (Mulla & Waghmare, 2015)

Out of 60 questionnaires distributed, 43 of the respondents responded, giving a response rate of 72%. In addition, 7 interviews were conducted with Government Agents. The collected data were analysed using both statistical tools such as SPSS, where the data was quantitative in nature and NVivo, content analyses were used where the data was qualitative in nature.

The evaluation scale as proposed by (Kazaz et al., 2008) was used to measure the significance levels of the values derived from the analysed data. A mean value of less than 1.80 is strongly disagree, a mean value from 1.80 to 2.60 was treated as disagree, and mean values from 2.60 to 3.40 were

viewed as neutral. Mean values of 3.40 to 4.20 were considered as agree while a mean value of 4.20 to 5.00 was regarded as strongly agree. Data was then presented in table format; the features of the respondents are as follows:

RESEARCH FINDINGS AND DISCUSSION

Profession or Job Title of Respondents

Out of the 43 respondents, 72.09% were Contractors, 6.98% were Project Managers, 16.28% were Consulting Engineers and 4.65% were Site Engineers.

Work Experience of Respondents

From the findings, 10% of respondents have work experience of less than a year, 19% of respondents have work experience of 1-5 years, 5% of them have work experience of 6-10 years, and 67 of respondents have more than 10 years.

Contract Management Practices in the Public Construction Industry

The first objective was to investigate the current contract management Practices and their impact on project performance. The investigation into current contract management practices in Lesotho, particularly for public road construction projects, reveals a structured yet imperfect landscape. The process begins with project planning, where objectives, budgets, and timelines are established. Effective communication among stakeholders is crucial during this phase to ensure clarity in roles and responsibilities. Additionally, the preparation of contract documents must adhere to local laws and regulations, which is vital for compliance in Lesotho's public projects.

Following the planning phase, the tendering process is initiated, governed by the Public Procurement Act of 2023 and the Public Procurement Regulations of 2007. This framework aims to promote transparency and accountability in public spending. The tendering procedure starts with identifying the need for construction services, leading to the preparation of detailed tender documents that outline project specifications and eligibility criteria. These

documents are published to invite bids, ensuring an open and accessible process for both local and foreign contractors.

The principles of transparency, competition, and value for money underpin the tendering process. The Public Procurement Act emphasizes open competitive tendering as the primary procurement method, although limited competitive tendering is permitted under specific circumstances. A designated Procurement Unit oversees all public procurement activities, from advertising tenders to evaluating and awarding contracts, thereby mitigating risks of corruption and mismanagement.

In evaluating tenders, the procurement framework allows for a preference margin for local businesses, granting a 15% advantage to companies with majority ownership by Lesotho nationals. This policy aims to foster local economic development and enhance the capacity of local contractors for significant public works. A Tender Evaluation Committee assesses bids based on established criteria, including technical qualifications and financial capability, ensuring a fair evaluation process.

Once a contract is awarded, the focus shifts to contract administration during the construction phase. This involves monitoring compliance with contract terms, tracking project performance, and managing variations. Regular communication between the contract administrator and project manager is essential to address any issues that

arise. In Lesotho, effective monitoring is particularly important due to challenges such as resource limitations and environmental factors that can impact project outcomes.

The final stage involves the completion and final account processes, which include resolving disputes, processing payments, and closing the project. Proper documentation and evaluation of project outcomes are critical for informing future projects and improving contract management practices. By adopting best practices in contract administration, public road construction projects in Lesotho can achieve greater efficiency, reduced costs, and enhanced service delivery, ultimately supporting the country's infrastructure development goals.

In conclusion, while Lesotho's contract management practices for public road construction projects are structured and aim for compliance and efficiency, there are significant challenges that need to be addressed. By focusing on transparency, local participation, and effective monitoring, the country can improve its contract management outcomes, contributing to sustainable infrastructure development and economic growth.

Impact of Current Contract Management Practices on Performance in Construction

Respondents were asked to rate several statements rated on a Likert scale from 1 (strongly disagree) to 5 (strongly agree).

Table 1: Descriptive Results on Current Contract Management

STATEMENT	1	2	3	4	5	MEAN	STD DEV
The contracts used in public construction projects in Lesotho clearly define the roles and responsibilities of all parties involved	18 %	34 %	22 %	20 %	6 %	2.62	1.176
"The current risk management practices employed in public construction projects effectively identify and mitigate potential risks."	16 %	34 %	20 %	22 %	8 %	2.72	1.213
Public construction projects in Lesotho consistently meet their scheduled timelines as outlined in the contracts."	54 %	36 %	4 %	2 %	4 %	1.66	0.961

STATEMENT	1	2	3	4	5	MEAN	STD DEV
Stakeholder engagement processes in public construction projects are sufficient to ensure effective communication and collaboration among all parties."	12 %	24 %	12 %	32 %	20 %	3.24	1.349
The contract management practices in Lesotho align with international best practices for public construction projects.	10 %	36 %	30 %	10 %	14 %	2.82	1.190
Contract managers and stakeholders involved in public construction projects receive adequate training to manage contracts effectively."	34 %	50 %	4 %	8 %	4 %	1.98	1.040
"The current contract management practices positively influence the overall performance and completion rates of public construction projects	32 %	34 %	16 %	18 %	0 %	2.20	1.088

The first statement evaluates whether contracts clearly define roles and responsibilities, with a mean score of 2.62 and a standard deviation of 1.176. The responses indicate that 52% of participants disagreed (rating it 1 or 2), suggesting significant concerns about clarity. The second statement assesses risk management practices, receiving a mean score of 2.72 (SD = 1.213), with half of the respondents rating it low, indicating that current practices may not effectively identify and mitigate risks. Regarding project timelines, the statement about whether public construction projects consistently meet scheduled timelines garnered a mean score of only 1.66 (SD = 0.961), with 90% of participants indicating disagreement. This highlights a critical issue in project delivery. The final statement on stakeholder engagement processes scored higher at a mean of 3.24 (SD = 1.349), suggesting a more favourable view but still indicating room for improvement.

Overall, these results reveal substantial challenges in contract management practices in Lesotho's public construction sector, particularly concerning clarity and adherence to timelines. These findings underscore the need for improvements in contract management to enhance project outcomes and efficiency in public construction projects in Lesotho.

Challenges of Contract Management Impacting on Project Performance

The second objective was to identify challenges affecting performance and their underlying root causes. Table 2 provides descriptive results on the challenges faced in current contract management practices impacting project performance, particularly focusing on-time delivery in public construction projects in Lesotho. The table includes various statements rated by participants on a scale from 1 (strongly disagree) to 5 (strongly agree), along with the corresponding mean and standard deviation for each statement.

Table 2: Descriptive Results on Challenges in Current Contract Management

STATEMENT	1	2	3	4	5	MEAN	STD DEV
The complexity of construction contracts significantly contributes to delays in project timelines	2%	2%	6%	52%	38.00%	4.22	0.815
I believe that inefficient management of change orders negatively affects the timely completion of construction projects	0%	0%	0%	36%	64.00%	4.64	0.485
The way risks are allocated in contracts leads to misunderstandings and delays during project execution	2%	0%	30%	48%	20.00%	3.84	0.817

STATEMENT	1	2	3	4	5	MEAN	STD DEV
Compliance with regulatory requirements often causes delays in project timelines due to the need for additional approvals	2%	38%	24%	28%	8.00%	3.02	1.040
The payment terms outlined in contracts create financial strain that impacts the progress of construction projects	6%	14%	16%	26%	38.00%	3.76	1.271
Poor communication between stakeholders involved in contract management leads to significant delays in project delivery	0%	0%	16%	48%	36.00%	4.20	0.700
I find that ineffective document management practices contribute to misunderstandings and delays in project timelines	0%	0%	2%	26%	72.00%	4.70	0.505
The absence of clear dispute-resolution mechanisms in contracts often results in prolonged delays when issues arise	2%	2%	8%	64%	22.00%	4.04	0.755

The first statement assesses whether the complexity of construction contracts contributes to delays in project timelines. It received a high mean score of 4.22 (SD = 0.815), indicating strong agreement among respondents, with 90% rating it as a 4 or 5. This suggests that participants believe that complex contracts significantly hinder timely project completion. The second statement addresses the management of change orders, with a mean score of 4.64 (SD = 0.485). Notably, 64% of respondents strongly agreed that inefficient management of change orders negatively affects timely project completion, highlighting this as a critical issue.

The third statement examines risk allocation in contracts and its effect on misunderstandings and delays, yielding a mean score of 3.84 (SD = 0.817). Here, 68% of participants agreed (rating it as a 4 or 5), indicating that poor risk allocation is perceived as a contributing factor to delays during project execution. Regarding regulatory compliance, the fourth statement received a mean score of 3.02 (SD = 1.040). This reflects mixed opinions, as only 28% agreed that compliance causes delays due to additional approvals, suggesting some uncertainty about its impact. The fifth statement discusses payment terms and their financial strain on project progress, resulting in a mean score of 3.76 (SD = 1.271). With 64% of respondents agreeing, this indicates that financial pressures from payment terms are seen as a significant challenge. The sixth statement

highlights communication issues among stakeholders, scoring a mean of 4.20 (SD = 0.700). A strong majority (84%) agreed that poor communication leads to significant delays in project delivery. The seventh statement focuses on document management practices contributing to misunderstandings and delays, achieving a high mean score of 4.70 (SD = 0.505). An impressive 72% of participants agreed, emphasizing the importance of effective document management.

The eighth statement evaluates whether contract management practices align with international best practices, resulting in a lower mean score of 2.82 (SD = 1.190). This indicates scepticism among respondents regarding the alignment with best practices. The ninth statement assesses the adequacy of training for contract managers and stakeholders, scoring the lowest at 1.98 (SD = 1.040). A significant portion (84%) disagreed that adequate training is provided, highlighting a critical gap in capacity building. Finally, the tenth statement examines whether current contract management practices positively influence overall performance and completion rates, receiving a mean score of only 2.20 (SD = 1.088). This low score suggests widespread concern about the effectiveness of current practices in enhancing project outcomes.

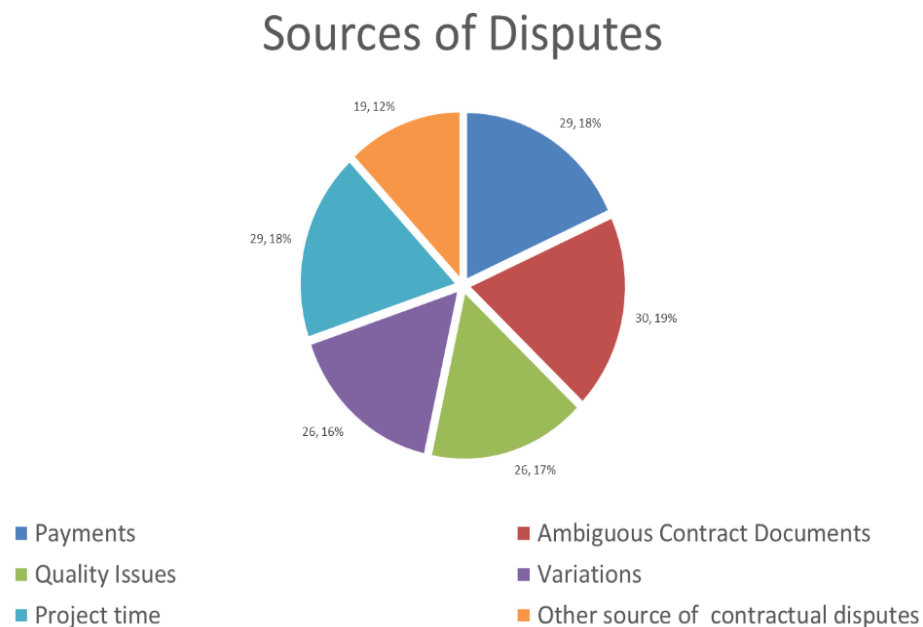
Root Causes of the Challenges

To understand the root causes of these challenges, respondents were asked to list sources of disputes

based on their experiences in the field, Figure 1 captures these sources. Figure 1 presents the contractual challenges that impact contract

management practices in public construction projects in Lesotho.

Figure 1: Source of Dispute



The most significant challenge, according to 30.19% of the responses, is ambiguous contract documents. This suggests that inconsistencies and variations in contractual frameworks can lead to confusion, ambiguity, and potential disputes among stakeholders. The second and third most prevalent challenge, accounting for 29.18% of responses, is delayed payments and unmet Project timelines. This issue can have serious consequences for project performance and cost control, as contractors may face financial difficulties and be unable to maintain adequate cash flow. Quality of work, which was cited in 26.17% of responses, is another critical challenge that can undermine effective contract management together with Project Variations accounting for 26.16%.

The category of "Other Challenges" that Impact Contract Management, which accounts for

19.12% of responses, additional contractual issues including, Abuse of Power, Nepotism, Labor Retention and Social Factors.

Overall, the findings highlight the need for standardized contractual frameworks, timely payments, and improved skills and monitoring to enhance contract management practices in public construction projects in Lesotho.

Weaknesses in the Legal, Regulatory and Institutional Frameworks

Table 3 presents descriptive results regarding weaknesses in the institutional frameworks that impact contract management in public projects in Lesotho. The table includes various statements rated by participants on a scale from 1 (strongly disagree) to 5 (strongly agree), along with the corresponding mean and standard deviation for each statement.

Table 3: Descriptive Results on Weakness in Institutional Frameworks

STATEMENT	1	2	3	4	5	MEAN	STD DEV
The current public procurement regulations in Lesotho are clear and easy to understand	0.00%	24.00%	34.00%	30.00%	12.00%	0.033	0.010
The oversight mechanisms for contract management in public projects are effective in preventing corruption and mismanagement	48.00%	42.00%	10.00%	0.00%	0.00%	0.016	0.007
The institutions responsible for contract management possess adequate capacity (skills, resources, and authority) to manage public contracts effectively."	50.00%	50.00%	0.00%	0.00%	0.00%	0.015	0.005
There is sufficient engagement with stakeholders (including contractors and the public) in the contract management process	34.00%	66.00%	0.00%	0.00%	0.00%	0.017	0.005
The regulatory framework is responsive to emerging challenges and issues faced in public contract management.	10.00%	36.00%	38.00%	12.00%	4.00%	0.026	0.010

The first statement evaluates whether the current public procurement regulations in Lesotho are clear and easy to understand, yielding a mean score of **2.58** (SD = **0.974**). This indicates a general perception of inadequacy, as a significant portion of respondents (34%) disagreed, rating it as 1 or 2. The second statement assesses the effectiveness of oversight mechanisms for contract management in preventing corruption and mismanagement, resulting in a notably low mean score of **1.62** (SD = **0.667**). Here, 48% of participants strongly disagreed, highlighting serious concerns about the effectiveness of these mechanisms. The third statement examines whether institutions responsible for contract management possess adequate capacity in terms of skills, resources, and authority. This statement received a mean score of **1.50** (SD = **0.505**), with half of the respondents strongly disagreeing, indicating a critical lack of capacity within these institutions. The fourth statement addresses stakeholder engagement in the contract management process, scoring a mean of **1.67** (SD

= **0.479**). A substantial 34% disagreed that there is sufficient engagement, suggesting significant shortcomings in involving stakeholders such as contractors and the public. The fifth statement evaluates whether the regulatory framework is responsive to emerging challenges in public contract management, resulting in a mean score of **2.64** (SD = **0.964**). This reflects mixed opinions, with only 10% strongly agreeing that the framework is adequately responsive to challenges.

CONCLUSIONS

The study reveals that Lesotho's contract management practices for public projects are well structured but inefficient because of a multitude of challenges in the regulatory and institutional framework of the project management practice in the industry. This inefficiency leads to delays and disputes that hinder infrastructure development. The challenges include: inadequate managerial capacity among contract managers; weak enforcement of contractual obligations; and, lack of transparency and accountability in the

contractual process. These factors collectively contribute to suboptimal project outcomes, such as time overruns. The research indicates an urgent need for enhanced contract management practices to ensure successful project delivery and optimal use of public resources.

Recommendations

To address the identified challenges, the study proposes several actionable recommendations:

- Implement training programs for contract managers to improve their skills and knowledge in contract administration and management, and foster continuous professional development to keep procurement professionals updated on best practices and regulatory changes.
- Enhance the enforcement mechanisms of existing laws, particularly the Public Procurement Act of 2023, to ensure compliance and accountability in contract execution, and develop clear guidelines and standardized procedures for managing contracts to minimize ambiguity and misunderstandings among stakeholders.
- Establish robust monitoring and evaluation systems to track project performance and compliance with contractual obligations, and encourage stakeholder engagement and public participation in the procurement process to foster a culture of openness.
- Explore hybrid procurement models that encourage risk-sharing between public entities and private contractors, and foster collaborative relationships among project stakeholders to enhance project ownership and accountability.

By implementing these recommendations, Lesotho can significantly improve its contract management practices in public construction projects, ultimately leading to better infrastructure development and resource utilization.

REFERENCES

- Allemang, B., Sitter, K., & Dimitropoulos, G. (2022). Pragmatism as a paradigm for patient-oriented research. *Health Expectations*, 25(1), 38–47. <https://doi.org/10.1111/HEX.13384>
- Ambe, I. M. (2019). The role of public procurement to socio-economic development. *International Journal of Procurement Management*, 12(6), 652–668. <https://doi.org/10.1504/IJPM.2019.102934>
- Bardhi, E. (2014). Integrity in Albanian Public Procurement. Principles and the Fight Against Corruption. *Academic Journal of Interdisciplinary Studies*. <https://doi.org/10.5901/AJIS.2014.V3N4P185>
- Famiyeh, S., Amoatey, C. T., Adaku, E., & Agbenohevi, C. S. (2017). Major causes of construction time and cost overruns: A case of selected educational sector projects in Ghana. *Journal of Engineering, Design and Technology*, 15(2), 181–198. <https://doi.org/10.1108/JEDT-11-2015-0075/FULL/XML>
- Fries, Martin., & Paal, B. P. (2019). *Smart Contracts*. Mohr Siebeck. <https://www.jstor.org/stable/j.ctvn96h9r#id-name=JSTOR>
- Fuller, L., & Eisenberg, M. (2001). *Basic Contract Law* (7th ed.). West Group.
- Hellowell, M. (2019). Delivering Healthcare Infrastructure and Services through Public–Private Partnerships: The Lesotho Case. *Duality by Design: The Global Race to Build Africa's Infrastructure*, 203–226. <https://doi.org/10.1017/9781108562492.008>
- Jin, O. S., & Joong, S. M. (2022). A Review of Mandatory Provisions Regarding the Period of Defects Warranty Liability under the Framework Act on the Construction Industry - Focusing on whether Article 30 Paragraph 2 of the Enforcement Decree of the Framework Act on the Construction Industry is Compulsory -. *Korean Journal of Construction Legal Affairs*, 8, 139–165.

- <https://db.koreascholar.com/Article/Detail/415173>
- Kazaz, A., Manisali, E., & Ulubeyli, S. (2008). Effect of basic motivational factors on construction workforce productivity in Turkey. *Journal of Civil Engineering and Management*, 14(2), 95–106. <https://doi.org/10.3846/1392-3730.2008.14.4>
- Kohler, J. C., & Dimancesco, D. (2020). The risk of corruption in public pharmaceutical procurement: how anti-corruption, transparency and accountability measures may reduce this risk. *Global Health Action*, 13(sup1). <https://doi.org/10.1080/16549716.2019.1694745>
- Laryea, S., & Watermeyer, R. (2015). Innovative construction procurement at Wits University. <https://doi.org/10.1680/Mpal.14.00008>, 167(5), 220–231. <https://doi.org/10.1680/MPAL.14.00008>
- Lefa, Molatseli, Thabiso, M., Emuze, Fidelis, Molatseli, L., Monyane, T., Fidelis, E., Lefa, Molatseli, Thabiso, M., Emuze, & Fidelis. (2015). *Exploring Construction Cost Control Measures In Lesotho*
- Mackey, T. K., & Cuomo, R. E. (2020). An interdisciplinary review of digital technologies to facilitate anti-corruption, transparency and accountability in medicines procurement. *Global Health Action*, 13(sup1). <https://doi.org/10.1080/16549716.2019.1695241>
- Morena, M., & Amoah, C. (2021). Assessment of the mitigating measures for cost overruns in the South African construction industry. *IOP Conference Series: Earth and Environmental Science*, 654(1), 012003. <https://doi.org/10.1088/1755-1315/654/1/012003>
- Morgan, D. L. (2007). Paradigms Lost and Pragmatism Regained: Methodological Implications of Combining Qualitative and Quantitative Methods. *Journal of Mixed Methods Research*, 1(1), 48–76. <https://doi.org/10.1177/2345678906292462>
- Mulla, S. S., & Waghmare, A. P. (2015). Influencing Factors Caused for Time & Cost Overruns in Construction Projects in Pune-India & their Remedies. *IJISSET-International Journal of Innovative Science, Engineering & Technology*, 2(10). www.ijiset.com
- Murali, J., Vivek, N., Vijayeta, M., & Kumar, D. V. S. (2022). Role of Case Laws in Claim Management and Contracts. *Journal of Legal Affairs and Dispute Resolution in Engineering and Construction*, 14(4), 04522025. [https://doi.org/10.1061/\(ASCE\)LA.1943-4170.0000558](https://doi.org/10.1061/(ASCE)LA.1943-4170.0000558)
- Osei-Asibey, D., Ayarkwa, J., Acheampong, A., Adinyira, E., Amoah, P., Osei-Asibey, D., Ayarkwa, J., Acheampong, A., Adinyira, E., & Amoah, P. (2021). Stakeholders' Compliance with Existing Construction Health and Safety Related Laws and Regulations in Ghana. *Journal of Building Construction and Planning Research*, 9(2), 138–159. <https://doi.org/10.4236/JBCPR.2021.92010>
- Phakoa, K., & Amoah, C. (2022, December). Project Manager's perspective on factors contributing to project cost and time overruns in Lesotho construction industry. *11th SACQSP International Research Conference*. <https://www.researchgate.net/publication/366094338>
- Plessis, H. du. (2019). *View of Facilitation of construction project management through building contracts: A South African perspective on the locally developed suites of contracts*. <https://journals.ufs.ac.za/index.php/as/article/view/3876/3549>
- Tackling Integrity Risks in Government Contracts*. (2023). <https://www.undp.org/asia-pacific/publications/tackling-integrity-risks-government-contracts>
- Toeba, T. (2018). Corruption in public procurement in Lesotho. *Law and Development Review*, 11(2), 397–431.

<https://doi.org/10.1515/LDR-2018-0025/Machinereadablecitation/Ris>

Zaato, J. J. (2014). “Look Before You Leap”: Lessons from Urban Water Sector Reforms in Ghana. *Http://Dx.Doi.Org/10.1177/0021909614541077*, 50(6), 683– 701. <https://doi.org/10.1177/0021909614541077>