

UNIVERSITY OF NAIROBI



INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

**DEVELOPMENT OF CAPITAL EQUIPMENT AND SOURCING FOR NATIONAL  
SECURITY: A CASE OF KENYA DEFENCE FORCES**

BY

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## DECLARATION

I hereby sincerely declare that this paper is my own original work created out of my personal stimulation and interest on the public procurement arena as a function of logistics. To my sober conscience, it has not been offered for any academic work or project to a university or college, partially or wholly, for an award or a similar consideration.

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## DEDICATION

It has been over twenty-four years since my undergraduate when I took a serious academic submission of this nature. It was therefore an undertaking clouded in mind with queries as to whether it would have any significant value addition to my academic achievements. I got encouragements from my spouse, Esther and children Laura, Cedric, Aubrey (who themselves are at this level) and Bernice; I dedicate this work to them all.

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## ABBREVIATIONS

DCAF	-	Democratic Control of Armed Forces
DHQ	-	Defence Headquarters
DoD	-	Department of Defence
DPP	-	Defence Procurement Procedures
KDF	-	Kenya Defence Forces
MoD	-	Ministry of Defence
OECD-		Organization for Economic Corporation and Development
PE	-	Public Entity
PhD	-	Doctorate of Philosophy
PP	-	Public Procurement
PPDA	-	Public Procurement and Asset Disposal Act
PPDR	-	Public Procurement and Asset Disposal Regulations
PPPR	-	Public Private Partnership Regulations
PRR	-	(Public Procurement and Asset Disposal) Preferences and Reservations Regulations
R&D	-	Research and Development
S&S	-	Supplies and Services
UK	-	United Kingdom
US	-	United States (refers to United States of America)

## ABSTRACT

Ministry of Defence procures capital equipment to service the national military strategy as an aspect of national interest. These procurements are pivotal and prioritized based on fleeting needs and budgetary constraints hence need to adopt appropriate corporate procurement strategy for appropriation of capital equipment. MoD supports Kenya Defence Forces (KDF) by giving assurance that military assets and capabilities are reliable and readied for action in maintaining national sovereignty through security against any foreign aggression. However, sourcing of military armament and equipment in Kenya has been presided over by ill-informed partisan political deliberations other than expert and improvement-gearred critical capacities and capabilities in line with future threats. This study sought to establish the development of capital equipment acquisition strategies and national security by analyzing sourcing approaches. The goal was to create better understanding of the current environment facing KDF in acquisition processes and involvement of distinct stakeholders to concentrate efforts on improving sourcing strategies and/or development of local industry through the study findings. The findings can be extrapolated for knowledge base, improvement on quality/savings on procurements, international security, markets for military hardware and technocrat approaches to military asset acquisition imperatives as a special concept of Public Procurement. To understand the precepts, perceptions and global principle, comparative assessments of military procurements in the world/regions were explored and further hunching on certain procurement theories including Institutional, Network, Bureaucracy and Innovation-oriented Procurement Theories have been deliberately highlighted. For instance, India has extensively used the last theory to make great leaps in her military industry and procurement enabling great technological transfers from other parts of the globe. A qualitative research design was adopted consisting of survey method of data collection, comparison and findings complemented by statistical probabilities. Senior staff of MoD and Procurement Officers at Defence Headquarters (DHQ) were enlisted to draw representative sample. One hundred and fifty respondents were obtained and provided data through a questionnaire. Factors considered to draw the sample included education level, departmental/military rank and period of service. Questions answered varied from sourcing strategies, supplier relationships, budgetary implications and utilization of allocations. Among other key findings, it was apparent that innovation policies, economic accountability, research/development investiture, bureaucracy reduction, redundancies elimination, better contract management and increased training for procurement staff prevailed. The study strongly recommended e-procurement, best-value sourcing and technology research strategies. Largely, respondents opined that limitations were impediment poor infrastructure, corruption, poor supplier relationships and low investment to research/development.

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# CHAPTER ONE

## INTRODUCTION

### 1.1 Background to the Study

The modern government environment is characterized by a variety of economic and political disruptions. These hurdles affect the sourcing of supplies and services (S&S) essential to public service. Government agencies are striving to innovate new ways to survive the marketplace. One such strategy involves perpetual monitoring of their competitive position and the internal processes such as contract management. The Ministry of Defence (MoD), has integrated such measures to improve the procurement process. The MoD procures equipment worth billions annually. The capital equipment purchases are meant to service the national military strategy. However, the ministry is plagued by fiscal dictates of budget cuts, and resource constraints. Therefore, the institution needs to change its procurement strategies to a more cost-efficient sourcing strategy. As the MoD acquires more mission critical and compels S&S, the procurement processes are projected to increase significantly.

The MoD has gradually transformed from a primarily tactical, clerical and administrative institution, to take over various procurement functions. It is no longer a transaction-oriented organization, but rather a more strategic-oriented organization. The ministry is placing more significance on the procurement function. This is a result of better comprehension and acknowledgement of the importance of procurement in achieving strategic objectives and boosting competitive advantage. Many organizations are adopting a variety of procurement objectives as prerequisites to developing corporate strategy. These firms have emphasized the development of corporate sourcing strategies, which for the MoD is the appropriation of capital equipment.

Adequate supply lines are necessary for any victory in war. Military leaders have worked to ensure efficient supply of resources to the men in the battlefield, to improve their morale and pursuit for a win. This strategy is necessary on offensive and geographically expansive warfare. The military leaders have to avoid holding on to early successes and forgetting to focus on the present wars. In an ideal world, large forces, with greater experience are expected to win any battle. In reality, the smaller, less capable but fully supplied army holds a significant advantage to the larger military. Consequently, the victory of any military relies on the delivery of essential

supplies to the frontlines. The success of any military campaign will be determined by the availability of essential equipment in the field and the ability of the military to capture the delivery channels of supplies to their men. Skill and bravery lack any value if there are no supplies to back up an offensive operation. The best militaries maintain a short distance between the frontlines and the source of the supplies.

The Kenya Defence Forces faces major challenges in giving assurances that the military assets and capabilities are reliable and ready to jump into action when called upon for service. KDF needs considerable support of capital equipment and this comes with financial costs. If the capital equipment needs are not met, the KDF fails to fulfil their duty of defending Kenya's sovereignty by ensuring national security<sup>1</sup>. If such problems persist, it culminates in more failures, deficits in resource requirements and massive accumulated costs. Additionally, the overall budget plans are affected, the army struggles to gain funding from the government, ultimately resulting in a negative outcome for the nation's economic reputation.

Goods, services and works procurement for the KDF at the face of it rings national security concerns, unlike other public organizations in the country. It is therefore easy to associate every procurement in the KDF with national security, urgency or limited availability of suppliers. Undoubtedly, military apparatuses are specialized items by nature and there is a paramount need for secrecy in military acquisitions. Combining these and other characteristics of military requirements connote limitations in exposing procurement information on the procurement processes in every security organization and more so the national Armed Forces. Sourcing of military armaments and equipment in Kenya has usually been presided over by partisan political deliberations rather than any notion to improve the capacity of our military. Similarly, the actual strength and capability of our military characteristically gets a lower level of concern by many elected government leaders, who as politicians have not properly assessed the importance of the Kenya Defence Forces. The study is seeking to establish and assess the development of capital equipment procurement in national security by analyzing sourcing strategies in Kenya.

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<sup>1</sup> Howe, Herbert M. *Ambiguous order: military forces in African states*. Lynne Reiner Publishers, 2001.

The issue of national security policy is not unique to Kenya only but is common in most states that operate with structured systems of governance. Every state most often develops policies that guide its functions in every sector. The attainment of goods and services for defence and security is governed by a strict legal framework that pertain to procurement law generally and to security requirements specifically associated with the goods and services that are typically identified as being related to defence and security. The procurement policy is therefore developed by states to provide general guidelines on how the state is to be secured. Therefore, this study seeks to examine the development of capital equipment and national security by critically analyzing sourcing strategies in Kenya.

## **1.2 Statement of the Problem**

For generations, Kenyan successive governments have struggled with the issue of procurement of equipment and material for our military. Both citizens and politicians alike realize that procurement of expensive and technologically advanced systems is both complex, expensive and at the same time of critical importance to permit our military to complete the missions assigned to them. The Kenya Defence Forces must obtain correct equipment and maintain the preservation of a transparent, equitable and open competition in a timely and cost efficient manner. It is therefore crucial that the procurement planning process and any decisions made incorporate a complete appreciation of current and potential future requirements. Past procurement hiccups including the lengthy and costly replacement timelines for helicopters, ships, fighter jets, and the outright cancellation of projects involving Army vehicles have shown that reforming Kenya's defence procurement system is a priority that must be acted on. There is need for a progressive in-built way of planned capital goods procurement judging on cost versus benefit matrix with a view to achieving self-reliant, reliability and responsive system of capital goods development and/or acquisition.

## **1.3 Study Objectives**

### **1.3.1 Main Objective**

The main objective of this study shall entail establishing the relationship between development of capital equipment and national security by critically analyzing the sourcing strategies in Kenya.

### **1.3.2 Specific Objectives**

- i. To determine the role played by capital equipment and their sourcing strategies used by the Kenya Defence Forces.
- ii. To identify appropriate strategies to adopt in the challenges faced by the Kenya Defence Forces in capital equipment sourcing.
- iii. To determine appropriate strategies to adopt in the procurement of capital equipment by the Kenya Defence Forces.

### **1.4 Research Questions**

In the pursuit of the research objectives, the following three research questions have been formulated to guide the study.

- i. What are the imperative roles played by capital equipment and the sourcing strategies used by the Kenya Defence Forces?
- ii. What are the challenges faced by the Kenya Defence Forces in capital equipment sourcing?
- iii. What strategies are used by the Kenya Defence Forces in the procurement of capital equipment?

### **1.5 Justification of the Study**

The goal of this research is to better understanding of the current environment facing the KDF capital equipment acquisition processes. By focusing on the input from distinct stakeholders involved in the equipment procurement, the KDF community can concentrate efforts on improving sourcing strategies and/or development of local industry. The stakeholders at the strategic level can build on the research findings to discuss ways to improve the equipment procurement process, which can address the long lead times and reduce contract backlogs. By identifying the key issues limiting the stakeholders, the policy makers can better direct reform efforts, and balance resources in effort to promote quality of the military capital equipment acquisitions. Additionally, understanding the contemporary concerns on the acquisition process can better prepare stakeholders who participate in these capital equipment procurements.

Considerably, this study could make available valuable contributions to knowledge in the area of defence procurement particularly in Kenya where there appears to be limited local studies on the subject against the backdrop of national security notwithstanding an increasing public debt, transparency and accountability. Furthermore, the findings of this study may introduce new insights for policy changes that would alleviate the bottlenecks of implementing efficient public procurement laws. Lastly, the study also provides a suitable foundation for further research in an attempt to fill the huge literature gaps in defence public procurement in the Ministry of Defence.

Since defence sourcing has important implications for national security and ultimately weighs into the assessment of the state's military capabilities, it affects the study of international security. The findings can be significant, as the vast majority of research in international security assumes the state is a unitary, autonomous actor with an objective of national interest. The study examines the relationship between defence organizations, policymakers and market actors in the conduct of national security<sup>2</sup>. It looks at issues addressing the balance between the public and private provisions of security and responsibilities for national defence, the realm of security as an avenue for political actors to reduce the size of the state and the degree to which rational value-maximizing behavior, political ideology and organizations explain the rise of private actors in the business of national defence.

### **1.6 Hypothesis of the Study**

- i. Capital equipment occupy important role in Kenya Defence Forces and specific sourcing strategies are used to acquire them.
- ii. There are challenges faced by the Kenya Defence Forces in capital equipment sourcing and/or development.
- iii. The Kenya Defence Forces adopts various sustainable practices of procuring capital equipment to overcome the sourcing problems.

### **1.7 Literature Review**

The International Public Procurement Forum II (2010), held at Central University of Finance and Economics in China identified the new developments, disciplines and the evolving professions in

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<sup>2</sup> Hettne, J. 2013. "Sustainable Public Procurement And The Single Market – Is There A Conflict Of Interest?". *European Procurement & Public Private Partnership Law Review* 8 (1): 31-40. doi:10.21552/epppl/2013/1/160.

public procurement. The aim of the forum was the development of a global academic teaching and research network in the field of public procurement policy. The findings of the forum suggest that there are still areas in the procurement discipline that need to be standardized. This applies for academic institutions as much as for businesses and public organizations across the world.

Different organizations have adopted unique approaches in procurement management and inventory. In the UN, the procurement system is regulated by the guidelines of each member of the organization. The rules and regulations of procurement are standard for all organizations globally. These guidelines address the various procurement stages from sourcing, requisition, execution and procurement contract<sup>3</sup>.

In India, the decentralized public procurement system comprises of multiple entities in different levels of government<sup>4</sup>, pegged on centralized General Financial Rules upgraded annually by Ministry of Finance. India lacks a general procurement law to be applied to organizations across the country. Individual states in the India have passed legislations to institute regulations on public procurement strategies. The Public Procurement Bill 2012 is pending before the Indian legislature. This bill is meant to consolidate the public procurement laws in India. According to Article 298 of the Indian Constitution, “the executive power of the union and of each state shall extend to any trade or business activities and to the acquisition, holding and disposal of property as well as the conclusion of contracts for any given purpose”. This Article allows the government freedom to enter into contracts<sup>5</sup>. However, Defence acquisitions are regulated through Defence Procurement Procedures (latest being DPP 2016).

In Jamaica, the evolution of the legal framework for public procurement in Jamaica over the years has mirrored the global trend of changes. The government devised the Electronic Procurement Strategy in 2007. This was followed by a redefined public procurement policy in 2008. These were supported by a Procurement Appeals Board in 2012. Later on, the Public

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<sup>3</sup> UN Procurement Practitioner’s Handbook, (2006). *Interagency Procurement Working Group (IAPWG)*.

<sup>4</sup> Pethe, Abhay, Vaidehi Tandel, and Sahil Gandhi. "Understanding issues related to polycentric governance in the Mumbai Metropolitan Region." *Available at SSRN 2127521* (2012).

<sup>5</sup> Nair, C. K. "Immediate reforms needed in India's procurement policy." (2015): 48-78.

Procurement Act 2015 was created to fix the fragmented legislative framework and constitute a comprehensive procurement law<sup>6</sup>.

In Ghana, Ghana Public Procurement 2003 (Act 663) guides public institutions in procurement of commodities and labor from vendors. The Ghanaian Parliament passed the Public Procurement Act in 2003. This act reflected the dedication of the country towards establishing good governance and the zero-tolerance policy towards corruption. This act identifies and addresses the shortcomings of the public procurement system in Ghana, regulating expenditure and restoring order in the use of public finances.

## **1.8 Theoretical Framework**

### **1.8.1 Institutional Theory**

This theory addresses the application of environmental, normative and cognitive mechanisms for the institutionalization of procurement strategies<sup>7</sup>. Institutional theory differs from neo-institutional theory in terms of whether the organizational adaptation is a consequence of conscious decision processes that conform to the structure of the organization. They however jointly predict the potential of institutional pressures forcing organizations to implement different sourcing strategies with significant economic consequences and ethical dilemmas. Firms need to adhere to legitimate sourcing strategies to gain a positive reputation in the market. The firms should also differentiate their strategic procurement policies to increase their performance. A firm should keep informed of the changes in government policies and how they impact sourcing innovations. For example, the firm should monitor the legislations on tax changes or free trade agreements as they hold vital power over the procurement process.

Accordingly, the cultural-cognitive components of an institution should inform the activities and resources available to an institution. The institutional pillars are normative, cultural-cognitive, and regulatory. Regulatory pillar rests on the utilization and interpretation of laws and sanctions to enforce procurement. Normative pillar relies on the norms and values as

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<sup>6</sup> Kanter, J. (2009). Government reviews public procurement. *Supply Management*, 14(21), 12-17.

<sup>7</sup> March, James G., and Johan P. Olsen. *Democratic governance*. Free Press, 1995.

the basis of procurement policy. Finally, the cultural-cognitive pillar depends on a shared understanding of procurement strategies.

### **1.8.2 Network Theory**

Network theory defines the relationships of a firm with others and how they impact behavior and outcomes. This theory does not inform the purchasing and selling habits of a firm. Nevertheless, it addresses the choice of strategy an institution uses to engage with vendor partners. The centrality of a firm, the importance within a network, determines the attractiveness of the firm towards investors and buyers<sup>8</sup>. High centrality means that a firm can deliver orders fast, offer low prices, best materials and are flexible to the sensitivities of the market and the buyer. A firm that is central to its network should actively seek resources to enhance their position and expand their scope.

### **1.8.3 Theory of Bureaucracy**

The Theory of Bureaucracy was coined by Max Weber. He sought to guide Germany gain efficiency and competitive advantage in the world after the end of World War II. This theory suggests that bureaucratic systems ensure obedience to management and instills a sense of responsibility in the subordinates. This authority allows managers to hold people accountable and make critical decisions aimed towards achievement of organizational goals. Bureaucracies should be managed diligently to avoid the rise of problems in an organization<sup>9</sup>. Overreliance on rules and authority might result in the loss of judgement and rigidity within a firm. The management might stifle creativity, innovation and the potential to effect constructive change. In Kenya, the rigidity towards change fosters an environment of corruption and subsequent suppressing of the move towards Kenya Vision 2030<sup>10</sup>. Bureaucratic strictures increase red tape and lackluster performances in the public sector.

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<sup>8</sup> Granovetter, Mark. "The strength of weak ties: A network theory revisited." (1983).

<sup>9</sup> Breton, Albert, and Ronald Wintrobe. "The equilibrium size of a budget-maximizing bureau: A note on Niskanen's theory of bureaucracy." *Journal of Political Economy* 83, no. 1 (1975): 195-207.

<sup>10</sup> Thao, Caroline Wambui, and Agnes Njeru. "Effects of public procurement reforms on service delivery at national spinal injury referral hospital, Nairobi." *International Journal of Business and commerce* 3, no. 8 (2014): 70-81.



#### **1.8.4 Theory of Innovation-Oriented Procurement**

Existing research does not cover the conceptual assessment of the institutional contexts that enable the government to pursue public procurement policies rooted in technological innovation. The theoretical implication of innovation-oriented procurement considers the relationship between technological advancements, the risks and the position of the government in the market. When a government identifies early life cycle technologies, it has the highest potential to spur innovation. Nonetheless, if the government is limited by uncertainty and financial technology risks, their position in the market is threatened.

Defence procurement should resort to rewarding successful innovation with prizes. The incentive problem manifests in the inability of the government security agencies to monitor the innovative effort of a weapon production firm<sup>11</sup>. Another challenge is the delegation of decision-making freedom to the firms. The government should provide the firms with conditions to authorize decisions, which are essential to Defence instead of commercial success. The innovation prizes benefit the firms that generate ideas that are good enough to interest the Defence department. The US Department of Defence offers economic incentives to the vendor firms to expedite the production phase of weapon systems. This guarantees that the firm is motivated to continue innovating and improving the Defence products if the firm is assured of more sales by improving the system. The DoD monitors the expenditures of these firms, to ensure that a certain percentage is spent on R&D<sup>12</sup>. When providing capital equipment, firms with profitable R&D contracts will have an incentive to make good decisions to receive more contracts in the future. The incentive offered to these firms becomes an essential aspect of the procurement process.

#### **1.9 Research Methodology**

Research refers to systematic planning, inquiring, collecting, assessing and interpreting, information and insight to guide decision-making. Research methodology describes the procedure that has been followed in investigating a hypothesis<sup>13</sup>. This chapter discusses the

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<sup>11</sup> Baily, Peter, David Farmer, David Jessop, and David Jones. 2005. *Purchasing Principles and Management*. London: Pearson Education UK.

<sup>12</sup> Davila, Tony, Mahendra R. Gupta, and Richard J. Palmer. 2002. "Moving Procurement Systems to the Internet: The Adoption and Use of e-Procurement Technology Models". *SSRN Electronic Journal* 21 (1): 11-23. doi:10.2139/ssrn.323923.

<sup>13</sup> 63Cooper, R. and Schindler, P, *Business research Methods*. New Delhi. Tata McGraw Hill., 2003

following: research design, population, sampling frame, sampling design, and data collection methods and data analysis.

### **1.10 Research Design**

This study adopted a qualitative research design. The design examined the implications of the study from a qualitative analysis of data collected from various sources<sup>14</sup>. The study used a survey research method. Survey consisted of a variety of structured questions, delivered through a questionnaire. This design allowed comparison of data from different respondents, to determine the existence of any similarities and differences. The findings of the survey was complemented by statistical probabilities to project to a large and diverse population<sup>15</sup>.

### **1.11 Population of Study**

The population of the study comprised of the senior staff of the Ministry of Defence and the Procurement Officers at Defence Headquarters (DHQs). The study was therefore a census survey.

### **1.12 Sampling Design**

Sampling involved selecting a section of the population to represent the entire population<sup>16</sup>. It allowed examination of the larger group under more controlled circumstances and with the control of the researcher. The researcher was able to isolate and collect focused data to implement according to the hypothesis of the study. Purposive sampling was used when the investigator wanted to locate the units of observation that had the required characteristics. In this study the purposive sampling techniques was adopted to identify the respondents. One hundred and fifty (150) respondents were selected for the study.

### **1.13 Data collection Instruments**

They include questionnaires, observation, telephone interviews and telephone survey<sup>17</sup>. The instrument used in this study was questionnaires. Questionnaires, as a form of survey, gave a scientific reassurance ring of confidence. The questionnaires were appropriate when addressing sensitive issues and in this study due to the busy schedules of procurement officers who formed

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<sup>14</sup> Robson C., *Real World Research* (second Ed.). Oxford: Blackwell, (2002)

<sup>15</sup> Cooper, R. and Schindler, P, *Business research Methods*. New Delhi. Tata McGraw Hill, 2003

<sup>16</sup> Robson C., *Real World Research* (second Ed.). Oxford: Blackwell, (2002)

<sup>17</sup> Cooper, R. and Schindler, P, *Business research Methods*. New Delhi. Tata McGraw Hill, 2003.

the subjects of this study. The questionnaire consisted of six sections. The first section captured the general information on the subjects. The next four sections captured information on the independent variables while the sixth had questions regarding the dependent variable.

#### **1.14 Data Collection Procedures**

The researcher adopted a field survey approach to data collection in which questionnaires were used to obtain information from the respondents as a research instrument. The questionnaires formed part of basic sources of data used in this research<sup>18</sup>. Secondary sources of data were also used, and they were obtained from corporate annual reports, textbooks and the Internet materials. Questionnaires formed the primary source of data for the study, which are self-designed and self-administered. The respondents however, filled up the questionnaires on their own privacy to eliminate any form of biasness.

#### **1.15 Data Analysis**

Finally, the data collected was analyzed using qualitative analysis. The data collected was subjected to analysis based on the specific research questions and conclusions drawn from the observations.

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<sup>18</sup> Bernard, H. Russell. 2013. *Social Research Methods*. Thousand Oaks, Calif.: SAGE Publications.

## CHAPTER TWO

### PROCUREMENT AND SOURCING STRATEGIES FOR CAPITAL EQUIPMENT

#### 2.1 Definition of Terms

**Defence procurement:** Specifically involves the purchase of core and non-core items in the form of military equipment to infrastructural services for the Armed Force for defence purposes. In defence procurement, the tasks may include huge financial outlay from the taxpayers fund that are used in the purchase of military equipment, food services and other logistical support as well as intelligence collection and analysis which may be contracted to private cooperation<sup>19</sup>.

**Procurement process:** This refers to the stages of the procurement cycle, such as the planning, selection of appropriate procedures, strategies to build a relationship with vendors, examining and evaluating supplier offers and awarding and managing contracts.

**Public Procurement:** The activities of public institutions or agencies engaging in the purchase of goods or services, and acquiring on behalf of government of equipment at the impacts the cost of ownership, the quality and quantity of service, the appropriate time and place for the benefit of the government or public corporation, usually with the help of a contract.

#### 2.2 Concept of Public Procurement

Public procurement is the process implemented by governments and publicly funded entities to acquire goods and services for public projects. Procurements encompass the purchase of goods, capital equipment, real property, built assets, and services. In Sub-Saharan Africa, procurement costs in many government departments and ministries are substantial, leading to the consumption of scarce resources of limited government funds. The appropriateness and success of procurements depend on the quality and timeliness of inputs. The government needs to have an effective public procurement system, which is crucial to achieving quality goods and services for accelerated growth. In Kenya, there is a looming concern over the lack of professionalism of government officials in the procurement departments. The deficit of experienced professionals in

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<sup>19</sup> Born, H. (2008). *Parliamentary oversight of ESDP missions*. Geneva Centre for the Democratic Control of Armed Forces (DCAF).

procurement, low pay and inadequate training contribute to the deficiencies in public procurement strategies in the country<sup>20</sup>. This is commonplace in many African countries where the public sector does not take the level of professionalism required for procurement functions seriously. The governments provide minimum civil service qualifications as the only prerequisite to serving as a procurement officer. This undermines the public procurement process and opens it up to mismanagement, graft, and exploitation by suppliers.

The introduction of ICT by the Kenyan government in many of its programs allows better access to information on public procurement. E-procurement systems are used to disclose information to the public. The website [www.tenders.go.ke/](http://www.tenders.go.ke/) allows navigation and expansion to provide additional information on government tenders. Social media also provides a communication channel for the civilians to actively engage with government agencies on procurement processes. Citizens are able to optimally use information acquired through these channels to report any grievances to the PPOA. This depends on the accessibility and customer interaction and feedback process in these organizations<sup>21</sup>.

Integrity pacts foster public oversight over the procurement programs. They refer to contractual documents signifying agreed terms between authority/entity and the bidding candidates. The supplier/vendor and buyer are bound to reciprocating controls or terms to prevent any corruption between the two parties. Bidders and citizens can use the platform to present their grievances to the relevant auditing institutions. The Public can track the procurement process and ensure the optimum performance of the contract via a portal platform to ensure visibility at all levels.

Public procurement in Kenya is based on the principles of efficiency, consistency, and innovation. This means that the procurement is meant to encourage knowledge, experience, and technical expertise to reinforce supplier relationships. Suppliers occupy a critical position in the procurement process. Innovation by suppliers and the government allows efficient sourcing processes<sup>22</sup>. Military innovation is at an all-time historical high. The innovation in the Kenyan military is expected to match that of the manufacturers and suppliers. Consequently, the

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<sup>20</sup> The Public Procurement and Asset Disposal Act, 2015. 2019. "The Public Procurement and Asset Disposal Act, 2015 – Public Procurement Regulatory Authority". *Ppra.Go.Ke*. <http://ppra.go.ke/ppda/>.

<sup>21</sup> "Public Procurement In Kenya: Cash Cow For The Corrupt or Enabler for Public Service Delivery?". 2014. *Adili*, no. 154. <https://tikenya.org/wp-content/uploads/2017/06/adili-145-public-procurement-in-kenya-cash-cow-for-the-corrupt-or-enabler-for-public-service.pdf>.

<sup>22</sup> Ibid

procurement process in Kenya has to be amended to reflect technological changes. This ultimately alleviates the challenges in military procurement and initiates the process of building public trust in government procurement processes.

### **2.3 Capital Equipment and National Security**

Considerable amount of government budget goes into Defence procurement in acquiring varying degrees of military equipment, helicopters, and other capital equipment. Further, the Defence procurement processes are complex involving technicality especially when it comes to specifications and kind of contract documentations<sup>23</sup>. In addition, the issues of protecting state information from external and internal unnecessary aggression, and for national security policy's sake create a perceived ineffectiveness of Defence procurement system in the public mind. Moreover, parliaments have been seen to play pivotal role in ensuring that Defence procurement and budget are subjected to scrutiny. However, in many developing countries like Kenya, parliament are marginalized, scrutinizing Defence expenditure are compromised, as there is possible collusion. Effective and efficient utilization of public funds with the objective of ensuring value prepositioning is a principle calling for adherence to the public procurement laws by Defence procurement authorities, through civil society support, which are necessary in ensuring better and effective Defence procurement.

### **2.4 Public Procurement Policy and Legal Framework in Kenya**

The Public Procurement (PP) legal framework encompasses the entire procurement process, and the values of impartiality, integrity, ethics and transparency<sup>24</sup>. The laws of procurement lead to efficiency in the purchasing process or inefficiency dependent on the government type and environment of operation. The transparency and integrity of the procurement process depends on the governance and democratic organization of the country (Organization for Economic Corporation and Development (OECD, 2006). In Kenya, pursuant to the provisions of article 227

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<sup>23</sup> Hartley, Keith. "The Economics of Military Outsourcing." *Defence Studies* 4, no. 2 (2004): 199-206.

<sup>24</sup> Gary Teng, S., and Hector Jaramillo. "A model for evaluation and selection of suppliers in global textile and apparel supply chains." *International Journal of Physical Distribution & Logistics Management* 35, no. 7 (2005): 503-523.

of the Constitution of Kenya (2010), public entities (PEs) should procure goods and services in accordance with a system that is fair, equitable, transparent, competitive and cost effective<sup>25</sup>.

The public procurement is govern by the Public Procurement and Disposal Act (PPDA, 2005), the Public Procurement and Disposal Regulations (PPDR, 2006), the Public Procurement and Disposal (Public Private Partnership Regulations (PPPR, 2009) and Public Procurement and Disposal (Preference and Reservations) Regulations (PRR, 2011)<sup>26</sup>.

Public Procurement Oversight Authority (PPOA) was founded under the mandate of the Public Procurement and Disposal Act. The key functions include providing insight on procurement for government agencies and advising them on capacity building<sup>27</sup>. Further, the organization reports and facilitates the implementation of the Public Procurement and Disposal Act. The PPOA is driven forward by the constitutional call for public participation and civilian oversight. In the procurement cycle, the public is invited to the planning and preparation stage. Civilians can detect and prevent corruption in public procurement by contributing to each stage of the cycle. Public hearings enable the citizens to discuss planned procurements and assess the needs of the targeted beneficiaries to ensure that the procurement process responds to the needs of the public. Public participation is however only effective if civilians are allowed access to relevant information<sup>28</sup>. The information should be presented in a simple and easily comprehensible manner. This enables the public to objectively evaluate the procurement programs.

These government agencies are compelled to adhere to the legal framework of public prosecution. They should make decisions based on the value of services received from the procurement entities. Government agencies and state corporations have a responsibility to deliver adequate and quality services to all Kenyans. Kenyan Public pay for these services through taxes and other revenues collected by the national and local governments. The government is thus held to high expectations, through its agencies, when delivering essential services to the public.

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<sup>25</sup> Nyaoga, J. M., and A. G. Mogere. "Getting the deal through." (2013).

<sup>26</sup> The Public Procurement and Asset Disposal Act, 2015. 2019. "The Public Procurement and Asset Disposal Act, 2015 – Public Procurement Regulatory Authority". *Ppra.Go.Ke*. <http://ppra.go.ke/ppda/>.

<sup>27</sup> Ogot, Madara. 2009. "The Long Term Policy Framework for Public Procurement in Kenya". *University Of Nairobi Enterprises and Services*.

<sup>28</sup> Ibid

The PPDA fails to enforce the procurement mechanisms in the constitution, often resulting in non-compliance with the laws. This means that there is a need to restructure and redefine the regulatory responsibilities of the PPOA. This would allow citizens to hold government agencies accountable for any failures within the procurement processes and seek redress from the relevant authorities. However, there are concerns that a restructuring of PPOA would be used as an avenue to increase bureaucracy<sup>29</sup>. This can potentially complicate the public procurement process and undermine the application of civilian input on the procurement programs. Essentially, the procurement procedures need to meet the constitutional regulatory requirements for approved fair administrative arrangements. This includes addressing the legislative gaps that prevent effective emergency response measures. In disaster response situations, the procurement strategies need to be efficient and fair to all parties involved. The PPDA has a long way to go to ensure that all constitutional requirements are observed.

## **2.5 Procurement Strategies for Defence Equipment**

The Ministry of Defence has established a five-step process for public procurement. First, determination of need or requirement is done through a Strategic Defence Review. The review is meant to identify any deficiencies in the Defence organization and equipment. The institution then formulates a process for the operation and technical specification of the desired equipment. Second, a market survey from identified sources is carried out and initiates contact with possible suppliers. Thereafter, the data is presented to the Equipment and Infrastructure Committee (EAIC) for approval and allocation of a budget. When the data is approved, a Branch submission is made to Ministerial Tender Committee (MTC) organ called Procurement Advisory Board (PAB) and Treasury, which authorizes Restricted Tendering. Third, the tender documents are prepared. This step incorporates special instruction on trials on the equipment to be imported into Kenya. The equipment is subject to tests by the military in the presence of the manufacturers. Fourth, a cost-benefit analysis is conducted at the end of the trials to determine who wins the tender. The ministry identifies the best cost-benefit ratio for the equipment before approving the final purchase. Finally, Integrated Logistics Support is conducted after the sale to guarantee the sustainability of the equipment in service. This is meant to ensure that the equipment meets the

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<sup>29</sup> Mardale, Florin Emil. 2016. "Key Factors Of Influence in The Public Procurement Process". *International Conference KNOWLEDGE-BASED ORGANIZATION* 22 (2): 263-272. doi:10.1515/kbo-2016-0046.



supportability needs of the military and can be guaranteed through the remainder of its life cycle<sup>30</sup>.

The strategy for the Department of Defence is to obtain the best value for money. The DoD endeavours to procure capital equipment efficiently and aptly. DoD further strives to establish long-term Defence industrial base, with a view to obtaining transfer of technology after each purchase of major capital equipment or system. Additionally, it emphasizes on the Whole Life Costs approach, which would reveal the true cost of owning a purchased equipment and real value for money. This procurement process allows closer collaboration with industry, to find cost-effective solutions acceptable to Armed Forces.

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<sup>30</sup> "Defence Procurement". 2020. *Mod.Go.Ke*. [http://www.mod.go.ke/?page\\_id=391](http://www.mod.go.ke/?page_id=391).

## CHAPTER THREE

### CHALLENGES FACED BY THE KENYAN MILITARY IN CAPITAL EQUIPMENT PROCUREMENT

#### 3.1 Introduction

The military faces a myriad of challenges in the procurement of capital equipment both from within and outside the country. The government lacks reliable internal accountability and audit institutions, the lack of modern tracking and shipping technology, lack of expertise among military ranks and limited research on improving the procurement procedures and processes. The government or military fundamental objectives often fail to align with those of the suppliers, therefore stifling collaborative efforts for beneficial outcomes. This affects the bid process, contract negotiations and financial relationship with the suppliers. The sourcing strategies used by the military do not reflect best value and lead to low-quality equipment, lack of maintenance services and the high turnover rate for new equipment<sup>31</sup>. This suggests that the security goals of the Kenyan government are impeded by the bureaucratic components of the sourcing process. The performance of the procurement process does not reflect the national security policies of the country.

#### 3.2 External Forces that Impact Public Procurement

In the business world, there are external forces that affect sustainable public procurement. Several studies have established a connection between external factors and public procurement challenges. The external drivers of procurement include legal forces, market forces, political forces, socioeconomic forces and societal forces<sup>32</sup>.

Legal forces highlight the relationship between procurement strategies and existing laws. Civil servants involved in the procurement process are required to comply with rules and regulations<sup>33</sup>. In the military, officials from the government are held to certain standards and legal limitations when conducting procurement processes. In Kenya, corruption has become part

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<sup>31</sup> Hettne, J. 2013. "Sustainable Public Procurement and The Single Market – Is There a Conflict of Interest?" *European Procurement & Public Private Partnership Law Review* 8 (1): 31-40. doi:10.21552/epppl/2013/1/160.

<sup>32</sup> Mardale, Florin Emil. 2016. "Key Factors of Influence in the Public Procurement Process". *International Conference KNOWLEDGE-BASED ORGANIZATION* 22 (2): 263-272. doi:10.1515/kbo-2016-0046.

<sup>33</sup> Latham, Andrew, and Nicholas Hooper. 2010. *The Future of The Defence Firm: New Challenges, New Directions*. Dordrecht: Springer Netherlands.

and parcel of many dealings within government organizations. Politicians and the judiciary are not holding government agencies accountable for the procurement process and acquisition of essential capital equipment. Familiarity with existing legislation and supporting tools are vital in encouraging compliance with sustainable standards. Accountable according to the laws of Kenya when sourcing capital equipment from foreign nations should preoccupy the military competent procuring authorities.

Political parties play a key role in the public procurement process. In Kenya, the political party with a majority representation in parliament determines the outcome of procurement proposals by government agencies. Conflicting interests between politicians and other civil servants can undermine the public procurement process<sup>34</sup>. The public procurement process has to go through the legislature before being approved. In the case of the KDF, the approval of parliament determines the capital equipment sourced, resource allocation and influence of diplomatic relations with foreign countries. The general elections held every five years might change the political party in power, which will affect the progress of military procurement. The military, therefore, has to establish a robust procurement strategy that transcends political party ideology and prioritizes the welfare of the country.

Market forces within the supply chain of capital equipment impact the procurement process. Pressure from stakeholders, suppliers, and customers can impede sustainable procurement strategies. The KDF as the customer has a say on the type of capital equipment sourced, depending on costs, sustainability needs and operational strategy. Suppliers and distributors of capital equipment can dictate the market trends of certain equipment essential to the military. Foreign economies, organizational policies, and availability of transport infrastructure determine the ability of suppliers to form strong relationships with the customers<sup>35</sup>. Competitive pricing and diplomatic relationships between governments affect the purchase of capital equipment from outside the country. Public organizations, therefore, have to support private sector organizations in their sustainability ambitions to ensure better working relationships.

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<sup>34</sup> Vluggen, Rob, Cees J. Gelderman, Janjaap Semeijn, and Marc van Pelt. 2019. "Sustainable Public Procurement—External Forces And Accountability". *Sustainability* 11 (20): 5696. doi:10.3390/su11205696.

<sup>35</sup> Ibid

The military is subject to societal criticism of the nature of the procurement process. In the EU, public organizations are held to certain standards of transparency and accountability when advertising tenders. In Kenya, citizens are not active in responding to tender advertisements as most lack the understanding of the procurement process. The elected officials responsible for the analysis and approval of procurement tenders fail to ensure the accountability and integrity of suppliers and selling companies. Private companies, which might be immune from societal pressure, can monopolize the market for capital equipment. The military, therefore, may be forced to succumb to increased costs of procurement and loss of control over the quality of equipment purchased from these companies<sup>36</sup>. Public procurement departments may lack sustainable procurement strategies, which makes them vulnerable to the market manipulation of the private sector.

Socioeconomic forces determine the standards of public procurement for government agencies. Conflicting interests between non-business actors and public organizations determine the progress of the procurement process. The military has its operational interests to safeguard. Politicians have to consider the interests of the public and national security when approving procurement tenders. When the military and public interests collide, this will negatively affect the procurement process<sup>37</sup>. Further, inter-departmental conflicts within the government can affect the development of sustainable procurement practices. The military lacks control over these social and economic forces and, therefore, may struggle to source adequate resources for the required capital equipment.

### **3.3 Military Procurement Problems**

Government departments and ministries tasked with national Defence harbor various bureaucratic interests. They can create incentives that make military procurement programs more complicated. Military procurement aims to enhance combat capabilities in preparation for potential attacks from an enemy<sup>38</sup>. Most governments hope never to use such military capabilities in any situation. The resource allocation, therefore, focuses on other aspects of government and neglects the budgetary expectations of the military. The competition for limited resources, especially in third world countries, incentivizes the military to overestimate the

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<sup>36</sup> Ibid

<sup>37</sup> Summers, Harry G. 1997. "Operations, Procurement, And Industrial Base". *Orbis* 41 (2): 199-208. doi:10.1016/s0030-4387(97)90063-6.

<sup>38</sup> Ibid

required capabilities and underestimate the cost of acquiring them. In Kenya, the KDF competes with other government projects in the health, transport, and education sector. The resources allocated to the military may undercut their budget plans and therefore limit the application of sustainable procurement programs.

Military procurement programs can lead to public controversy. Procurement officials tasked with obtaining the best value for the government may overrun costs for the procurement process. In the procurement process, the legislators and policymakers involved in approving tenders have to balance between the appropriate budget and the potential for savings<sup>39</sup>. The allocation of funds to the military considers the potential savings that the KDF could have implemented to reduce costs. This incentivizes military organizations to cut costs, which sometimes causes performance shortfalls. Depending on past financial losses or the savings potential for future deals, the military may receive lesser funds to purchase capital equipment. The difficulty in providing adequate funds to the military affects the ability to procure essential equipment and achieve operational strategies.

The organization of a state's Defence industry can dictate the efficiency of military procurement. Competition in the global Defence industry incurs additional costs. For example, during the Cold War, the high number of Defence companies meant that militaries had to spend more on procuring capital equipment. In modern times, sophisticated military technology demands higher budgetary allocations and more technical expertise from the military. The specialization within the Defence industry has prompted the monopolization of certain weapon system categories<sup>40</sup>. For example, in the purchase of fighter jets, the military has to deal with the company that provides the best technology over the best cost. The power of single companies in the creation and design of military equipment means that the military lacks the leverage to negotiate for lower prices in the global market. For a third world country like Kenya, the KDF is forced to purchase substandard equipment or spend way above the budgetary limitations. The government policies in place to promote competition and sourcing are only effective when there are a few vendors. When the number of vendors is high, the government is incapable of managing the competitive force of the market and the purchase of essential military equipment.

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<sup>39</sup> Fourie, David. 2017. "Ethics and Integrity in the Procurement of Goods and Services for the Military". *Public Integrity* 19 (5): 469-482. doi:10.1080/10999922.2016.1276790.

<sup>40</sup> Latham, Andrew, and Nicholas Hooper. 2010. *The Future of the Defence Firm: New Challenges, New Directions*. Dordrecht: Springer Netherlands.

Foreign exchange rates impact the importation of military equipment. Capital equipment for the military is subject to importation costs like any other imported goods. A stronger local currency means that the country can purchase more from foreign companies. The Kenyan Shilling has been struggling against major global currencies such as the US Dollar and the Euro. In 1990s India, the fall of the value of the Rupee meant higher importation costs for new weapon systems. This impeded the modernization of their military and suppressed the operational readiness of its forces<sup>41</sup>. The value of the Shilling has major consequences on the preparedness of the military for any potential attacks. The KDF is on its way to achieving modernization. However, a poor national economy slows down the modernization process and stretches out the purchases of arms. The military is forced to acquire lesser equipment under a longer payment period. This ultimately undermines the public procurement process and the potential for sustainable procurement in the Defence industry.

The recent resurgence of scrutiny in the economics of Defence procurement has highlighted the numerous efficiency challenges posed by weapons acquisition. It acknowledges the complexities and technicalities of the procurement systems, the extended periods of acquisition and the persistent uncertainty<sup>42</sup>. It focuses on the purchaser-vendor or supplier-buyer dynamic. This relies on the operation of market currents, information deficiencies, economies of scale and monopolization of the demand conditions. The main challenge of efficient procurement is cost containment and quality assurance. Lack of defined information channels between principal and agents leads to moral and selection challenges when managing contracts. When the system cannot be described in sufficient detail, the transactions facilitated by the contracts are ill-specified and serve to boost the difficulties. This raises questions on how to achieve efficient procurement and the contribution of institutional and contractual organizations<sup>43</sup>?

Since Defence procurement involve detailed design and complex acquisition processes, the process often poses security threats making Defence procurement complex, slow and

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<sup>41</sup> Ibid

<sup>42</sup> Murkowski, Stefan, and Peter Hall. "Challenges of Defence procurement." *Defence and peace economics* 9, no. 1-2 (1998): 3-37.

<sup>43</sup> Holland, Lauren. "Explaining weapons procurement: Matching operational performance and national security needs." *Armed Forces & Society* 19, no. 3 (1993): 353-376.

costly<sup>44</sup>. To a certain extent, this affects the smooth implementation of Defence procurement system. Despite little public call for scrutiny and cry over the waste of money, the sector has been challenged with various impediments e.g. the issue of transparency, promotion of individual interest, corrupt practices where politicians collude with high Defence officials to subvert the procurement process, lack of competition in the process, neglecting legal framework that ensure transparency, wrong procurement and sub-institutional procurement process.

Single-source procurement contracts are avoided by many due to issues of transparency, high risk of corruption, lack of democratic oversight and value for money. The laws in many countries prohibit the existence of such contracts, except for matters of national interest or emergencies of Defence procurement. The governments that allows this provide broad definition of terms to avoid any failures. Since single source contracts reduce competition, the corruption risk is elevated. Governments today are less inclined to use single source procurement regardless of the arguments of their protectionist instincts. This system is used only in cases of expedient emergencies, where there are high stakes associated with national security interests.

Inefficiencies in military procurement reflect the failures within the military and government agencies in public procurement. In Kenya, the corruption cases and long-term losses stain the public procurement industry. The PPDA, 2005 and accompanying PPDR, 2006 are meant for elimination of corruption in government procurement. However, corruption cases such as Anglo Leasing and the NHIF civil servants' medical cover scheme indicate the weaknesses in the procurement laws in Kenya<sup>45</sup>. Article 227 of the Kenyan Constitution states that "When a State organ or any other public entity contracts for goods or services, it shall do so in accordance with a system that is fair, equitable, transparent, competitive, and cost-effective and provides for preference in the allocation of contracts"<sup>46</sup>. The military procurement process is expected to be transparent and the responsible parties held accountable for any shortcomings. However, with the history of corruption scandals in Kenya, the KDF faces an uphill battle in restoring public faith in its procurement processes. Public confidence in the procurement procedures is vital to the

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<sup>44</sup> Dubinsky, Marcin, and Sanjeev Goyal. "Network design and Defence." *Games and Economic Behavior* 79 (2013): 30-43.

<sup>45</sup> "Public Procurement In Kenya: Cash Cow For The Corrupt Or Enabler For Public Service Delivery?" 2014.

<sup>46</sup> "227. Procurement of Public Goods and Services - Kenya Law Reform Commission (KLRC)". 2020. *Klrc.Go.Ke*. <http://www.klrc.go.ke/index.php/constitution-of-kenya/152-chapter-twelve-public-finance/part-6-control-of-public-money/396-227-procurement-of-public-goods-and-services>.

operational future of the KDF. When the public trusts that the procurement process is trustworthy and sustainable, the military will convince legislatures to allocate more resources and contribute to their future operational strategies. In the long term, the public procurement strategies for the KDF will play a significant role in safeguarding the acquisition of capital equipment and the achievement of national security goals.



## **CHAPTER FOUR**

### **STRATEGIES APPLIED TO THE PROCUREMENT OF CAPITAL EQUIPMENT BY THE KDF**

#### **4.1 Introduction**

This study examines the strategies applied by the KDF in procuring capital equipment.

#### **4.2 Respondents**

Of the 150 respondents provided with questionnaires, 125 of them filled and returned them, giving an 83% response rate. This response rate was reliable enough to derive a solid conclusion from the study. According to Bernard (2013), the adequate response analysis ranges from 50% and above.

The respondents were required to indicate their rank in the military, education level, and period of service in the military. The military rank helped to establish the ability of the respondent to influence procurement services and education level indicated the understanding of the technicalities of sourcing capital equipment.

#### **4.3 Background Information**

##### **4.3.1 Education Level**

Fifteen (15) respondents (12%) were pursuing Ph.D. level of education, thirty five (35) respondents (28%) had a Master's degree, sixty five (65) respondents (52%) had a degree-level education, although fifteen (15) of them were currently pursuing Master's degree.

##### **4.3.2 Military and Departmental Rank**

Of the one hundred and twenty five (125) respondents in the survey, one hundred (100) were in significant positions of power to be involved directly in the procurement process. They worked in finance and accounting departments, logistics management, military research, and public service. These respondents were involved in the supply chain of sourcing capital equipment and therefore had critical insight into the procurement process for military equipment. The other twenty-five (25) respondents were indirectly involved in the procurement process.

They mostly worked to assess the functionality and allocation of capital equipment after purchase. They did not have any influence on how and when the capital equipment were sourced.

### **4.3.3 Period of Service**

Forty-five (45) respondents had served in the military or Procurement Department for over ten (10) years. Forty-four (44) respondents had served for a period between five to ten (5-10) years. Thirty-six had served for less than five years. The period of service helped to establish the expertise of the individuals in understanding and navigating the complexities of sourcing capital equipment.

## **4.4 Determinants for Sourcing of Capital Equipment in the KDF**

The KDF and Ministry of Defence rely on the authorization and expertise of outside parties to inform their sourcing of capital equipment. It is evident that the military is changing its approach to international sourcing and working to build better relationships with suppliers. The Ministry of Defence still advertises its procurement processes to the public, mainly through newspapers. However, the ministry is working towards having an e-procurement platform that would allow advertisements through the ministry's website, online submission of proposals, online payment of suppliers, online sourcing and using tools available on the internet to facilitate corporate purchases<sup>47</sup>.

The Kenyan military lacks modern tracking technologies to track shipments, which result in many bureaucratic and logistical challenges when purchasing from international suppliers. The KDF should be more involved in the e-procurement of their goods, by adopting innovation and automation in the selection of vendors, tracking shipment status and making online payments.

### **4.4.1 Supplier Relationship**

The relationship between the purchaser and supplier is critical to the success of sourcing strategies adopted by the KDF. The respondents were required to provide an opinion on how the supplier relationship has affected the sourcing of capital equipment and the overall procurement

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<sup>47</sup> "Defence Procurement". 2019. *Mod.Go.Ke*. [http://www.mod.go.ke/?page\\_id=391](http://www.mod.go.ke/?page_id=391).

process. The responses were graded on a 1-5 scale; 1- No effect, 2- Minimal effect, 3- Moderate effect, 4- Great effect, and 5- Very great effect.

The respondents agreed that it was critical to integrate suppliers in the procurement process and cultivate more strategic relationships with vendors through an exchange of information. Strategic supplier relationships are crucial for mutually beneficial outcomes and efficient sourcing strategies<sup>48</sup>. Collaborative efforts between the government and private sector, allow for alliance-based relationships, better quality assurance and exchange of improvement ideas between the firms, suppliers and government officials.

#### **4.4.2 Budgetary Implications**

The KDF relies on government funds allocation on their annual budget to plan the sourcing strategies. The majority of the respondents feel that the budget allocation to the military should be more streamlined, based on supplier scoring strategy, technological innovation and security needs of the country. The public procurement process would be more effective if the Ministry of Defence was held accountable for the utilization of resources in sourcing key equipment and their contribution to national security. The respondents suggested that the internal audit systems in the ministry should be re-evaluated to allow for better application of the procurement strategies and budget accountability.

The respondents were asked to indicate how they felt about the utilization of resources to effectively procure essential equipment for the military. They responded to a series of questions with yes or no responses, which would grade the overall budgetary implications of the military sourcing strategies. The questions posed addressed:

1. Whether MoD procurement department was working in alignment with the national security goals of Kenya.
2. Whether KDF considers the supplier risk profile when awarding contracts and selecting supplier or not.
3. KDF being financially capable of keeping at par with technological developments in capital equipment developed world-over or not.

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<sup>48</sup> Snider, Keith F., and Rene G. Rendon. 2008. "Public Procurement Policy: Implications for Theory and Practice". *Journal of Public Procurement* 8 (3): 310-333. doi:10.1108/jopp-08-03-2008-b003.

4. Adequacy of the government annual budget allocated for the supply or acquisition of the capital equipment for the KDF.
5. Whether there have been changes in the purchasing habits of the MoD in the past 10 years. Respondents were then requested to provide a short paragraph explaining why or why not in this aspect.

#### **4.5 Procurement Strategies Applied by the KDF**

Justifying investment made out of public procurement is essential. Deploying scarce public resources without necessary return on investment deprive other sectors of the economy of proper functioning. Value for money is not only based on cost and quality-based purchases, but also maximum, effective and efficiency throughout the public procurement process. Promoting accountability and transparency are hallmarks of ensuring Defence procurement value for the state and public confidence in procurement activities. Ensuring fairness and competition not only add value but also promote efficient supplies<sup>49</sup>. There are widespread beliefs that the procurement process in the public sector is based on purchasing products and services on the “lowest price”. The rationale used is the best value for money. The factors considered include the lifetime cost of Defence equipment and services, the status and relationship with supplier, the technical descriptions of Defence equipment and goods, and the financial aspects such as contractual price, transportation, etc.; level of support through the life of the procured products maintenance to disposal<sup>50</sup>. Public accountability principles are essential.

Companies add value by ensuring that entity purchases add value to contract, improved procurement efficiency<sup>51</sup>. Public satisfactions are derived from improved quality and service delivery; closer and cooperative relationships and suppliers; reduced costs, improved quality and delivery time. However, to improve Defence procurement and benefit, value for money principles of investigating into Defence procurement operation or activity to establish whether it

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<sup>49</sup> Sen, Somnath. "Military expenditure data for developing countries: Methods and measurement." *WORLD BANK DISCUSSION PAPERS* (1993): 1-1.

<sup>50</sup> Dowdall, Paul, and Derek Braddon. "Puppets or partners: the Defence industry supply chain in perspective." In *the Future of the Defence Firm: New Challenges, New Directions*, pp. 103-119. Springer, Dordrecht, 1995.

<sup>51</sup> Owusu-Yeboah, Zakaria. "Appraising effectiveness in Defence procurement of works: a case of Ghana Armed Forces." PhD diss., 2016.

is economical, efficient and effective must be in place. This is done by reviewing compliance of entity particular laws or regulations for control. Defence procurement is a procurement strategy; plan early and vote requirements to manage contracts.

One of the strategies employed in Defence capital equipment acquisition is single sourcing. Single-source Defence procurement is prevalent in developing countries and those involved in advanced arms exporting. The Defence procurement process does not ally a highly competitive bidding process compared to other government negotiations. The process is therefore prone to corruption and loss of value for money<sup>52</sup>. The countries that use single-source procurement process experience high percentages of non-competition. According to the 2002 Bribe Payers Index, Defence is among the highly corruption prone sectors in the globe. Single source strategies present an opportunity for inducement of corruption and exploitation of buyers.

In Kenya, National budget data shows expenditure has gone up by 10 per cent from Sh97 billion in 2016 to Sh107 billion in 2018. The allocations place Kenya fifth in Sub-Saharan Africa behind Sudan on \$4.3 billion (Sh430 billion), South Africa \$3.6 billion (Sh360 billion), Angola \$3 billion (Sh300 billion) and Nigeria at \$1.6 billion (Sh160 billion). According to data from military policy think tank Stockholm International Peace Research Institute, Kenya's Defence budget is equal to expenditure by neighbors Uganda, Tanzania and Rwanda combined. Treasury has justified the increased spending, insisting that the Government needs to facilitate modernization of the country's military by acquiring capital equipment as well as account for active deployments of the Kenya Defence Forces (KDF) in regional conflicts and domestic disaster relief efforts. Military units in many developing countries often operate almost in autonomy to the rest of the economy, with specialized procurement and tendering channels. This means that economic trade-offs from the acquisition of military resources benefit only a handful of weapon manufacturers, and government and military officials, creating a military industrial complex. Researchers further argue that a rise in military spending exerts a negative impact on the rate of investment in public and private productive fixed capital<sup>53</sup>.

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<sup>52</sup> Owusu-Yeboah, Zakaria. "Appraising effectiveness in Defence procurement of works: a case of Ghana Armed Forces." PhD diss., 2016.

<sup>53</sup> Kipuka Kabongi, Decky. "The Demand for Military Spending in Sub-Saharan Africa." PhD diss., Carleton University, 2018.

The overriding approach to cost of Defence equipment all over the world is very high. Defence Headquarters (DHQ) procurement strategy should therefore be geared towards obtaining the best value for money. This again calls for embedding posterity driven economic approach to procurement. This includes procuring equipment in the most efficient and timely manner. It further seeks to establish a long-term Defence industrial base by constituting transfer of technology in contracts for procuring major equipment, closer to India's Off-set Contracting Strategy allowing supportive contracts to prop the main Contracts by at least another one worth 30% of the main contract value as a growth incentive package. Additionally, DHQ seeks determination of Whole Life Costs approach, to exposes the true cost of owning equipment and value-for-money and not just considering initial purchase prices. The current procurement method allows closer collaboration with industry while the requirement is still being defined. In this way, cost effective solutions can be offered that are acceptable to the Kenya Defence Forces.<sup>54</sup>

#### **4.6 Analysis**

The results of the study suggest that there is a strong relationship between supplier relationship, budget allocations and procurement policy on the outcome of sourcing strategies. The data analysis model for this study is significant in predicting how the sourcing strategies, supplier relationship, budget, and sourcing challenges affect the public procurement process of the KDF.

The procurement process in many governmental agencies is rife with corruption and unscrupulous deals with suppliers. While the military budget is increasing annually, the equipment procured is substandard. Sourcing of capital equipment, beginning from parliament is flawed. Most of the politicians involved in parliamentary committees on procurement lack the technical and operational knowledge needed in the purchase of military equipment. The need to circumvent the legitimate supplier channels often results in unscrupulous deals, which result in faulty or short lasting equipment.

In the Kenyan military, the bureaucratic structure and sensitive nature of their operations slow the implementation of strategies. Most military business is secretive. Consequently, the decision making, sustainability and consistency in outsourcing capital equipment is not accountable to the public. Compared to the militaries in the developed world, the KDF has a

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<sup>54</sup> *ibid.*

significantly low adoption rate of the latest technologies. The lack of strategic alliances and complicated logistics of outsourcing equipment limits the capabilities of the military in making efficient purchasing decisions. The internal departments of a military need to be knowledgeable on the issues of economies of scale, technological advancements in warfare, and the complex supply-chain systems involved in procurement of capital equipment<sup>55</sup>. This research indicates that the KDF hopes to streamline the procurement process in the future but is hindered by bureaucracy and an unstable global economy and fleeting or changing contemporary threats.

The study determined that the MoD and KDF have been consistent in their sourcing strategies for the last decade. The biggest changes have occurred in the recent push for automation of the sourcing process with an online approach to supplier identification and communication with vendors. The government has actively advocated for all agencies to implement e-procurement measures to alleviate the systematic and audit issues that affected the procurement process. The MoD acknowledges the modern changes in supply chain management and has worked to research and assess new methods to increase the performance of the supply-chain. Strategic innovations and improved supplier relationships are vital to the decision making of procurement professionals and ensure a beneficial outcome for the military objectives for national security.

#### **4.6.1 Linkage to theory**

Institutional theory posits that any firm has to adhere to ethics and legitimate strategies when sourcing equipment. The findings of the study indicate that due to the unpredictable supplier behaviour and rapidly changing military technology, the procurement committees sometimes have to circumvent the system to ensure efficient purchasing of equipment. The result is inconsistency and loss of sustainability of the outsourcing practice. The KDF is in competition with other African militaries in the procurement of essential technologies. The logistics of capital equipment in the military is based on cost efficiency<sup>56</sup>. The complexity of international procurement makes it a strategic option that can only be addressed through a multi-faceted approach by the military and members of the budgetary committee in parliament.

Innovation is crucial in the procurement programs for the military. The changing nature of modern warfare means that armies are forced to constantly adopt different operational

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<sup>55</sup> Owuor, Zadok Sylvans Sumba. "Perception on Logistics Outsourcing at the Kenya Defence Forces.", 2012.

<sup>56</sup> Sumba. "Perception on Logistics Outsourcing at the Kenya Defence Forces." 2012.

strategies. For the KDF, the sophisticated technologies are often out of reach due to budgetary constraints, infrastructure, operational environment and threat analysis. The procurement of capital equipment has to be at par with the development of new technologies. This study reveals that bureaucracy often extends the procurement process for a long period, during which technologies and equipment change. KDF is learning the importance of observing and maintaining the trends in military technology. The flexibility of the procurement process defines the competency of the military and its ability to keep at par with the technological advancements in the industry<sup>57</sup>. As such, public-private partnerships are essential in slick procurement practices and adopting the latest innovations in military technology.

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<sup>57</sup> Apte, Rendon, and Salmeron. "An optimization approach to strategic sourcing: A case study of the United States Air Force.", 2011.



## CHAPTER FIVE

### SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

This chapter provides summary of findings, conclusion and recommendations according to the research objectives.

#### 5.1 Summary

The primary aim of the research was to determine the relationship between the development of capital equipment and national security through a critical analysis of procurement and sourcing strategies in Kenya.

The study concluded that public procurement foundations held a key role in the acquisition of capital equipment for the KDF. Defence sourcing has significant effects on national security and defines the military capabilities of the country, especially in international security. The Kenyan Parliament has the mandate of analyzing and procuring essential capital equipment for the KDF. The politicization of the procurement process, the lack of expertise of the members of parliament and the corruption of public officials all affect the sourcing of capital equipment<sup>58</sup>. The government officials responsible for the procurement of weapons for the KDF are hit by budgetary constraints and overrun of available resources.

The annual budget of the country sets apart a significant cache of funding for the military. The KDF has to work closely with government commissions and the private sector to procure capital equipment. However, the lack of technical knowledge, lack of emphasis on innovation and the changing needs of international conflict limit the effective utilization of capital equipment by the military.

The sourcing strategies for capital equipment are driven by procurement policies, the relationship between the government and the firms, and the technological requirements in terms of national security<sup>59</sup>. Consequently, the agencies responsible for sourcing capital equipment fall short in their goals of maintaining national security and reinforcing the military capabilities of the KDF.

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<sup>58</sup> Howe, Herbert M. *Ambiguous order: military forces in African states*. Lynne Rienner Publishers, 2001.

<sup>59</sup> Snider, Keith F., and Rene G. Rendon. 2008. "Public Procurement Policy: Implications For Theory And Practice". *Journal Of Public Procurement* 8 (3): 310-333.

## 5.2 Conclusions

This study comprehensively assesses the various issues with sourcing of capital equipment, the complexities of public procurement and the implication on the KDF. Public procurement policy is essential in the analysis, purchase, and maintenance of weapon systems and other essential equipment needed by the KDF. This study establishes that the technological expertise of the purchaser of capital equipment is a critical requirement for sourcing capital equipment. The government has the sole responsibility of negotiating with firms on the procurement of weapon systems. Best value spend management, appropriate budget allocation, efficient supplier scoring strategy and technological innovations are vital in improving the procurement process.

Politicians and procurement professionals in Kenya need to adopt a positive attitude towards research and development to allow better supplier relationships and accountability maintenance. The leading critical success factors to successful sourcing of capital equipment are employee experience, private-public sector relationship and public policy on national security<sup>60</sup>.

This study emphasizes the need for governments to implement innovation policies, institute economic accountability structures and heavily invest in research and development in military operations. The effectiveness of sourcing strategies on purchasing capital equipment is achieved through reduced bureaucracy, elimination of redundancies, better contract management and more training programs for procurement staff<sup>61</sup>. The study established the relationship between increased investment in research and development into capital equipment and realignment of national security goals. The Kenyan government has a strong framework for public procurement and sourcing strategies for military equipment which spells a bright future for the KDF.

## 5.3 Recommendations

The study recommends that the KDF and ministry of Defence should adopt e-procurement strategies, best value sourcing strategy, and technology research. There is a positive relationship

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<sup>60</sup> Moullin, Max. 2007. "Performance Measurement Definitions. Linking Performance Measurement and Organisational Excellence". *International Journal of Health Care Quality Assurance* 20 (3): 181-183. doi:10.1108/09526860710743327.

<sup>61</sup> Davila, Tony, Mahendra R. Gupta, and Richard J. Palmer. 2002. "Moving Procurement Systems to the Internet: The Adoption and Use of e-Procurement Technology Models". *SSRN Electronic Journal* 21 (1): 11-23. doi:10.2139/ssrn.323923.

between these variables and the achievement of national security goals. E-procurement would assist in auditing the malpractices in the procurement processes, essentially reducing errors and mismanagement of funds by government agencies.

There is a need for training of public procurement professionals in government agencies and public service commissions. This limits the number of untrained and inexperienced people in the procurement field. A good relationship with the private sector enhances the procurement processes in essential areas of government such as national security, trade, and public services. The individuals and institutions whose responsibilities include implementation of the procurement strategies should have the appropriate administrative tools and adequate resources. Governments should work towards creating a competent standard of procurement officials who are held to high ethical principles. The cooperation between different government departments will allow the strengthening of procurement performance<sup>62</sup>. Analyzing the procurement needs and the resources needed guides the government in creating a solid plan for commitment and achievement of the public procurement goals.

The Kenyan government should address the barriers and risks associated with technological innovations and bureaucratic management of the procurement process. The annual budget allocations to the KDF should cover research and development costs and supplier evaluation fees. It is vital to identify a reliable supplier, who will respond to the innovation needs of the Kenyan government and provide the appropriate capital equipment without much difficulty.

The government's approach to budget allocations needs to change. The identification of technologically flexible firms and the value of goods and services should play a key role in determining the amount of money given to the military each year. Since the government is using public funds, they should ensure that they manage the expectations of national security with the advancement of military power. The findings of the study suggest that the KDF should streamline its military policy depending on international security threats. Similar to developed countries such as the US, the international threat present to the homeland, should indicate the

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<sup>62</sup> Kanter, J. (2009). Government reviews public procurement. *Supply Management*, 14(21), 12-17.

number of resources available for improvement of the military<sup>63</sup>. The resources available dictate the relationship with the supplier of capital equipment, the payment strategy and the motivation of the vendor to innovate new technologies.

Future research should focus on establishing a strong relationship between policy, technological innovation, and military activity. The study findings suggests that the government needs to focus on firms that provide better service on top of the best capital equipment.

The respondents of the study indicated that the sourcing of capital equipment was impeded by poor infrastructure, corruption in government institutions, poor supplier relationships and limited investment in research and development. There is a need for Kenya to fight corruption in the procurement process since it involves the use of huge public funds. Time and resource constraints were limitations when conducting the study.

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<sup>63</sup> Moullin, Max. 2007. "Performance Measurement Definitions. Linking Performance Measurement and Organizational Excellence". *International Journal of Health Care Quality Assurance* 20 (3): 181-183. doi:10.1108/09526860710743327.

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