

Reconciling Incongruous Policy Objectives and Benchmarking Kenya's Public Procurement Law: a Review of the Selex Case

Abstract:

This article critically examines the policy objectives underlying Kenya's public procurement system, as set out in the country's Public Procurement and Disposal Act, 2005 ("the Procurement Act" or "the Act"). The drafters of the Act made subtle but significant deviations from the United Nations Commission on International Trade Law Model Law on Procurement of Goods, Construction and Services ("the Model Procurement Law").² Due to the deviations, there are many serious conflicts within the Act, and between the Act and other Kenyan laws. Accordingly, there is need for a comprehensive review of the Procurement Act.